

**SUBMISSION BY THE UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) TO
THE OFFICE OF THE HUMAN RIGHTS COMMISSION ON
THE UNIVERSAL PERIODIC REVIEW**

BACKGROUND AND INTRODUCTION

Ghana is signatory to a number of International conventions and treaties. The UNDP has special concern with two Conventions under the International Bill of Human Rights. They are the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights. Ghana has also signed and ratified the Optional Protocol to the International Convention on Civil and Political Rights and The Second Optional Protocol to the International Convention on Civil and Political Rights, aimed at the abolition of the death penalty all signed on September 7th 2000.

The 1992 Constitution of the Republic recognises and upholds the fundamental human rights of every individual living in Ghana. Ghana has for two decades now been one of the most stable democratic states in the West African Sub-region and Africa as a whole.

In 2011, the Board of the Mo Ibrahim Foundation ranked Ghana's Judiciary seventh out of 53 countries and fourth in terms of rule of law in its 2010 performance index of African countries. Ghana still continues to enjoy a relatively peaceful environment where there is mutual co-existence between the people. Ghana remains one of the most stable countries in the West African Sub-region. For the past two decades, Ghana has been using medium development frameworks as her growth and development blueprint. It started with vision 2020 in 1995, which was built into phases, then the Ghana Poverty Reduction Strategy (GPRS) and GPRS II and now Ghana Shared Growth Development Agenda (GSGDA). The national partners have designed the Decent Work Pilot Programme through which the ILO helps them to strengthen the potential of the GPRS and GSGDA to generate more and better jobs.

The World Bank has commended the government for its efforts to create an enabling environment for women to participate actively in socio-economic development. Ghana is one of the seven countries in the Sub-Sahara Africa to have made reforms aimed at gender parity in the past years and added that the decisions had affected the development of women, businesses and the law in general. For example the Domestic Violence Act and Victim Support Unit (DOVVSU, formerly Women and Juvenile Unit, WAJU) was established, as its mandate, to investigate complaints of domestic violence and to support, protect and promote the domestic rights of women and children in Ghana; the Ministry of Women and Children's Affairs and the Ministry of Employment and Social Welfare seek to move the vulnerable and socially excluded from the periphery of society into main development stream through counselling, career guidance, rendering after-care services, probation, welfare and rehabilitation services. The activities of some NGOs, notably the Ark Foundation Ghana, which houses a shelter of its kind for the protection of abused women and children in Ghana, seeks to empower women to take up leadership positions in the country, provide free legal aid, girl child scholarships (Ambassadors Girl's Scholarship for example) to ensure that girls are enrolled in schools and have access to quality educational services, ABANTU for Development, Network for Women's Rights in Ghana, Women in Law and Development in Africa (WiLDAF), Action Aid, among other NGOs are making remarkable effort to protect the fundamental human rights of women and children in Ghana and Africa.

OVERVIEW

SOCIO-ECONOMIC DEVELOPMENT

EMPLOYMENT AND LABOUR RIGHTS

The 1992 Constitution of Ghana states that, *“every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without distinction of any kind.”* There is no discrimination against race, colour, tribe, etc. with work. Every person is free to enjoy labour rights and can decide whom to work for, where to work and what legal work to do. The Constitution also stipulates that, no person should be required to perform “forced labour”.

The challenge, however, is with working hours and the daily minimum wage payment. Even though a daily minimum wage of an estimated USD 4 is in effect, some workers are still under-paid. This is most common for those workers who engage in menial jobs. This is because employment in Ghana is predominantly in the informal sector, since a person would have to attain a certain level of education and skill to be gainfully employed, and where that person falls short on either education or skill, that person is seen as satisfied with a job that produces at least some level of income for subsistence. That is why it is very common to find people engaged in small scale trading, typically street vending as a major source of income in Ghana. Majority of Ghanaians are engaged in agriculture and its related activities such as food processing and marketing, small scale enterprises, industries and services. Statistics show that about 62% of Ghanaians are into agriculture and its activities. Since agriculture relies primarily on unpaid labour, particularly of women who constitute the majority of the working force, this is the main source of survival for those engaged in it.

