

HIGHLIGHTS OF THE 2011 CHRAJ REPORT ON THE STATE OF HUMAN RIGHTS IN GHANA¹

DECEMBER 9 2011

Introduction

The 2011 State of Human Rights Report gives us a unique opportunity to ascertain the advancement of economic, social and cultural rights based upon a review of implementation of recommendations contained in reports published annually on December 10, when the Commission joins the international community to commemorate International Human Rights Day.

The year 2011 marks the 6th year in which the Commission has focused on monitoring economic, social and cultural rights since Ghana's National Human Rights Institution (NHRI) determined that advancement of economic, social and cultural rights lag behind civil and political rights. We reiterate that the foremost purpose of the State of Human Rights report published annually by the Commission is to promote dialogue on state responsibility in ensuring that the rights based approach to poverty eradication, economic growth and resource allocation is employed in planning and implementation of policies in order to protect vulnerable persons in Ghanaian society.

¹ This statement is an extract from the full Report which will be published subsequently

Although Ghana has made solid progress in building a democratic society, promoting human rights and the observance of civil liberties, the country still has a long road to travel in establishing a culture of peace and human rights.

During the period under review; ie 2005-2011, human rights reports issued by the Commission raised serious issues of concern including:

- Communal violence between Kusasi's and Mamprusi's
- Police brutalities and mob justice (Mob Killings)
- Police brutalities against residents of Nakpanduri
- Child sexual exploitation
- Child labour
- Discrimination against women and girls
- Cruel, inhuman and degrading treatment meted out to some physically and mentally ill people in prayer camps
- Cruel, inhuman and degrading treatment, and the plight of persons suspected of witchcraft in witch camps in the three northern regions
- Persons with disabilities and their mental and physical health
- Stigma and discrimination against PLWHA
- Status of persons living in very deprived communities-slums

The Commission's reports also covered extensively detention facilities, protection of the rights of people living in mining communities in the country and the burning issue of corruption and human rights and the right to development.

Ghana joined the middle income bracket countries with Gross Domestic Product (GDP) per capita of \$1318.00 in December 2010.² Oil production in Ghana begun in mid December, 2010 and is expected to greatly boost economic growth.

Ghana is touted as one of the best performing economies in Africa. Overall, poverty is said to have declined from 52 percent in 1992 to 28 percent in 2006 and Ghana is likely to succeed in halving its poverty by 2015.³

In the view of the Commission, despite progress made in achieving the first Millennium Development Goal (MDG) by the set deadline of 2015, poverty is still practically endemic in the country.

There is still a vast amount of work to be done in achieving the MDGs in view of the country's increasing youth population that have difficulty in finding productive employment, extremely poor sanitation situation and falling education standards amongst other challenges faced by the country today.

² <http://go.worldbank.org/A4V7NOYALO>

³ Ibid.

This review seeks to further evaluate Ghana's compliance with its international and regional human rights obligations. It is aimed towards deepening the foundation of country's democracy and entrenching a culture peace and human rights in the country.

This review concentrates on the following thematic areas:

- Right to Basic Education
- Right to Health
- Children's Rights
- Women's Rights
- Harmful Cultural Practices (e.g., Trokosi, widowhood rites, prayer/healing camps)
- Extremely Deprived Communities (Slums)

The 2011 Report is based on the Commission's own findings through its investigations and monitoring activities, research, decisions and recommendations made over the last six years. It is complemented by reports and information received from NGOs, academia, partner organizations, other monitoring bodies and the media.

Time and space will not allow us to mention by name the institutions and the individuals who supported us to conduct the annual monitoring exercises. But we do wish to emphasise how deeply grateful we are to the Ministry of Education, Ministry of Health, Accra Psychiatric Hospital, Department of Social Welfare, the Police Service, the Prisons Service, National Commission for Civic Education (NCCE) and the media for supporting us in monitoring human rights across the country.

We would also like to thank DANIDA in providing much needed funding support for the Commission's work aimed towards advancing human rights in the country.

