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paragraph 5 of the annex to Human Rights Council  
resolution 16/21**

**Ghana**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1966) ICESCR (2000) ICCPR (2000) CEDAW (1986) CAT (2000) OP-CAT (signature only, 2006) CRC (1990) OP-CRC-AC (signature only, 2003) OP-CRC-SC (signature only, 2003) ICRMW (2000) CRPD (signature only, 2007) CPED (signature only, 2007)		ICCPR-OP 2
<i>Reservations, declarations and/or understandings</i>	CAT (Declaration, art.30, para.1,2000)		
<i>Complaint procedures, inquiry and urgent action<sup>3</sup></i>	ICCPR, art 41 (2000) ICCPR-OP 1, art. 1 (2000) CAT, arts. 20, 21 and 22 (2000) OP-CRPD, arts. 1 and 6 (signature only, 2007) CPED, arts. 30, 31, 32 and 33 (signature only, 2007)	OP-ICESCR, arts.1, 10 and 11 (signature only, 2009) OP-CEDAW, arts. 1 and 8 (2011)	ICERD, art. 14 OP-CRC-IC, arts. 5, 12 and 13 ICRMW, arts. 76 and 77

#### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Convention on refugees <sup>4</sup>	ILO Convention No. 138 <sup>7</sup>	1954 and 1961 Stateless Persons Conventions <sup>8</sup> Palermo Protocol <sup>9</sup> Additional Protocol III to the 1949 Geneva Conventions <sup>10</sup>

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Geneva Conventions of 12 August 1949 and Additional Protocol I and II thereto <sup>5</sup>		UNESCO Convention against Discrimination in Education
ILO fundamental conventions <sup>6</sup>		ILO Convention No. 169 <sup>11</sup>
		ILO Convention No. 189 <sup>12</sup>

1. Noting Ghana's commitment made in the universal periodic review (UPR) in 2008 (A/HRC/8/36), the Committee against Torture (CAT) recommended that Ghana ratify CRPD and CPED.<sup>13</sup> CAT also encouraged Ghana to ratify ICCPR-OP2<sup>14</sup> and accelerate the ratification process of OP-CAT.<sup>15</sup>

2. UNHCR recommended that Ghana accede to the 1954 and 1961 Stateless Persons Conventions.<sup>16</sup>

## **B. Constitutional and legislative framework**

3. UNICEF stated that Ghana's 1992 Constitution was reviewed during a process which started in 2010 and concluded in late 2011. The review was conducted with a particular focus on the provisions affecting children's rights.<sup>17</sup>

4. CAT noted Ghana's efforts to reform its legislation to ensure better protection of human rights, such as the amendment to the Human Trafficking Act (Act 694) in 2009, bringing the definition of trafficking in line with the Palermo Protocol.<sup>18</sup>

5. CAT welcomed the fact that in February 2011 Ghana made the declaration under article 34, (6) of the Protocol to the African Charter on Human and Peoples' Rights accepting the competence of the African Court on Human and Peoples' Rights to receive and examine cases from individuals and non-governmental organizations.<sup>19</sup>

## **C. Institutional and human rights infrastructure and policy measures**

### **Status of national human rights institutions<sup>20</sup>**

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle<sup>21</sup></i>
Commission on Human Rights and Administrative Justice of Ghana	A (2001)	A (November 2008)

6. While noting that Ghana accepted the UPR recommendation to strengthen the Commission on Human Rights and Administrative Justice (CHRAJ), CAT was concerned that CHRAJ did not receive adequate funding and recommended that Ghana strengthen CHRAJ's independence, by providing adequate operating budget, and ensuring its full compliance with the Paris Principles.<sup>22</sup>

7. CAT encouraged Ghana to accelerate the designation of a national preventive mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.<sup>23</sup>

8. UNICEF stated that while many government ministries, departments and agencies are involved in various aspects of child protection, there are inadequate mechanisms for coordination and referral.<sup>24</sup>

9. CAT regretted the absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions in cases of torture, ill-treatment, violence against women, trafficking and harmful traditional practices. It recommended that Ghana compile statistical data to monitor the implementation of the Convention.<sup>25</sup> UNICEF raised similar concern.<sup>26</sup>

