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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Ghana**

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## **I. Methodology**

1. This report was prepared by the Ministry of Justice and Attorney General's Department after a broad consultative process involving Government Ministries, Departments and Agencies (MDAs) such as the Ministries of Foreign Affairs, Health, Women and Children's Affairs, Education, Employment and Social Welfare, Lands and Natural Resources, the Police Service, the Prisons Service, the Judicial Service, the Ghana AIDS Commission, and the Commission for Human Rights and Administrative Justice (CHRAJ).
2. The Ministry held several meetings and interactions with the MDAs and collated information gathered for this report. A final meeting was held on 20<sup>th</sup> July 2012 to validate the report. Civil society organizations including NGOs such as Amnesty International Ghana, Commonwealth Human Rights Initiative, LAWA-Ghana Alumnae Incorporated, and the Centre for Public Interest Law among others were present at this meeting and made valuable contributions to the report.
3. This report focuses on progress made in the implementation of the recommendations which were accepted by Ghana at the first cycle of the Universal Periodic Review (UPR) held in May 2008.
4. In drafting this report, the guidelines contained in decision 6/102 of the Human Rights Council were closely followed.

## **II. Developments since first review**

### **Constitutional Review Commission**

5. On assumption of office on 7<sup>th</sup> January 2009, the Government of President J.E.A. Mills set up a Constitutional Review Commission to review the operation of the 1992 Constitution. This was done as a routine housekeeping exercise and was not prompted by any major event.
6. As part of its work, the Commission reviewed institutions that dealt with human rights in the country, including the Courts, the Commission on Human Rights and Administrative Justice (CHRAJ), the Police Service, and the Prisons Service, as well as government's efforts in improving the lives of the people. It noted that the Courts, by various recent decisions relating to criminal justice, prisoners' right to vote, freedom of association and the justiciability of economic, social, cultural and development rights, have greatly advanced human rights in Ghana.
7. Established under the Constitution of Ghana, and the CHRAJ Act, 1993 (Act 456), with a three-fold mandate to address issues concerning human rights, administrative justice, and combating corruption, CHRAJ has been instrumental in the protection of human rights in Ghana through the resolution of administrative complaints, investigation of human rights abuses and allegations of corruption.
8. As Ghana's National Human Rights Institution, CHRAJ has continued to make remarkable progress in the promotion and protection of human rights and improving access to justice. Between 2009 and 2011, it received over 12,000 complaints annually. In 2011, for instance, the Commission received 12,018 complaints. Of the number, 11,230 representing 93.1% of the complaints received were human rights related. 767 (6.4%) were administrative justice related cases, and 21 i.e. (0.2%) were corruption related. 11,465 of the complaints received were successfully resolved by the Commission.

9. CHRAJ also stepped up its public education, sensitization and awareness creation programmes aimed at deepening citizens' understanding of human rights and entrenching a culture of respect and dignity for people in the country. Over 3000 public education programmes were held annually across the country.

10. The Police and NGOs equally played significant roles in recognizing the fundamental human rights of people in Ghana. In the rural communities, they are the first ports of call for anyone complaining of human rights abuses and their timely interventions have saved lives.

11. Ghana's adherence to human rights principles has yielded dividends. Since 1992, Ghana has undertaken five peaceful presidential and parliamentary elections. The right to vote has been enshrined in the Constitution as an entrenched provision and it is carefully monitored and protected by institutions such as CHRAJ and the Electoral Commission.

12. The repeal of the Criminal Libel Law in 2001 has ensured the continuous enjoyment of freedom of speech and expression, and a proliferation of radio stations in the country, which are playing an important role in informing and educating people on issues of national concern, including human rights issues.

13. The Constitutional Review Commission made a number of recommendations to Government, for constitutional and administrative changes in the areas of the right to housing, the right to education, issues of equality of gender among others. In the long term, implementation of the Commission's recommendations would help in cultivating and strengthening a culture of good governance, de-politicize national development planning, and strengthen national culture and diversity, strengthen Parliament, enhance the role of traditional authority in local governance, strengthen Independent Constitutional Bodies to better protect the institutions of State and the rights of people, and improve national governance and the lives of the people.

14. The Commission also found that there was at present a huge housing deficit in Ghana. It noted, however, that there were attempts by Government to provide housing units under various schemes for all categories of Ghanaians. It has therefore been submitted that Government provide a specific number of social housing units all over the country, from the national capital to regional and district capitals each year to alleviate the problem of inadequate and indecent housing conditions, which especially affects the vulnerable such as women and children.

### **Gender-based and domestic violence**

15. A Domestic Violence (DV) Secretariat under the Ministry of Women and Children's Affairs (MOWAC) was established in 2008, with a mandate to provide effective coordination to facilitate the smooth implementation of the Domestic Violence Act by all stakeholders, through specific interventions outlined in the National Policy and Plan of Action. The Act deals with prevention, protection, safety and the provision of services. An advocacy and Communication strategy is presently being developed to guide its implementation.

### **Access to justice**

16. As part of its vision to create efficient justice delivery, and promote the rule of law and enhance access to justice particularly for the poor and vulnerable, the Ministry of Justice, has been focused on implementing the 'Remand Review Project' of the 'Justice for All Programme' instituted in 2007, and this has led to an increase in the release of the

number of remand prisoners who have out-stayed their remand warrants, resulting in a significant reduction in the remand population.

