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SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1

Ghana*

The present report is a summary of nine stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. The Commission on Human Rights and Administrative Justice (CHRAJ) reported that in spite of the fact that Ghana has not yet ratified certain international treaties, it has signalled its commitment to do so. The CHRAJ noted that Ghana was the first country to be reviewed by the African Peer Review Mechanism.² It recommended that the Government ratify the Second Optional Protocol to the ICCPR and the Optional Protocol to the OPCAT, and that the Government take steps to ratify human rights instruments recommended by the African Union and significant global instruments on governance and human rights referred to by the African Peer Review Mechanism-Country Review Report and Program of Action of the Republic of Ghana published in June 2005.³

B. Constitutional and legislative framework

2. The Commonwealth Human Rights Initiative (CHRI) informed that chapter 5 of the Constitution of Ghana (1992) provides the basic premise for the protection of fundamental human rights and is to be upheld by all arms of Government and enforced by the Courts. It builds upon international human rights standards and sets out a broad range of rights including civil, political, social, economic and cultural rights. In addition, specific laws exist to provide substantive protection for individual rights for instance the Domestic Violence Act, Criminal Code Act, the Children Act, People with Disabilities Act and the Human Trafficking Act. In practice however, there is a general gap in operationalising these rights due to the absence of specific legislation setting out clear procedures to enforce them. A clear example is the 'Right to Information' (RTI), guaranteed under Article 21(1) (f) of the Constitution. The RTI Bill was drafted by the Attorney-General's department in 2002 but has still not been passed.⁴

3. The CHRAJ urged Parliament to make certain amendments to the Domestic Violence Act, the Disability Act, and the Whistle Blower Act. The CHRAJ also urged Parliament to expedite the passage of the Freedom of Information Bill and the People Representation Bill.⁵

4. FIAN Ghana and the Wassa Association of Communities affected by Mining (FIAN) noted that the Government has so far failed to issue directives regarding the constitutional responsibility of the Ghana Armed Forces and the Ghana Police Service to uphold the rights of citizens. It has also failed to issue directives regarding the permissibility of deployment of personnel of the Ghana Armed Forces in domestic law enforcement operations.⁶

C. Institutional and human rights infrastructure

5. The CHRAJ informed that it is an A-accredited national human rights institution of Ghana established in 1993 in accordance with *the Paris Principles*. The relative informality and flexibility of its procedures makes it more easily accessible to ordinary people throughout the country.⁷ The CHRAJ explained that it has the constitutional mandate for the promotion, protection and education of human rights and has a triple mandate being the national human rights institution, the ombudsman and an anti-corruption agency but suffers from under resourcing and unattractive conditions of service. The CHRAJ, over the years, has continued to maintain a close collaboration and networking relations with these and other human rights institutions, Government agencies in carrying out its public education programmes, investigations and mediations.⁸

6. CHRI informed that the primary responsibility for the enforcement of fundamental human rights lies upon the courts whose independence is guaranteed under Chapter 11 of the Constitution. In addition to the courts, independent institutions such as the CHRAJ exist to investigate complaints of injustice and unfair treatment of any person. Additionally, there are specialist institutions such as the Domestic Violence Victim and Support Unit (DOVVSU), which specifically handles domestic violence cases. More recently juvenile courts have been instituted, so far in Accra, to expedite the hearing of cases involving minors.⁹

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Implementation of international human rights obligations

1. Equality and non discrimination

7. Women in Law and Development in Africa (WiLDAF) informed that the Constitution of Ghana prohibits discrimination on the basis of gender.¹⁰ Discrimination against women manifests itself in different ways, according to CHRAJ, including low participation in governance and decision making; poor access to resources; harmful and discriminatory social practices against women often justified in the name of culture; and violence against women.¹¹