10. CAT recommended that Ghana provide training to all public servants, particularly the Police and law enforcement officials, on the Convention provisions; and to all relevant personnel, including medical personnel, on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).<sup>27</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>28</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2003	--	--	Eighteenth to nineteenth reports overdue since 2006
CESCR	--	--	--	Initial report overdue since 2003
HR Committee	--	2011	--	Initial report pending consideration
CEDAW	Aug. 2006	--	--	Sixth and seventh reports overdue since 2011
CAT	--	2009	May 2011	Second report due in 2015
CRC	Jan. 2006	--	--	Third to fifth reports overdue since 2011
CMW	--	--	--	Initial report overdue since 2004

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CAT	2012	Legal aid defence lawyers; persons deprived of their liberty registration; alternative treatment in psychiatric facilities; and harmful traditional practices, including female genital mutilation	--

## B. Cooperation with special procedures<sup>29</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	
<i>Visits undertaken</i>	Violence against Women (2007)	Health (May 2011)
<i>Visits agreed to in principle</i>		Slavery (2013)
<i>Visits requested</i>	Working Group on the use of mercenaries ( 2006 , 2007) Education (2007)	Adequate housing (2009)
<i>Responses to letters of allegations and urgent appeals</i>	During the period under the review, one communication was sent. The Government replied to this communication	

## C. Cooperation with the Office of the High Commissioner for Human Rights

11. A representative of Ghana's Ministry of Justice participated in the regional conference for West and Central Africa on the UPR, organized by the OHCHR West Africa Regional Office (WARO) in cooperation with UNDP in July 2010.

## III. Implementation of international human rights obligations

### A. Equality and non-discrimination

12. UNDP indicated that Ghana has demonstrated commitment to the principle of equal participation of men and women by adopting an Affirmative Action Policy that requires 40 per cent representation of women on all government boards, commissions, committees and other political offices. However, the Affirmative Action Policy has no legal backing. Out of the 230 parliamentarians, only 19, representing eight per cent, are female, and in the District Assemblies, out of the 4,734 elected District Assembly members, only 478 representing about 10 per cent are female.<sup>30</sup>

13. In 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted that the Government had not taken the opportunity of the revision of the Education Act 2008 to prohibit discrimination in education on the basis of all the grounds listed in article 1, paragraph 1 (a) of ILO Convention No. 111. The ILO Committee of Experts asked the Government to take the

necessary measures to ensure that such provisions will be included in the Education Act and encouraged it to continue its efforts to promote access of girls and women to education and training.<sup>31</sup>

14. UNAIDS stated that there are no explicit laws protecting the rights of PLHIV (people living with HIV). Several acts strengthen the Constitutional prohibition against discrimination, but they do not address the issue of HIV/AIDS-based discrimination. It also stated that the laws and policies need to address ostracized groups, including MSM (men who have sex with men) and certain professions such as commercial sex work. The activities of these groups are criminalized, which inhibits the development of mechanisms to prevent discrimination against them.<sup>32</sup>

## **B. Right to life, liberty and security of the person**

15. CAT invited Ghana to consider abolishing the death penalty or to formalize its current *de facto* moratorium.<sup>33</sup>

16. CAT regretted that the offence of torture, as defined in article 1 of the Convention, has not been included in Ghana's Criminal Code. It recommended that Ghana establish torture as an offence in its domestic law; adopt a definition of torture that includes all elements of the Convention; and make punishable such offences by appropriate penalties.<sup>34</sup>

17. CAT was concerned at the absence of legal provisions ensuring that the prohibition against torture is not derogated under any circumstances, and recommended that Ghana incorporate in the Constitution and other laws the principle of absolute prohibition of torture.<sup>35</sup>

18. With regard to the 1975 Evidence Decree (NRCD 323), which regulates the admission/consideration of evidence in legal proceedings but does not refer to torture, CAT recommended that Ghana ensure that its laws are consistent with Convention against Torture and explicitly exclude any evidence obtained as a result of torture.<sup>36</sup>

19. CAT was gravely concerned about the high likelihood of torture in detention centres and legislation allowing caning or flogging. It urged Ghana to investigate, prosecute and punish all acts of torture; and ensure that torture is not used by law enforcement personnel, by reaffirming the absolute prohibition of torture and publicly condemning its practice<sup>37</sup>