POLICY MEASURES

Enshrined in the 1992 Constitution of the Republic of Ghana is the right to form and/or join any trade union of a person’s choice for the promotion and protection of his economic and social interest. There are two national Trades Union centres in Ghana: the Trades Union Congress, now Ghana Trades Union Congress (GTUC) and the Ghana Federation of Labour (GFL) that is affiliated with the International Trade Union Confederation (ITUC).

The GTUC is a confederation of over 17 national unions and for decades the only labour centre in Ghana. Other labour associations operated as single labour organisations up until 1998, when a few came together to form a second labour centre: the Ghana Federation of Labour (GFL). The TUC with a membership of close to 500,000 still commands great influence on the labour front, and the acronym TUC in Ghana remains synonymous with organised labour. There are also private trade unions such as the GPRTU of TUC, and National Unions which are affiliated to the TUC, Public Services Workers’ Union (PSWU), Teachers and Educational Workers Union (TEWU), Ghana Mine Workers’ Union (GMWU) are notable examples.

Previously, the minimum daily wage for workers in Ghana was 3 cedis and 11 pesewas—that is about USD 2. In February 2011, the National Tripartite Committee (NTC), after a long series of negotiations with stakeholders and workers, agreed to increase the minimum wage by 20%; thus increasing it to GHC 3.73. The daily wage increase was as a result of a 30% upward review of prices of petroleum prices, with an attendant increase in transport fares, which led to an erosion of workers' real wages. The new daily minimum wage for this year (2012) is GHC 4.48 (almost 4 USD).

Under the Ministry of Employment and Social Welfare, jobs have been created by the National Youth Employment Programme (NYEP). In 2006, an estimated 108,000 temporary jobs were created for otherwise unemployed young people to give them working experience, enable them decide what career to decide thereafter and to equip them to support themselves and get a start in the job market. Youths have either acquired a skill or been employed in the public and even in the private sector. This programme was for 2 years.

The Ministry of Employment and Social Welfare has 9 vocational and rehabilitation centres across the country where PWDs (People with Disabilities) are trained in various skills. Government, under the Persons with Disability ICT Project, has also launched an ICT Programme for PWDs. The project, to safeguard the human rights of PWDs is aimed at training over 5000 PWDs in the assembling and repair of mobile phones and computers.

The Local Enterprises and Skills Development Programme (LESDEP), under the National Youth Employment Programme and in partnership with the Ministry of Local Government and Rural Development, in 2011 trained 527 youths in various trades and vocation to equip them with self-employable skills. This will curb the large influx of youth from the Northern regions of Ghana to the south in such of a "better life".

EDUCATION

The government of Ghana recognises and respects the educational rights of all persons living in the country. The Constitution of Ghana states that *"All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right – a) basic education shall be free, compulsory and available to all..."*

In view of the above, the government is prioritising the Education Sector and making considerable efforts for its improvement. For example the "laptop per child" policy, which is set on introducing and educating students from basic schools with ICT skills, has been met with glee by the public. Free school uniforms, and school feeding programmes, have also added up to the improvement of the education system. The Free Compulsory Universal Basic Education (FCUBE) launched in October 1996 was to be implemented for a ten year period (1996-2005) in fulfilment of the Fourth Republican Constitution's mandate, which states in Chapter 6/Section 38 Sub-section 2: *"The Government shall within two years after Parliament first meets after the coming into force of this Constitution draw up the programme for implementation within the following ten years for the provision of Free Compulsory Universal Basic Education"*. It was designed to address some of the shortcomings of the educational reforms.

The MDG 2, which focuses on achieving universal primary education with a target that by 2015, children everywhere, boys and girls alike, should be able to complete a full course of primary schooling, projections show that Ghana is on track achieving this. For example, Ghana has almost achieved this goal, according to the MDG Report of 2010, where Net Enrolment Rate (NER) was 83.7%; Gross Enrolment Rate (GER) was 95.2%. Also, according to Educational Management Information System (EMIS) 2010, the Gender Parity Index was 0.96 for 2009/2010 academic year; Gross Admission Rate was 101.3% whilst Net Admission Rate was 71.1%.

