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### **DRAFT REPORT OF THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW**

**Ghana \***

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its second session from 5 to 19 May 2008. The review of Ghana was held at the 2nd meeting on 5 May 2008. The delegation of Ghana was headed by H.E. Mr. Joe Ghartey, Minister of Justice and Attorney General. For the composition of the delegation, composed of 11 members, see annex below. At its 6th meeting held on 7 May 2008, the Working Group adopted the present report on Ghana.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Ghana: the Netherlands, Bolivia and Sri Lanka.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Ghana:
  - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/2/GHA/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/2/GHA/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/2/GHA/3).
4. A list of questions prepared in advance by Canada, Denmark, Sweden, United Kingdom and Northern Ireland, Germany and the Netherlands was transmitted to Ghana through the troika. These questions are available on the extranet of the Universal Periodic Review.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 2nd meeting, on 5 May 2008, H.E. Mr. Joe Ghartey, Minister of Justice and Attorney General and representative of Ghana, introduced the national report. In its presentation, he noted that many delegations in their advance questions recognized the commitment of Ghana to human rights. Ghana has become a more tolerant society and over the last 15 years has steadily increased respect of the rule of law. In the 2005 Country Review Report of the African Peer Review Mechanism under the New Partnership for Africa's Development (NEPAD), of which Ghana was the first country to be reviewed, it is noted in paragraph 44 that there is little evidence of direct human rights violations over the five-year period of 1999 to 2004. Nonetheless, some challenges remained and various strategies had been developed to address them, including in the areas of education and the national health insurance programme, and programmes adopted to address child labour and youth employment. Ghana passed legislative acts, including the Law on Human Trafficking and the Law on Domestic Violence, ratified international treaties and has a comprehensive anti-corruption programme on course. Ghana cooperates with West African States, especially on human trafficking. There has been increased budgetary support for the Commission on Human Rights and Administrative Justice (CHRAJ) since 2002, in addition to support by development partners. Ghana noted that despite a communication gap at a certain point, the national report was prepared with the active involvement of civil society and that their views and concerns have been captured in the report. A follow-up mechanism will be coordinated by the Attorney General's Office to monitor the implementation of the recommendations ensuing from the review.

6. As regards the role of women in politics, Ghana decided to enhance their participation with the aim of achieving the African Union target of 50 per cent by 2015. Political parties were urged to ensure that women participate in leadership on an equal basis with men. The Government has provided funding under the Ministry of Women and Children's Affairs and has established funds for women and local governance. Capacity-building has resulted in an increase in women elected to district assemblies from 7.2 per cent to 10 per cent in the last election organized two years ago. Ghana affirmed that female genital mutilation (FGM) has been criminalized under Ghanaian law; the Criminal Code was amended increasing the minimum sentence from three years to five years and the maximum sentence from five years to ten years. In the same vein, the Government continues to endeavour to proceed against other discriminatory practices, such as "trokosi" and witch camps. Ghana stated that there are places where women accused of being witches and banished from their communities stay together, and that nothing prohibits them from leaving these camps apart from retribution from the communities they lived in.

7. Ghana has passed a human trafficking law and is taking steps to reduce child trafficking. A national plan of action has been developed which involves all stakeholders. The Ministry of Manpower, Youth and Employment has a child labour unit programme in about 20 districts. There is a national programme on the elimination of the worst forms of child labour in cocoa-growing areas, which operates in several districts. A national health insurance scheme has been established under the National Health Insurance Act. The scheme provides quality and affordable health care to approximately 9 million persons, about 48 per cent of the population, and has been in operation for four years. Ghana has established a traditional medicine practitioner's council under the Traditional Medicine Practitioners Act.

8. The Constitution guarantees the right to fair trial. There have been some concerns about access to justice but efforts were ongoing. Ghana has mainstreamed alternative dispute resolution, and mediation desks have been set up throughout the country with the cooperation of the Legal Aid Scheme. The Attorney General's Office has established a programme called "Justice For All", as well as a human right hotline where people report suspected human rights abuses, in January 2008. For the past two years the police has included human rights education in its training. There is a special unit that deals with discipline within the Police Service.

9. In 2006 Ghana passed a new Minerals and Mining Act, which provides for fair and adequate compensation, in accordance with international best practices, and the right of access to the high court when a party is not satisfied with the compensation. The Environmental Protection Agency (EPA) and the Minerals Commission are proactive in ensuring that the rights of all are respected, including the rights of communities, the vulnerable and of the mining agency. The EPA rating and disclosure programme will rate the activities of mining companies.

10. Ghana affirmed that its Constitution states that every Ghanaian child is entitled to free compulsory basic education, which includes three years of secondary education and two years of kindergarten. Every Ghanaian child is now entitled to eleven years of free education. Initiatives have been introduced to facilitate the implementation of the law, including the Capitation Grant, which is given to every child in public school and covers cultural, sports and other miscellaneous fees and has led to a considerable increase in school enrolment. Freedom of expression has resulted in the establishment of over 100 radio stations. .