20. CAT was concerned at the high levels of occupancy in most detention centres; lack of staff, poor health and hygiene conditions, inadequate health-care services, and shortage of bedding and food. It regretted the lack of information on the causes of deaths in prison and on the conditions of detention for migrants with irregular administrative status. CAT recommended that Ghana ensure that conditions of detention are compatible with the Standard Minimum Rules for the Treatment of Prisoners; remedy prison overcrowding, by instituting alternatives to custodial sentences; improve and expand the prison infrastructure and the remand centres; increase the number of prison officials; ensure high quality medical assistance to detainees; and review all legal provisions which authorize caning or flogging with a view to abolishing them.<sup>38</sup>

21. CAT was concerned about the: inadequate treatment of mental health patients; and poor living conditions in psychiatric institutions, particularly at Accra Psychiatric Hospital. It was also concerned a the situation of persons admitted by a court order, who have been abandoned for years; and persons remaining in hospital long after they should have been discharged, due to lack of after-care or alternative secure settings. It recommended that Ghana improve the living conditions of patients in psychiatric institutions; ensure no psychiatric confinement; place such patients under guardianship; review the lawfulness of the admission and detention of all persons in health institutions; ensure visits by

independent monitoring bodies to guarantee the proper implementation of the safeguards; and develop alternative forms of treatment, especially community-based treatment.<sup>39</sup>

22. CAT called upon Ghana to establish an independent national system to monitor all places of deprivation of liberty; and strengthen the cooperation with, and support to, non-governmental organizations undertaking monitoring activities.<sup>40</sup>

23. While noting measures adopted to ensure compliance with due process, CAT recommended that Ghana guarantee that the fundamental legal safeguards for persons detained by the police are respected, including the right to be informed of reasons for arrest; the right to appear before a judge within the time limit prescribed by law; and the right to an independent medical examination or a doctor of their own choice. It also recommended that Ghana guarantee the habeas corpus to all detained persons, record all interrogations; expand the number of legal and defence lawyers; register all persons deprived of their liberty; periodically inspect custody records at police and prison facilities; and guarantee the privacy and confidentiality of medical information.<sup>41</sup>

24. CAT was concerned at the: widespread violence against women, including domestic violence; partial implementation of the Domestic Violence Act (2007); and Ghana's reluctance to criminalize marital rape. It urged Ghana to investigate, bring to trial and punish the perpetrators; protect and assist the victims; ensure the effective functioning of the Domestic Violence and Victim Support Unit of the Police Service; strengthen awareness-raising and educational efforts on such violence for officials working with the victims and the public; and enact legislation criminalizing marital rape.<sup>42</sup>

25. UN Women indicated that female genital mutilation (FGM) is practiced among some ethnic groups in northern Ghana. About nine to 15 per cent of Ghana's population belongs to groups who practice FGM, mostly concentrated in the Northern, Upper East, and Upper West regions.<sup>43</sup> UNICEF indicated that existing legislation called for sentences of three years for those found committing the practice.<sup>44</sup>

26. CAT stated that there are still 123,000 reported cases of FGM. It remained concerned at the incompatibility between Ghana's customary law and traditional practices and the respect for fundamental rights and liberties. It was particularly concerned about women being accused of practicing witchcraft, who are subjected to violence, including mob violence, burning and lynching, and who are forced to leave their communities and sent to so-called "witch camps". It was also concerned about violence against widows, who are often deprived of their inheritance and subjected to humiliating and abusive widowhood rites. It urged Ghana to prevent and combat harmful traditional practices, including FGM in rural areas, and ensure their investigation and prosecution of perpetrators; provide victims with legal, medical, psychological and rehabilitative services and compensation, and create adequate conditions for complaint; train the judges, prosecutors, law enforcement officials and community leaders on criminalization of harmful traditional practices and violence against women; and ensure compatibility between customary law and practices with human rights obligations.<sup>45</sup>

27. The Special Rapporteur on the right to health recommended that Ghana seek new methods of enforcing laws prohibiting harmful "traditional practices," especially those that discriminate against women, including trokosi (ritual enslavement of girls wherein teenage girls are pledged to a period of service at a local shrine to atone for another family member's sins) and female genital mutilation.<sup>46</sup>