Several policy measures have accounted for the appreciable improvement in the rate of enrolment in the basic school. Since 2008, quite a number of policy interventions were carried out to reinforce the attainment of universal primary education; chiefly among them are the construction/rehabilitation of classrooms, strengthening the Capitation Grant initiative and expanding coverage of the school feeding programme.

All these educational programmes, and several others, either sponsored by government, stakeholders or other bodies are in place and functioning; but there is still a lot more to be done. Over 20% of children who have reached school going age are still out of school. Some communities in the North, Western and Eastern Regions of the country do not have access to basic education. There are about 5000 schools under trees in various parts of the country but predominantly in the Northern parts. The NPP government made considerable efforts to extirpate the problem. Under the ruling government, the NDC, the former Minister for Education declared on July 2011 the government's committed effort to drastically reduce schools under trees by 2012. Several projects have commenced in various parts of the country. These projects are funded by the Ghana Education Fund (the GETFund) and from HIPC resources. Hopefully, very soon, schools under trees will face out of the system.

On an average, the right to education, including ensuring that primary education is free and compulsory, that education is sufficiently available, accessible, acceptable and adapted to all individuals living in the country is advancing.

POLICY MEASURES

The QUIPS (Quality Improvement in Primary Schools) Programme, supported by USAID among other things helps to produce competent teachers, train education managers and planners and promote a supportive learning environment. A Mid-Term Assessment of The QUIPS Programme indicates that the programme is impacting positively on teaching and learning outcomes in primary schools. Currently QUIPS is being implemented in 429 schools throughout the country. Child Scope is a UNICEF sponsored programme, which is helping to improve children's reading, writing and numeracy skills in primary schools. The WSD (Whole School Development) Programme is a GES strategy for mainstreaming all interventions for the achievements of the FCUBE objectives. Zonal Co-ordinators have been appointed to serve as a link between pre-service and in-service programmes. They also link District and Regional management personnel to Teacher Training Colleges.

In 2011, Government made available GH¢3.0 million under its National Apprentice Programme (NAP) to train 5,000 Junior High School (JHS) graduates, who had not gained admission to Senior High Schools (SHS) in employable skills. Even though resources are scarce and Ghana only recently achieved middle income status, commendable efforts are being made by the government and other stakeholders to improve Ghana's educational system. The Ministry of Education, disclosed to the public that the Untrained Teachers Training Programme has trained about 21,000 qualified teachers who have currently been posted to the rural areas of Ghana. An additional 5000 are expected to graduate this year and be posted to their stations in the rural communities.

Quality education delivery remains Ghana's hope of reducing the high level of poverty in the society as well as becoming competitive in today's knowledge driven globalised economy. In spite of the fact that Ghana's education system has come far and made the nation what it is today, the increasing challenges of the twenty-first century demand that the education system be reengineered to make it more responsive to national goals and aspirations as well as global demands. This is the task before the Education Sector Review Committee, the Presidential Review Committee on Education and The Ministry of Education as a whole.

THE RIGHT TO SHELTER, FOOD AND A DECENT STANDARD OF LIVING

As part of the Millennium Development Goals, governments committed to making available, and where available, improving and ensuring, among other things, that every human being residing in their countries has access to shelter/housing. Parliament has enacted laws to protect and govern tenants and landlords' agreements. There is however an issue of implementation and proper enforcement.

There is a big issue with slums. These are mushrooming in urban areas and currently much is not being done to regulate and address the challenges associated with slums.