### **Rights of prisoners**

17. The Ghana Prisons Service continues to be engaged with the reformation, rehabilitation as well as improvement of the welfare of prisoners. Mindful of Ghana's commitment to international laws, treaties and conventions, and to ensure officers' appreciation of these international conventions, the Prisons Service has developed a training manual which has been incorporated into the curricular for the training of prison officers. Rules and regulations governing the conduct of prisoners have been spelt out in a brochure which is issued to prisoners, on admission, to educate them on their rights.

18. The rights of prisoners have been expanded to include voting rights. Prisoners throughout the country have been duly registered to vote in all elections.

19. The Service is gradually improving and expanding the skills training programs in prisons. To this end, certificate courses are run for inmates to improve their chances of securing jobs when they are released.

20. Furthermore, the amount allocated for feeding of each prisoner has been increased from \$ 0.40 to \$1.00. In addition, a percentage of food stuffs produced on prison farms across the country are used to supplement the ration of the inmates.

21. All prisoners are classified as indigents under the National Health Insurance Scheme and thus enjoy free registration, enabling them to access good health care services under the Scheme. Prisoners who contract communicable diseases are sent to a health facility for care. In view of the service's inability to attract and retain health providers, officers are being sponsored to pursue health-related courses to provide health care services to the inmates.

22. The Prisons Service recognizes the intolerable situation of keeping babies of incarcerated mothers in prison since they should not be made to suffer for the transgressions of their parents. To this end, there has been established a baby friendly unit at the Nsawam prisons to take care of such babies. However, additional support is required to establish similar facilities in the remaining female prisons.

23. The Service is also concerned that juveniles are sometimes incarcerated in adult prisons. It is therefore committed to fully implement the Juvenile Justice Act 2003 (Act 653) which provides for the transfer of juveniles in adult prisons to the appropriate institutions for safe custody and care.

24. To deal with congestion in the country's prisons, Government in 2011 completed the construction of a maximum security prison with a holding capacity for 2000 inmates, at Ankaful in the Central Region. Inmates from other prisons are being moved to the new prison facility to ease the congestion. There is however the need to refurbish most of the existing structures to make life in the prisons more humane.

25. Since the introduction of the 'Justice for All Programme' there have been gradual improvements with respect to the number of prisoners who have participated in the programme. As at 2011, 1,499 inmates had attended the courts situated in the prisons. Of that number, 345 were discharged, 243 granted bail, 35 were convicted and the rest were referred to court for their cases to take the normal course.

26. A major challenge for the Prisons Service is that prisoners remain in the prison facility long after their warrants have expired due to lack of coordination between the Prisons Service and the Police in ensuring their attendance in court. The Service is therefore

taking steps to take complete custody of remand prisoners from the Police to enable prison officers ensure their court attendance when due.

27. The Prisons Service is further committed to facilitate visits by CHRAJ, NGOs, CSOs and the general public to assess the conditions under which inmates are being held.

### **Combating harmful traditional practices**

28. The Ministry of Women and Children's Affairs has engaged Traditional Leaders in discussing the eradication of negative cultural practices from their communities. The Ministry is also collaborating with NGOs in the areas where such practices are prevalent, to report such cases to the police. The Ministry has also trained some Traditional Leaders on the Domestic Violence Act and other laws such as the Criminal Offences Act 1960 (Act 29) to make them aware that they or their agents' actions could have criminal implications.

### **Refuge camp for persons accused of witchcraft**

29. The Ministry of Women and Children's Affairs is supporting civil society to reintegrate persons in the refuge camp with their families and communities. So far, the Ministry has supported a project called the 'Go Home Project' by the Presbyterian Church to reintegrate seven of the inmates of the Gambaga refuge camp. Efforts are made to improve the welfare of the persons at the camp by the provision of food rations, potable water, housing, health care and clothing. Technical, as well as management skills training for the women are also provided by various stakeholders in their fight against injustice, but none of these have been adequate to really address their plight. The Government acknowledges that sustained education of the communities that condone this dehumanizing practice is strongly required and is channeling its efforts towards that. There are plans to eventually disband the camps.

### **Land Administration project**

30. The Ministry of Lands and Natural Resources embarked on a Land Administration Project (LAP 1) with funding from the World Bank. This established Customary Land Secretariats on pilot basis. Under the project, support was provided to customary land owners through boundary demarcation and registration of various types of land ownership schemes. This resulted in the reduction in the number of boundary-related land disputes in the selected pilot areas. The objective of the project was to streamline the nation's land administration, stimulate economic development, reduce poverty and promote social stability by improving security of land tenure, simplifying the process for accessing land and making it fair, transparent and efficient, developing the land market and fostering prudent land management.

31. The project continues to simplify the processes of land registration and the decentralizing of land registration services through the establishment of eight (8) Land Registries in the regional capitals, except Accra which already had one. With the establishment of the new Land Registries, there has been a reduction in the period it takes to register property - from 3 years to 3 months.

32. The Ministry of Lands and Natural Resources has also created a Land Bank Directory which is expected to provide investors with information on land available for investment as well as the potential uses.

33. As a follow up to the LAP I, LAP II which is currently running is to consolidate and strengthen land administration and management systems for efficient and transparent service delivery, through the review and enactment of appropriate land administration laws and regulations, capacity-building for Land Sector Agencies, Land Owners and relevant Non-Governmental Organizations, and streamlining business procedures within the land sector.

34. The Government is committed to completing the drafting of the Land and Land Use Planning Bills and supports the preparation of Legislative Instrument for the Lands Act, the Land Use and Planning Act; the Lands Commission Act; and the Office of the Administrator of Stool Lands Acts.

35. Lap II would further improve the Deeds and Title Registration Systems in terms of security, and reduction of turnaround time for service delivery and continue to pilot a systematic title registration in the selected areas, and support the systematic demarcation and documentation of customary land rights within participating traditional authority areas. Information and valuation systems would also be developed to increase revenue generation by Land Agencies and District Assemblies and improve capacity of Land Sector Agencies.

