

GHANA

22ND SESSION OF THE HUMAN RIGHTS COUNCIL, 14 MARCH, 2013

STATEMENT AT THE CONSIDERATION OF THE REPORT OF THE WORKING
GROUP ON THE UNIVERSAL PERIODIC REVIEW OF GHANA

Mr. President, Excellencies, Members of the Human Rights Council, Observer States, and Representatives of civil society organizations,

It is a great honour for me to address this meeting on the occasion of the consideration and adoption of the outcome report of Ghana's UPR held on 23rd October 2012. I would like to express our appreciation to the states who participated in Ghana's review last year for their invaluable contributions and constructive comments. Our appreciation also goes to the Troika - Angola, Norway and Qatar, and to the Secretariat for their invaluable support extended to the Ghana delegation during the review process.

Madam President,

As stated by the then Deputy Attorney-General at Ghana's review last year, the Government of Ghana views the UPR mechanism as an important platform for examining the human rights situation in the country, assessing government's performance in promoting and protecting the rights of its citizens, and to share and exchange views on addressing its weaknesses. Ghana therefore welcomed the opportunity it had last year to engage in dialogue with the Working Group to discuss human rights issues in Ghana. The Government of Ghana recognizes that the promotion and protection of human rights is a continuous and unending process, and in that regard, is committed to ensure that the institutions charged with that responsibility are further strengthened to carry out their mandates effectively. The peaceful transition of power following the successful conduct of Presidential and Parliamentary elections on 7th December, 2012, and the fact that Ghana has undertaken six peaceful presidential and parliamentary elections and transfer of power since 1992 demonstrates the importance of strong national institutions in our evolving democracy.

Mr. President,

At Ghana's review last October, seventy-six (76) states actively participated in the interactive dialogue. Some of them made recommendations, while others commended Ghana on the progress it had made in implementing the recommendations it had accepted in the first cycle of the UPR in 2008. At last year's review, a total of 148 recommendations were made, to which the Ghana delegation provided detailed responses. Out of this number, 123 enjoyed Government's support and were accepted. These related mainly to the promotion of women and children's rights, ensuring the effective implementation of the Domestic Violence Act, further strengthening of the Domestic Violence Support Unit of the Ghana Police Service, further strengthening of judicial and anti-corruption measures, and combatting harmful traditional practices and combatting trafficking in persons. Others concerned improving detention and prison facilities, sanctioning of Police brutalities, strengthening the capacities of the Commission on Human Rights and Administrative Justice (CHRAJ), the ratification of a number of conventions to which Ghana is signatory such as the Optional Protocols to the Convention on the Rights of the Child, the ILO Convention 189 (2011) concerning domestic workers, and the Optional Protocol on the Convention Against Torture (OPCAT).

Mr. President, I would like to assure the Council that the Government of Ghana takes these recommendations seriously and would take the necessary measures to fulfill its international human rights obligations. Though delays in ratifying these instruments may be attributable to administrative and procedural challenges, there is the determination to ensure that these recommendations are implemented. Developments or progress made, in this regard would be reported on when Ghana is reviewed in the third cycle of the UPR process.

Mr. President,

Twenty-five (25) of the recommendations, however, did not enjoy our support. They related to two major issues, namely i) the abolishing of the death penalty and ii) decriminalisation of same sex relations between consenting adults. The Ghana delegation provided a detailed response to these issues during the review last October. I take this opportunity, to reiterate Government's position on these issues.

The issue of the death penalty is an entrenched provision in the Constitution which can only be changed through a referendum by the people of Ghana. The decision to establish a moratorium on the death penalty or to abolish it rests with the people. Government therefore cannot impose an immediate official moratorium or take any decision on the death penalty prior to the referendum. While Government is cognizant of initiatives at the international level and in various fora towards the abolishing of the death penalty, it will be bound and guided by the outcome of the referendum. The acceptance by Government of the recommendation of the Constitutional Review Commission regarding the death penalty demonstrates its commitment to let the opinion of the people be heard. It may be noted in this connection, there have been no executions in Ghana since 1993.

Mr. President,

With regard to the recommendations on decriminalisation of same sex relations between consenting adults, I wish to reiterate that Ghana does not have a policy of non-equal treatment of its citizens and any acts of violence perpetrated against any manner of persons in Ghana is investigated and appropriately dealt with. The Deputy Attorney General and Deputy Minister of Justice clearly articulated this during his presentation of the national report last year, as follows, quote *"The Constitution of Ghana entrenches the fundamental principles of non-discrimination and equality. It also guarantees the freedom of religion and the rights of persons to practice that religion. The Constitution also provides for the legislature to enact laws that further the social cohesion and economic development of the people of Ghana. Admittedly, laws passed by Parliament are a reflection of the sovereign wishes of the people they represent. Unless and until an issue, be it social, religious, economic or political is sufficiently advanced in the moral consciousness of the citizenry and an unequivocal demand is made on Parliament to address the issue through effective legislation, any attempt to bypass the true wishes of the people will be counter-productive"* unquote.

Mr. President,

Ghana attaches great importance to the work of the thematic Special Procedures of the Human Rights Council, and appreciates their role in promoting and protecting human rights

in States. For this reason, Ghana is one of the States that have extended standing invitations to the thematic mandate holders to visit Ghana within the context of their mandates. In 2011, government representatives and other stakeholders had fruitful interactions with the Special Rapporteur on the Right to Health when he visited Ghana from 23 to 30 May, 2011. Currently invitations to the Special Rapporteur on contemporary forms of slavery, the Special Rapporteur on Torture, and the Working Group on the issue of human rights and transnational corporations and other business enterprises to visit Ghana sometime this year are under consideration. Ghana looks forward to their visits and would ensure that the outcome of their mission will help to further strengthen human rights in Ghana.

Mr. President,

I would like at this juncture to express appreciation to all delegations who took the floor for their constructive comments, views and kind words. I would also like to thank all the civil society organizations for their participation. We take note of all their concerns, and wish to assure the Council that these will be conveyed to Government.

Finally, Mr. President, I wish to conclude by reaffirming the commitment of the Government of Ghana to uphold human rights in the country. To this end, the Government shall continue to consult with all stakeholders in the country to ensure that respect for the human rights in Ghana is further improved and advanced, and remains an inclusive process.

I thank you Mr. President.