With a housing deficit of 200%, Ghana needs a minimum output of 500000 houses a year for the next 10 years to wipe out this defect in the housing system. Although economic rights are not justiciable and citizens can not send the government to court because they have no food or shelter, economic rights could be realised through the progressive nature of development. Without a housing system that ensures equality and fairness, working men and women will lack the ability to exercise those rights that a free society provides. The NPP government and now the NDC have both made tremendous efforts to ensure the provision of low-cost adequate houses all-over the country. An "Affordable Housing Scheme" Project, initiated by SADA and The UNDP, aimed at improving housing structures and living conditions and reduce the housing deficit, has commenced in Malzeri, Wechiu and Paga communities in the Northern, Upper West and Upper East regions of the country respectively.

The NDC government is committed to pursue the affordable housing project by using funds from the Social Security and National Insurance Trust (SSNIT) and also from the HIPC fund to build houses for homeless citizens to enable them enjoy quality living standards.

HEALTH

The National Health Insurance Scheme was introduced in 2004 under the NPP Administration under the National Health Insurance Act (2003) to improve the health-care system and to make accessible adequate/basic health-care services to all persons in the country. The NHIS is funded by the Social Security and National Insurance Trust (SSNIT) and from non-subsidised premiums. In June 2010, an estimated 15.6 million people had registered. All persons residing in Ghana are to benefit from the NHIS. Because most people are not employed in the country's formal sector, the indigent, the elderly (over 70 years), and children under 18 years if both parents are enrolled, social security pensioners, have been exempted from paying the set premium. To ensure that MDG 5 is met, pregnant women are also exempted from paying premiums on the scheme.

There is evidence that the exemptions have improved health-care access for poorer women. The World Bank study cites research that demonstrates that exemptions for pregnant from paying for delivery in public, mission, and private health facilities reached the poor and was cost effective. Given Ghana's high maternal mortality rate, this is encouraging.

Although NHIS covers about 60% of Ghana's population, the scheme is not considered to be equitable in its coverage of the poor, even if the premium exemptions are well targeted. A 2008 survey by the National Development Planning Commission (NDPC) revealed that 64% of individuals in the wealthiest quintile were insured with valid NHIS cards, compared to only 29% of those in the lowest quintile.

The right to the highest attainable standard of physical and mental health, including the right to healthy living conditions and available, accessible, acceptable and quality health services as specified in the constitution are slowly advancing. Government is making efforts to improve the health care system. With the passage of the Mental Health Bill this year, mentally challenged patients would receive adequate health-care and support. It is common to find mentally challenged and some physically challenged people living on the streets because they are homeless. This is a very crucial issue—as the mentally challenged are citizens of Ghana and are entitled to their basic human rights as enshrined in the constitution. Something could be done about this situation to prevent it from deteriorating and to maintain the image of Ghana as a respecter of human rights in the West African sub-region and to the rest of Africa.

50 new ambulances have been brought into the country and dispatched to various regional capitals to reduce the risks of maternal deaths and deaths of motorists.

THE RIGHT TO FOOD AND POTABLE DRINKING WATER

Ghana's Agricultural sector growth rate has seen impressive increase from the year 2002 to date. In 2006, the rate was about 6.5%. Major increases in food production in particular have helped Ghana achieve self-sufficiency in most of the staple food crops including yam, maize, plantain and cassava. As a result, the current world food crisis afflicting many countries in Africa and elsewhere has not greatly affected Ghanaians. With agricultural growth averaging more than 5% a year during the past 25 years, Ghana is ranked among the top five performers in the world. This has contributed to major reductions in poverty and malnutrition.

However, the last poverty profiling indicated that about 18% of Ghanaians still live under extreme poverty (a dollar a day or less). Over the past 6 to 7 years, Social Protection Programmes have been established to address this issue. For example, in the year 2007, Ghana designed a pilot Livelihood Empowerment against Poverty (LEAP), the flagship of the National Social Protection Strategy (NSPS) Programme based on the Ghana Poverty Reduction Strategy Two (GPRS II); to support persons considered to be very poor who live by and under a dollar/cedi a day, the aged (from 65) who are extremely poor, orphan and vulnerable children (OVC) and those with severe disabilities. The programme now includes extremely poor farmers and subsistence fishermen as well as people who are incapable of working and those living with HIV/AIDS who cannot afford health care. Under the LEAP programme, specific amounts of money have been disbursed to these persons to help them maintain their upkeep. Payments are paid every 2 months through the Ghana post offices. The number of households benefitting from the Programme is about 68000. This is a remarkable progress as only 1654 households were initially enrolled into the programme in 2008. Beneficiary households are expected to rise to 165000 by 2015 (disclosed by the National Newspaper, the Daily Graphic, on March 15th 2012).

