



**GHANA'S CIVIL SOCIETY ORGANIZATION (CSOs) SHADOW REPORT SUBMITTED
UNDER THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW 4TH CYCLE.**

**REPORT SUBMISSION UNDER THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW CIVIL
SOCIETY ORGANIZATION (CSOs) PLATFORM – GHANA.**

CONVENED BY THE POS FOUNDATION

CONTACT PERSON:
JONATHAN OSEI OWUSU
EXECUTIVE DIRECTOR, POS FOUNDATION
TEL: +233(0) 244175879
EMAIL: posjonathan@gmail.com

COMPILATION OF REPORTS SUBMITTED TO THE UN UPR UNDER THE VARIOUS THEMATIC AREAS.

REPORTS SUBMITTED UNDER THEMATIC AREA	NUMBER OF REPORTS SUBMITTED	ORGANIZATIONS SUBMITTING UNDER THE VARIOUS THEMATIC AREAS
1. RIGHT TO LIFE AND ACCESS TO JUSTICE	1	POS Foundation, CDD-GHANA, Human Right Advocacy Centre, Amnesty International, Legal Resource Centre, Reformation of Hope Foundation, Centre for Security Policy and Research (CSPR)
2. RIGHT TO INFORMATION, FREEDOM OF EXPRESSION/MEDIA FREEDOM	1	POS Foundation, Human Right Advocacy Centre, Media Foundation for West Africa, CDD-GHANA, Amnesty International, Reformation of Hope Foundation.
3. ANTI-CORRUPTION AND GOOD GOVERNANCE	1	Ghana Anti-Corruption Coalition, CDD-GHANA, Ghana Integrity Initiative, POS Foundation, Institute for Democratic Governance, Penplusbytes, Centre for Muslim Youth in Peace and Development, Centre for Security Policy and Research (CSPR), Good Governance Africa-West Africa.
4. BUSINESS AND HUMAN RIGHTS	1	Kasa Initiative, A Rocha Ghana.
5. GHANA'S OBLIGATIONS UNDER INTERNATIONAL LAW	1	POS Foundation, Reformation for Hope Foundation, Centre for Security Policy and Research (CSPR)
6. RIGHT TO LABOUR (WORK)	1	POS Foundation, Reformation of Hope Foundation.
7. WOMEN'S RIGHTS	1	Women's Initiative for Self-Empowerment (WISE), Defence for

		Children International – Ghana Section, Women in Law and Development in Africa (WILDAF), Sung Foundation, Amnesty International- Ghana, Legal Resource Centre, Human Rights Advocacy Centre, Gender Centre for Empowering Development (GENCED), Centre for Women in Development and Public Policy, The Ark Foundation, Youth Entrepreneurship and Social Advocacy Centre (YESAC), Women in the Lord's Vineyard, Centre for Muslim Youth in Peace and Development, POS Foundation, Girls Empowerment Initiative Ghana, Ghana NGO Coalition on the Rights of the Child (GNCRC), Resource Link Foundation, Kasa Initiative Ghana.
8. RIGHTS OF THE CHILD	1	Ghana NGOs Coalition on the Rights of the Child, Resource Link Foundation, Youth Development and Voice Initiative, Youth Entrepreneurship and Social Advancement Centre, International Child Development Programs, Progressive Excellence Youth Organizations.
9. SOGIESC	3	Solace Initiative,
i. Lesbian, Bisexual and Queer Women	1	Rightify Ghana, LGBT+ Rights Ghana,
	1	CEPHERG, One Love

<ul style="list-style-type: none"> ii. Intersex and Transgender Persons iii. LGBT 	<p style="text-align: center;">1</p>	<p>Sisters Ghana, Courageous Sisters Ghana, Hope Alliance Foundation, OHF Initiative, PORSH, SAME, Glorious Interfaith Initiative, Interfaith Diversity Network of West Africa, Alliance for Dynamics Initiative, Key Watch Ghana, Sisters of the Heart, Resilience Sisters Ghana, Youth Alliance for Equality Foundation, Queer Ghana Education Fund.</p>
<p>10. DISABILITY RIGHTS</p> <ul style="list-style-type: none"> i. Employment for Persons living with Disability ii. Disability Person’s Report 	<p style="text-align: center;">2</p>	<p>Ghana Federation for Disability Organizations, Centre for Employment for Persons with Disability, POS Foundation.</p>
<p>11. RIGHT TO HEALTH</p>	<p style="text-align: center;">1</p>	<p>Concern Health Education Project, PPAG, Youth Harvest Foundation Ghana, Gold Association, Devine Group International.</p>

UN UPR WORKSHOP (DAY 1&2) MEDIA PUBLICATIONS

<https://dailyguidenetwork.com/un-praises-ghanas-human-rights-efforts/>

<https://www.ghanaiantimes.com.gh/ghana-urged-to-submit-reports-to-african-commission-on-human-rights/>

<https://www.gna.org.gh/1.21515134>

<https://thechronicle.com.gh/ghana-fails-to-submit-human-rights-reports-to-africa-commission-on-human-rights/>

[Ghana urged to submit reports to African Commission on Human Rights \(ghanaweb.com\)](#)

[Ghana urged to submit reports to African Commission on Human Rights – Business Ghana](#)

<https://youtu.be/OKkCvRdiyD8>

UPR VALIDATION WORKSHOP MEDIA PUBLICATIONS LINKS

<https://www.gna.org.gh/1.21523361>

<https://starrfm.com.gh/2022/07/implement-promulgated-laws-to-protect-human-rights-netherlands-amb/>

<https://thechronicle.com.gh/bombshell-no-more-aid-to-partners-the-netherlands-ambassador-drops-hint-at-a-workshop-in-accra/>

<https://youtu.be/r2CtSHujtGc>

<https://www.ghanabusinessnews.com/2022/07/14/ghana-urged-to-implement-promulgated-laws-to-protect-human-rights/>

[Intensify Efforts Towards Ending Gender-based Violence – UNICEF \(msn.com\)](#)

Note: The reports were drafted under 11 thematic areas respectively however a total of 14 reports were submitted under the joint submission.