THE RIGHT TO EDUCATION

Basic Education

The delivery and expansion of quality education remains a profound challenge, notwithstanding important initiatives such as the Ghana School Feeding Programme (GSFP) and the Capitation Grant by the Government. Lack of trained teachers in public schools contributes to the poor quality of education at the basic school level. Less than 60% of primary school teachers had proper professional training, but the districts had only 37 per cent of trained teachers.⁴

According to the results of the monitoring exercises over the five (5) years period, a large number of schools especially basic schools in rural communities lack adequate teaching and learning materials, notwithstanding the Free Compulsory Universal Basic Education policy of the government. The continuous existence of non-school going children who are supposed to enjoy free basic education is disturbing.⁵

⁴ Daily Graphic ,Tuesday,November 15,2011,Page 11

⁵ See the 2011 United Nations Children's Fund (UNICEF) report on "Situation Analysis of Ghanaian Children and Women" indicates, among other things, that nearly half a million children were not enrolled despite the implementation of the Free Compulsory Universal Basic Education.⁵

Of the 211 basic public schools inspected in 2010 to evaluate the disbursement of the Capitation Grant, the Commission found that the grant has been of some assistance to the schools. The grant has improved funding support to the schools and increased supply of teaching and learning materials to the schools. However, 60% of schools monitored continue to charge fees (PTA and printing levies) to support their operations, due to the inadequacy of the grant. Delays in the release of the grant are seriously undermining the efficacy of the capitation grant program.

The Commission commends the Government for increasing the capitation grant to Gh¢ 4.50 per child per term in 2009. However, in the view of the Commission the rate is still too low. We therefore recommend that the grant should be increased to Gh¢ 7.00 per child in 2012. Also, the Commission calls on the government to release the grant to the schools *before* the commencement of each school term. *The Capitation Grant should be administered in such a manner that would ensure that all Ghanaian children benefit from high quality basic education.*

The Commission notes that the combined effect of the school feeding programme and the capitation grant has increased school enrolment, retention and attendance by pupils in deprived communities.

The Commission urges the Government of Ghana to increase coverage of the school feeding programme from an estimate of one million children as of September, 2011 to two million school children by September, 2012.

Corporal Punishment

Although several countries, including New Zealand and Australia have recognised the harmful effects of corporal punishment and thus have abolished it, Ghana still maintains caning as the main form of corporal punishment in our public schools, where teachers freely wield canes. During the period under review, the Commission found out that the GES policy on corporal was not respected. In the late 1970s Ghana Education Service (GES) partially banned corporal punishment in schools but allowed head teachers or their deputies to administer it. It was evident that the majority of teachers was abusing it and sometimes injured pupils/students. The Commission has had occasion to recommend that corporal punishment be discontinued in schools. Until this is done, the Commission recommends that **the GES should put in place mechanisms to ensure strict supervision and compliance with its policy on corporal punishment in schools.**

RIGHT TO HEALTHCARE

The Commission's focus on monitoring in the area of healthcare has been on maternal and infant health, availability of health care facilities, service and personnel, availability of drugs, mental health, HIV/AIDS, the National Health Insurance Scheme (NHIS) and the Patient's Charter.

Despite significant efforts by Government towards the provision of health care, quality health care delivery continues to be a major challenge in the country. Reports of maternal and infant deaths threaten Ghana's quest to achieve the MDG goal on maternal and infant mortalities.

Our media often presented scenes and stories of overcrowding in health centers as a result of inadequate health personnel and health infrastructure. The National health insurance scheme has encountered bottlenecks including complaints of the inability of the Scheme to satisfy some beneficiaries. Most of the health facilities monitored lacked very essential medical equipment, communication equipment, transportation and accommodation.

Maternal Health

In spite of several interventions initiated by the government to achieve MDG five, set to reduce by three-quarters the maternal mortality ratio by 2015, progress seems to be very slow.