#### **B. Interactive dialogue and responses by the State under review**

11. During the ensuing interactive dialogue, statements were made by 44 delegations, many of which praised Ghana for the high quality of its presentation as well as its national report.

12. Pakistan noted Ghana's impressive strides towards democratic rule and stated that its democratic model can be emulated in similar political and cultural situations. Pakistan noted the number of reforms introduced to nurture a human rights culture to improve the lives of children, women and marginalized segments of society. It identified addressing social and traditional mindsets that led to human rights abuses and poverty as well as girl child education as important areas of concern, and asked how the Government intended to deal with these issues and what specific steps had been taken to make cooperation between State institutions and civil society groups more productive.

13. India congratulated Ghana on its successful initiative aimed at increasing the enrolment of girl students in schools and requested more information about this success story. It noted with interest the People's Assembly concept of 2001 which provides a platform for the ordinary men and women to interact with the President once a year. India requested information about the functioning of the judicial complaints unit that seeks to address judicial accountability and misconduct in the judicial service.

14. France asked if Ghana intended to formally abolish the death penalty or to turn the current de facto moratorium on executions into the de jure moratorium, and encouraged a public debate to explain that the abolition of death penalty would increase the image of good governance of the country. France asked what tangible measures Ghana intended to take to apply the law against domestic violence and if it intended to broaden this law by penalizing rape in marriage. It further asked about measures to put an end to so-called cultural practices such as "trokosi", witch camps and FGM. It also asked if the provisions on violence against women were introduced in the criminal law. France recommended that the Government take the necessary measures to reinforce the campaign against these discriminatory practices and violence against women.

15. The Czech Republic welcomed the adoption of the Domestic Violence Act of 2007 and asked what measures have been adopted to ensure its effective implementation. The Czech Republic recommended strengthening of the funding for implementation of this act and of the Domestic Violence and Victims Support Unit. It recommended the adoption of necessary steps to ensure that victims of violence were not obliged to pay costs of their medical examination and trials of alleged perpetrators took place in due time. In this connection, the Czech Republic recommended the strengthening of judicial structures, the adoption of measures against corruption in judiciary and the introduction of more education and training for police, courts and social services. It further asked what measures have been adopted against widowhood rites, FGM, ritual servitude of girls and violence against women perceived as witches, and particularly about assistance or reintegration schemes available to women in witch camps, and whether perpetrators of violence against women have been investigated and punished. It recommended that Ghana adopt legislative and other necessary measures, including awareness-raising campaigns, against these harmful traditional practices and stereotypes, and that Ghana's Criminal Code be amended to decriminalize sexual activity between consenting adults.

16. Tunisia welcomed best institutional practices in order to combat impunity in the police service and was also impressed by the efforts of the Government regarding training and the improvement of skills of law enforcement officials and noted with satisfaction the training cycle for police prosecutors. Tunisia also noted the establishment within the bureau of the Attorney General of a unit tasked to receive complaints and maintain a hotline to report alleged infringements of the law by police forces. Tunisia considered that all these positive developments can serve as model and encouraged Ghana to continue strengthening these achievements.

17. Senegal shared Ghana's conviction that education must be central to strategies aimed at countering certain cultural practices such as FGM. It was particularly interested by the parallel system of conflict resolution that the Government has implemented, and asked how this system works and what the status is of the decisions it rendered. Senegal asked about the Livelihood Empowerment against Poverty (LEAP) programme which has an important social role and which deserved to be welcomed and encouraged, and about the timeframe set by the Government for the effective implementation of the LEAP programme.

18. Finland acknowledged the commitments to protect children and women from violence, including the Domestic Violence Act in 2007 and the establishment of the Domestic Violence Victim Support unit to investigate complaints of domestic violence and child abuse. It noted the Government's admission that domestic violence was one of the most common human rights violations and that the majority of its victims were children. Finland recommended to Ghana to strengthen its efforts to fully implement the recommendations of the Committee on the Rights of the Child and to prohibit all forms of violence against children, including abolishing by law the use of corporal punishment in all settings. It also recommended that Ghana take further measures to implement the overarching and setting-specific recommendations of the United Nations Study on Violence against Children.

19. China asked whether some of the international regional human rights instruments have had a direct impact on the functioning of the police, and whether the CHRAJ, the Ministry of Justice and the courts can invoke those conventions in investigations and judgments of cases of human rights violations. As foreign debt is a major obstacle to the realization of human rights in many countries, China wanted to know how is Ghana coping with this problem and what are the difficulties it is encountering at this stage.