REPORTS UNDER THE VARIOUS THEMATIC AREAS

1. RIGHT TO LIFE AND ACCESS TO JUSTICE

UNITED NATIONS UNIVERSAL PERIODIC REVIEW OF GHANA

Joint Report on Right to Life and Access to Justice

ORGANISATIONS:

POS FOUNDATION
AMNESTY INTERNATIONAL
HUMAN RIGHT ADVOCACY CENTER
LEGAL RESOURCE CENTER
REFORMATION OF HOPE FOUNDATION
CENTRE FOR SECURITY POLICY AND RESEARCH (CSPR)
CDD GHANA

WEBSITES

posfoundation.org
amnestyghana.org
hracghana.org
lrcghana.org

centre-spr.org
cddghana.org





Center for
Security Policy
and Research
(CSPR)

Introduction

This report considers Right to Life and Access to Justice (excessive use of force by the police, prison overcrowding, inadequate legal aid, mob injustice, abuse of persons with mental health disorders and death penalty). This report was drafted in consultation with the UN UPR CSO Platform, convened by the POS Foundation.

Ghana has ratified the International Covenant on Civil and Political Rights (ICCPR), Second Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture (CAT), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Ghana's domestic legal foundation is provided by the 1992 Constitution. Chapter 5 of the Constitution promotes and ensures the protection of the human rights of the citizenry. Subsequent Acts and legislation derived from the Constitution have been enacted by Parliament of Ghana under the 4th Republic, which include, but are not limited to, the Children's Act and the Juvenile Justice Act, the Court Act, recently passed Narcotic Control Commission Act 2020 and the Plea bargain.

Clusters

i. Excessive Use of Force by the Police

Ghana had some recommendations pertaining to excessive use of force by the police during the UPR 3rd cycle; 146.38 which was to establish an independent mechanism to carry out investigations of alleged misconduct by police officers.' Article 13 of Ghana's Constitution, which guarantees the right to life also provides for much wider grounds for the use of lethal force than is permissible under international standards. While the use of force and firearms may sometimes be permissible when making an arrest or preventing a person from escaping, the provisions of Article 13 of Ghana's Constitution are impermissibly broad and do not require the existence of an imminent or grave threat of death or serious injury and have a more lenient standard of necessity than that which

is required by international standards. The Police in Ghana have used excessive force in their attempt to control and manage demonstrations and protest which have often resulted to different abuse including grave assault and unwarranted arrest of civilians in their bid to demonstrate their democratic rights.

The arbitrary arrest and detention with violence against LGBTQ+ persons in Ghana by the police. People perceive to be committers of crime are constantly arrested, mishandled and detained for no reason¹.

Recommendation

The State Party should;

*Establish an independent Complaint/investigative Commission as to the current work of the Police Professional Standard Bureau.

* Promote community policing and invest in crisis intervention teams

* Increase the number of mental health professionals in law enforcement agencies and involve psychologists in multidisciplinary teams to implement police reforms

* The police should be trained to understand LGBTQ issues to deal with assault and not assault them while include SOGIESC issues in to their training manual.

ii. **Mob Injustice (Instant Injustice)**

Article 19 of the 1992 Constitution provides “a person charged with a criminal offence shall be presumed innocent until he is proved or has pleaded guilty.” Mob injustice denies this constitutional guarantee. This form of justice is based on perceptions and accusations rather than investigation and gathered evidence. It is also delivered at the hands of community members rather than the government systems and institutions put in place to safeguard alleged offenders’ rights. The police have noted a resurgence.

Recommendation 147.19 urge the state to rectify the Kampala amendment to the Roma statute on the crime of aggression. This stigmatisation and violence are evidenced in mob injustice. However, legislative protection from mob injustice should be expanded to include those suspected of witchcraft and general individuals suspected of committing an offence.

¹ <https://police.gov.gh/en/index.php/police-professional-standard-bureau/>

A current issue is the focus of police and security officials on detaining the victim of mob injustice rather than protecting their rights from mob participants. The participants rarely face any recourse for their actions².

Recommendation

The State Party should:

I. Require continuous training for security officers and police on human rights and constitutional guarantee and proactively enforce legislation that protects alleged offenders and discourage participation in mob injustice.

II. The NCCE should intensify the sensitisation of the public on the need to refrain from mob injustice;

iii. Prison Conditions and Congestion

Recommendation 146.86 by the United State, indicated that the state should enact criminal justice sector reforms to protect the rights of the accused, in particular the right to trial within a reasonable time and to legal assistance.

Prison conditions are generally harsh and sometimes life-threatening due to overcrowding, inadequate sanitary conditions, lack of medical care, physical abuse, and food shortages.