28. UNICEF indicated that Ghanaian law does permit corporal punishment, "provided it is justifiable, reasonable in kind or in degree according to the age, physical and mental condition of the child" and that the Ministry of Education's code of conduct for teachers permits caning<sup>47</sup> and that there is evidence to suggest that adults, particularly parents, believe that physical punishment of children is a critical component of child-rearing.<sup>48</sup> CAT

expressed concern at the widespread use of corporal punishment within the family, schools and alternative care settings and recommended explicitly prohibiting corporal punishment of children in all settings.<sup>49</sup>

29. In 2011, the ILO Committee of Experts noted information provided by Ghana that a total of 305 children below the age of 18 years were withdrawn from *trokosi* from 2001 to 2009 and requested Ghana to continue taking immediate and effective measures to prevent the engagement of children into *trokosi* and to put an end to this traditional practice as a matter of urgency.<sup>50</sup>

30. Noting that the Criminal Code does not specifically establish offences related to pornography or pornographic performances by a child under 18, the ILO Committee of Experts requested the Government to take the necessary measures to specifically prohibit the use, procuring or offering of a child for the production of pornography and for pornographic performances. It also requested to adopt provisions establishing appropriate penalties for these worst forms of child labour.<sup>51</sup>

31. UNICEF stated that, by far, the biggest employer of child labour in Ghana is the cocoa industry, the country's main economic activity. UNICEF also indicated that perhaps the most hazardous work activities in which children can be found to be engaged in Ghana are small-scale and illegal artisanal mining operations, also known as *glamsey*. Many operators of these illegal mines engage large numbers of children between the ages of 10 and 18 years, including girls.<sup>52</sup>

32. UNICEF stated that it is estimated that as many as 50,000 children are living and/or working in the streets. Nearly half of them are found in the Greater Accra region. There are also some in the second largest city, Kumasi. Many street children are illiterate and either victimized by sexual predators or turn to commercial sex as a way to make a living, exposing them to great risks, including violence, serious physical and psychological harm, and sexually transmitted diseases, including HIV.<sup>53</sup>

33. The ILO Committee of Experts noted Ghana's information that child victims of *Kayaye* (girls given for fosterage who finally end up working in the street) had been rehabilitated and provided with assistance and requested Ghana to continue its efforts to eliminate this cultural practice.<sup>54</sup>

34. CAT and UNICEF expressed concern at internal and cross-border trafficking of women and children for the purpose of sexual exploitation or forced labour.<sup>55</sup> Ghanaian children are particularly trafficked to neighbouring countries for domestic service and exploitative labour. Children are also trafficked within Ghana to work in cocoa farming, domestic service, street vending, head portering, fishing, and the commercial sex trade. Typically, boys aged 10-17 are trafficked from the northern regions to Lake Volta for fishing or to the Western region for mining, while girls come from the north and east and are trafficked to Accra and Kumasi for work in portering, domestic service, and trading.<sup>56</sup> CAT recommended that Ghana prevent and combat trafficking in human beings, by implementing anti-trafficking legislation, protecting victims and ensuring their access to medical, social, rehabilitative, legal and counselling services; ensure adequate conditions for victims to make complaints; conduct impartial investigations and punish those responsible; and conduct nation-wide awareness-raising campaigns and training for law enforcement officials.<sup>57</sup>

### **C. Administration of justice, including impunity and the rule of law**

35. While noting the proposal to create an independent prosecution service, CAT was concerned about impunity in cases of torture and ill-treatment, including police brutality and excessive use of force; and that law enforcement officials and military personnel



responsible for such acts are seldom prosecuted. It recommended that Ghana investigate all allegations of torture or ill-treatment; prosecute perpetrators; compensate the victims, including their full rehabilitation; compile clear and reliable data on acts of torture and ill-treatment in all places of deprivation of liberty; and train all law enforcement officials and military personnel on international human rights standards.<sup>58</sup>

36. UNICEF stated that the laws set the age of criminal responsibility at 12, which is seen as a great improvement over the previously set age of seven, but still low by international standards.<sup>59</sup>

37. UNICEF stated that juveniles convicted under the law are remanded to detention centres, which are supposed to provide vocational training. However, many juvenile detention centres are lacking in such facilities, thus depriving children of access to education, skills training, and other psychological services. There are also insufficient juvenile courts.<sup>60</sup> CAT also expressed concern about the limited number of remand homes for juvenile offenders and the poor conditions in such institutions. It recommended improving and expanding the infrastructure for juvenile offenders.<sup>61</sup>