20. Hungary recommended that Ghana take steps to submit its reports under the ICCPR and CAT in the near future and that Ghana consider favourably the request made in 2007 by the Special Rapporteur on right to education to visit the country. It recommended that Ghana remove impediments women may face in gaining access to justice and stated that Ghana should take special measures, in collaboration with the CHRAJ, to enhance women's awareness of their rights and legal literacy to claim their rights. It recommended that Ghana take proactive measures to ensure the equality of women in all matters related to property inheritance. It recommended that Ghana take steps to address problems related to high illiteracy rates in certain parts of the country, as well as the gender gap between boys and girls in secondary and tertiary education.

21. Romania asked what measures Ghana envisaged to prevent and combat existing societal discrimination against vulnerable groups, in particular people with disabilities and with HIV/AIDS. It asked how Ghana intended to prevent and combat situations where people take violent actions against alleged offenders or against minorities and indigenous people. It recommended to Ghana to continue upholding the rule of law, raising public awareness of human rights standards, and fighting against discrimination, in particular against minority groups, immigrants, and children with disabilities. It recommended that actions be taken in order to provide for effective education programmes with regard to HIV/AIDS prevention. It recommended that consideration be given to revising the Criminal Code in order to repeal the provision that criminalizes the sexual activity between consenting adults.

22. Luxembourg stated that the drastic increase in the price of food has seriously threatened the right to food of tens of millions of persons, and asked how the Government intends to react to this situation and what measures it intends to take to address it. .

23. Mali congratulated Ghana on being the first country to have submitted to the Intra-African Assessment Mechanism, which should be an inspiration for the Human Rights Council. Mali wished to receive more information on the LEAP programme.
24. The United Kingdom of Great Britain and Northern Ireland stated that discrimination against women is demonstrated by the low participation in decision-making and governance, domestic violence, poor access to resources and harmful cultural practices. It recommended that Ghana take further steps to address discrimination against women and vulnerable groups, including children. It noted issues raised by the CHRAJ concerning cases of police brutality and mob justice, prison conditions and long imprisonment of remand prisoners. It affirmed that while there were efforts to improve police training and accountability, public confidence in the police has been affected. It warmly welcomed that Ghana has signed the OP-CAT and recommended that it ratify it as soon as possible.
25. The Democratic Republic of the Congo appreciated the considerable improvements and the work methods of police and the penitentiary administration. It encouraged Ghana to continue to combat domestic violence, which has been described as one of most widespread violations of human rights in Ghana. With regard to so-called traditional medicine, it asked for information on the results obtained at the therapeutic level as well as concerning the production of medicinal drugs. The Democratic Republic of the Congo requested information on who created witch camps, how they were organized, and if there are mechanisms for the care and treatment of persons who are victims of religious beliefs and sorcery.
26. Mexico associated itself to the acknowledgement concerning the development of institutions and standards, particularly measures concerning police services, human rights of persons with disabilities, rights of women and protection of refugees. Mexico recommended to Ghana to continue to eradicate cultural practices that violated the rights of women and girls and adopt a legal moratorium on the use of death penalty. Mexico also recommended to Ghana to ratify the Optional Protocol to the ICCPR aiming at the abolition of the death penalty, the Convention on the Protection of Persons with Disabilities, as well as the OP-CAT. It asked Ghana to provide more information on the implementation of the recommendations made by the National Reconciliation Commission.
27. In response to comments and questions put forward by various delegations, the representative of Ghana noted that the LEAP programme has been developed as a rights-based poverty reduction tool for the protection of the most vulnerable persons. The programme is a targeted one which will provide extremely poor households with a reliable and cost effective subsistence grant. It will assist the poorest 20 per cent of the extreme poor, and target orphans and vulnerable children, the aged 65 years and above, and persons with severe disabilities. A pilot programme will be implemented from 2008 until 2012 and will assist 164,370 extremely poor households. The food prices increase is gradually having an impact on the situation in the country and is expected to affect the most vulnerable areas, and the LEAP programme will be scaled up to assist 53,000 households in 66 districts as an emergency response package. Ghana did not agree that public confidence in the police has reduced. It referred to the freedom of expression, freedom of the media, and that there are 50 daily newspapers and over a hundred radio stations, while a few years ago there was only one State-owned radio station. The percentage of police to citizens has improved, and there is now one official per 1,200 citizens. Prison conditions have also improved with the opening of new prisons and the allocation of a budget for the training and education for prisoners. Concerning the offence of marital rape, it was omitted by the Parliament, but some prosecutors argue there are provisions which enable to bring a charge of marital rape, while this has not yet been tested in court. Regarding questions on girl-child education, Ghana has mounted a