8. On the same issue, WiLDAF took note that an Affirmative Action Policy of 1998 provides for a 40% quota of women's representation on all Government and public boards, commissions, councils, committees and official bodies, including the Cabinet and the Council of State. According to WiLDAF, in 2005, a report submitted by NGOs at the Beijing +10 Review pointed out that despite progress made in some of the 12 critical areas such on the girl-child, there was still widespread violence against women. Moreover, the majority of poor people are women, and there are few women in decision-making positions. WiLDAF noted that in 2006, at the review of Ghana's 3rd, 4th and 5th Periodic Reports to CEDAW, the Government of Ghana acknowledged that it had not done enough to increase women's participation in politics.¹² This failure has been attributed to a lack of political will and a deficient commitment to gender equality among political parties. The excuse has been the lack of a pool of eminent women, according to WiLDAF. A databank has accordingly been established. However, as WiLDAF noted, it remains inchoate, owing to weak capacity and ineffective coordination of data collection, collation and analysis by the Women's Ministry.¹³ WiLDAF recommended that the Government implement the Affirmative Action Policy to increase the number of women in politics and decision-making positions.¹⁴

2. Right to life, liberty and security of the person

9. Amnesty International (AI) took note that although Ghana retains the death penalty for a number of offences in its national legislation, the country is de facto abolitionist; the last executions were carried out in 1993. Death sentences have continued to be issued by different jurisdictions; to AI's knowledge the last death sentence was handed down in August 2005.¹⁵ AI noted some positive developments regarding the Government's position on the death penalty. Several influential figures have voiced their opposition to the death penalty. Furthermore, 36 death row inmates had their sentences commuted as part of the 50th anniversary of Ghana's independence in March 2007, and the President commuted a further seven death sentences to life imprisonment on the occasion of the 47th anniversary of Ghana's republican status in June 2007. Despite these positive developments, no measures have been

taken towards abolishing the death penalty in law, and according to the Ghanaian Prisons Service, there are still 106 prisoners on death row, as of August 2007.¹⁶ AI called on the Government to adopt a moratorium on executions with a view to abolishing the death penalty in national legislation and called on the President to commute all death sentences.¹⁷

10. The CHRAJ stated that police brutalities seem to be on the increase. Cases of death of suspects while in police custody have been reported, according to CHRAJ. At the same time there is an increase in reported cases of mob justice. The failure of the courts to sit on cases in a timely fashion and the allegedly unjustified release of suspects while in police custody have been given as justification for mob justice.¹⁸

11. With respect to conditions of detention, the CHRAJ informed that Article 15 of the Constitution provides that the dignity of all persons shall be inviolable and that no person, whether he is arrested, restricted or detained, shall be subjected to torture or condition that detracts or is likely to detract from his dignity and worth as a human being. The CHRAJ reported that the facilities in Ghana's prisons and places of detention fall below the required standards. The rules governing treatment in the areas of accommodation, bedding, medical care, education etc. are being violated. Remand prisoners are treated as convicts and are incarcerated for unduly long periods and in some cases are forgotten of. There is overcrowding, lack of beds, with prisoners sleeping on the floors, according to the CHRAJ.¹⁹

12. Reports from mining communities who are victims of human rights violations indicate a high degree of complicity of multinational mining companies in human rights violations, as FIAN reported. In many cases it is private security personnel of mining companies that take the lead. Security contractors of mining companies assisted by armed police and soldiers often conduct "operations" ostensibly to arrest alleged illegal small scale mining operators (galamsey) in the concessions of large-scale mining companies. FIAN added that these "operations" tend to be violent and bloody invasions of communities resulting in gross human rights violations. Since November 2006, the military and police have been conducting a country-wide operation named 'Operation Flush Out', during which hundreds of galamsey were forcefully removed from the land they were working on. FIAN reported that an unknown number of galamsey has been shot, beaten and maimed by members of the private and state security forces. Companies regularly use the media to threaten galamsey and community members that they will bring in the military.²⁰