#### **D. Right to privacy, marriage and family life**

38. UNICEF stated that birth registration figures had increased from around 30 per cent in 2000 to over 60 per cent in 2010, but children in the wealthiest quintile are twice as likely to have a birth certificate compared to children in the poorest quintile. Lack of parental awareness is the apparent primary cause of the low birth registration rate, as well as a lack of need for registration, since birth registration is not linked to the provision of basic services such as health and education. The cost of registration was another reason.<sup>62</sup>

#### **E. Freedom of expression**

39. UNESCO stated that the media in Ghana is free and regulated by an independent National Media Commission. However, despite the provision for the right to information in Section 21 of the Constitution, which is to be operationalized through appropriate legislation, a draft Freedom of Information Act of 2003 is yet to be passed by National Parliament. Furthermore, the media in Ghana is still largely under-resourced, which leads to cases of bribery and self-censorship. The newspaper ownership is politically polarized, and radio and television programming quality needs improvement.<sup>63</sup>

#### **F. Right to work and to just and favourable conditions of work**

40. In 2011, the ILO Committee of Experts recalled its previous comments in relation to the progress made with a view to amending section 68 of the Labour Act 2003, which provided only for equal pay for equal work, so as to ensure full conformity with the principle of equal remuneration for work of equal value set out in ILO Equal Remuneration Convention No. 100. The Committee of Experts trusted that the Government will take the necessary measures in the near future with a view to amending sections 10 (b) and 68 of the Labour Act 2003.<sup>64</sup>

41. In 2011, the ILO Committee of Experts recalled its previous comments and once again requested Ghana to take the necessary measures to amend section 1 of the Labour Act to ensure that the guarantees of the Act apply to the staff of the prison service, ensuring that they enjoy the right to establish and join organizations of their own choosing.<sup>65</sup>

## **G. Right to social security and to an adequate standard of living**

42. UNDP stated that about 18 per cent of Ghanaians still live under extreme poverty.<sup>66</sup> WFP indicated that there are large disparities in poverty levels between the north and south of Ghana and that 70 per cent of the poor live in the three regions in the north: Northern, Upper East and Upper West.<sup>67</sup>

43. UNICEF stated that Ghana is on track to achieve many of the Millennium Development Goals. However, these averages mask stark disparities by location and among population groups (by gender, wealth quintile, level of education).<sup>68</sup>

44. WFP stated that recurrent droughts and floods increase communities' vulnerability to food insecurity and malnutrition.<sup>69</sup> There have been some isolated conflicts which are mostly as a result of chieftaincy disputes. Notable among these conflicts is the spate of violence in the Bawku area of the Upper East Region. A considerable amount of resources have been spent to maintain security personnel in the area to keep peace. However, food production has suffered as a result of the conflicts.<sup>70</sup>

45. UNDP indicated that slums are mushrooming in urban areas, and there is not much being done to regulate and address the challenges associated with slums.<sup>71</sup> Furthermore, with a housing deficit of 200 per cent, Ghana needs a minimum output of 500,000 houses a year for the next 10 years to wipe out this deficit.<sup>72</sup>

## **H. Right to health**

46. During his mission in May 2011, the Special Rapporteur on the right to health was concerned at the lack of disaggregated data available with respect to key affected populations. The Special Rapporteur recommended that Ghana continue to gather and make use of disaggregated data in policymaking in order to appropriately identify, monitor and evaluate interventions. He added that achieving and sustaining long-term gains in core areas and fully realizing the right to health would require the participation of affected communities. This was particularly true with respect to addressing the continuing discrepancy in outcomes between rural and urban centres and reducing the stigmatization of PLHIV. The Special Rapporteur urged Ghana to gather comprehensive and disaggregated data to assess access to health-care services under the National Health Insurance Scheme (NHIS), and examine how the gaps in coverage can be addressed; remove registration fees for NHIS cards for groups for whom such fees impede access; and enable community participation in health-care service delivery through active engagement of civil society organizations in health-related policymaking at all levels of the Government.<sup>73</sup>