According to the Director-General of the Prisons Services, as of 24 June 2022, the total prison population was 13,200, despite an authorized capacity of 9,945. Food given to prison inmates is inadequate due to the insufficient feeding grant of GHC1.80 (US\$0.30) a day per inmate.

Opportunities to decongest prisons lie in justice sector reform. The laws should be amended to include alternative and non-custodial measures for sentencing. These include Alternative Dispute Resolution (ADR), community service sentencing for minor offences, and the possibility of parole. The state has recently passed the Criminal and Other Offences (Procedure) (Amendment) Bill, 2021 to provide for plea bargaining in the administration of criminal justice.

² 1.1992 Constitution of Ghana, art 19(2)(c)

2/ News Release-Instant Justice 16 February 2017 Retrieved from Ghana Police Service-Facebook page:

<https://www.facebook.com/GhPoliceService/photos/a.525666520962055/574756326053074/?type=3> (01 July 2022).

<https://www.graphic.com.gh/news/general-news/instant-justice-cases-increase-in-bono-region.html>

https://m.facebook.com/login.php?next=https%3A%2F%2Fm.facebook.com%2FGhPoliceService%2Fphotos%2Fa.525666520962055%2F574756326053074%2F%3Ftype%3D3&refsrc=deprecated&_rdr

Ali, B. M. 'Instant justice cases increase in Bono Region' 22 May 2022

<https://www.graphic.com.gh/news/general-news/instant-justice-cases-increase-in-bono-region.html> (accessed 01 July 2022)

<https://citinewsroom.com/2018/02/15-of-ghanaians-support-mob-justice-afrobarometer-survey/>

Another problem faced is the non-adhering to judicial guarantees. Mechanisms and systems need to be employed to increase access to legal counsel, which can quicken processes, increase the number of detainees seeking bail, and decrease the overall number of those held in custody. It is also important that the 48-hour holding maximum is respected. If the time limit is to be exceeded, the police need to seek a court order. Non-adherence to the time limit increases the number of detainees. The state and civil society partnership on the Justice for All program for Remand / pretrial Prisoners as measures to decongest prisons overcrowding have seen significant achievement by reducing the pre-trial population from 33% in 2007 to 9.7% as at January 2022.

Recommendation

The State Party should:

- I. Reform the criminal justice sector to expand the use of ADR; pass the Community Service Sentencing Bill; and consider the passage of draft regulation/CI for parole;
- II. Decriminalize and declassify petty and other offences.
- III. Full implementation of the Criminal and Other Offences Act

iv. Inadequacy of Legal Aid

Recommendation 146.86 urged Ghana to enact criminal justice sector reforms to protect the rights of the accused to include access to legal assistance. The Legal Aid Commission (LAC) was established in fulfilment of Article 294 of the 1992 Constitution, which grants all persons the right to legal aid for the enforcement of their rights or any provision under the 1992 Constitution. Following the passage of the Legal Aid Commission Act, 2018, the LAC, which used to be known as the Legal Aid Board, became an independent commission with a three-prong mandate to be a public defender (provide free legal services for those in need of it).

Access to legal counsel can also aid in reducing the violations of judicial guarantees³. Legal aid board have their mandate extended to Legal Aid Commission nevertheless they are heavily under resource and have less than 34 lawyers nationwide serving over 30 million Ghanaians. The LAC lacks resources and adequate employees. Due to low pay and difficult access to Legal Aid offices, there is often a shortage of experienced lawyers working for the scheme. The program, which already lacks the mechanisms and resources to assure adequate legal counsel for the impoverished, has been overwhelmed by the sheer number of suspects and accused people who need legal aid.

³ <https://www.amnesty.org/en/location/africa/west-and-central-africa/ghana/report-ghana/>
<https://www.modernghana.com/news/1154396/prison-conditions-in-ghana-harsh-sometimes-life.html>

<https://www.modernghana.com/news/1157211/prison-conditions-in-ghana-harden-criminals-lawy.html>

However, as at November, 2021 only 34 lawyers have been engaged so far across the country to work on all cases including criminal and civil proceedings and this is preventing many from accessing justice in the country, thereby defeating the Sustainable Development Goal (SDG) 16 which mandates states to ensure peace, justice and strong institutions⁴

Recommendation

The State Party should:

- I. Increase the budget and fully resource the Legal Aid Commission and introduce paralegal regulatory framework and hire more lawyers in order to adequately represent the populations;
- II. Allocate at least ten LAC lawyers to each region of the country to improve access to legal aid.

v. Death Penalty

Ghana is an abolitionist of the death penalty in practice and as recommended in 2012 during the UPR process from recommendations 126.1 to 126.15, and as also recommended in 2017 during the UPR process from recommendations 146.1 to 146.8.0, it has not executed anyone since 1993. The number of death-eligible crimes has also decreased in recent years. For example, robbery offences are no longer punishable by death. In 2014, president John Mahama commuted 21 death sentences to life imprisonment in commemoration of Ghana's 54th republic day anniversary. However, courts continue to pronounce death sentences. By August 2015, 129 people were under sentence of death but it increased to 168 as of 6th June 2022⁵.

The constitution review commissions (CRC) December 2011 report recommends the replacement of the death penalty with life imprisonment without parole, which is a stiffer punishment than the current practice. In 2014, the government rejected the recommendation of the constitutional review implementation committee to abolish the death penalty, or adopt a formal interim moratorium on executions, or ratify the ICCPR-op2.