strong advocacy campaign to make sure that girls enroll and stay in school. The improvements are also due to food rations, with not only food in school but also to bring home, so it is in the interest of the whole family that the child goes to school. With regard to the gender imbalance between secondary and tertiary education, these are historical issues and there are improvements. The aggregate entry level is adjusted favorably for girls, for example in engineering. Concerning the People's Assembly concept, the President meets the people once a year and anybody can ask a question. Afterwards, Ministers hold meetings at the district level and in regional capitals. Ministers also meet with the press every Tuesday. The death penalty is enshrined in Ghana's Constitution in article 3B, which is an entrenched clause requiring amendment by referendum and a six-month process. In this regard, Ghana noted that no death penalty has been carried out since 1993. After the elections in 2008, the Government intends to review the Constitution and this issue will be raised again. With regard to cultural practices related to "witch camps", these camps are self protective areas developed by communities, where some people give refuge to others who have been accused of being witches. The Government is supporting measures to address these issues. In response to a question on the funding of its various programmes, Ghana noted that due to good governance, fight against corruption and stabilization of the economy, the country has more funds which are being allocated better.

28. The Netherlands welcomed the open environment in which human rights issues can be discussed in Ghana and in which is the result of increasing transparency in Ghana's policies and free press and active civil society involvement. It asked if the Government has other ways of increasing the number of women in the Parliament and their participation in the Government after the elections in December 2008. It recommended that the Government reach out to the general public by informing the population of their rights and how to gain access to justice. While commending the signature of the OP-CAT in 2006, the Netherlands recommended that Ghana ratify the protocol at its earliest convenience.

29. Azerbaijan commended Ghana on the creation of CHRAJ which has the authority to consider and investigate individual complaints relating to the violation of human rights, and noted the importance of the Commission's role, as emphasized by the treaty bodies. It noted several positive developments, including measures taken to ensure the rights of various vulnerable groups and to investigate human rights violations. Azerbaijan asked to elaborate further on the effectiveness of the Domestic Violence and Victim Support Unit in improving the situation on the ground, and how Ghana intended to strengthen the Ministry of Women and Children's Affairs and implement CEDAW recommendations..

30. Malaysia commended Ghana for its candid recognition of problem of child labour and other challenges in the field of human rights and applauded Ghana for its efforts to overcome them. It was impressed by Ghana's investment in enhancing education for children involved in child labour. Malaysia wished to receive more information about how the children have been rescued from child labour and have been reintegrated into national educational system.

31. Cuba acknowledged the efforts of Ghana to develop various programmes and promote and protect human rights for most vulnerable groups. It underscored development of programmes to fight against poverty, domestic violence, and elimination of worst forms of child labour. Cuba emphasized that, as developing country, Ghana needs cooperation and international solidarity in order to strengthen its efforts and welcomed the cooperation carry on with Cuba in the field of health. Finally Cuba recommended continuing improving economic, social and cultural rights.

32. The Russian Federation was noted with satisfaction the establishment of the independent CHRAJ and requested information on the powers of this body are and what cases of human rights



violation it deals with most often. It wanted to know whether the Media Commission, tasked with defending freedom of speech, deals with individual complaints from citizens. It also asked what information work is being done on the negative nature of forced labour and what the results are.

33. Canada recommended Ghana to pass the Freedom of Information Bill and requested further information regarding its intentions in this regard. It recommended a concerted effort to introduce measures to eliminate or modify customs and harmful traditional practices that discriminate against women. Canada recommended a concerted effort to eliminate FGM, to put an end to harmful widowhood rites and implement protective measures for this group in relation to eviction and inheritance and to halt the practice of “trokosi”. Canada recommended that Ghana remove the death penalty from its legislation and become a party to the Second Optional Protocol to ICCPR aiming at abolishing the death penalty. Finally, Canada encouraged Ghana to take further action to eliminate corruption.

34. Philippines highlighted the President’s Special Initiative on Education for Prisoners as an exemplary programme that other developing countries can learn from. It was encouraged by Ghana’s efforts to combat child labour and promote livelihood and health care for its citizens, as well as its awareness of the need to address the issue of adequate and affordable housing. Philippines observed a positive trend that no executions have occurred since 1993 and that the President commuted a number of death sentences in 2007. It strongly supported Ghana’s pledge to continue to strengthen policies for the advancement of women, eliminate laws that discriminate against women, and promote the rights of the child.

35. Italy acknowledged with satisfaction the fifteen-year de facto moratorium on executions and recommended the adoption of a legal moratorium on the use of the death penalty with a view to abolishing capital punishment in Ghana’s national legislation. It recommended that Ghana effectively implement the Domestic Violence Act and improve the functioning of the Domestic Violence and Victim Support Units within the Police Service. It joined CRC in recommending Ghana to undertake measures to prevent child abuse and neglect and investigate cases of domestic violence ensuring that sanctions can be applied to perpetrators.