47. UNDP stated that, although the National Health Insurance Scheme covers about 60 per cent of Ghana's population, it is not considered to be equitable in its coverage of the poor, as 64 per cent of individuals in the wealthiest quintile were insured, compared to only 29 per cent of those in the lowest quintile.<sup>74</sup>

48. In respect of mental health, the Special Rapporteur on the right to health urged Ghana to adopt and implement the draft Mental Health Bill of 2006 in order to reform the mental health-care system; develop strategies and incentives to ensure that mental health facilities, both rural and urban, are staffed by qualified mental health professionals; develop and engage in community-based programmes designed to reduce stigma surrounding mental illness; de-institutionalize, where possible, the provision of mental health-care services; rapidly train additional mental health-care professionals, and create strong incentives to induce those professionals to provide mental health-care services in rural areas; ensure the availability and adequate supply of the safest and most effective mental

health medicines and ensure the availability and accessibility to mental health services to areas outside of Accra and Kumasi.<sup>75</sup>

49. UN Women stated malnutrition in pregnant women resulting from poverty and ignorance contributes heavily to high mortality and constitutes a major challenge. Progress in reducing maternal death has overall been slow: Ghana's maternal mortality stands at 350 deaths per 100,000 live births, while the MDG target is 185 per 100,000.<sup>76</sup> WFP also noted that maternal mortality continues to be an issue in terms of achieving the MDGs by 2015.<sup>77</sup>

50. In respect of maternal mortality, the Special Rapporteur on the right to health urged Ghana to increase efforts to contain the national fertility rate, particularly through implementation of comprehensive family-planning services which include women in their design; seek to increase the number of antenatal visits attended by women during pregnancy, and consider establishing mechanisms to ensure patients are given appropriate follow-up; provide vouchers or another system of subsidy to poor women located in rural settings to accommodate costs related to transportation and accommodation when seeking maternal health services; invest increased resources in provision of health care during the postnatal period, and develop mechanisms allowing for community involvement in establishing programmes that engage and empower women.<sup>78</sup>

51. UN Women was concerned about the inadequate reproductive health services and the lack of mental health services for adolescents and limited access by HIV/AIDS infected children and mothers to antiretroviral medication.<sup>79</sup>

52. UNAIDS noted the National HIV and AIDS Strategic Plan 2011 to 2015 as well as the National Strategy for Most at Risk Populations 2011-2015. The former strategy focuses on reduction of infections in the next five years with a virtual elimination of mother to child transmission of HIV and sustaining and scaling up the proportion of PLHIV on treatment, whereas the latter is to further address HIV needs of most-at-risk populations and prevent human rights abuses against them.<sup>80</sup>

## **I. Right to education**

53. UNICEF stated that compulsory and free basic education, since 2005, had contributed to an increase in the national net enrolment rate, from 69 per cent in 2005/2006 to 84 per cent in 2009/2010. However, an estimated 650,000 children remain out of school. Stark regional disparities in enrolment, attendance and transition persist. The quality of education being received by Ghanaian children in school is a source of major and increasing concern. Many Ghanaian children complete primary education without attaining functional literacy or numeracy as a result of lack of textbooks, overcrowded classrooms and lack of trained teachers.<sup>81</sup>

54. UNDP indicated that some communities in the North, Western and Eastern Regions of the country do not have access to basic education and that there are about 5000 schools under trees in various parts of the country but predominantly in the Northern parts.<sup>82</sup>

55. WFP stated that there is a high level of illiteracy among girls. This disparity is attributed to various cultural and socio-economic factors such as parents' attitude to education, child labour, mothers' educational level and sexual harassment of girls.<sup>83</sup>

## **J. Persons with disabilities**

56. UNICEF and UN Women stated that women and children with disabilities comprise a group whose rights are often violated; they are often subjected to neglect, discrimination, and abuse and that they are often denied the right to an education. There are families and

communities who customarily conceal or deny the existence of the disabled among them. The passage of the Disability Act in 2006 has not resulted in enough concrete positive action in favour of children and others with disabilities.<sup>84</sup>