Maternal Mortality Ratio has improved marginally from 560 maternal deaths per 100,000 live births in 2003 to 451 maternal deaths per 100,000 live births to 2008.⁶ If the current trend continues, maternal mortality will reduce approximately to 340 per 100,000 by the set date of 2015. It will be unlikely for Ghana to meet the MDG target of 185 per 100,000 live births unless steps are taken to accelerate the pace of maternal health interventions⁷

Infant Mortality

According to the 2008 Ghana Millennium Development Goals Report, although evidence shows that there has been significant reduction in both infant and under-five mortality rates in recent times, it is unlikely that the 2015 target of reducing the child mortality rates will be achieved unless there is an effort to scale-up and sustain the recent child survival interventions which have brought about the current improvement. The Commission urges more concerted efforts aimed at achieving the Millennium Development Goals on infant health.

National Health Insurance Scheme

Our monitoring revealed that there are delays experienced by card bearing members in accessing medication compared to persons who pay with cash.

⁶ Retrieved from <http://www.theghanaijournal.com/2010/05/28/the-millennium-development-goals-can-ghana-achieve-them-by-2015/> on 22nd November, 2011, para 8

⁷ 2008 Ghana Millennium Development Goals Report , page 43

The Commission recommends that the Scheme should be managed in such a way as to ensure that the poor and vulnerable persons benefit fully from the Scheme.

HIV/AIDS

Ghana is working tirelessly to halt by 2015, and reverse the spread of HIV/AIDS. Practicing safe sex, especially among the most vulnerable, reducing mother-to-child transmission, promoting voluntary counseling and testing, and increasing use of Anti-retroviral Therapy (ART) for Persons Living with HIV/AIDS (PLWHAs) are some of the measures that we should all redouble our efforts at implementing. In addition we must continue to heighten awareness and sensitize the public to reduce further the spread of HIV/AIDS in the country, while we avoid stigmatizing and discrimination against PLWHA.

Interactions with PLWHA in the Upper East region revealed that the indigent amongst them are unable to pay the minimum fee of Gh¢ 5:00 before collecting their medication. Therefore, the Commission recommends that any payment(s) be waived so that PLHWA can collect their medications without being embarrassed by their inability to pay.

CHILDREN'S RIGHTS

The general situation of the majority of children in Ghana leaves much to be desired. Many Ghanaian children face extreme poverty. Many of the children in our public schools and rural communities are visibly stunted or malnourished.

Ghanaian children are increasingly suffering sexual abuse. The Commission also found that Ghanaian children are involved in child labour in the form of exploitative farming, fishing, trading and artisanal small scale mining. Such children are often exploited and subjected to all manner of abuse.

The Commission reiterates its calls on all stakeholders to strengthen their promotional and protection efforts to secure a life of respect and dignity for all children in the country. The Commission strongly advises parents, especially fathers, not to renege on their responsibilities to their families. The Commission further calls upon the law enforcement agencies to very rigorously prosecute perpetrators to serve as a deterrent to others.

WOMEN'S RIGHTS

A number of domestic legislations exist to protect the rights of women. Also, various conventions and treaties have been ratified that seek to promote these rights.

Specific programmes have also been designed to implement majority of these Conventions and Treaties, yet gender disparities and inequalities still persist in several areas of our national life in both public and private domains. Harmful and discriminatory social practices against women and girls often justified in the name of culture still persist.

There have been increasing reports of violence against women over the last six years. CHRAJ's monitoring exercises conducted over the years confirm persistent violence and discrimination against women and girls, notwithstanding the promotional efforts by stakeholders including the Ministry of Women and Children's Affairs and a plethora of Human Rights NGOs as well as the passage of laws to protect the rights of women and children.

Disparities exist in the political, economic, social and cultural lives of women in Ghana. It is based on such findings that the Commission recommends the elimination of all forms of violence against women, provision of adequate resources for states institutions working on women's issues to economically empower women to be independent. Weak capacity of appropriate enforcement and related agencies; limited coverage of the institutions dealing with women's rights are all contribution factors limiting women's participation in governance.