13. FIAN recommended that the Government guarantee effective remedies for victims of State and corporate violence in mining communities; ensure that perpetrators acting on behalf of the State or private companies are prosecuted; and put in place measures which will prevent further human rights violations in mining communities. More specifically, FIAN recommended that the Government enable the CHRAJ to play a decisive role in investigating alleged human rights violations in mining communities, in revising legislation and in human rights education; immediately halt the 'Operation Flush Out' of the military and the police against small-scale miners and to investigate alleged human rights violations committed by military and police; issue directives regarding the permissibility of deployment of personnel of the Ghana Armed Forces in domestic law enforcement operations; and ensure that local police is trained to act independently of the interests of multinational mining companies.²¹

14. AI reported that violence against women continues to be widespread in Ghana. After years of debate and discussions the Domestic Violence Act finally became law in 2007, allowing prosecution of marital rape. Despite this positive development, further legislative

reforms are needed to ensure equal rights between women and men. Furthermore, the Domestic Violence and Victims Support Units established in the police service remains under-resourced and thus suffer serious short-comings in ensuring protection and services to victims of violence.²² The Centre on Housing Rights and Evictions (COHRE) added that the Government should put structures and adequate resources in place to ensure proper implementation of the Domestic Violence Act.²³

15. The CHRAJ informed that the Constitution prohibits all customary practices that dehumanize or are injurious to the physical and mental well-being of a person. However, according to the CHRAJ, abhorrent cultural practices such as Female Genital Mutilation (FGM), *trokosi* (ritual servitude including sexual abuse and forced labour) and dehumanising and injurious widowhood rites persist in several communities in Ghana. With respect to the harmful discriminatory practices, monitoring by the CHRAJ this year continued to reveal that in spite of Ghanaian laws which forbid servitude and FGM, these practices persist.²⁴ Similar observations were made by AI and CHRI.²⁵ Furthermore, according to CHRAJ, there continues to be inhuman treatment of women suspected of being witches.²⁶ COHRE recommended that the Government conduct investigations into the allegations of women as witches in Northern Ghana and sensitize the community to put an end to banishing women from their communities. Also, women who have been kept in witch camps should be released and integrated again into their communities.²⁷

16. In spite of the passage in December 2005 of the Human Trafficking Law, which prohibits all forms of trafficking in persons, child trafficking is still rife in Ghana, as reported by CHRAJ. CHRAJ noted with concern that Ghana is a source, transit, and destination country for children trafficked for forced labour and sexual exploitation. Children are trafficked as domestic servants, labourers, for work in the fishing industry, and for sexual exploitation. According to CHRAJ, the International Organisation for Migration (IOM) estimates that the number of trafficked children in the country is in the thousands.²⁸

17. The issue of child labour in Ghana remains a serious problem serving as one prominent source of child exploitation and abuse, as stated by CHRAJ. CHRAJ recalled that the ILO Global Report, launched in May 2006, indicated that there are about two million children in Ghana who are engaged in child labour. It is a very common sight to see children of school-going age at all times of the day engaged in menial jobs. Sectors that are rife in child exploitation include fishing, agriculture, mining and quarrying. The increasing incidences of rape and defilement of children and the resulting low conviction rate for offenders are of utmost concern, according to CHRAJ.²⁹

18. The Global Initiative to End All Corporal Punishment of Children (GIEACP) informed that corporal punishment is lawful in the home. The Children's Act (1998) allows for a degree of "reasonable" and "justifiable" punishment of children, stating in article 13(2) that "no correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction." GIEACP further noted that corporal punishment is lawful in schools. Pursuant to the Education Act (1961), the Ghana Education Code of Discipline for second cycle school provides for caning up to six strokes by a head teacher or person authorised by the head. As at 2006, the Teachers Handbook issued by the Ministry of Education stated that corporal punishment should be used as a last resort, and provided various alternative disciplinary

measures.³⁰ GIEACP recommended that Ghana introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home.³¹