36. Burkina Faso stated initiatives in promoting for example jobs for young people and countering poverty. It welcomed the establishment of a constructive approach related to cooperation between the State, the national institution and civil society actors. Despite objective constraints on the ground, rights of women and children situation enjoyed harmonious and legal protection. It urged Ghana to pursue its efforts for continuous improvement of human rights in the country as the best guarantee of stability in the State.

37. South Africa requested further information regarding the programmes of using traditional medicine; how the Government translated the constitutional guarantee for basic education, particularly in the context of the Capitation Grant Scheme; and on programmes in place to address the challenge of access to safe drinking water and sanitation.

38. Turkey asked whether Ghana envisages preparing a general national human rights action plan. It further asked about initiatives to educate and engage traditional and religious leaders in the elimination of customs and practices particularly harmful to girl children and women, as well as about initiatives to prohibit corporal punishment of children in all settings, including the family and school environment. It appreciated the work of the CHRAJ, but referred to reports suggesting that the Commission is suffering from the lack of adequate financial resources and asked about plans aimed at addressing this problem.

39. Switzerland recommended that Ghana share its experiences regarding the African Peer Review Mechanism and National Reconciliation Mechanism which can constitute best practices. It also recommended Ghana to enhance efforts to protect rights of women and children as some cultural and traditional practices constitute a violation of human rights. It shared the view of the Ghanaian Commission that police brutality is increasing as well as street justice perhaps driven by slow justice system and recommended to combat and sanction police brutalities and reform the judicial system. It also recommended the adoption of a moratorium leading to abolition of the death penalty.

40. Germany referred to the OHCHR compilation and the stakeholders report which state that trafficking in persons, in particular child trafficking remains a serious concern. Germany asked how the implementation of the Human Trafficking Act can be improved to better address this issue. By referring to the Stakeholder report and the effects by large-scale mining operations, it asked for an elaboration on the adverse consequences such as forced evictions, loss of access to safe drinking water or access to farm land. It also asked what measures is Ghana prepared to take to protect the rights of those affected by large scale mining.

41. The United States of America asked what steps Ghana is taking to ensure that the upcoming elections in December 2008 will also be free and fair and allow for a smooth and peaceful post-election transition. Noting that in 2007 Ghana amended the Criminal Code to criminalize the practice of FGM and passed legislation on domestic violence it asked about measures taken to ensure the enforcement of these laws. It also asked about recent steps to adhere to Ghana's international obligations concerning refugees and to ensure progress towards durable solutions for the remaining Liberian refugees in Ghana.

42. Slovenia asked and recommended Ghana to effectively implement measures aimed at eliminating polygamy and bring the norms in line with the CEDAW in the shortest time possible. It asked and recommended Ghana to effectively implement measures to harmonise norms of citizenship for foreign spouses to bring these norms in line with the CEDAW in the shortest time possible. Slovenia recommended that Ghana's Criminal Code be amended to decriminalise sexual activity between consenting adults. It recommended Ghana to systematically and continuously integrate gender perspective in the follow-up process to the review. It asked and recommended Ghana to establish and implement concrete measures in conformity with CEDAW to modify and eliminate customs and cultural and harmful traditional practices that discriminate against women.

43. In reply to some questions, Ghana noted that the CHRAJ combines three institutions: an Ombudsperson institution, a national human rights institution, and an anti-corruption agency for the public sector. Due to its constitutional independence from the Government, the Commission can check on abuse and corruption in public office. Apart from dealing with individuals complaints, the Commission also has powers to undertake systematic investigations. The Commission is currently conducting a systematic investigation into the rights of persons living in mining activities areas, and will address comprehensively the issues involved. The Commission has also a mandate to inspect police cells, prisons and detention centers, and to monitor human rights by reporting annually on the human rights situation in Ghana, in collaboration with the civil society and other governmental agencies. With regard to the participation of women in political parties, Ghana noted that the Constitution seems to suggest that measures should be left to political parties to have an internal organization in accordance with democratic principles. Ghana also noted that the Media Commission does not only guarantee the rights of the media, but protects individuals as well. There is a mediation process, and individuals have a right to a rejoinder, without prejudice to the right to go to court for defamation. The representative noted that many rely on this and are content once a rejoinder is published. Concerning the right of information, Ghana stated that a Right of

Information Bill has been prepared and consultations are ongoing with civil society. Regarding traditional medicine which is part of Ghana's history and culture, the Government is seeking to modernize it with the collaboration of research institutions and universities. Concerning elections to be organized in December 2008, the Government assured it would take no step to frustrate their general outcome. Ghana does not have a sitting President wanting to extend his term or anyone wanting to interfere in any way. The funds that are needed by the Independent Electoral Commission have been provided, as have the funds required by the National Council for Civic Education, which educated the citizens on their rights and the proper conduct of elections. With regard to the question of Liberian refugees, Ghana referred to a process of consultations with the Government of Liberia. The persons who started to question their refugee status wanted Ghana to transport them to a third country, which Ghana does not have the power to do. When starting the process of bringing back persons to Liberia, Ghana found that some persons had not registered as refugees and were illegal immigrants. Twenty-two of them took the matter to court and lost a case in the High Court. Ghana noted that if these persons wish to stay it will not bother them if they have refugee status. Every country in Western Africa to develop and encourages every person to return to develop his or her country.