## K. Migrants, refugees and asylum seekers

57. UNHCR stated that the Government of Ghana had been officially informed of the invocation of cessation of refugee status for a protracted refugee population from a neighbouring country on 30 June 2012. To date, however, Ghana had not communicated its local integration policy to UNHCR or to the persons of concern. UNHCR recommended that Ghana declare its local integration policy and facilitate the integration and assimilation of refugees opting for local integration in Ghana pursuant to the 1951 Refugee Convention.<sup>85</sup> CAT also noted with concern that Ghana is planning to relocate or return 11,000 refugees to their place of origin and urged Ghana to ensure that such refugees are not forcibly returned to their country of origin in an inconsistent manner with the non-refoulement obligations.<sup>86</sup>

58. UNHCR indicated that since 2003 the Government of Ghana has not issued identity cards to refugees and recommended that Ghana issue identity documents to enable refugees to register in the national identification scheme, which would eventually facilitate access to basic services.<sup>87</sup>

59. UNHCR stated that, as per the 1992 Ghana Refugee Law, a person who is denied refugee status has a right to appeal to the Minister for the Interior and shall receive a decision within 30 days. However, this law is not implemented in practice, as refugees who lodge appeals are neither heard nor provided with decisions. It recommended that Ghana without delay, respect refugees' right to appeal a denial of refugee status and fully implement an appeals process in the judicial system or an appropriate independent entity.<sup>88</sup>

60. UNHCR stated that there has been an increasing number of asylum seekers who arrive through the Elubo border and are identified as direct participants in the armed conflict in a neighbouring country. They continue to live at the Eagle Star Reception Centre with civilians. It recommended that Ghana develop a national policy in conformity with international norms to address issues of separating combatants and former combatants from civilians, implementing rehabilitation programmes for persons identified as combatants and former combatants and screening new arrivals effectively to maintain the civilian character of asylum.<sup>89</sup> CAT made a similar recommendation.<sup>90</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009 (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Ghana from the previous cycle (A/HRC/WG.6/2/GHA/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30..

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> International Labour Organization Convention No. 138 concerning Minimum Age for Admission to Employment.

<sup>8</sup> 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>9</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>10</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

<sup>11</sup> International Labour Organization Convention No.169, concerning Indigenous and Tribal Peoples in Independent Countries.

<sup>12</sup> International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers.

<sup>13</sup> Concluding observations of the Committee against Torture (CAT/C/GHA/CO/1), para. 28.

<sup>14</sup> Ibid., para. 12.

- <sup>15</sup> Ibid., para. 27.
- <sup>16</sup> UNHCR submission to the UPR on Ghana, p. 5.
- <sup>17</sup> UNICEF submission to the UPR on Ghana, p. 1.
- <sup>18</sup> CAT/C/GHA/CO/1, paras. 6 and 21.
- <sup>19</sup> Ibid., para. 7.
- <sup>20</sup> According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles)
- <sup>21</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- <sup>22</sup> CAT/C/GHA/CO/1, para. 14.
- <sup>23</sup> Ibid., para. 27.
- <sup>24</sup> UNICEF submission to the UPR on Ghana, p. 2.
- <sup>25</sup> CAT/C/GHA/CO/1, para. 26.
- <sup>26</sup> UNICEF submission to the UPR on Ghana, p. 6.
- <sup>27</sup> CAT/C/GHA/CO/1, para. 25.
- <sup>28</sup> The following abbreviations have been used for this document:
- |              |   |
|--------------|---|
| CERD         | Committee on the Elimination of Racial Discrimination;  |
| CESCR        | Committee on Economic, Social and Cultural Rights;  |
| HR Committee | Human Rights Committee;   |
| CEDAW        | Committee on the Elimination of Discrimination against Women;                                   |
| CAT          | Committee against Torture;  |
| CRC          | Committee on the Rights of the Child;   |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; |
- <sup>29</sup> For the official titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>30</sup> UNDP submission to the UPR on Ghana, pp. 8-9.
- <sup>31</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 092011GHA111, fifth paragraph.
- <sup>32</sup> UNAIDS submission to the UPR on Ghana, p. 5.
- <sup>33</sup> CAT/C/GHA/CO/1, para. 12.
- <sup>34</sup> Ibid., para. 9.
- <sup>35</sup> Ibid., para. 11.
- <sup>36</sup> Ibid., para. 13.
- <sup>37</sup> Ibid., para. 15.
- <sup>38</sup> Ibid., para. 16.
- <sup>39</sup> Ibid., para. 17.
- <sup>40</sup> Ibid., para. 18.
- <sup>41</sup> Ibid., para. 10.
- <sup>42</sup> Ibid., para. 22.
- <sup>43</sup> UN Women submission to the UPR on Ghana, p. 3. See also CAT/C/GHA/CO/1, paragraph 23.
- <sup>44</sup> UNICEF submission to the UPR on Ghana, p. 5.
- <sup>45</sup> CAT/C/GHA/CO/1, para. 23.
- <sup>46</sup> A/HRC/20/15/Add.1, para.62 (e).
- <sup>47</sup> UNICEF submission to the UPR on Ghana, p. 5.
- <sup>48</sup> Ibid., p. 7.
- <sup>49</sup> CAT/C/GHA/CO/1, para. 24.
- <sup>50</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No.182), 2011, Geneva, doc. No. (ILOLEX) 092011GHA182, fifteenth paragraph. See also CAT/C/GHA/CO/1, paragraph 23.