3. Administration of justice and the rule of law

19. CHRI reported that fair trial guarantees under Article 19 of the Constitution are often flouted by police officers during arrests and detention. According to CHRI, evidence from the Accra Stadium Disaster Report, National Reconciliation Report, the Dansoman and Kotobabi Shooting Report and CHRI's investigations into the Takoradi Polytechnic Student Unrest, Odadao incident in June, Anloga, Jayee students etc. reveal a consistent pattern of police brutality that the Ghana Police Service and the Inspector General of Police have failed to address. Mistreatment of persons in custody constitutes police misconduct under the Police Service Instructions and is subject to punishment - yet in most instances, police personnel found guilty of mistreating civilians have only been dismissed without further repercussion.³²

20. CHRI informed that the Constitution guarantees a right of access to justice; however, this is hindered by various practical challenges including geographical imbalance in court distribution, which favours areas with higher economic activities, rather than areas with high population density.³³ The CHRAJ added that inordinate delays in court proceedings due to frequent unexplained adjournments and the cost of court processes also hamper access to justice.³⁴ Corruption by police and court officers is also a problem, according to CHRI. Reported examples include court clerks taking money from litigants in the Judge's name, illegally granting adjournments and colluding with lawyers to falsify court documents, as well as judges over-charging clients for court fees.³⁵

21. Access to justice for victims of gender-based crimes is another challenge, as stated by CHRI. *Trokosi* is still practiced in the Volta region and yet not a single person has been convicted of this offence. Sexual offenders remain undeterred in spite of amendments made to the Criminal Code Act in 1998. In most cases, the victims are denied justice simply because they cannot afford to pay for a medical report.³⁶ Long delays in attending to cases are a significant problem, according to CHRI. It takes an average of two years for a sexual-crime case to be brought to trial, after the investigation stage. Perpetrators continue to be released pursuant to Article 14 (4) of the Constitution which provides that a person who is not tried within a reasonable time must be released without prejudice to the offence in question; in some cases, court delays present therefore a serious risk to the victims.³⁷ CHRI mentioned that bribery and corruption among police forces and the judiciary are also major impediments for the prosecution of gender crimes.³⁸ AI indicated that effective and prompt investigations must be carried out into all allegations of domestic violence and FGM, and those responsible must be brought to justice.³⁹

22. CHRI reported that the cost of initiating court proceedings is another challenge in ensuring access to justice. Many people cannot afford to pay for legal advice or representation. The hourly rate for a senior counsel is USD 300, and for a junior counsel USD 150. Article 294(1) of the Constitution contains provisions that grant the poor legal aid. The Ghana Legal Aid Board provides legal assistance to any person in need of it. A key problem with the legal aid service is the inadequate provision of pro bono lawyers.⁴⁰

23. Key priorities identified by CHRI are strengthening of judicial structures to ensure efficient delivery of justice; expansion of legal aid services to rural areas; rehabilitation of police cells; effective implementation of human rights standards by the police service; and

increased civic education on human rights standards.⁴¹ The CHRAJ advocated the separation of the position of Attorney-General and Minister of Justice and the appointment of an independent, non partisan public prosecutor.⁴²

24. AI reported that the National Reconciliation Commission (NRC) was established by the Government in 2002 to address and record human rights violations committed during Ghana's periods of unconstitutional rule since independence in 1957, and to recommend reparations and reforms. The NRC produced a report in July 2005 which concluded that the majority of human rights abuses were attributed to the unconstitutional governments, according to AI. The recommendations included reparation for and rehabilitation of victims, and paid particular attention to rape and other sexual violence against women. The report also recommended reconciliation and institutional reforms such as training on human rights for the police, judges and prison officials. In October 2006 the Government began paying reparations to some 2,000 Ghanaians who had suffered human rights abuses under former governments, but more still needs to be done to address and give full implementation to all the Commission's recommendations.⁴³ AI urged the Government to take action to ensure the full implementation of the recommendations by the NRC with regard to the serious human rights abuses carried out since 1957 by former Ghanaian Governments.⁴⁴