### **HIV and AIDS situation**

36. The Ghana AIDS Commission (GAC) in carrying out its mandate to provide support, guidance and leadership for the national response to the HIV and AIDS epidemic, coordinates all programmes and activities of all stakeholders in government and private sectors, Development Partners and civil society, in the fight against the HIV and AIDS through advocacy, joint planning, monitoring and evaluation, for the eventual elimination of the disease. The result of the GAC's work has been encouraging.

37. Reduction in HIV Prevalence: between 2009 and 2011, the median HIV prevalence among pregnant women attending ante natal care reduced from 2.9 to 2.1, while the national adult prevalence recorded has reduced from 1.7% in 2009 to 1.5% in 2011. The HIV epidemic in Ghana has been described by UNAIDS as a stable epidemic (UNAIDS Global HIV Report, 2010). Furthermore, Ghana is among five countries in the sub region whose HIV prevalence declined by more than 25% between 2001 and 2010 among young people. (UNAIDS, 2011).

38. Improved Access to Treatment: By the end of 2011 there were about 65,087 Persons Living with HIV (PLWHIV) on anti-retroviral therapy that was being provided by 160 treatment sites spread across the country. Also, a total of 627,180 pregnant women tested for HIV in 2011, out of which 15,763 tested HIV positive; and 8,057 had received ARV prophylaxis.

39. In 2011, the GAC launched the National HIV Strategic Plan 2011-2015 which is aimed at enhancing the implementation of the national response to dealing with HIV and AIDS. The Plan focuses, inter alia, on controlling new infections and reducing mother-to-child transmission. In addition, various educational campaigns aimed at addressing HIV-related stigma and discrimination, as well as the rights of the Most-at-Risk populations (MARPs) and PLWHIV. Currently, Ghana's MARPs response is underpinned by a public health approach to ensure that HIV services reach all who need those services, including MARPs.

40. The establishment of Technical Support Units (TSUs) in the Western, Eastern, Ashanti and Brong Ahafo regions have contributed to strengthening the decentralized HIV response through coordination, and monitoring the community level responses, complementing the role of the Regional and District AIDS Committees in ensuring a multi-

sectoral response to HIV at the decentralized levels. Plans to extend TSUs to the remaining six regions of Ghana will further increase access to HIV services.

### **III. Implementation of accepted recommendations**

#### **Recommendation 1**

41. A number of training, sensitization and awareness raising programmes on Domestic Violence and discriminatory practice against women, have been held for the general public, Traditional Authorities/Queen-mothers, the Media, the Police and other stakeholders through community durbars, the print and electronic media, workshops and publications. The Domestic Violence Act (Act 732), has been translated into six major Ghanaian languages namely Nzema, Ga, Twi, Hausa, Ewe and Dagbani, and copies of the translated, abridged and simplified versions of the Act are distributed to institutions and the public and key stakeholders including the Judicial Service, the Domestic Violence and Victim Support Unit of the Ghana Police Service, the Department of Social Welfare, An important part of the sensitization programmes is the celebration of special events like the ‘16 Days of Activism to end Gender-Based Violence’.

42. Ghana is committed to ensuring equality of women in matters related to property inheritance. There are currently two Bills before Parliament i) the Property Rights of Spouses and ii) Intestate Succession.

#### **Property Rights of Spouses Bill**

43. The purpose of this Bill is to regulate the property rights of spouses in accordance with the 1992 Constitution. The Constitution imposes an obligation on Parliament under Article 22 to enact legislation to regulate the property rights of spouses. The legislation should ensure that spouses have equal access to property jointly acquired during marriage and for matrimonial property to be equitably distributed between the spouses upon termination of the marriage. Proposals for the Bill came from diverse sources including the Law Reform Commission, various civil society groups, traditional rulers, legal experts and faith-based organizations.

#### **The Intestate Succession Bill**

44. The present law on intestate succession appears to have been overtaken by changes in the Ghanaian family system. The importance of the extended family is gradually shifting to the nuclear family but this is not reflected in the current laws of succession.

45. There is often tension between the nuclear family and the traditional family unit as to the appropriate line of devolution of property upon the death intestate of a member of both units. Customary law provides very little protection for a surviving spouse. Neither spouse has a right to the property of the other. Children in a matrilineal system have no more than a right to maintenance by their father’s customary successor and a right to reside in their father’s house subject to good behavior. Sometimes the next of kin who inherits the property may or may not give a share to the surviving spouse and children.

46. In a patrilineal system, the eldest son of the deceased inherits the deceased on behalf of the siblings who are sometimes denied their inheritance. In certain cases on the death intestate of the successor, the property passes on to the successor’s children.

47. The object of the Intestate Succession Bill is to remove the anomalies in the present law relating to intestate succession and to provide a uniform intestate succession law that

will be applied throughout the country irrespective of the type of marriage contracted and the type of customary law system.

48. This Bill also seeks to give a larger portion of the estate of the deceased to the spouse and children than is normally the case. It is to make the law more responsive to the needs of the immediate family of persons who die intestate that this Bill is being proposed. The Ministry of Women and Children's Affairs (MOWAC) is engaging the Parliamentary Select Committee on Gender and Children to have the Bills passed speedily into law.