There has been significant improvement in the access to safe drinking water. Government has ensured that about 60% of potable water is available to the people. The Public Utilities Regulatory Commission (PURC), in collaboration with the Ghana Water Company Limited (GWCL) and Water Aid, an International Non-Governmental Organisation, have embarked on a move to sink boreholes and extend potable water to deprived areas throughout the country.

It is anticipated that Ghana will achieve MDG 1 before 2015.

CIVIL AND POLITICAL RIGHTS

Ghana has made various commitments in principle to human rights in domestic and international laws. In international Conventions, Ghana as a member of the global community has signed or ratified a number of treaties on human rights including the following:

International Convention on Civil and Political Rights, Convention Against Torture and other cruel, inhumane or degrading treatments or punishment and also the African Charter on Human and People's Rights.

In addition to the above international conventions, Ghana also has a number of domestic laws and bills that seek to protect the rights of the citizenry. Prominent among these are:

- Intestate Succession Bill
- Public Order Act, 1994
- Children's Act, 1998
- Criminal Code (Repeal of Criminal Libel and Seditious Laws- Amendment Bill, 2001)
- Labour Act, 2003
- Disability Act, 2006
- Whistleblowers' Act, 2006
- Domestic Violence Act, 2007

CONSTITUTION REVIEW

Ghana has made remarkable effort in ensuring that the rule of law is respected and upheld at all times; and that government stays committed to protecting the human rights of all persons residing in the country. In 2010, President Mills announced the creation of the constitutional review commission to address problems in the constitution. The Constitutional Review process yielded almost 90,000 public submissions. The Constitutional Reform Report was submitted to President Mills in December 2011 and he has promised to make the report public soon.

The terms of reference of the Commission are as follows:

- a. To ascertain from the people of Ghana their views on the operation of the 1992 Fourth Republican Constitution and, in particular, the strengths and weaknesses of the constitution;
- b. To articulate the concerns of the people of Ghana on amendments that may be required for a comprehensive review of the 1992 Constitution; and
- c. To make recommendations to the government for consideration and provide a draft Bill for possible amendments to the 1992 Constitution.

Thus far, there has never been a Constitutional review mechanism of this kind in the country and as President Obama has observed, "Ghana continues to be a good news story."

RIGHT TO INFORMATION - THE MEDIA

Ghana's 1992 Constitution recognises the freedom of the press, media independence and forbids press censorship. The media in Ghana is characterised by most people as vibrant and dynamic. In March 2002,

Freedom House rated Ghana as among only six countries in Africa to allow press freedom. Again in 2011, Freedom House described the media in Ghana as 'free' among only 4 other sub-Saharan African countries to earn that description.

The government of Ghana has taken positive steps towards ensuring transparent and accountable governance. However, this cannot be achieved without passing the Right to Information Bill, which is still before parliament. The right to information Bill is an Act to provide for the implementation of the constitutional right to information held by a government agency. The information is subject to the exemptions that are necessary and consistent with the protection of the public interest in a democratic society, to foster a culture of transparency and accountability in public affairs and to provide for related matters. The passage of this bill is expected to improve governance, increase economic growth and reduce poverty.

ELECTIONS AND ELECTORAL SYSTEM(S)/STRUCTURES

In the year 2000, for the first time in the country's history, power was peacefully transferred as the ruling NDC, which had been in power for close to 20 years, lost elections considered free and fair to the NPP. Since then, Ghana has had two successful and peaceful elections, with another political turn-over in 2008. The country and the entire West African continent stood at a standstill in 2008 when Ghana exercised democracy to its highest degree by allowing the ballot box and the voice of the people to decide who would be president. The credit goes to a very credible and laudable Electoral Commission (EC). The EC is a symbol of Ghana's successful democratic transition. Democracy in Ghana has assumed a rather remarkable trend and it is significant to note that Ghana's democracy is a telling story for Africa and for the rest of the world. Ghana has proved to the world that democracy does and can thrive in Africa.