4. Right to privacy

25. The International Lesbian and Gay Association, ILGA-Europe, Pan Africa ILGA, the International Gay and Lesbian Human Rights Commission and ARC International (ILGA) reported that Ghana maintains criminal sanctions against consensual same-sex activity. Section 104 of the Criminal Code (1960), as amended to 2003, provides: "(1) Whoever has unnatural carnal knowledge (a) of any person of the age of sixteen years or over without his consent shall be guilty of a first degree felony and shall be liable on conviction to imprisonment for a term of not less than five years and not more than twenty-five years; or (b) of any person of sixteen years or over with his consent is guilty of a misdemeanour. (2) Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner..."⁴⁵

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

26. CHRI noted that today the freedom and independence of the media in Ghana is contained in Chapter 12 of the Constitution which, in addition, protects the media from harassment and censorship. The National Media Commission insulates the state-owned media from governmental control. Though State sponsored attacks on the media are non-existent, traces of media intolerance are still visible in attacks by supporters of political parties.⁴⁶

27. Civil society organisations operate alongside national human rights institutions in monitoring State performance in the protection of human rights, as reported by CHRI. Presently, human rights defenders in Ghana experience a relatively favourable environment that allows them to operate freely. There is a considerable understanding that NGOs' contribute towards national policy formulation, but this has been marginalised by limited Government commitment to act on civil society demands and policy recommendations.⁴⁷

28. According to CHRI, the Government-sponsored Draft Trust Bill of 2006 and its accompanying policy guidelines of 2007 have been a potential threat to civil society space. Though these are meant to regulate NGO activity within the framework of trusts, in principle

they aim to place NGOs under Government control and hence pose a risk to the much-needed independence of civil society. These Regulations provide wide powers to the Minister of Manpower Development and Employment in the approval of projects allowing for excessive Executive interference. The Draft Bill lumps NGOs with trusts and as a result fails to comprehend the diverse nature of NGOs that do not necessarily function as charities acting as sub-units of Government agencies.⁴⁸

6. Right to social security and to an adequate standard of living

29. With respect to the right to health, the CHRAJ informs that in spite of the introduction of the National Health Insurance Scheme (NHIS), the cost of health care is beyond the reach of many people. Some health institutions including government hospitals have been preventing patients, including nursing mothers and their babies, from leaving because of their inability to pay their bills, according to the CHRAJ. Funding for public health institutions has not been adequate. According to CHRAJ, the Psychiatric Hospital at Asylum Down in Accra reported several instances of neglect resulting in poor health care for the patients. Funding from the Government to the hospital has also not been adequate to provide for needed care to inmates.⁴⁹

30. Regarding the issue of abortion, Ipas Ghana (Ipas) noted that section 58 of the Criminal Code of 1960 was amended in 1985 to provide for abortion where the pregnancy is a result of rape, defilement of a “female idiot” or incest, where continuation of the pregnancy would involve risk to the life of the pregnant woman or injury to her physical or mental health, or where there is a substantial risk that when the child is born, it may suffer from or later develop a serious physical abnormality or disease.⁵⁰ Unsafe abortion is the highest single contributor to maternal mortality in Ghana, as reported by Ipas. Despite the liberalization of the abortion law in Ghana in 1985, many abortions continue to be induced illegally under unhygienic conditions by providers who are either untrained or inadequately trained to do them. Ghana has a national maternal mortality ratio of 540 maternal deaths per 100,000 live births; abortion-related deaths represent 22 to 30 percent of maternal deaths.⁵¹

31. Ipas took note that Ghana has made major strides in making safe abortion available, though abortion care is not yet available to all women in Ghana. A significant step was taken in 2003 when the Ghana Health Service (GHS) developed a strategic plan for the provision of comprehensive abortion care services, with a goal of reducing maternal mortality and morbidity due to unsafe abortion.⁵² According to Ipas, safe abortion remains inaccessible due to stigma and to lack of knowledge of the law and of the problem of unsafe abortion among law enforcement and health care personnel. Cultural, religious and traditional stigma against abortion is prevalent in Ghana. As Ipas noted, to further reduce ignorance of the law and stigma, the Government needs to undertake advocacy activities targeted at law enforcement and health care personnel. The Government should also take steps to make safe abortion financially accessible to women.⁵³ The Population Policy of 1994, the Adolescent Reproductive Health Policy of 2000 and the national Safe Motherhood Programme should all be amended to include information on the management of unsafe abortion and on comprehensive abortion care as a means of reducing maternal mortality.⁵⁴