49. With regard to technical assistance, the International Community is being engaged in dialogue through the Gender Equality Sector Group, (GEST). The Group was set up in 2004 as part of the aid effectiveness agenda to facilitate dialogue and cooperation between the Government of Ghana and its Development Partners (DPs) in their mutual efforts to achieve gender equality. GEST provides a forum for dialogue by bringing together MDAs, Development Partners representatives and civil society Organizations engaged in gender equality and women's empowerment.

50. The Ministry of Women and Children's Affairs as well as the Domestic Violence Secretariat received technical support to facilitate a continuous sector policy dialogue between the Government sector representatives and the DPs with participation of civil society. This dialogue relates to the policy framework for gender equality, mainstreaming and women's empowerment strategies and implementation plans and also ensures coherence in gender-related strategic plans, and gender responsive budgets vis-a-vis Ghana's development agenda. The GEST also exchanges views and seeks agreement on the definition of realistic gender-specific and gender-sensitive targets, indicators and expected results, providing inputs to Ghana's development agenda.

51. The Group also contributes to the performance review of the gender equality results framework of the Government of Ghana at least once a year, and exchange views on progress towards agreed gender results as well as on actions that could contribute to improved performance. These annual reviews contribute to the performance assessment processes of the annual budget cycle, the Multi-Donor Budgetary Support, the Consultative Group/Annual Partnership Meeting and include a mutual accountability component for Government, DPs and civil society. The Group further seeks to improve the harmonization and alignment of the gender-related work of Government and DPs in procedures, projects, programs and skills in order to ensure the efficiency of implementation of Government's gender equality and women's empowerment strategy.

## **Recommendation 2**

52. Ghana has taken measures to promote and protect women's rights. A Domestic Violence Secretariat under the Ministry of Women and Children's Affairs was established in 2008, to implement the Domestic Violence Act, 2007, (Act 732) and the National Policy Plan of Action to combat domestic violence.

53. The successful implementation of the Domestic Violence Act requires a multi-sectoral approach and an Institutional Framework that clearly defines and outlines the roles and responsibilities of all the implementing agencies and stakeholders, as well as activities to ensure the protection, rehabilitation and reintegration services for victims of domestic violence. A roadmap to guide and to facilitate the smooth and effective implementation of the Domestic Violence Act has also been outlined, with a timeline of 10 years beginning from 2009.

54. The Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Service launched a strategic plan in 2009 to position the Unit to better respond to issues of domestic violence especially violence against women and girls. The strategic plan has three



broad areas - advocacy, expansion and capacity building. Under the advocacy strategy, DOVVSU regularly runs radio programmes to educate the public on their rights and other gender issues. Additionally, in 2011, in collaboration with UNFPA, DOVVSU organized orientation programmes for security personnel on the response to sexual and gender-based violence, and a sensitization programme for host communities of Ivorian refugees in the Central, Western and Brong Ahafo Regions. DOVVSU also regularly embarks on outreach programmes in schools, churches and market places on gender-based violence, domestic violence and child abuse.

55. As part of its advocacy strategy, the Unit organizes training and retraining programmes for its personnel at all levels to make them more sensitive to domestic violence issues. Since 2008 over 400 officers have gone through such orientation sessions.

56. The Unit has also printed and distributed eleven thousand (11,000) brochures entitled, 'The Role of the Police in the Implementation of the Domestic Violence Act, and how to Report any Crime to the Police' to all Police stations throughout the country. Handouts and informational leaflets on domestic violence have been produced and distributed randomly to further increase awareness on the issue of discrimination against women.

57. As part of its expansion strategy, the Unit has since 2008 increased its locations from 75 to 98 thereby increasing access to justice for survivors of domestic violence, while the provision of equipment such as computers, photocopiers, and printers, has gone a long way to improve its data management system. Correspondingly the manpower strength of the Unit has been increased from 350 in 2008 to 554 currently.

58. A Crisis Response Centre (CRC) to serve as a one-stop shop where victims of domestic violence could access services including medical, legal and counseling has been established.

59. To enable DOVVSU carry out its mandate effectively, government provides a monthly subvention to all DOVVSU regional offices. However, there is the need for an increase in the monthly subvention to take care of training of personnel and outreach programmes nationwide for the general public.

### **Recommendation 3**

60. The Government of Ghana is committed to relieving victims of violence from the added burden of paying the costs of their medical examination, in line with the spirit of the Domestic Violence Act. However there are challenges with implementation. Victims who might not have registered under the NHIS usually end up paying for medical care. Also some victims, who have registered under the NHIS, still have to pay laboratory fees as laboratory tests are not covered under the NHIS. The Ministry of Health in conjunction with the Ministry of Women and Children's Affairs are taking steps to cover the cost of medical care for victims of domestic violence from the Domestic Violence Fund so as to make medical care free for victims of violence.

61. Additionally, the National Secretariat of DOVVSU has partnered with three members of "The Society of Ghana Women Medical and Dental Practitioners" who have volunteered to offer free medical services to survivors of domestic violence since 2011. Also, a team of medical doctors from the Ghana Police Hospital have been assigned by the Police Administration to examine all cases referred from DOVVSU free of charge.

62. The prevalence of sexual and gender based violence in Ghana presents a serious challenge to women's rights and this is further worsened by a perception that the justice system is slow and ineffective in hearing such cases. Forms of gender-based violence

include rape, domestic violence, and sexual assault, trafficking of women and girls, female genital mutilation, harassment, and forced marriage. The majority of gender-based violence cases involve women and girls but also affects men and boys, though the latter are most of the time the perpetrators of such acts.

63. Cultural norms have often not treated gender-based violence as a crime, but rather as a “private” family matter. Thus, women and girls usually do not seek help or report the violence when it happens. The Judiciary of Ghana, identifying that perpetration of acts of violence on the basis of gender constituted a breach of fundamental human rights, purposed to improve its activities towards solving the problem. This culminated in the establishment of the Gender-Based Violence Court to efficiently and effectively adjudicate on such cases.