- <sup>51</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Geneva, doc. No. (ILOLEX) 092011GHA182, second paragraph.
- <sup>52</sup> UNICEF submission to the UPR on Ghana, p. 4.
- <sup>53</sup> Ibid., p. 4.
- <sup>54</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), 2011, Geneva, doc. No. (ILOLEX) 092011GHA182, eighteenth paragraph
- <sup>55</sup> CAT/C/GHA/CO/1, para. 21 and UNICEF submission to the UPR on Ghana, p. 4.
- <sup>56</sup> UNICEF submission to the UPR on Ghana, p. 4.
- <sup>57</sup> CAT/C/GHA/CO/1, para. 21.
- <sup>58</sup> Ibid., para. 19.
- <sup>59</sup> UNICEF submission to the UPR on Ghana, p. 2.
- <sup>60</sup> Ibid., p. 5.
- <sup>61</sup> CAT/C/GHA/CO/1, para. 16.
- <sup>62</sup> UNICEF submission to the UPR on Ghana, p. 6.
- <sup>63</sup> UNESCO submission to the UPR on Ghana, p. 6.
- <sup>64</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Equal Remuneration Convention, 1951 (No. 100), 2011, Geneva, doc. No. (ILOLEX) 062011GHA100, first paragraph.
- <sup>65</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2011, Geneva, doc. No. (ILOLEX) 092011GHA087, third paragraph.
- <sup>66</sup> UNDP submission to the UPR on Ghana, p. 6.
- <sup>67</sup> WFP submission to the UPR on Ghana, p. 1.
- <sup>68</sup> UNICEF submission to the UPR on Ghana, p. 6.
- <sup>69</sup> WFP submission to the UPR on Ghana, p. 1.
- <sup>70</sup> Ibid., p. 6.
- <sup>71</sup> UNDP submission to the UPR on Ghana, p. 5.
- <sup>72</sup> Ibid., p. 5.
- <sup>73</sup> A/HRC/20/15/Add.1, para.59.
- <sup>74</sup> UNDP submission to the UPR on Ghana, p. 5.
- <sup>75</sup> A/HRC/20/15/Add.1, para.61.
- <sup>76</sup> UN Women submission to the UPR on Ghana, p. 3.
- <sup>77</sup> WFP submission to the UPR on Ghana, p. 7.
- <sup>78</sup> A/HRC/20/15/Add.1, para.62.
- <sup>79</sup> UN Women submission to the UPR on Ghana, p. 3.
- <sup>80</sup> UNAIDS submission to the UPR on Ghana, pp. 2-3.
- <sup>81</sup> UNICEF submission to the UPR on Ghana, p. 6.
- <sup>82</sup> UNDP submission to the UPR on Ghana, p. 4.
- <sup>83</sup> WFP submission to the UPR on Ghana, p. 7.
- <sup>84</sup> UNICEF submission to the UPR on Ghana, p. 3; UN Women submission to the UPR on Ghana, p.23.
- <sup>85</sup> UNHCR submission to the UPR on Ghana, p. 3.
- <sup>86</sup> CAT/C/GHA/CO/1, para. 20.
- <sup>87</sup> UNHCR submission to the UPR on Ghana, pp. 3-4.
- <sup>88</sup> Ibid., p. 5.
- <sup>89</sup> Ibid., p. 4.
- <sup>90</sup> CAT/C/GHA/CO/1, para. 20.