32. CHRI informed that although there are existing laws protecting economic, social and cultural freedom, these rights continue to be perceived as second-category rights and, in practice, less prioritised. A clear example is the right to adequate housing guaranteed under Article 11 (1) of the ICESCR. In Ghana, forced evictions by local Government authorities

have resulted in the displacement of hundreds of Ghanaian citizens without provision for alternative measures and compensation-in clear contradiction of this right, as noted by CHRI. This is further worsened by the absence of a national evictions policy needed to guide such practices.⁵⁵

33. On the same issue, CHRAJ mentioned that even though Ghana has signed and ratified the ICESCR, and the Government committed itself in the Habitat Agenda, a series of forced evictions involving approximately 7000 people was recorded in 2006, according to the CHRAJ.⁵⁶ AI reported that hundreds of residents from the Dudzorme Island, within the Digya National Park in the Tapa-Abotoase area of Lake Volta, were forcibly evicted in late March and early April 2006. These forced evictions deprived residents, including women and children, of their homes and, in most cases, of their means of earning a living. AI was also deeply concerned about the death of some of the evictees, when a ferry forcibly removing them from the island capsized on 8 April 2006.⁵⁷ AI reported that the forced evictions appear to have been carried out without adequate prior consultation, adequate notice and compensation or alternative accommodation. Evictees reported that they were forced out of their houses and onto the boat, and in the process some of them were beaten with sticks.⁵⁸ The CHRAJ noted that the Government, while recognizing its responsibility in the said disaster is yet to fully compensate victims and /or provide alternative shelter.⁵⁹ AI called on the authorities to immediately cease forced evictions in all areas of Ghana and to ensure, as a matter of urgency, that all evictees are provided with basic shelter and housing as well as access to food, safe drinking water and sanitation, and medical services. Additionally, the Government must establish an independent commission of inquiry into allegations of human rights abuses in the context of the forced evictions from the Dudzorme Island in 2006.⁶⁰

34. Regarding the displacement of farmers, FIAN reported that surface mining is today the major form of extraction of mineral resources in the country. Large areas of the land have been given out for exploration or eventually exploitation. In the Wassa West District, for example, forty percent of the total surface is covered by mining concessions. The resulting scarcity of land and agricultural opportunities leads to serious problems of landlessness and unemployment in mining areas. Surface mining usually requires the displacement of farmers from their land. Depending on the size of the mine, several thousand farmers might be affected.⁶¹

35. FIAN informed experience over the last decades has shown that compensation provided to farmers for their plantations has been grossly inadequate. In some cases, farms have been destroyed without the consent of the farmer. As a result, affected farmers become impoverished and are unable to send their children to school, pay medical bills and to invest in a new farm. In addition, mining activities often involve the destruction of forests which provide families with food or fire wood. This poses a severe threat to their right to food, health and education. In 2006, a revised Minerals and Mining Act entered into force, including stronger provisions on compensation. Section 74 of the Minerals and Mining Act of 2006 provides for compensation principles which should form the basis of compensation payment that takes into account the loss of earnings for the farmer, the life expectancy of the crop, destruction of the surface of the land etc. However, as FIAN noted, what is lacking so far is a regulation passed by Parliament which would give clarity to the precise nature of the compensation principles as provided for in Section 74. A Technical Committee has drafted the regulation, which is yet to be subjected to stakeholder discussions before being presented to Parliament.⁶² FIAN urged the Government to ensure that farmers receive adequate compensation and access to alternative farm land according to Section 74 of the Minerals and