64. Prior to the commencement of the Gender-Based Violence court in January 2009, many victims refused to pursue the prosecution of their perpetrators due to delays in the courts and some dropped their cases for lack of confidence in the process. A comparative research study on the operations of this court and two others is being carried out by the Domestic Violence Secretariat to justify the replication of the Gender-Based Violence Court in other Regions.

#### **Recommendation 4**

65. The Ministry of Justice is undertaking a baseline survey, with support from UNDP, to provide quantitative and qualitative information on the current levels of public and user knowledge, attitude, experience and practice of demand access to, and usage of justice services across the system. It would also identify mechanisms for effective justice delivery, identify gaps in access and in capacity to deliver, as well as institutional gaps, and recommend strategies effective delivery of justice. The study would further identify and recommend indicators for monitoring and assessing access to justice by the vulnerable. The findings of this survey will inform priority setting, the nature of interventions and strategies for improving access to affordable, efficient, effective and quality justice delivery in Ghana.

66. A comprehensive training module is being developed by the Ministry of Women and Children’s Affairs for all sectors, to be trained. This will specify their roles and how to handle abused women and children.

67. In 2009, a data management software was developed for DOVVSU to better manage and disaggregate domestic violence data, and training organized for personnel of the Unit to enhance their ability in data collation and reporting. Other training courses have focused on the effective implementation of the Domestic Violence Law, social mobilization to facilitate community involvement, and the sharing of best practices with external Police institutions. Domestic violence issues have been mainstreamed into the police training curriculum and DOVVSU officers are recognized by the Police Service as experts in the area of domestic violence and child-related issues and used as facilitators in these training programmes. DOVVSU offices have become platforms for practical training of students from tertiary institutions, as part of their course requirements in Social Work.

68. With regard to measures taken to minimizing perceived corruption in the Judiciary, the latter, in collaboration with GTZ developed and published for the first time, a code of conduct to provide judges and magistrates and staff with concise but comprehensive standards of behaviour expected of the foremost guardians of legality in our society. By the code, any Judge who goes against the set standards will be punished to serve as deterrent to others.

69. Training programmes in Judicial Case Management have also been held for judges and staff to better manage their cases in court. This has helped to reduce delays in dealing with cases and also helped correct wrong perceptions when cases are adjourned in certain

circumstances. The training has empowered judges to take full control of their courts, which in effect has improved the confidence of the public in the adjudication process. This is evidenced in the continuous rise in the number of civil cases filed before the various categories of courts.

70. Judges and magistrates have also been trained in ICT and Court Automation and this has helped the judiciary to improve on the speed with which cases are heard and disposed of. In addition, an electronic case distribution system has been developed by which cases are electronically distributed and Judges electronically empanelled. These prevent litigants and other stakeholders from directly dealing with specific judges or courts. The system also fairly distributes cases among judges in the Judiciary thereby reducing backlog of cases.

71. Before Judges are appointed, the Judicial Service conducts thorough background checks not only on the educational profile, but also on the character and social behaviour to ensure that only honest and upright personalities are appointed to this high office.

72. A Complaints Unit has also been established by the Judicial Service to receive petitions and complaints from litigants who feel aggrieved about the conduct of a judge or staff in the handling a case. Such complaints or petitions when received are duly investigated and the perpetrators punished. Before the establishment of the Court Complaints Unit, there was no such avenue for seeking redress if one felt unhappy about the conduct of court officials. This process has empowered the citizenry to demand accountability from all court officials.

73. For the purposes of taking decisions on all serious matters concerning misconduct of Judges an Ethics and Integrity Committee of the Judiciary and staff, chaired by a Supreme Court Judge has been instituted. As the name implies, it defines the general principles of judicial ethics, rules and standards of judicial conduct that a judge or staff must follow while fulfilling his official duties as well as while engaged in other activities and even in private life.

## **Recommendation 5**

74. Ghana's Criminal Offences Act, 1960 (Act 29) has been amended to make harmful traditional practices like female genital mutilation and 'trokosi' an offence. The Ministry of Women and Children's Affairs has trained some Traditional leaders on the Domestic Violence Act and other legal Instruments such as the Criminal Offences Act, and engages them on how to eradicate negative cultural practices from their communities. The Ministry is also collaborating with some NGOs in the areas where these practices are prevalent to report such cases to the police. One of the NGOs - International Needs has set up schools in the community and quite a number of the Trokosi are in school. The number of Trokosi have also decreased.

## **Recommendation 6**

75. In 2008 DOVVSU with the support of UNICEF led a multi sectorial group to start a Child Abuse Network to provide a comprehensive, child friendly, sustainable system which prevents and responds to all forms of physical and humiliating abuse of children in Ghana. This initiative was renamed Network Against Child Abuse in 2011. The Network, comprising medical practitioners and legal professionals among others, has instituted an in-school advocacy campaign against child abuse, where students and teachers are provided with information on preventing and responding to child abuse. The Network has also introduced mobile counseling in schools where a group of psychologists and counselors work with school children in outreach programs. The Unit and its collaborators are at a

final stage of developing a Standard Operating Procedures Manual to facilitate coordination of its activities.