The government agreed, however, to put to a referendum all the recommendations of the CRC requiring amendment of the constitution, including death penalty abolition, which is an entrenched provision in the constitution and requires a referendum.

⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
<https://www.graphic.com.gh/news/general-news/legal-aid-challenges-to-be-resolved-a-g.html>
<https://www.graphic.com.gh/news/general-news/ghana-news-legal-aid-commission-needs-more->

⁵ Article 13 of the 1992 constitution of Ghana guarantees the right to life. However, the same article allows for the death penalty

However, although the CRC submitted a draft bill for the required constitutional amendments. The bill was not approved by the cabinet, parliament, or council of state, as required before a referendum could be held.

In addition, Ghana abstained from voting under 69/186 (universal abolition of death penalty/moratorium on executions) in 2014. UNHRC concluded that Ghana had violated its obligations under the ICCPR through the mandatory imposition of the death penalty (Johnson v. Ghana)⁶.

Obligations:

Ghana is obligated to respect its right to life obligations under article 6 of the international covenant on civil and political rights; optional protocol to the international covenant on civil and political rights, second optional protocol to the international covenant on civil and political rights, the convention against torture (cat), optional protocol to the convention against torture and other cruel, inhuman or degrading treatment or punishment.

Recommendation

The State party should:

- i. Continue to abide by the moratorium on executions of persons convicted of murder;
- ii. Commute all death sentences to life imprisonment by December 2023.
- iii. Repeal the mandatory death sentence provision in Ghana's constitution by fast-tracking the process of passing the Private Member Bill currently before the parliament of Ghana to abolish the death penalty in the Criminal Offences Act 29 and Ghana Armed Forces Act 105.
- IV. Ratify, without reservation, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

2. RIGHT TO INFORMATION, FREEDOM OF EXPRESSION/MEDIA FREEDOM

Joint Report Submission on Freedom of Expression, Media and Right to Information.

⁶ <https://www.Amnesty.Org/en/countries/africa/ghana/report-ghana/> 30 <http://www.Deathpenaltyworldwide.Org/country-search-post.Cfm?Country=ghana> 31 *ibid* 32 <https://www.Deathpenaltyproject.Org/news/1911/dexter-johnson-v-the-republic-of-ghana/> 33 <https://www.Amnesty.Org/en/countries/africa/ghana/report-ghana/> 34 <http://www.Deathpenaltyworldwide.Org/country-search-post.Cfm?Country=ghana>



This report submitted for the fourth cycle of the UPR by the POS Foundation⁷, Reformation of Hope Foundation⁸, Centre for Democratic Development (CDD-Ghana)⁹, Human Rights Advocacy Centre¹⁰, Media Foundation for West Africa¹¹, Amnesty International, Ghana¹², Ghana Anti-Corruption Coalition, Ghana Integrity Initiative considers the progress Ghana has made on the issues of Right to Information, Freedom of Expression and Media Freedom in line with the various International and National laws such as Article 21, Article 162 and Right to Information Act 2019 (Act 989).

Introduction and Methodology

This report considers the progress of Ghana to date on Freedom of Expression and Right to Information.

1. The submission is prepared in line with Information and Guidelines for Relevant Stakeholders on the Universal Periodic Review Mechanism. It covers the methodology for the preparation of the submission and measures undertaken by Ghana to entrench democracy, which has implications for human rights, constitutionalism, rule of law and the fight against corruption in the country.
2. The information was further discussed and drafted at a pre-UPR submission workshop in consultation with the UN UPR Civil Society Organization (CSO) Platform (POS Foundation-Secretariat/Convener), which was attended by more than 60 civil society organizations in Accra.
3. ***The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to the summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution (16/21A/HRC/WG.6/14/GHA/3).***
4. ***This report pertains to the progress made by Ghana on right to information and freedom of expression after the 3rd cycle, 2017 to 2022.***
5. Ghana's 1992 Constitution provides for the right to information and freedom of expression in Article 21(1)(f) which provides that all persons shall have the right to information, subject to qualifications and laws that are necessary in a democratic society; and the right to freedom of speech and expression, which includes freedom of the press and other media.
6. Its enactment has helped the country to achieve Sustainable Development Goal 16; Peace Justice and Strong Institutions.

⁷ POS Foundation is a civil society organization in the area of access to justice, criminal justice reforms, right to information and cross-border trade, rule of law and use of technology. (<https://posfoundation.org>)

⁸ Reformation of Hope Foundation

⁹

CDD-Ghana is a think tank working to advance democracy, good governance, and inclusive economic growth. (<https://cddgh.org/>)

¹⁰ Human Rights Advocacy Centre is a civil society organization in the area of access to justice and advocacy (<http://www.hracghana.org/>)

¹¹ Media Foundation for West Africa is a regional independent non-governmental organization with the biggest and most influential media development and freedom of expression organization in the region (<https://www.mfwa.org/about-us/about-us-mission-and-vision/>)

¹² Amnesty International, Ghana is an international civil society organization with a unique effective approach for protecting human rights using a three-pronged approach in research, mobilization and advocacy (<https://amnestyghana.org/#work>)

7. Over the past five years, Ghana has had mixed fortunes in terms of freedom of expression with physical attacks, particularly by security agents and arbitrary arrests and detentions of critical journalists and attacks or raids on media houses either by unidentified thugs or security agents have characterised the freedom of expression environment in Ghana.
8. Consequently, Ghana has recorded over 100 freedom of expression violations and accepted recommendation 146.91 in 2017 to adopt a law regarding media freedom but has not complied.
9. Freedom of expression and media freedom are inextricably linked as enshrined in Chapter 5 of the 1992 Constitution which provides for the right to freedom of speech and expression, which extend to the press and other media.
10. In July 2020, the official framework on Police-Media Relations and Safety of Journalists in Ghana was launched. The framework consists of guidelines to ensure the protection and safety of journalists.
11. Despite the above step taken by government to ensure the protection and safety of journalists, media violations have persisted. As a result, Ghana's rank has gradually declined in international freedom index reports.