Mining Act; the Government should ensure that Parliament develops the supporting Regulation on Compensation Principles provided in the Act as a matter of urgency.⁶³

36. FIAN reported that in Ghana, an estimated 300,000 men, women and children are engaged in artisanal activities in gold, diamond, sand and salt mining. Artisanal mining (galamsey) is a poverty-driven activity which is taken up in the absence of other employment opportunities. Galamsey use mercury to extract the gold from the ore, thereby posing a major threat to their health and to the environment. Many galamsey experience difficulties in legalising their activities, which exposes them to the threat of being harrassed by police and military, according to FIAN. It is important to decriminalise Galamsey and then target the operators for education and research to reduce the environmental degradation and problems associated with the use of mercury.⁶⁴

37. According to FIAN, communities living in the vicinity of mining projects face major problems in accessing safe drinking water. The diversion of rivers, the building of dams and the lower level of ground water as a result of large-scale mining activities threatens the physical access to water. Contamination of rivers and groundwater with heavy metals is a major health threat. Several communities have been exposed to cyanide spills. The Environmental Protection Agency (EPA) is grossly understaffed to afford adequate protection to the communities.⁶⁵ FIAN recommended that the Government strengthen the mandate and the capacity of the EPA so that it can effectively prevent the contamination and destruction of water sources.⁶⁶

38. With respect to the right to housing, FIAN noted that the Rent Act 1963, the law regulating affairs between landlords and tenants, is currently ineffective. Although the Act is currently under review, the review lacks adequate involvement of the poor and the marginalized. FIAN mentioned that a National Housing Policy has been initiated by Government ministries, the private sector and non-governmental organizations to address failures in past housing policies.⁶⁷ COHRE informed that the lack of explicit provision in the Constitution to protect the right to housing, coupled with failures in the laws and policies governing housing in Ghana has had a tremendous negative effect on Ghanaians; typical key issues include the high costs of rent despite low incomes; shortage in housing stock; lack of enforcement of the Rent Act and other acts and omissions detrimental to poor renters; urbanization and the growth of informal settlements; forced evictions; and discrimination against women with regard to the right to adequate housing.⁶⁸ According to COHRE, the Government should ensure that an eviction policy is designed and implemented to protect slum dwellers on their right to housing and to provide guidelines for local authorities to follow where evictions may be unavoidable.⁶⁹ COHRE further recommended that the Government afford communities in slums and informal settlements with affordable and adequate housing. Also, it should provide infrastructure including but not necessarily limited to roads, health facilities, proper sewerage pipes, piped water and public toilets.⁷⁰

39. While women in Ghana represent a large part of the workforce, they are still unable to secure land and housing due to economic and gender-based inequalities, as reported by COHRE. Women make up roughly 85 percent of the wholesale and retail trading industries and about two-thirds of manufacturing in the informal sector but do not make sufficient income to pay increasing rent costs and advanced rent payments required by landlords. Without affordable options, women are often forced into inadequate living situations, often in slums and without access to water and proper sanitation facilities.⁷¹ COHRE urged the

Government to utilize a gender perspective and rights-based approach in every possible stage of the implementation of the Rent Act and other policies.⁷²

7. Right to education

40. The CHRAJ reported that the constitutional guarantee for basic education in Ghana has not yet been realized in its totality. The Government's introduction of the Capitation Grant scheme in the 2005/2006 academic year does not cover all the costs of education at the basic level. There are many children of school going age who do not attend school either as a result of unavailability of schools within easy reach, or as a result of parents' inability to bear the extra cost. It is estimated that about 1.357 million children in Ghana were not in school as at December 2006. Meanwhile allegations are rife about the mismanagement, corruption and conflict of interest within the entity managing the school feeding program.⁷³ The CHRAJ recommended that the Government urgently extend the school feeding program to cover every Ghanaian child and conduct an inquiry into the alleged mismanagement plaguing the program.⁷⁴