### **Recommendation 7**

76. Ghana will endeavor to submit the outstanding reports as soon as practicable.

### **Recommendation 8**

77. Ghana attaches great importance to the work of the Special Rapporteurs and intends to issue standing invitations to the Special Rapporteurs, including the Special Rapporteur on the right to education, to visit Ghana within the context of their mandates. Ghana's commitment can be seen from the fruitful interactions government representatives and other stakeholders had with the Special Rapporteur on the Right to Health when he visited Ghana from 23 to 30 May, 2011. An invitation to the Special Rapporteur on Contemporary forms of slavery to visit Ghana sometime in 2013 is under consideration.

### **Recommendation 9**

78. Women's access to justice has been improved with the setting up of the Gender-Based Violence Court to handle domestic violence cases. Specialized courts have also been set up at the High Courts to deal with human rights cases. The national Legal Aid Programme under the Ministry of Justice continues to provide legal aid for indigent persons including women. Its offices in all the 10 Regions, are used as bases to reach out to people in areas located within the region.

79. CHRAJ continues to provide mediation services for women with regard to support from the fathers of their children, in the settlement of marital disputes as well as property rights at the district and community levels. 77.

80. To enhance women's awareness of their rights and legal literacy to claim their rights, the National Commission for Civic Education (NCCE) continued to educate people including women on their rights.

81. Civil society organizations also continue to provide legal literacy services especially those dealing with the rights of women. These include FIDA-Ghana, LAWAGhana Alumnae Incorporated, Women in Law and Development in Africa, Ghana (WiLDAF-Ghana), African Women Lawyers Association (AWLA) and the Ark Foundation among others. Some of them including LAWAGhana and AWLA worked with the Ministry of Justice in improving rights awareness and collating views for the drafting of laws of relevance to women's human rights. FIDA-Ghana, Legal Resources Centre and the Ark Foundation also operate legal aid clinics around the country, including in rural areas.

### **Recommendation 10**

82. There has been a steady increase in female enrolment in school which could be attributed to the increased awareness programmes, community mobilization and sensitization at the Basic School level. For example, parents in deprived areas are sensitized on the constraints that impede girls' education and the importance of giving girls secondary and higher education. The inclusion of lessons and activities on education as a human right in school curriculum, the use of fliers, posters, durbars, drama as well as radio and TV discussions have increased children's awareness of their right to education. The

result is that many more girls now report to school authorities, education officers or civil society organizations when parents have withdrawn them from school for various reasons and they feel their right to education is denied or threatened. These activities have contributed to raising the self-esteem and aspiration of girls, and also raised retention and transition rates from the Junior High School (JHS) to the Senior High School (SHS), such that in some mixed Senior High Schools, female enrolments are higher than male.

83. Other interventions by government and NGOS to increase enrolment and retention of females in schools to bridge the gender gap include:

- (a) scholarships to needy girls to access secondary education;
- (b) the establishment of more Senior High Schools, to increase access to girls;
- (c) upgrading of selected schools with girls boarding facilities;
- (d) distance education programmes by the public universities;
- (e) provisions of food rations for girls, particularly in the northern regions of Ghana;
- (f) the introduction of a quota system by the public universities;
- (g) bridging programmes in mathematics, science and English for technical institutions to enable students enroll for the Higher National Diploma (HND) programs;
- (h) introduction of the 'all inclusive education' for the disabled.

84. Other initiatives worth mentioning include the introduction of an 'Access Course' which provides candidates who are unable to meet the competitive entry requirement for teacher training college, the opportunity to study for other courses to upgrade themselves for future enrollment in the training college. This initiative has increased the much needed female presence in schools and provided role models and mentors and inspired parents to send their girls to school. The Untrained Teacher Diploma in Basic Education (UTDBE) which gives untrained teachers the opportunity to study while teaching has also favoured a lot of females and is narrowing the gap between trained male and female teachers.

85. There are also efforts aimed at overcoming negative religious attitudes and practices that hinder girls' education. The Muslim Relief Association of Ghana and the Girls Education Unit of the Ghana Education Service for example, have done a lot of advocacy among Muslim Clerics and Traditional Leaders in predominantly Muslim and traditional communities. The result is that some community and religious leaders have changed their perceptions and now encourage the education of girls, leading to increased enrolment and retention of girls in some communities. Laws have also been enacted criminalizing some of these attitudes and practices such as female genital mutilation, Trokosi and forced child marriages.

86. Currently girls constitute 46% of high school enrolment. At the tertiary level there has been an increase from 34.5% in 2005 to 38 % in 2009. The Government remains committed to continue its efforts to increase girls' enrolment further. The challenge, however, is getting people to be committed to upholding this right when it conflicts with their personal priorities. Also, some traditional attitudes still persist because some of the girls believe in them.

87. Challenges however remain. Inadequate academic and physical infrastructure to accommodate more students and the lack of adequate ICT facilities also limit the participation of girls from rural areas. Also, for various reasons, the majority of female students prefer the arts subjects to the sciences. The government acknowledges that the

provision of science equipment for teaching and learning in schools, right from the primary level, and increased investment in science teachers needs to be given greater attention.

## **Recommendation 11**

88. Ghana's third five-year HIV strategy – the National HIV & AIDS Strategic Plan (NSP) 2011-2015 – sets targets of reducing new HIV infections by half in the next five years and prioritizes the reduction of HIV-related stigma and discrimination. The NSP also prioritizes the virtual elimination of the mother-to-child transmission of HIV; optimizing, sustaining and scaling up treatment and care for PLWHIV; leveraging treatment as a prevention strategy, and mitigating socio-economic impact of HIV on PLWH and OVC.

89. Furthermore, an Operational Plan 2011-2013, a PMTCT Scale-up Plan (2011-2015), a Strategic Plan for Most-at-Risk Populations (MARPs) and a National HIV & AIDS Technical Support Plan 2011-2013 have been developed to complement the implementation of the NSP 2011-2015. These plans outline interventions to expand coverage and access to HIV services in Ghana.

