

INTRODUCTION AND METHODOLOGY

1. This report examines Ghana's implementation of international human rights obligations under Equality and Non-Discrimination with particular reference to the ***Protection of Women's Rights***.
2. This submission is informed by the shared experiences of the above mentioned network of civil society organizations (CSOs) contributing to the protection of women's rights on a daily basis serving their constituents in their communities as well as engaging with state collaborating partners discussed at a pre-UPR submission workshop organized by POS Foundation (Ghana Human Rights NGOs Forum Secretariat) on June 28 – 30, 2022 in Accra, was by over sixty (60) CSOs nationwide and validated by same on July 12 – 13, 2022.
3. The submission examines specific developments and follow-up measures taken by Ghana in relation to thematic list recommendations of the 3rd cycle – 28th session of the UPR by the Office of the High Commissioner for Human Rights.
4. The 1992 Constitution provides Ghana's domestic legal foundation with Chapter 5 mandating the protection of the human rights of the citizenry, including women. Ghana is a state party to a number of related regional and international treaties and has put in place a number of legal instruments to domesticate them.
5. Ghana has ratified the International Covenant on Civil and Political Rights (ICCPR), Second Optional Protocol to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR), for the protection of women's rights.
6. Others include Convention against Torture (CAT), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Protection from Torture, Ill-Treatment and Disappearance as well as Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Convention on the Elimination of All forms of Discrimination against Women and the African Charter on Human and Peoples' Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol).
7. Under domestic law, The Criminal Offences (Amendment) Act, 1998 (Act 554), Human Trafficking Act 2005, (Act 694) and the Domestic Violence Act, 2007 (Act 732), all give protection to women.
8. Despite tireless efforts by state and non-state actors to ensure that women enjoy their rights, there remain certain practices that infringe on these rights. Trafficking in Persons, relatively high incidence of domestic violence as well as low representation of women in public decision-making processes continue to impede the full protection of women's

rights in Ghana.

➤ **VIOLENCE AGAINST WOMEN (VAW) INCLUDING DOMESTIC VIOLENCE (DV)**

9. During the 3rd Cycle of the UPR in 2017, Ghana received over twelve (12) recommendations to address the issue of Violence Against Women (VAW)¹. These were reference numbers;146.138, 146.143, 146.144, 146.132, 146.133, 146.136, 146.137, 146.156, 146.48 146.187and 147.33.
10. As per recommendations 146.138 and 146.144, Ghana was advised to “Continue efforts to combat violence against women and early and forced marriage” and “Continue efforts to implement the 2007 law on domestic violence and prohibit dehumanizing practices against women and girls” respectively.
11. Since the passage of the Domestic Violence Act, 2007 (Act 732) development partners have supported both state and non-state actors in its implementation. The Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service continues to receive thousands of reports of sexual and gender-based violence nationwide. According to the DOVVSU 2019 statistics, only 15.81% of reported cases of gender-based violence have resulted in successful convictions of perpetrators.
12. Appropriate support to victims of violence against women continues to be a challenge. The DV Act established a Domestic Violence Fund to assist in the rehabilitation and re-integrations of victims of gender-based violence² but allocation to this fund remains woefully inadequate. The DV Act mandates the State to set up shelters for victims of gender-based violence³
13. Until recently the only shelter for abused women was operated by an NGO. DOVVSU has inaugurated a “One-Stop Center to enhance access to justice, psycho-social interventions and other services including shelter, for survivors of domestic violence”⁴
14. In March 2021, UNFPA in collaboration with MoGCSP launched the “Orange Support Centre and BoaMe App⁵ with a toll-free helpline number for individuals to report DV cases and access support services. The DOVVSU One-Stop Centre also offers toll free help line services to the public with 24-hour access⁶.

¹ <http://www.ohchr.org>

² Section 31

³ ibid

⁴ <http://mint.gov.gh>

⁵ <http://niyiojuolape.com>

⁶ <http://police.gov.gh>

15. On April 19, 2022, a man in Assin South District of Central Region was arrested for “allegedly” shooting his wife because she refused to give him Gh¢2.00 to buy alcohol. The forty-six (46) year old man killed his wife after several threats on her life.⁷
16. On 16th February 2022, a 31-year-old man in Adansi Nyakumase in the Ashanti Region shot his wife after she denied him sex. After shooting her, he attempted suicide after sensing danger but was unsuccessful. He was also unable to kill his wife⁸.
17. On 21st August 2021, 45-year-old man killed his wife over food. This incident occurred at Prang in the Pru West district of the Bono East Region while the wife was in the kitchen cooking. It was reported that, the suspect had refused to give the wife money for a funeral she planned to attend therefore the wife retaliated by not reserving dinner for the husband, which got him infuriated and shot the wife to death⁹.
18. OBLIGATION: VAW is a violation of human rights under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), as well as the DV Act 2007, Act (732) and the 1992 Constitution.