The Commission reiterates the call on the Government to promote the laws that protect and promote women's rights and vigorously enforce these laws. The Commission calls upon the Government to increase the pace of implementation of the policy of affirmative action for women to ensure more effective participation of women in governance.

RIGHTS OF THE AGED

The 2011 Ghana Demographic Profile 2011⁸ showed that the proportion of the elderly (65 years and over) forms 3.6 per cent of the population, a decrease from 5.3 per cent in the 2000 Ghana Population and Housing Census Report. Until the recent survey the proportion of the aged to the total population was increasing in Ghana. Unfortunately, the increase in numbers has also shed light on the lack of adequate protection mechanisms, and on the existing gaps in policies and programmes to address the situation of older persons. The Commission sees the majority of the country's senior citizens as vulnerable persons because the traditional social system no longer supports them; owing largely to economic constraints. It is important that Government prioritizes the rights of the elderly and implements measures aimed towards protection and promotion of the rights of elderly persons in the country.

⁸ Ghana Demographic Profile 2011 http://www.indexmundi.com/ghana/demographics_profile.html date accesses 29-11-2011

Ghana has participated in drawing and adopted the various international and regional conventions as well as initiatives on the aged, including the Madrid International Plan of Action on Ageing (MIPAA), which seeks to address three main areas of concern; ie older persons and development; health and well-being into old age and enabling and supportive environment for ageing.

In an effort to meet its international obligations, the government in 2010 approved a National Ageing Policy. The government has also put in place programmes to address the challenges faced by the aged in areas such as rural development, migration and urbanization; health and wellbeing into ageing; income security and social protection and eradication of poverty among others⁹. Specific interventions by the Government include introduction of the National Social Protection Strategy, 2006 and the Ghana National Disability Policy as well as coverage for the elderly under the National Health Insurance Scheme (NHIS). A micro finance credit scheme for older women has been introduced. In addition, the Department of Social Welfare and the Ministry of employment and Social welfare under the Community Care Programme developed strategies to render care and support to the Aged. Counseling, social and public education programmes are carried out by their field workers at the district and community levels.

⁹ Ghana Country Report on the implementation of The Madrid International Plan of Action on Ageing (MIPAA), August 2007, http://www.un.org/ageing/documents/review_map/GHANA.pdf date accesses 29-11-2011

Despite these interventions there are still many issues concerning the aged that require urgent attention and action. They are mainly discrimination against the aged, abuse, neglect, violence, chronic health conditions and lack of access to nutritionally safe food and clean water resulting in nutrition deficiencies; lack of public support and institutional care systems; lack of geriatric specialists in the health sector; high cost of assistive devices.

The Commission calls upon the Government to establish the National Ageing Council to facilitate effective institutional coordination and implementation of policies on the aged.

DEHUMANISING CULTURAL AND RELIGIOUS PRACTICES

The burning of an elderly woman in Tema, last year after she had been accused of witchcraft typifies the type of discrimination and vulnerability imposed on women under the guise of cultural beliefs and practices in Ghana.¹⁰ Increasing numbers of domestic violence cases are also reported annually by the Domestic Violence and Victims Support Unit (DOVVSU).

¹⁰ Daily Graphic, Friday November 26 , 2010, pages 1 and 3

Suspected witches who have taken refuge in the Gambaga, Kukuio, Kpatinga and the Ngaani camps in the Northern region are now compelled to resist reintegration into their communities because they are afraid they will be killed if they go back to their communities.¹¹ Truly they may all be killed if we hasten their reunion with their families.

Concerted efforts aimed at fighting against such dehumanizing cultural practices as female genital mutilation, trokosi, inhuman and harmful widowhood rites, early marriages and witchcraft accusations have been made through advocacy and sensitization by the Ministry of Women and Children's Affairs, Civil Society Organizations, Faith Based Organizations and the Commission. These advocacy and sensitization programmes are important because such cultural practices and domestic violence are prohibited. Despite efforts by the Commission and other stakeholders these dehumanizing practices have not stopped. Traditions die hard.