44. Algeria noted that the introduction of the child school feeding programme and the establishment of the Domestic Violence and Victim Support Unit were examples of best practice. Algeria recommended the international community to provide to Ghana full technical and financial support as called upon by the treaty bodies as a way of improving the national machinery for the advancement of women. With reference to the NEPAD School Feeding programme, Algeria recommended that Ghana continue to give increased attention to the gender gap between boys and girls in the advancement at all levels of education.

45. Portugal noted measures such as "livelihood Empowerment programme against poverty" and the public school "Capitation Grant" and "School Feeding programme" and asked for more information on the statistics on the real impact that these programs in reducing extreme poverty and enhancing access to education. It recommended Ghana to allocate more resources, including through multilateral cooperation, to enhance the implementation of its respective laws, combating impunity, and to raise human rights and rule of law awareness where needed. It welcomed the fact that the last death sentence was executed in 1993 and recommended the Government to take next step of abolishing the death penalty in its national legislation.

46. Ireland noted positive initiatives such as the creation of the Ministry of Women and Children's Affairs at the Cabinet level, the adoption of the Domestic Violence Act 2007 and the establishment of a Domestic Violence Victim Support Unit within the police service of Ghana. However, it noted with concern that violence against women remained a problem including the persistence of FGM and other traditions. Ireland recommended that legislative measures on FGM be strengthened and that specific measures be taken to ensure that the prohibition has the desired effect on the ground. Ireland also recommended that Ghana expand coverage and access to services that prevent the transmission of HIV from mother to child.

47. Austria recommended Ghana to further strengthen the capacities of the CHRAJ by increasing its funding and resources which could also help to improve the attractiveness of conditions of services there. It asked how the Domestic Violence Act and the Domestic Violence Victim Support Unit can be used to tackle the problem of impunity of perpetrators of violence against women and children. It recommended that Ghana adopts concrete grassroots programmes to sensitise communities, in particular traditional chiefs, and spread them into all communities in Ghana to abolish cultural practices, which violate the human rights, life and dignity of women and

young girls. Austria recommended Ghana to expand the legal aid services, in particular in rural areas, and to adopt further measures to fight against corruption in the public sector.

48. Brazil noted that communities living in the vicinity of mining projects in Ghana face major problems in having access to safe drinking water and were exposed to cyanide spills. It is known that diversion of rivers and building of dams as a result of large scale mining activities threatens access to water and asked what steps have been taken to void those negative aspects and promote access to drinking water to those populations. Brazil recommended Ghana to include a gender perspective and a rights based approach in the implementation of its Rent Act with the goal of overcoming gender based inequalities.

49. Zambia noted the achievements made in the police service especially training of over 100 police prosecutors and the training programmes for officers serving with the Domestic Violence and Victim Support Unit. It commended the establishment in the Attorney-General's office of a complaints unit with a hotline where abuses or alleged abuses of fundamental human rights and freedoms by police may be reported and that the service is being utilized. It congratulated Ghana on efforts to stop child labour and the pilot programme by the Ministry of Manpower on children working in cocoa producing areas. It asked Ghana to elaborate more on what is involved in Parental Support.

50. Republic of Guinea commended the socio economic progress which provides a definitive guarantee of its successfulness in overcoming poverty and social inequalities. It congratulated Ghana for this progress which constitutes a good example for the entire West African sub region. As to the point concerning best institutional practices, it wished to receive more detailed information on how to cooperate with justice and the police in combating interfamilial violence and deal with victim assistance.

51. The Republic of Korea noted the creation of the Women's Development Fund in 2002 to improve women's access to micro-credit facilities and the National Policy Guidelines on Orphans and other Children made vulnerable by HIV/AIDS. Korea asked if Ghana could elaborate on measures taken to prevent child labour, exploitation and abuse since these remained a concern of the international community. It encouraged Ghana to intensify its efforts to guarantee its people of the right to food and all other human rights.

52. Chile noted measures to eradicate violence against women, including the establishment of the Domestic Violence Victims Support Unit, and asked for more details on the real impact of this body's work. It wished to obtain more information on implementation of measures to combat FGM and more details about the promotion of women's involvement in national, political and economic life. As to the programme to improve the means of assistance in order to combating poverty, Chile asked if the beneficiaries will benefit from a medium or long term follow up of this programme.