19. **RECOMMENDATIONS**

20. The State Party should:

- I. As a matter of urgency provide funds for the effective implementation of Section 8 (3) of the DV Act, 2007, (Act 732).
- II. Take immediate steps to set up more shelters for victims as stipulated by the DV Act.
- III. Allocate adequate resources to DOVVSU for intensive public education on the DOVVSU toll free number and the services available.
- IV. Resource DOVVSU one-stop centre to provide psycho-social support to victims of DV to facilitate an effective reintegration into the society.

⁷ <https://www.myjoyonline.com/man-46-allegedly-shoots-wife-over-¢2/>

⁸ <https://www.myjoyonline.com/man-shoots-wife-for-refusing-him-sex-attempts-suicide/>

⁹ <https://www.pulse.com.gh/news/local/man-reports-himself-to-police-after-killing-wife-a-mother-of-9-children-over-food/7we68cc>

➤ **INTESTATE SUCCESSION BILL**

21. Recommendation 146.46 states that Ghana must “Pass gender equality legislation including the Property Rights of Spouses Bill, the Affirmative Action Bill and the Intestate Succession Bill”
22. As per recommendation 146.130 Ghana was required to “Abolish legislation discriminating against women in the fields of property ownership, access to credit and inheritance”
23. Ghana enacted PNDC Law 111 to protect the rights of women and children to inheritance upon the demise of the husbands / fathers who die intestate. However, this law has been found to lack provisions for full protection hence the proposal of the Intestate Succession Bill to provide the needed relief. The draft of this bill has been introduced and re-introduced to each Parliament for consideration and passage into law since November 3, 2009.
24. On 12th December 2018, *Odamtten and Others Vrs Wuta-ofei (J4 20 of 2016) [2018] GHASC 63*: a case petitioned by the grandchildren of Robert and Barbara Wuta Ofei claiming the property as beneficiaries of the estate of their mother (Roberta Wuta- Ofei) and Respondent, (Robert Wuta-Ofei who claimed the right to sell the property as the head of family, administrator of the estate and the only surviving child of the parents). A court of Appeal affirmed the decision of a High Court that upon the death intestate of Wuta–Ofei, a Ga from Osu, succession to his self-acquired property became a family property and by Osu customary law which is patrilineal, it is his children who inherited him (Roberta, Vida, Percy and the Robert). The court ruled in favour of Robert (the only surviving child) of Wuta-Ofei since the female children had only life interest in the estate. The Court further held that Robert the head of family is clothed with authority to deal with the property¹⁰.
25. Despite a verbal commitment by the Attorney General and Minister of Justice in January 2017, to work towards the passage of the Intestate Succession Bill when she assumes office¹¹, it remains a bill after her 5 years in office.
26. OBLIGATION: Ghana is obligated under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol).

¹⁰ <https://ghalii.org/gh/judgment/supreme-court/2018/63>

¹¹ <https://citifmonline.com/2017/01/ill-ensure-passage-of-intestate-succession-bill-gloria-akuffo/>

27. RECOMMENDATION

28. The State Party should:

- I. Pass the Interstate Succession Bill into law by December 2024.

➤ PROPERTY RIGHTS OF SPOUSES BILL

29. As per recommendation 146.46, Ghana is required to “Pass gender equality legislation including the Property Rights of Spouses Bill, the Affirmative Action Bill and the Intestate Succession Bill”
30. In Ghana, women do not often make direct financial contribution to property acquisition in a marriage and even where they do there is hardly ever appropriate documentation to attest to it. Property is often registered in the name of the man and women are left with next to nothing upon the dissolution of the marriage.
31. **On 31st October, 2012 during the Quartson Vrs Quartson (J4 8 of 2012) [2012] GHASC 49**, a Court of Appeal dismissed an appeal on matrimonial property after dissolving the marriage, save for awarding an enhanced financial settlement to the wife. It was ruled that, the matrimonial property was not jointly acquired because; the contribution of the wife was in a form of purchasing building materials and supervising the property from the foundation level to completion which did not constitute substantial contribution. It further ruled that, the contribution of the wife constituted **only domestic chores** of a wife and cannot entitle her to an interest in the property which cannot be qualified in monetary terms or value¹².
32. The Property Rights of Spouses Bill which seeks to provide a more equitable distribution of property acquired during a marriage between spouses, was proposed, drafted and placed before Parliament for consideration and passage into law in 2009 but did not see the light of day/ It has been re-introduced to each new Parliament thereafter but remains a bill.
33. **OBLIGATION:** Ghana is obligated under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol).

