



**RESPONSE BY THE GOVERNMENT OF
GHANA TO THE RECOMMENDATIONS
MADE DURING THE UNIVERSAL
PERIODIC REVIEW OF GHANA**

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**RESPONSE BY THE GOVERNMENT OF GHANA TO THE
RECOMMENDATIONS MADE BY DELEGATIONS DURING
THE UNIVERSAL PERIODIC REVIEW OF GHANA.**

Mr. President,

The Government of Ghana welcomes the report of the UPR Working Group on Ghana which was adopted on 7 May, 2008. The report, which is contained in document A/HRC/8/36 covers, among others, the interactive dialogue which took place during the review and the conclusions and recommendations made by delegations.

The Government of Ghana wishes to confirm its acceptance of the twenty-two (22) recommendations listed in paragraph 68 of the report.

In accordance with the undertaking made by the delegation at the Review, the Government has carefully examined the other recommendations listed in paragraph 69 of the report and wishes to respond as follows:

Recommendation

1. Abolition by law of use of corporal punishment in all settings

Response

All punishment in Ghana must be reasonable. Corporal punishment in its classical sense has been abolished in Ghana. 'Caning', which we believe those who made the above recommendation were referring to, can only be exercised by the Principal of the school and only in specific circumstances and under specific guidelines and breach of these guidelines is sanctioned by law. Unreasonable punishment in the home is also sanctioned by existing laws including the Domestic Violence Act, the Children's Act and the Criminal Code of Ghana.

Recommendation

2. Adoption of a legal moratorium on the use of the death penalty and ratification of the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aimed at the abolition of the death penalty.

Response

Mr. President,

With respect to the recommendation on the adoption of a legal moratorium on the use of the death penalty and ratification of the Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty, we wish to refer to our earlier response at the UPR Session last month, and reiterate the fact that, this is an entrenched provision in our Constitution which will require a referendum before it could be amended. In the interim the Government will continue to maintain the de facto moratorium on the use of death penalty.

Recommendation

3. Enactment of Freedom of Information Bill

Response

Regarding the enactment of the Freedom of Information Bill, we share the view of those who made this recommendation, for such Legislation is important if we want to consolidate our democracy. It is with this in mind that the Right to Information Bill is being prepared within the framework of ongoing consultations with relevant stakeholders.

Recommendation

4. Implementation of measures to abolish polygamy by Ghana in line with CEDAW

Response

Mr. President,

In connection with the recommendation concerning the implementation of measures to abolish polygamy by Ghana in line with CEDAW we wish to inform the Council that Ghana has three forms of marriages:

- i. The Ordinance Marriage;
- ii. Customary Law Marriage; and
- iii. Islamic Marriage.

With the exception of Marriage under the Ordinance, all other forms of marriage in existence in Ghana conform to our customs and traditions. With regard to faith-based marriages, we must point out that Chapter 5 of our Constitution guarantees freedom of religion. There is, therefore, a difficulty in abolishing the practice since this will be infringing on the right to practise one's faith.

Recommendation

5. Combating discrimination against minority groups, immigrants and children with disabilities

Response

Mr. President

We find the recommendation on Combating discrimination against minority groups, immigrants and children with disabilities a bit curious. We are, therefore, not able to accept this recommendation. This is because the situation that the Government is required to fight against does not even exist. The Constitution of the Republic of Ghana first and foremost guarantees the protection of the rights of all individuals and groups, resident within its territory and for that matter, all acts that tend to deny any such individual or group of people of their inalienable rights can be sanctioned. Ghana continues to host a large number of immigrants, including those who have fled their countries as a result of social unrest, economic depravity or otherwise who over the years have considered Ghana their home. Such people are guaranteed their rights as long as they abide by the rules and regulations that contribute to making the country a safe haven for both its citizens and foreigners.

Both the Disability Act and the Children's Act have been passed to protect the rights of children with disabilities.

Mr. President,

We wish to thank you and the Council for this opportunity to explain further our position in relation to these recommendations which were made at the last session of the Council.