53. Bosnia and Herzegovina recognized the political commitment by Ghana to promote and protect human rights, in particular through the ratification of international human rights instruments. It requested more information on the best practices, experiences and achievements of the CHRAJ through its reporting to Parliament. It referred to concerns expressed by the CRC on the number of children orphaned by HIV/AIDS and that the number of orphanages was increasing, and requested additional information on the measures taken by the CHRAJ to adequately respond to this situation.

54. The United Republic of Tanzania noted that Ghana was the first country to accede to the African Peer Review Mechanism (APRM). It noted that FGM has been criminalized under Ghanaian law and that practitioners have developed new strategies including going beyond the

borders of Ghana to perform this dehumanizing act. It asked what measures are being envisaged to address the problem which has taken a regional dimension, and what kind of policy actions the Government contemplate as it seems laws alone cannot solve the problem. It also asked if Ghana could pronounce whether it will be the first country in Africa to achieve the MDG by 2015.

55. Cote d'Ivoire stated that modern Ghana is an example of participatory democracy, and pioneer undergoing African Peer Review Mechanism. Ghana is a haven of peace and stability and has undertaken significant reforms including economic, social and cultural rights. It asked how the Government intends to reconcile his increasing openness to freedoms with cultural traditions that are resistant and part of their identity.

56. Morocco welcomed steps taken to promote democracy and good governance and also to ensure truth in regard to past actions by the Government. It asked whether the decentralisation undertaken by the Government has also been implied in management of human rights. It noted efforts made in promotion and protection of children's and women's rights, especially with regard to promoting the rights to education. Morocco asked for more information about the Ghanaian national plan and programme on education of children.

57. The Syrian Arab Republic noted Ghana's achievements in the field of women's empowerment, reduction of the poverty level, health care, workers' protection and children's education. It noted that Ghana did acknowledge the existence of many challenges, like foreign debt, inadequate resources and disaster management as well as violence against women despite the enactment of the Domestic Violence Act in 2007. In the light of paragraph 65 of the national report it asked about legal and other measures taken to address the high rate of violence against children, mob justice and the issue of "cultural secrecy" associated with the victims' unwillingness to disclose their traumas and agonies.

58. In responding to questions, Ghana stressed that the judiciary is independent, that it is not the entire system that is corrupt, and that the judiciary is taking steps to tackle the issue. Two judges and a court registrar were being tried by a judicial complaints unit. Judicial reform makes the judiciary more independent and more efficient, including with new recording methods. Saturday courts have been introduced to address the backlog of cases. Ghana is working on addressing the corruption in the public sector. With regard to the right to housing, the Rent Act is being amended and some of the concerns raised will be addressed. On issues of child labour, the nature of the support provided by the Government includes counseling, financial support and education. The Minister of Education, the Attorney-General and the Minister of Justice attending the UPR review reflect Ghana's twin approach to human rights: education and law enforcement. Ghana will continue to educate and at the same time do law enforcement and pass regular laws, which need to be backed by policy programmes with sufficient budgetary allocations. As a developing country, Ghana faces constraints arising out of the price of oil and the price of food. As the economy improves Ghana can distribute increased resources. It noted that a Property Rights for Spouses Bill is being drafted by the Attorney-General's office in collaboration with stakeholders. Ghana has also introduced gender responsive budgeting and is mainstreaming gender within the entire process of governance.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

**59. In the course of the discussion, the following recommendations were made to Ghana:**

- 1. To take the necessary measures in order to reinforce the campaign against discriminatory practices and violence against women (France); to strengthen its efforts in protecting women's rights (Switzerland) and to take further steps to**

address discrimination against women and vulnerable groups, including children (United Kingdom); to take proactive measures to ensure the equality of women in all matters related to property inheritance (Hungary) and call for the international community to provide full technical and financial support as a way of improving the national machinery for the advancement of women (Algeria);

2. To strengthen the funding for implementation (Czech Republic) and to effectively implement the 2007 Domestic Violence Act and strengthen the funding and improve the functioning of the Domestic Violence and Victim Support Units within the Police Service (Italy);
3. To adopt necessary steps to ensure that victims of violence are not obliged to pay costs of their medical examination and that trials of alleged perpetrators take place in due time to avoid their release in accordance with Art. 14 (4) of the Constitution, which may amount to impunity of perpetrators (Czech Republic);
4. To further strengthen judicial structures, adopt measures against corruption in the judiciary and introduce more education and training for police, courts and social services to ensure their effective and appropriate reaction to all cases of domestic as well as other kinds of violence against women (Czech Republic); to complete the reform of the judicial system (Switzerland);
5. To adopt legislative and other necessary measures including awareness-raising campaigns against harmful traditional practices and stereotypes (Czech Republic); to continue to eradicate cultural practices that violated the rights of women and girls (Mexico); to introduce measures to eliminate or modify customs and harmful traditional practices that discriminate against women, eliminate FGM, put an end to harmful widowhood rites and implement protective measures for this group in relation to eviction and inheritance, and halt the practice of trokosi (Canada); to establish and implement concrete measures in conformity with CEDAW to modify and eliminate customs and cultural and harmful traditional practices that discriminate against women (Slovenia); to take necessary measures to ensure that the prohibition of FGM has the desired effect on the ground (Ireland); to adopt concrete grassroots programmes to sensitize communities to abolish cultural practices which violate the human rights, life and dignity of women and young girls (Austria);
6. To strengthen its efforts to fully implement the recommendations adopted by the CRC and to prohibit all forms of violence against children (Finland); to take further measures to implement the overarching and setting-specific recommendations of the UN Study on violence against children (Finland); to take the necessary measures to prevent child abuse and neglect and investigate cases of domestic violence, ensuring that sanctions be applied to perpetrators (Italy); and to enhance its efforts in protecting children rights (Switzerland);
7. To take steps to ensure that the initial and second reports (overdue since 2001) on the implementation of measures contained in the ICCPR, as well as in the CAT are submitted in the near future (Hungary);