34. RECOMMENDATION

35. The State Party should:

- I. Pass the Property Rights of Spouses Bill into law by December 2024.
- II. Allocate adequate resources to undertake extensive public education and sensitization on the Bill after its passage.

➤ AFFIRMATIVE ACTION BILL

36. During the UPR 3rd Cycle in 2017, Ghana received seven (7) recommendations to address the issue of women's participation in high level decision making.
37. Recommendations 146.141 and 146.142 called on Ghana to "Pass the Affirmative Action Bill speedily to allow the increase of women present in political offices" and "Adopt the Affirmative Action Bill without further delay" respectively.
38. Low participation in governance and public decision-making processes continue to impede the full actualization of women's rights as enshrined in Article 21 of the Universal Declaration of Human Rights. Women's representation in Ghana's 4th Republic has been a little over ten percent (10%). The 7th Parliament had 12.72% women's representation and the current Parliament has 14.54 %, regrettably lower than the UN recommended rate of at least 30%.
39. An Affirmative Action Bill (AA Bill), which journey began in 1995 with guidelines for drafting was developed in accordance with international instruments ratified by Ghana to promote women's participation in governance and public decision making, was introduced to Parliament and was expected to have been passed before the end of the 6th Parliament in 2016. It remains a bill.
40. There is no evidence to suggest any practical measures on the part of government to increase women's representation in public office outside the provisions of the AA Bill.
41. In February 2017, the President of Ghana and the AU Gender Champion affirmed his government's commitment to working with the 7th Parliament to ensure the passage of the AA Bill into law¹³, yet Ghana cannot boast of an Affirmative Action law, two (2) years into the 8th Parliament under the President's watch despite numerous appeals to him to fulfill his promise.

¹³ <https://ghalii.org/gh/judgment/supreme-court/2012/49>

42. OBLIGATION: As a signatory to CEDAW and other treaties, Ghana is obligated to take measures to ensure participation of women in public decision making.

43. The National Gender Policy 2015 recommends 40 percent quota to women on public decision-making bodies.

44. RECOMMENDATIONS

45. The State Party should:

- I. Pass the Affirmative Action Bill into law by March 8, 2024, International Women’s Day.
- II. Allocate adequate resources to undertake extensive public education and sensitization on the Act when passed.
- III. Take immediate steps to ensure implementation of the Act at all levels.

➤ WITCH CAMPS

46. As per recommendation 146.110, Ghana was expected to “Prevent, investigate and prosecute inhumane treatment in prayer camps or witch camps and psychiatric hospitals. Address societal attitudes condoning such violations and abuses of rights of persons with mental disabilities”

47. Recommendation 146.154 required Ghana to “Adopt subnational actions plans for strengthening implementation of laws prohibiting harmful practices, including but not limited to: trokosi, female genital mutilation, child, early and forced marriage, widowhood rites and practices related to “witchcraft”.

48. Belief in supernatural forces is quite widespread and deeply rooted in Ghana. There are many cases, especially in rural areas, in which mostly women are accused of practicing witchcraft to bring harm to members of their family or community.¹⁴ Accused women are often violently driven from their homes and communities, physically assaulted and, in extreme cases, murdered. Most of these people tend to be poor and elderly, mostly in the northern part of Ghana¹⁵

49. In July 2020, Akua Denteh, a 90-year-old woman at Kafaba near Salaga in the Savannah region, met her untimely death after she was accused of being a witch by a priestess. She was dragged through the community by an angry mob, who subsequently lynched her. Bereaved widows in particular, risk being accused of murdering their husbands for personal gain. A woman in this situation can be branded a witch, maltreated, with

¹⁴ <http://newsghana.com.gh>

¹⁵ <https://www.opendemocracy.net/5050/yakin-erturk/women-at-war-in-country-in-peace-ghana>