90. The Ghana AIDS Commission (GAC) continues to work with multiple stakeholders including development partners, key line ministries, departments and agencies, as well as with civil society and international organizations to reach out to the general population and vulnerable groups in Ghana.

91. In 2009, UNAIDS sponsored a legal audit on HIV&AIDS-related laws to ascertain the extent to which the existing laws promote the national response to HIV&AIDS, and how these laws are integrated into the Ghana Judicial system. The findings of the Legal Audit have been disseminated to key stakeholders in Ghana and it recommends to national institutions to protect human rights within the public, health, justice systems and socio-cultural settings.

92. There is a focus also on mitigating the negative impact of stigma and discrimination through public education and various campaigns on HIV, high risk behaviours and exposure to risk and vulnerability. The Ghana Aids Commission's 'Heart-to-Heart' campaign launched in 2011 during the World Aids Day celebration uses HIV positive volunteers as 'Ambassadors' to drive the campaign to reduce stigma and discrimination. The over-arching objective of the campaign is to deepen the knowledge of Ghanaians on issues pertaining to HIV, in order to stimulate acceptable attitudes towards PLWHIV. It is anticipated that by using PLWH in this campaign, messages will be better received, that it will heighten the personal risk perception of people to take steps to avoid getting infected. It is also expected that the campaign will promote the use of HIV services in the country.

93. Furthermore, the GAC is collaborating with CHRAJ, the Ghana Police Service and the Human Rights Advocacy Centre to strengthen the national ability to manage stigma and discrimination against PLWH and key populations. The partnership will involve the development and set up of a system to track cases of human rights abuses in relation to HIV and AIDS, and education on fundamental rights of vulnerable populations such as PLWHIV.

94. With regard to the issue of Mother-to-Child Transmission, (MTCT), progress has been made since 2008 in increasing the coverage of PMTCT services: there is currently, at least one PMTCT site in each district of the country. The NSP 2011-2015 has set the target of reducing the MTCT rate in Ghana estimated at 30% in 2010 (based on EPP modeling), to less than 5% by 2015. This requires the scaling up of PMTCT services, and the establishment of 1,842 new PMTCT sites as envisaged by the NSP 2011-2015 to meet the increased demand for the services.

95. In addition, a standardized package of PMTCT services to help reduce MTCT in Ghana has been identified. It comprises HIV testing and counseling, counseling and support in family planning, maternal nutrition, infant and young child feeding, ART eligibility assessment and provision of ARVs for PMTCT, ARV prophylaxis for exposed infants, cotrimoxazole for mothers and babies; and early infant diagnosis of HIV.

96. The number of HIV-positive pregnant women on ARV prophylaxis has increased. In 2008, a total of 257,466 pregnant women tested for HIV of which 6,021 tested positive and 4,991 provided with ARV prophylaxis. By 2011, 627,180 had been tested of which 15,763 tested positive and 8,057 provided with ARV prophylaxis.

97. Similarly, progress has been made in the provision of HIV testing and counseling (HTC) services to the general population, as well as for pregnant women. HTC for pregnant women is provided through the community-based Health Planning and Services (CHPS). A total of 1,151,034 persons tested for HIV in 2011, (from 467,935 in 2008); with 329 sites providing this service.

98. Finally, Ghana has made progress in providing treatment for PLWH. By the end of 2011, a total of 160 service delivery points were providing ART to a total of 65,087 PLWH as compared to 138 sites that were providing treatment to 33,745 PLWH in 2009.

99. A major challenge to HIV and AIDS management in Ghana concerns inadequate levels of funding both from domestic and international sources. With adequate funding, the user fee of GH¢5 per month for ART which remains a barrier to access to ARV therapy by some PLWH, could be abolished.

### **Recommendation 12**

100. The Convention on the Rights of Persons with Disabilities was ratified by Parliament on 13<sup>th</sup> March 2012.

### **Recommendation 13**

101. Government is committed to ratify the OPCAT in the shortest possible time. The necessary processes have been initiated to have it laid before Parliament for ratification.

### **Recommendation 14**

102. The Government of Ghana will continue in its endeavor to improve economic, social and cultural rights in the country.

### **Recommendation 15**

103. To further combat corruption in the public sector, a work plan which will pave the way for the execution of an anti-corruption project has been prepared. The work plan is intended to improve and strengthen the anti-corruption regime in the country. To that end, the Ministry of Justice has initiated the process for the passing by Parliament of the following:

- (a) Criminal Offences (Procedure) (Amendment) Bill to introduce plea bargaining.

(b) The Economic and Organized Crime Act which transformed the Serious Fraud Office into the Economic and Organized Crime Office, (EOCO) and provides comprehensively for confiscation of proceeds of crime.

(c) The Mutual Legal Assistance Act 2010 (Act 807) has been passed. The purpose of the Act is to provide for international mutual legal assistance in respect of a broad spectrum of criminal matters. Apart from the need for legislation to facilitate co-operation for the prosecution of offenders across borders, the Act will make it possible for offenders to be prosecuted and help eliminate or reduce offences with a cross-border dimension such as terrorism, war crimes, human trafficking and people smuggling to mention a few. The Act will complement recently developed legislation in respect of anti-terrorism, anti-money laundering and corruption. The Act is also intended to give substance to the constitutional requirement of article 73 which requires the Government of Ghana to conduct its international affairs in consonance with the accepted principles of public international law and diplomacy in a manner consistent with the national interest of Ghana. Thus the Act seeks to guarantee mutual legal assistance on the basis of a reciprocal agreement between Ghana and a foreign state or a foreign entity which includes international criminal tribunals and organizations. The latitude of its application provides the desired impetus for Government to honor its treaty obligations regarding international criminal matters.