8. To consider favourably the request of the Special Rapporteur on the right to education and to allow the SR to visit the country (Hungary);
9. To remove impediments women may face in gaining access to justice and take special measures, in collaboration with the CHRAJ, to enhance women's awareness of their rights, and legal literacy to claim their rights (Hungary); to inform the general public on their rights and how to gain access to justice (The Netherlands); and to expand the legal aid services, in particular to rural areas (Austria);
10. To take steps to address problems related to high illiteracy rates in certain parts of the country, as well as the gender gap between boys and girls in secondary and tertiary education (Hungary); and to continue to give increased attention to the gender gap between girls and boys in their advancement at all levels of education (Algeria);
11. To take action in order to provide for effective education programmes with regard to HIV/AIDS prevention (Romania) and to expand coverage and access to services that prevent transmission of HIV from mother to child (Ireland);
12. To ratify the Convention on the Protection of Persons with Disabilities (Mexico);
13. To ratify the Optional Protocol on the Convention Against Torture (OP-CAT) (Mexico) and to do so as soon as possible (United Kingdom, Netherlands);
14. To continue improving economic, social and cultural rights (Cuba);
15. To pass the Freedom of Information Bill (Canada);
16. To take further action to combat corruption (Canada), especially in the public sector (Austria);
17. To share its experiences, inter alia, regarding the African Peer Review Mechanism and the National Reconciliation Commission (Switzerland);
18. To intensify necessary measures to combat and sanction police brutalities (Switzerland);
19. To effectively implement measures to harmonize norms of citizenship for foreign spouses to bring these norms in line with the CEDAW in the shortest time possible (Slovenia);
20. To systematically and continuously integrate a gender perspective in the follow up process to the UPR (Slovenia);
21. To allocate more resources, including through multilateral cooperation, to enhance the implementation of its respective laws, combating impunity, and to raise human rights and rule of law awareness where needed (Portugal);
22. To further strengthen the capacities of the CHRAJ by increasing its funding and resources (Austria);

- 23. To include a gender perspective and a rights-based approach in the implementation of its Rent Act (right to adequate housing) with the goal of overcoming gender-based inequalities (Brazil).**

**60. The recommendations listed above enjoy the support of Ghana.**

**61. Other recommendations noted in the report in paragraphs 15, 18, 21, 26, 33, 35, 39, 42 and 45 above, will be examined by Ghana which will provide responses, if any, in due time. Both will be noted in the outcome report to be adopted by the Human Rights Council.**

**62. All conclusions and/or recommendations contained in this report reflect the position of the submitting State(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**



**Annex**

**Composition of the delegation \***

The delegation of Ghana was headed by H.E. Mr. Joe Ghartey, Minister of Justice and Attorney-General and composed of 11 members:

H.E. Ms. Elizabeth Ohene, Minister of State for Education, Science and Sports.

Ms. Ama Jantuah Banful, Chief State Attorney.

Ms. Stella Badu, Principal State Attorney.

Ms. Evelyn Keelson, Senior State Attorney.

Ms. Angela Asante-Asare, National Coordinator for Protection, Ministry of Manpower, Youth and Employment.

Ms. Marian Tackie, Director, International Women's Desk, Ministry of Women and Children's Affairs.

Mr. Joseph Yaw Aboagye, Director PPMAE, Minerals Commission, Ministry of Lands, Forestry and Mines.

Mr. Richard Quayson, Deputy Commissioner, Commission on Human Rights and Administrative Justice.

Ms. Mercy Y. Amoah, Deputy Permanent Representative, Permanent Mission of Ghana to the United Nations Office at Geneva.

Ms. Loretta Asiedu, First Secretary, Permanent Mission of Ghana to the United Nations Office at Geneva.

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\* Circulated as received.