BACKGROUND

Ghana has accepted recommendations 146.91, 146.45 and 146.47 in 2017 and adopted the Right to Information (RTI) Act in 2019 with the Act taking full effect in January 2020. The Minister of Information supplied figures relating to the progress of the implementation of the Act since its inception in a speech to Parliament. Both individuals and organizations have made use of the Act since January 2020. Institutions abided by the provisions in the Act by not only approving requests, but by also referring and deferring requests. Consequently, Ghana has ratified several international instruments including:

1. The International Covenant on Civil and Political Rights (ICCPR),
2. Optional Protocol to the International Covenant on Civil and Political Rights,
3. The African Charter on Human and Peoples' Rights (ACHPR),
4. The Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights.
5. UN Declaration on Human Rights Defenders

RIGHT TO INFORMATION

1. Ghana adopted the Right to Information (RTI) Act in 2019 and the Act came into full effect in January 2020.
2. However, the RTI Commission which was established to oversee the effective implementation of the RTI law in Ghana is woefully under resourced (financial, logistical and human).
3. In view of this, the Commission is unable to adequately execute their mandate which includes ensuring that public institutions publish their annual manuals, public sensitization, recruitment of information officers among others.

4. Low usage of the RTI Act due to lack of public awareness and understanding. One explanation is that CSO engagement declined after passage of the Act. The government is yet to make efforts to cover the decline in community education and awareness opportunities.
5. The non-passage of the Legislative Instrument (LI) to regulate fees/charges one has to pay when requesting information presents a barrier to accessing information by allowing public institutions to use their discretion in quoting fees.
6. The lack of fees and charges has also been cited as a reason for denying requests for information. Institutions have claimed that since fees cannot be determined in accordance with Section 75 under the Act, the institution cannot grant the request.
7. Lack of public institutions complying with the provision to publish annual manuals in accordance with the RTI Act Section 77.
8. Public institutions are to submit a report every year on the RTI activities of that institution during the preceding year. For the first year of implementation, only 80 institutions complied. This represents 15 percent of all public institutions. For 2021, a total of 189 institutions submitted their annual report to the RTI Commission.

FREEDOM OF EXPRESSION

1. Under Ghana's previous UPR examination, the government received no recommendations on the protection of HRDs, journalists and civil society representatives particularly LGBTQ+ advocates.
2. Article 12 of the UN Declaration on Human Rights Defenders mandates States to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression.
3. However, in spite of these protections, journalists are frequently subject to physical attacks and are frequently assaulted, by state and non-state actors.

MEDIA FREEDOM

1. Article 162(1) guarantees the protection of the freedom and independence of the Media.
2. The constitutional provision in Article 162(2) emphasizes the principle of no censorship.
3. Article 162(3) emphatically states that there shall be no impediments to the creation of private press in particular, there shall be no law requiring any person to obtain a licence as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information".
4. Article 162(4) provides that editors and publishers of newspapers and other institutions of the mass media shall not be subject to control or interference by Government, nor shall they be penalized or harassed for their editorial opinions and views, or the content of their publications.
5. Article 162(5) states that all agencies of the mass media shall, at all times, be free to uphold the principles, provisions and objectives of this Constitution, and shall uphold the responsibility and accountability of the Government to the people of Ghana.

Physical Attacks

1. On December 21, 2017, four journalists, covering a protest at the premises of the ruling New Patriotic Party (NPP) headquarters, were brutalized by heavily-built security men of the party. The security persons slapped and kicked the journalists just for covering a protest at the premises of the party headquarters.
2. On March 27, 2018, some police officers brutally assaulted Latif Iddris, a reporter from Joy News, one of the platforms of the Multimedia Group based in Accra. Latif Iddris had gone to cover protests at the Criminal Investigations Department of the Ghana Police Service, where a leading member of Ghana's main opposition party was being held on treason charges. The police officers, numbering about eight, took turns to assault the journalist. One of them hit him in the rib with a stick; another officer used the butt of his gun to hit his head about three times, fracturing his skull.
3. On May 6, 2018, an activist of the ruling New Patriotic Party, Hajia Fati, attacked journalist Ohemaa Sakyiwaa, at the party's headquarters in Accra. The incident followed a trend of attacks on journalists at the ruling party headquarters.
4. On July 19, 2018, some youth of Asawase, a suburb of Kumasi in the Ashanti region beat unconscious a cameraman of GHOne TV, Reynold Dadzie. The journalist was filming a violent demonstration by the youth over police killing seven young men from the community.
5. On March 30, 2022, two soldiers of the Afari Military Hospital assaulted and tortured Michael Aidoo, an investigative journalist conducting an investigation on the project.
6. An investigative journalist Edward Adeti told press freedom organization the Media Foundation for West Africa (MFWA) that he had been receiving threatening messages and noticing suspicious movements since 27 February 2020 while he said that law enforcement agencies informed him of certain criminals planning an attack on him and his family. The journalist believes that the threats are in relation to his recently published investigative video 'Cash for Justice', which claims that a state attorney is implicated in taking bribes. The police reportedly took some security measures to protect Adeti.