However, notwithstanding the good nature of the electoral system, Ghanaians abroad and prisoners are still do not have the right to vote. This issue has been on the news media for some time now.

EQUAL PARTICIPATION AND REPRESENTATION

Article 17 of the Constitution *prohibits discrimination on the basis of gender*. In an effort to bridging the gender gap in Ghanaian politics, the Affirmative Action Bill of 1998 was planned to be a law which would seek to increase the representation and participation of women in politics and decision-making in the country. However the Bill is yet to be passed into law. The Ministry of Women and Children's Affairs (MoWAC) facilitated the implementation of the Affirmative Action Policy (AAP) that led to the establishment of Gender Desk Officers (GDOs) in all MDAs and some districts.

Ghana has demonstrated in principle the equal participation for men and women through government's adoption of an Affirmative Action Policy to give 40% quota for women's representation on all government boards, commissions, committees and other political offices in the country. The Convention Peoples' Party (CPP) made history last year when a woman was selected for the first time in the history of the country's politics to become the chair of a political party. Also, more than half of the memberships of the CPP are women. The Peoples' National Convention (PNC) also has large representation of women. There have also been efforts by Civil Society Organizations to get political parties to participate in politics through the slashing of participation fees for female candidates.

In reality, however, The Affirmative Action Policy has no legal backing. Out of the 230 parliamentarians in Ghana, only 19, representing 8% are female. In the District Assemblies, out of the 4734 elected District Assembly members, only 478 representing about 10% are female.

POLITICAL FREEDOM AND CIVIL LIBERTIES

Ghana is a democratic state that tolerates political freedom and civil liberties. The World Bank describes Ghana as “one of the most robust democracies in Africa.” Freedom House rates Ghana as 1 out of 7 on Political Rights and 2 out of 7 on civil liberties. President Obama cited Ghana as “a good news story” in Africa and noted that Ghana has become a model of democracy. The Constitution of the Republic abhors discrimination against any group or person of race, colour, tribe, culture etc. Ghana’s constitution is silent on same sex marriages and homosexual rights, leaving the matter to diverse cultural and religious interpretations. Indeed, Ghana has ratified the International Convention on the Prevention of Discrimination on the basis of Race, Religion, or Belief; and Protection of minorities. Ghana has also signed the United Nations Declaration of Human Rights and is also a signatory to the African Charter on Human and People’s Rights. Both of these International Protocols seek to uphold, above all else, the fundamental human rights and freedoms of every person alive.

There are still some elements of unfairness infiltrating the corridors of civil justice in the country. Public confidence in the justice system is low with only 30% of the public having confidence in the courts. The Juvenile justice system is abused. A meeting with the High Level Dialogue came out with the Remand Review Policy to halving remand prisoners’ population. Borstal homes are in dilapidating conditions. Hopefully, the Remand Reviews Policy would also consider restructuring the homes to ensure that the inmates live under safe conditions.

CONCLUSION

UNICEF and the Ministry of Women and Children’s Affairs (MoWAC)’s October 2011 Situation Analysis of Ghanaian Children and Women... stated, “Ghanaians enjoy political rights, civil liberties, a free press and access to a justice system that sets them apart from most of the people of sub-Saharan Africa.”

In sum, there are deficits in the promotion and protection of human rights in Ghana especially as regards civic and political rights for the vulnerable and the disadvantaged groups such as the poor, homeless and prisoners. However, one can still describe the current state of human rights promotion and protection in Ghana as very positive because of the indisputable evidence of continued growth in understanding and responsiveness on the part of both the government and civil society.

The government is working with other development partners to mobilise funding for additional capacity development. Much progress is being made in a dialogue on regional cooperation within West Africa on social protection programmes.