threats to her life.¹⁶

50. Kongit Langbon is a survivor of these accusations with a broken arm, weary heart and weak legs and she has gone through 5 journeys to gain freedom. She was never contacted until 8th March 2021 when a phone call was made by the police to the people managing the camp. She requests an interview because she believes the people are still alive¹⁷.
51. Some of those accused are driven from their homes and forced to live in “witch camps”. It is estimated that about one thousand (1,000) women in northern Ghana inhabit camps whose sole occupants are deemed to be witches. They are not allowed to return to their communities, as they are victims of stigmatization.
52. In addition, children who are believed to be relatives of these women are sent to serve the supposed witches for as long they remain in the camps and as a result, the children miss out on opportunities to be educated or acquire any meaningful skills whilst in the camps.
53. In its Concluding Observations on Ghana, CEDAW noted “the high number of cases of violence against girls and older women alleged to be witches, which has caused several of them to seek refuge in so-called witch camps, often under difficult living conditions, including lack of access to adequate housing, sufficient food, water and sanitation.”¹⁸
54. In 2014, MoGCSP in collaboration with CHRAJ and Action Aid Ghana, disbanded two (2) witch camps in the Northern region and was expected to close all existing camps by 2017. The closure was expected to be complimented with the provision of rehabilitation, reintegration into the communities, alternative housing and livelihood options to alleged witches.¹⁹
55. However, Government has made little progress in providing these services to the former inhabitants of the witch camps, thus leaving them without any place to live and little prospect for supporting themselves.

¹⁶ Ibid

¹⁷ <https://www.ghanasomubi.com/blog/ghanas-witches-camps-a-situation-of-unmet-mental-health-needs>

¹⁸ <https://www.myjoyonline.com/finding-the-witch-hunters-hunted-and-slashed-victims-of-witchcraft-allegations-plead-with-state-to-give-them-justice>

¹⁹ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Ghana, Adopted by the Committee at its fifty-ninth session, meeting from 20 October to 7 November 2014.

56. Currently, there are five (5) operational camps, all of which are in the former Northern Region, (which is now made up of the re-demarcated Northern and North-East Regions)²⁰

57. On 30th September 2021, three Members of Parliament; Francis-Xavier Kojo Sosu, MP for Madina Constituency), Hajia Laadi Ayii Ayamba (MP for Pusiga Constituency), and Dr. Godfred Seidu Jasaw (MP for Wa East Constituency) proposed a Private Members' Bill to parliament to amend the Criminal and Other Offences Act 1960 (Act 29) to prohibit the practice by any person as a witch doctor, or witchfinder and proscribe the declaration, accusation, naming or labelling of another person as a witch. The proposed bill is yet to be introduced to parliament²¹.

58. OBLIGATION: Ghana is obligated under the International Covenant on Civil and Political Rights (ICCPR), Second Optional Protocol to the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention against Torture (CAT), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of all forms of Discrimination against Women and the African Charter on Human and Peoples' Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol).

59. RECOMMENDATION

60. The State Party should:

- I. Take immediate steps to close down remaining witch camps.
- II. Implement its program of rehabilitation and reintegration for all former inhabitants of witch camps.

➤ **FEMALE GENITAL MUTILATION (FGM) AND REPRODUCTIVE HEALTH**

52. As per recommendation 146.153, Ghana was required to “Reinforce measures aimed at abolishing female genital mutilation” and further advised to “Endow the competent authorities with more resources to apply the law that sanctions female genital mutilation, in particular in the most isolated areas”²²

²⁰ <http://citifmonline.com/2015/11/27/closed-witches-camps-by-2017-cedaw/>

²¹ <https://tsinet.org/news/tsis-report-on-alleged-witches-camps-in-ghana/>

²² <https://www.myjoyonline.com/sosu-2-other-mps-introduce-private-members-bill-to-ban-witch-doctors/>

53. According to UNICEF, Ghana has one of the lowest rates of female genital mutilation in Africa (4%), and most (93%) of Ghanaian girls and women are not in favor of the practice.²³ Since FGM was banned in 1994, several perpetrators have been successfully prosecuted.²⁴

54. In 2007, Parliament further strengthened the law against FGM by increasing the maximum penalty from 5 years to 10 years of imprisonment and extending the range of persons who can be prosecuted for involvement in an act of FGM.

55. Officials at all levels of government, including the President, have also publicly condemned FGM as an inhumane act. Yet, this practice remain in some rural and hard to reach communities of Ghana where innocent female children undergo this inhumane practice. This group found that pockets of the FGM practice are mainly found in the Upper West, Upper East and the Northern Volta Regions of Ghana. There is the need to strengthen efforts to completely eradicate FGM in the country.

56. OBLIGATIONS: Per the above mentioned international instruments, including the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture (CAT), the African Charter on Human and Peoples' Rights (ACHPR), and the Protocol on the Rights of Women in Africa (Maputo Protocol), Ghana is obligated to ensure that the right to health of persons in Ghana is respected and protected.

56. RECOMMENDATION

57. The State Party should:

- I. Enforce the law of the arrest and detention of all perpetrators of FGM in the pocket areas in Ghana.
- II. Increase the promotion of child welfare health advocacy campaigns and services to protect and safeguard the reproductive health of females in Ghana.

²³ Recommendation 146.148

²⁴ https://www.unicef.org/media/files/FGCM_Brochure_Hi_res.pdf