Arrests/Detentions

1. On November 14, 2018, a journalist with Okwahu FM, Ebenezer Ofori Agyei, popularly known as Odiasempa, was arrested and kept in police custody for a total of seven days over a news report he had filed to his station. The report featured an audio recording in which drivers in the district accused the police officer of extortion.
2. On November 1, 2021, the police arrested and detained a radio presenter, Paa Kwesi Simpson, on charges of publishing false news. The arrest followed a false kidnapping claim made by a listener who called into Simpson's programme. The journalist was detained for a week during which the police carried out their investigations.
3. On February 9, 2022, the Executive Director of an anti-corruption organization, Alliance of Social Equity and Public Accountability (ASEPA) was arrested by the police. He had published and later retracted allegations that members of the President's family travelled by the Presidential jet to the UK for shopping.
4. On February 10, 2022, the police detained Kwabena Bobbie Ansah, a presenter at *Accra FM*, on a charge of "publication of false news and offensive conduct." The charges relate

to a video the journalist posted on social media claiming that President Nana Akufo-Addo's wife had illegally obtained a parcel of state land.

5. On 11 May 2021, National Security officers arrested Citi News journalist Caleb Kudah in front of the Ministry of National Security offices on accusations of filming in a restricted security zone. Kudah was taken to a local police station where he was reportedly beaten and the pictures erased from his phone. Subsequently seven-armed security officers stormed the media outlet's offices in an attempt to arrest another journalist, Zoe Abu-Baidoo, whom was accused of having received the video files from Kudah. Both journalists were released, with Caleb Kudah having been subjected to interrogation.
6. On 3 February 2022, radio broadcaster for Connect FM, Eric Nana Gyetuah, was assaulted by police officers in Takoradi, Western Region, after they noticed the journalist filming them in a restaurant, while reportedly bringing arrested individuals in handcuffs with them. The beating reportedly started after the journalist refused to hand over his phone. Gyetuah was further handcuffed, brought to a police station and detained for several hours on accusations of unlawfully taking pictures and public order charges before being released four hours later.

Killing

1. Investigative reporter Ahmed Hussain-Suale Divela, who worked for Tiger Eye Private Investigations, was shot and died on January 16, 2019, while returning home in Accra, in a violent attack.
2. Prior to his murder, Hussain-Suale Divela was involved in the documentary "Number 12" on alleged football corruption which ultimately led to the dissolution of the Ghana Football Association (GFA) and a lifetime FIFA ban on GFA's former president, Kwesi Nyantakyi.
3. Consequently, a Member of Parliament, Kennedy Agyapong of the ruling New Patriotic Party revealed his identity on his national television network Net2 TV after publicly threatening him and inciting public violence against him.
4. Prior to his death, the journalist told press freedom organisation Committee to Protect Journalists that he had received numerous death threats after his identity was disclosed.

Attacks on media houses

1. On June 27, 2019, some National Security Operatives raided the offices of ModernGhana.com. They seized laptops from the media organization and arrested the deputy editor, Emmanuel Ajarfor Abugri, as well as Emmanuel Yeboah Britwum, a reporter.
2. The two journalists were held in an undisclosed location for three days, with one of them reporting that he was tortured. The action was linked to a critical article the news website published about the National Security Minister, Albert Kan Dapaah.
3. On January 13, 2022, a group of thugs numbering about 12 stormed the premises of the community radio station, Ada Radio, assaulted two of its journalists and vandalized equipment.
4. On May 16, 2022, three burly men on motor bicycles burst into the premises of Radio Benya in Elmina, Central Region of Ghana, and assaulted a presenter and his producer.

The station was airing a programme focused on the problems associated with the fishing industry when it came under attack. The rampaging thugs kicked, slapped and pummeled their victims and destroyed equipment including computers, mixers and microphones.

Sentencing/Jailing

1. There have been several incidents of arbitrary arrests and prosecution of journalists in Ghana, using legislation such as the Public Order Act, the 2008 Electronic Communication Act and the 1960 Criminal and Other Offences Act (Act 29).
2. This is despite the repeal of the criminal libel and seditious libel laws decades ago.
3. On February 8, 2022, a High Court in Accra sentenced a broadcast journalist with Accra-based Power FM, Oheneba Boamah Bennie, to 14 days in prison after he was found guilty of contempt of court.
4. The journalist was dragged to the High Court by Ghana's Attorney General after he posted a Facebook video containing allegations that President Nana Akufo-Addo was influencing judges sitting on a petition by the opposition against his 2020 presidential election victory.

RECOMMENDATIONS ON RTI AND FREEDOM OF EXPRESSION

RECOMMENDATION ON RIGHT TO INFORMATION

The State party should:

1. Pass the Legislative Instrument to regulate the fees and charges for requests for information as required under Section 75 of the RTI Act;
2. Communicate their action plan on the nationwide education of RTI and the specific programmes in place to cater to the disadvantaged and minority in the society;
3. Strengthen and well-resource the RTI Commission to sanction any public institution that does not submit an annual report in compliance with Section 77 of the RTI Act.
4. The RTI Commission must assert its independence from governmental control as such a body needs to engage with the public to boost public confidence in it.