The Commission urges victims as well as witnesses not to remain silent anymore. They must report all cases of violence against women, defilement and rape to the police to be investigated and for possible prosecution.

¹¹ See The Ghanaian Times, Wednesday, November 30, 2011

RIGHT TO HOUSING

(Extremely Deprived Communities (Slums))

The Commission notes with concern that people living in slums that were monitored have large families and households that sometimes ranged up to fifty. Their housing arrangements are not in line with those adopted by the Committee on Economic Social and Cultural Rights (ESCR) spelt out in the General Comments. The Committee on ESCR held that the right to adequate housing contains not only one form of shelter or another, but provides a broad explanation of adequate shelter as privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities, all at reasonable cost.

Accommodation for slum dwellers monitored fall far short of these standards. The slums had wooden structures haphazardly built with no roads or drainage systems. Sanitary conditions are precarious and a threat to life in the slums that lack toilets. Children were seen idling about and playing games when other children were at school. The slums are congested and prone to fire outbreak. Most of the slum dwellers have no education and are unemployed. The healthcare situation of the slums was not satisfactory. These communities have no educational facilities for the children.

The Commission's monitoring exercise, this year, confirms that the Town and Country Planning and the Metropolitan/ Municipal Assemblies had done little to improve the lives and living conditions of the members of deprived communities during the long- term, period under review.

The Metropolitan/Municipal Assemblies, continue to collect toll tickets and taxes from the petty traders, hair dressers, tailors and seamstresses who operate their business in kiosks but the Assemblies had not done anything to improve sanitation and drainage in the these deprived communities. Instead more wooden structures are been added to the already haphazard communities without any measures being taken.

The Commission calls upon the Government to fully implement the policy on Town and Country Planning captured in the 2011 Budget Statement and Economic Policy that provides that:

The Town and Country Planning Department under the Ministry of Environment, Science and Technology will revise the existing land use plans to facilitate the provision of basic infrastructure such as roads, water, electricity, sewerage and waste management as part of measures to upgrade the existing slums in towns and cities and prevent the formation of new ones.

The department will also pursue the passage of the land use and planning bill and its accompanying regulations to provide a coherent and modernised legal framework that will enhance enforcement of planning and building regulations. A Planners Registration Council (PRC) will be established to regulate the professional conduct of Planners in the country.¹²

ROAD TRAFFIC ACCIDENTS

Reports by the media indicate that carnage on our roads has increased. A survey conducted by the National Road Safety Commission (NSRC) indicated that the total number of accident deaths increased from 1,437 in the first ten year period (1991-2010) to 1,986 between 2001 and 2010.¹³ This, the Commission considers as a threat to Ghanaian citizens' right to life.

Of particular concern is the increase in the number of children involved in road accidents and dying. A total of 838 children aged 0-15 years died through road accidents while 2,864 were injured between 2009 and 2010, according to available statistics at the National Road Safety Commission (NSRC). Child fatalities increased to 0.5 percent from 2009 to 2010 due to the unsolved problems with pedestrian safety.¹⁴

¹² The 2011 Budget Statement and Economic Policy , Page 98, Item 362

¹³ Ghanaian Times , Wednesday, November 9, 2011

¹⁴ Ghanaian Times, Thursday, November 3 , 2011, page 3

The UN Convention on the Rights of the Child states that children have the right to a safe environment and protection from injury. Yet many Ghanaian children continue to be killed or seriously injured on our roads.