(d) The Public Officers (Code of Conduct) Bill which will regulate the conduct of public officers in the course of their employment. This Bill seeks to give effect to Chapter 24 of the Constitution which relates to the code of conduct for public officers and domesticates the United Nations Convention against Corruption, and the African Union Convention on Combating Corruption. The Bill is before Parliament.

(e) An anti-corruption manual has also been published, and it serves as an educational tool to create awareness about corruption. The manual was officially launched on 1<sup>st</sup> June, 2009.

(f) The Whistleblower (Amendment) Bill to broaden the scope of the law and plug loopholes in the Whistleblower Act, 2006 (Act 720) is also before Parliament.

104. Other initiatives include the development by CHRAJ, of a National Anti-Corruption Action Plan (NACAP) that aims to offer a more holistic and concerted approach to combat corruption in Ghana. The NACAP has been presented to Government and to Parliament for adoption as a national action plan.

105. The Commission has also intensified public education to raise awareness of the evils of corruption, through community outreaches, and educational programmes for basic and secondary schools, and the print and electronic media organisations. It has also produced and circulated a combined version of the Guidelines on Conflict of Interest and Code of Conduct for public officers, and training public officers and Members of Parliament on the code of conduct.

## **Recommendation 16**

106. At Ghana's peer review under the Africa Peer Review Mechanism (APRM) in January 2006 in Khartoum, Sudan, key challenges in the areas of State capacity to execute its programmes and projects, gender inequalities, corruption, decentralization, land issues, chieftaincy, unemployment and external dependency were identified. To address those challenges, a National Program of Action (NPoA) was drawn up which was mapped onto the country's Growth and Poverty Reduction Strategy (GPRS II) and the Ghana Shared



Growth and Development Agenda (GSGDA) to ensure synergies and effective implementation. Efforts to address the challenges, within the context of Ghana's economic development and political stability have provided opportunities for the country to share its experiences, both at the sub-regional and continental levels. Currently Ghana is preparing to submit to a second review.

107. The National Reconciliation Commission was set up with a mandate to seek and promote national reconciliation among the people of Ghana, by recommending appropriate redress for persons who had suffered any injury, hurt, damage, grievance or who had in any other manner been adversely affected by abuses and violations of their human rights, relating to killings, abductions, disappearances, detentions, torture, ill-treatment and seizure of properties arising from activities or in activities of public institutions and persons holding public office during periods of unconstitutional government.

108. On the basis of written or oral submissions received by the Commission from across the country and Ghanaians abroad, victims and perpetrators were brought together for reconciliation, in public. Upon the recommendations of the Commission, monetary compensation was paid to some victims while others had their properties returned to them. The work of the Commission not only helped to promote healing and achieve national reconciliation, but it established a historical record of violations and abuses of human rights, to help the country prevent or avoid the repetition of such violations and abuses in the country in future, and foster a culture of respect for fundamental human rights and freedoms. The National Reconciliation Commission has wound up having completed its work. From the experience gained, some members of the Commission are assisting in the reconciliation process in Liberia, in an advisory capacity.

### **Recommendation 17**

109. The Police Intelligence and Professional Standards Bureau receive and investigate cases originating from all parts of the country against police brutality and violation of human rights. From 2009 to early 2012, 222 cases were investigated and the defaulting officers were made to face a Service enquiry. Those found culpable were punished by dismissal, reduction in rank, withholding of promotion or increment. Officers who are found criminally liable are prosecuted in court. The Bureau also visits police stations to check on prisoners in custody to forestall over-detention, as well to exhort the personnel to eschew brutality against detainees. be abreast with contemporary Police practice on the enforcement of International Human Rights Standards and the monitoring of crimes and criminals, In addition, the Police Service, through workshops and other training programmes, keeps its officers abreast with contemporary Police practice on the enforcement of international human rights standards and other issues.

### **Recommendation 18**

110. Ghana's constitutional provisions relating to citizenship of foreign spouses appears to be more favourable to women than the provisions of CEDAW. Therefore the recommendation may need further clarification to facilitate a more appropriate response.

### **Recommendation 19**

111. The Government of Ghana intends to set up an inter-ministerial implementation Committee to oversee the implementation of the UPR process, and would ensure to integrate a gender perspective in the process.

### **Recommendation 20**

112. Government is committed to the promotion and protection of the human rights of its people and will continue to ensure that adequate resources are allocated for the effective implementation of its development and human rights agenda.

### **Recommendation 21**

113. The significant accomplishments by the CHRAJ in advancing human rights, promoting fair administration in the public services, building a strong national integrity system and contributing to the consolidation of peace in the country have been made possible by the noticeable increase in the budgetary allocations from Government. International organizations such as DANIDA have also provided support, both financial and technical.

### **Recommendation 22**

114. The Rent Act 220 of 1963 is being reviewed for its lack of a gender perspective in its provisions. Stakeholder consultations are taking place, with gender issues high on the agenda. Gender-based inequalities as exists in the current Act will be addressed.

## **IV. Conclusion**

115. In compliance with its international human rights obligation, Ghana has ratified the major international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities, as well as the African Charter on Human and Peoples' Rights (ACHPR). Ghana is committed to the implementation of the International human rights instruments it is party to, and would continue in its endeavour to promote and protect human rights in the country, convinced that the respect for all human rights provides the foundation for meaningful and sustainable national development.

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