RECOMMENDATION ON FREEDOM OF EXPRESSION/MEDIA FREEDOM

1. End impunity for crimes against journalists by conducting a thorough and independent investigations into the death of Ahmed Hussein Suale.
2. Put in place measures to prevent attacks on journalists and where attacks occur, investigate in a thorough and transparent manner, ensure that perpetrators are held accountable, and that victims have access to adequate remedies.
3. Promote the safety and protection of journalists and media organisations by establishing a National Mechanism on Safety of Journalists in line with UNESCO's Action Plan on the Safety of Journalists.
4. Amend relevant laws that criminalise speech so that the protection of privacy and reputation does not involve the use of Criminal sanctions, and instead, remains in the domain of common law for civil remedies to be pursued.
5. Ensure state security agents and officials put a stop to attacks, arrests and intimidation of people, including critical journalists, civil society actors, human rights defenders,

activists, political opponents for the exercise of their freedom of expression rights both offline and online.

6. Implementation of Journalist and police framework for safety of journalists
7. Continuous training and capacity building of security officers (police/military) for dealing with media rights and respect for human rights.
8. Adopt legislation regarding freedom of the media (to extend to opposition sources).
9. Freedom of the media needs to also address the prevalence of state/politician owned media sources.
10. Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression, media freedom and access to information, including by ensuring free access to electronic media, ceasing censorship and surveillance liberalising electronic media ownership rules and enabling journalists, bloggers, and other internet users to play a full and active role in promoting and protecting human rights.
11. Enable unfettered access to online information resources by removing restrictions on access to domestic and international news websites, social media platforms and CSO websites.

ANNEX 1; REFERENCES

Act 21 (1)(a) & (f) of the 1992 Constitution of Ghana

<https://www.graphic.com.gh/news/general-news/ghana-news-234-rti-applications-received-since-2020-information-minister-tells-parliament.html>

Samuel Obeng, Kodwo Boateng, & Albert Futukpor 'Research report on one year of implementation of Right to Information Act (Act 989) in Ghana' March 2021, pg. 16.

<https://www.mfwa.org/ghana-information-commission-orders-release-of-information-to-journalists-at-0-33-instead-of-1000-demanded-by-state-agency/> (accessed 01 July 2022).

Right to Information Act, 2019 (Act 989) sect 77.

<https://www.ghanabusinessnews.com/2022/06/29/minister-says-64-of-rti-requests-granted/> (accessed 05 July 2022)

<https://www.mfwa.org/country-highlights/mfwa-condemns-assault-on-journalists-calls-for-pro-mpt-retribution-for-culprits/>

<https://www.mfwa.org/issues-in-focus/mfwa-condemns-brutal-attack-on-journalist-by-police/>;

<https://cpj.org/2018/07/ghanaian-journalist-beaten-by-police/>;

<https://www.gjaghana.org/index.php/newsss/320-assault-on-latif-gja-mounts-pressure-on-police>

<https://citinewsroom.com/2018/05/npp-headquarters-becoming-unsafe-for-journalists-media-foundation/>;

<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Hajia-Fati-must-not-go-scot-free-A-SWIM-defends-assaulted-Journalist-649435>

<https://www.mfwa.org/country-highlights/mfwa-condemns-the-near-fatal-assault-on-tv-camera-man/>
<https://www.mfwa.org/mfwa-petition-defense-minister-to-investigate-brutal-assault-of-investigative-journalism-fellow-by-soldiers/>;
<https://www.dailyadvent.com/news/3b15bd9c55502489faa81bd99406f964-Ghanaian-soldiers-assault-journalist-Michael-Aidoo-delete-photos-and-video>
<https://theindependentghana.com/2022/02/bobie-ansah-refused-to-honour-several-invitations-police-clarifies-after-arrest/>
<https://www.myjoyonline.com/bobie-ansah-was-arrested-for-publishing-false-news-offensive-conduct-police/>;
<https://rsf.org/en/disturbing-press-freedom-violations-continue-ghana>
<https://www.bbc.com/news/world-africa-46902748>;
<https://www.mfwa.org/issues-in-focus/ahmed-suales-murder-and-3-critical-issues-about-safety-of-journalists-in-ghana/>
<https://www.mfwa.org/country-highlights/mfwa-demands-immediate-release-of-arrested-modernghana-com-journalists-urges-national-security-minister-to-clarify-action/>
<https://www.mfwa.org/mfwa-condemns-attacks-on-radio-ada-demands-justice-for-assaulted-staff/>
<https://cpj.org/2022/01/armed-men-attack-ghana-broadcaster-radio-ada-fm-over-coverage-of-mining-deal/>;
<https://www.myjoyonline.com/radio-ada-attack-two-radio-staff-visitors-were-held-hostage-management/>
<https://www.mfwa.org/ghana-police-must-apprehend-and-prosecute-attackers-of-benya-fm/>
<https://www.mfwa.org/ghana-jailing-of-broadcast-journalist-oheneba-boamah-bennie-unfortunate/>
<https://cpj.org/2022/02/ghana-court-jails-journalist-oheneba-boamah-bennie-for-contempt-of-court/>;
<https://www.graphic.com.gh/news/general-news/power-fm-presenter-oheneba-boamah-bennie-jailed-for-contempt-of-court.html>
<https://www.mfwa.org/police-media-launch-framework-to-promote-mutual-understanding-safety-of-journalists/>
<https://rsf.org/en/index?year=2018> (accessed 30 June 2022)
<https://rsf.org/en/index?year=2022> (accessed 30 June 2022)
<https://www.mfwa.org/issues-in-focus/mfwa-condemns-death-threats-against-ghanaian-journalist-urges-police-to-protect-him/>
<https://theconversation.com/ghanas-law-on-publication-of-false-news-is-vague-and-easily-abused-it-should-go-177470>
<https://citinewsroom.com/2021/05/citi-news-caleb-kudah-released-after-arrest/>
<https://www.myjoyonline.com/bring-police-officers-who-assaulted-connect-fm-journalist-to-book-gja/>
<https://www.mfwa.org/issues-in-focus/ghana-radio-presenter-risks-losing-hearing-after-brutal-police-assault/>