The National Road Safety Commission (NSRC) attributes the increased number of accidents on our roads to inadequate road infrastructure, human error and high speeding by most commercial drivers. Many drivers are reckless. They ignore pedestrians even when pedestrians are using the approved routes like the zebra crossing.¹⁵

Drivers are to be blamed for most of the accidents because most of them are involved in drink-driving and other traffic offences¹⁶. Recently twenty-six persons died in a horrific accident on the Tamale-Bolgatanga highway on Saturday, 26th November, 2011.¹⁷ At this rate, Ghanaian drivers seem determined to undermine efforts by the UN to halt the increasing trends of fatalities and injuries by 2015, and reducing same by 50% by the year 2020 as declared by the UN in the Decade of Action 2011-2020. The Commission strongly advises drivers to behave responsibly and not to drink and drive.

¹⁵ Ghanaian Times, Thursday, November 3 , 2011, page 3

¹⁶ Ghanaian Times , Wednesday, November 9, 2011

¹⁷ The Daily Graphic, Monday , November 28, 2011

The Commission also calls on the government to ensure that appropriate steps are taken by the licensing authorities to ensure that only qualified drivers drive on our roads. Police patrols on our roads should also be intensified.

ACHIEVEMENTS

Complaints Received

Over the past six years the Commission received over 162,794 complaints; approximately 82% of the complaints received annually were resolved mostly through mediation. The total number of complaints received in 2010 was 12,900. Between January 1, 2011 and October 31, 2011 the Commission received 10,500 complaints. It is likely that when a final tally is made the Commission would have received approximately 12,000 complaints, reflecting the trend of the number of complaints received annually in the last six years.

The complaints received were in three categories in line with the Commission's triple mandates; namely Human Rights, Administrative Justice and Anti-Corruption. Human rights cases constituted 88.8% of the total number of cases handled. Of the remaining 11.2% cases, 9.9% were in the area of administrative justice, whilst 1.3% of the cases were corruption cases.

Public Education

During the period under review, the Commission delivered approximately 16,062 interactive public education programmes in schools and communities across the country.

The Commission, between January, 2006 and August, 2011 was supported by media, especially the plethora of FM radio stations in the country to produce an estimated 16,101 radio talk shows and TV appearances. The media, therefore, extensively covered the Commission's outreaches and public education programmes in communities and schools.

Anti-Corruption

The Commission received over 1,074 complaints over the six year period. These include abuse of office, embezzlement, fraud, conflict of interest, bribery and money extortion.

2012 Elections

Tension is already mounting in anticipation of the 2012 general elections. Already some politicians and their followers have begun trading insults with their rivals. In the view of the Commission successful democratic politics must be based on dialogue and persuasion, but not force and verbal abuses.

In the coming year the Commission will intensify its human rights monitoring programme to cover the right to vote. The Commission will complement the efforts of other election monitors to ensure that people are not afraid to enjoy their right to participate fully in the democratic political life of the country.

The Commission admonishes the leaders of the political parties and their followers to respect each other, and operate in a prudent and competitive manner.

CONCLUSIONS

Ghana still has a very long way to go in advancing human rights, combating lawlessness, and fostering a culture of and peace among the country's growing general population. We must not be complacent if we are seen today as a leading peaceful nation in Africa.

As a nation, we urgently need to redouble our efforts at eradicating poverty and entrenching a culture of human rights to ensure that everyone in the country enjoy life in dignity and respect. As part of our strategy to build a solid democratic country, I wish to, once more, emphasize the fundamental contribution of human rights education to the realization of human rights.

“Human rights education aims at developing an understanding of our common responsibility to make human rights a reality in every community and in society at large. In this sense, it contributes to the long- term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and the enhancement of people’s participation in decision-making processes within a democratic system, as stated in the Commission on Human Rights resolution 2004/71.”¹⁸

It is especially appropriate for the Commission to maintain its focus on economic, social and cultural rights, now that Ghana has attained a lower middle income status with its oil find. This focus would continue to gauge the advancement of economic, social and cultural and the extent to which the rights of vulnerable persons are protected alongside the political development of the country.

¹⁸ See UN General Assembly, Fifty-ninth session, Agenda item 105 (b), 2 March 2005