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

41. AI welcomed steps taken by the Government, including the passing of the Domestic Violence Act and the financial reparations being paid for human rights abuses under former Governments. However, key challenges remain that the Government must address to uphold its human rights obligations and commitments, including as a member of the Human Rights Council.⁷⁵

42. According to the CHRAJ, there is no doubt that there has been a distinct improvement in the promotion and protection of human rights in Ghana and that there has been a positive increase in space for discourse regarding human rights and much greater tolerance for especially freedom of expression. However, the CHRAJ and other partners have called on the Government to translate their declared good intentions and commitment to human rights and the rule of law to action, as reported by the CHRAJ. For example, the CHRAJ and CSOs have time and again called on the Government to seriously address the major challenges that stand against the fight against corruption and the promotion of integrity within the public sector.⁷⁶

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with “A” status.)

Civil Society

AI	Amnesty International, London, United Kingdom, UPR submission, February 2008*
CHRI	Commonwealth Human Rights Initiative, New Delhi, India / Accra, Ghana, UPR submission, February 2008*
COHRE	Centre on Housing Rights and Evictions, Geneva, Switzerland, UPR submission, February 2008*
FIAN	Food First Information & Action Network International*, FIAN Ghana, Wassa Association of Communities affected by Mining, Heidelberg, Germany, joint UPR submission, February 2008
GIEACP	Global Initiative to End All of Corporal Punishment of Children, London, United Kingdom, UPR submission, February 2008
ILGA	International Lesbian and Gay Association, ILGA-Europe*, Pan Africa ILGA, International Gay and Lesbian Human Rights Commission, ARC International, Brussels, Belgium, joint UPR submission, February 2008
Ipas	Ipas Ghana, Accra, Ghana, UPR submission, February 2008*
WiLDAF	Women in Law and Development in Africa, Accra, Ghana, UPR submission, February 2008*

National Human Rights Institution

CHRAJ	Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008**
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² Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008, p.4.

³ Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008, p.5.

⁴ Commonwealth Human Rights Initiative, New Delhi, India / Accra, Ghana, UPR submission, February 2008, p.1. See also Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008, p.3.

⁵ Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008, p.5.

⁶ Food First Information & Action Network International, FIAN Ghana, Wassa Association of Communities affected by Mining, Heidelberg, Germany, joint UPR submission, February 2008, p.3.

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⁸ Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008, p.4.

⁹ Commonwealth Human Rights Initiative, New Delhi, India / Accra, Ghana, UPR submission, February 2008, p.2.

¹⁰ Women in Law and Development in Africa, Accra, Ghana, UPR submission, February 2008, p.3.

¹¹ Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008, p.2.

¹² Women in Law and Development in Africa, Accra, Ghana, UPR submission, February 2008, p.3.

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- ²² Amnesty International, London, United Kingdom, UPR submission, February 2008, p.2-3.
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- ²⁴ Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008, p.2.
- ²⁵ Amnesty International, London, United Kingdom, UPR submission, February 2008, p.3-4; Commonwealth Human Rights Initiative, New Delhi, India / Accra, Ghana, UPR submission, February 2008, p.1-2.
- ²⁶ Commission on Human Rights and Administrative Justice, Accra, Ghana, UPR submission, February 2008, p.2.
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- ³² Commonwealth Human Rights Initiative, New Delhi, India / Accra, Ghana, UPR submission, February 2008, p.3.
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- ⁴⁵ International Lesbian and Gay Association, Brussels, Belgium, joint UPR submission, February 2008, p.1.
- ⁴⁶ Commonwealth Human Rights Initiative, New Delhi, India / Accra, Ghana, UPR submission, February 2008, p.2-3.
- ⁴⁷ Commonwealth Human Rights Initiative, New Delhi, India / Accra, Ghana, UPR submission, February 2008, p.2.
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⁶⁹ Centre on Housing Rights and Evictions, Geneva, Switzerland, UPR submission, February 2008, p.19. See also Commonwealth Human Rights Initiative, New Delhi, India / Accra, Ghana, UPR submission, February 2008, p.5.

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