ANNEX 2; RECOMMENDATIONS MADE IN THE THIRD CYCLE (2017)

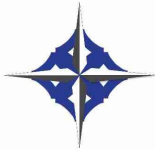

Reference ID	THEMATIC AREA	RECOMMENDATION	ISSUES	STATUS
146.41	Right to Information and Media Freedom	Adopt and implement the revised RTI Bill in order to establish a robust legislative framework for Access to Information	Freedom of opinion and expression	Not being well implemented
146.45	Right to Information and Media Freedom	Enact RTI Bill which has been reviewed by the Attorney-General and was submitted to Cabinet in May 2017.	Freedom of opinion and expression	Completed
146.47	Right to Information and Media Freedom	Adopt the RTI Bill, building on its efforts to improve good governance, accountability and transparency	Freedom of opinion and expression, Justice	Completed
146.91	Right to Information and Media Freedom	Adopt a law guaranteeing media freedom	Freedom of the press	Pending
147.37	Freedom of Opinions and Expression	Step up efforts aimed at ending and discouraging vigilantism in politics in order to protect participation and freedom of expression in public life.	Freedom of opinion and expression	Pending

3. CORRUPTION AND GOOD GOVERNANCE

JOINT STAKEHOLDER REPORT ON THE STATE OF CORRUPTION IN THE REPUBLIC OF GHANA 2022.

By:

<p><i>Ghana Anti-Corruption Coalition</i></p>  <p>GACC Ghana Anti - Corruption Coalition</p>	<p><i>Ghana Integrity Initiative</i></p>  <p>Ghana Integrity Initiative Local Chapter of Transparency International</p>
<p><i>Ghana Centre for Democratic Development</i></p>  <p>CDD-GHANA</p>	<p><i>Institute for Democratic Governance</i></p>  <p>INSTITUTE FOR DEMOCRATIC GOVERNANCE</p>
<p><i>Centre for Muslim Youth in Peace and Development</i></p>  <p>CMYPD Centre for Muslim Youth in Peace & Dev't</p>	<p><i>Penplusbytes</i></p>  <p>Penplusbytes www.penplusbytes.org</p>
<p><i>Centre for Security Policy and Research</i></p>	<p><i>Good Governance Africa - West Africa</i></p>  <p>GGA Good Governance Africa</p>

 <p>Center for Security Policy and Research (CSPR)</p>	
<p><i>POS Foundation</i></p>  <p>POS PERFECTOR OF SENTIMENTS FOUNDATION</p>	

This report submitted for the fourth cycle of the UPR by the Ghana Anti-Corruption Coalition (GACC)¹³, the Ghana Integrity Initiative (GII)¹⁴, the Ghana Centre for Democratic Development (CDD-Ghana)¹⁵, the Institute for Democratic Governance (IDEG)¹⁶ the Centre for Muslim Youth in Peace and Development¹⁷, Penplusbytes¹⁸, the Citizens Movement Against Corruption (CMaC)¹⁹, the Good Governance Africa - West Africa (GGA-WA)²⁰, the Centre for Security Policy and Research²¹ and POS Foundation²² considers the progress Ghana has made on the issues of Corruption, the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456), and the Office of the Special Prosecutor Act, 2017 (Act 959).

Introduction

The submission is prepared in line with Information and Guidelines for Relevant Stakeholders on the Universal Periodic Review Mechanism. It covers the methodology for the preparation of the

¹³ GACC is a unique cross-sectoral grouping of public and private civil society organizations with a focus on promoting good governance and fighting corruption in Ghana. (<http://www.gaccgh.org/>)

¹⁴ GII is a non-partisan, non-profit organisation that focuses on addressing corruption. (<https://www.tighana.org/>)

¹⁵ CDD-Ghana is a think tank working to advance democracy, good governance, and inclusive economic growth. (<https://cddgh.org/>)

¹⁶ IDEG is an institute that plays diverse roles in promoting the participation of civil society and other non-state actors in the pursuit of democracy and good governance, economic growth, poverty reduction and equitable development in Ghana. (<https://ideg.org/>)

¹⁷ The Centre for Muslim Youth in Peace and Development is an NGO that promotes peace, empowerment and advocacy of the youth to manage issues concerning development in Ghana.

¹⁸ Penplusbytes, <https://www.penplusbytes.org/>

¹⁹ CMaC is a coalition of CSOs and individuals fighting against corruption in Ghana (cmacghana.org)

²⁰ GGA-WA is an organization that promotes democracy and transparency through its programmes and activities across different sectors in Ghana and in other selected West African countries. (<https://gga.org/about-us/centres-and-coverage/gga-west-africa/>)

²¹ The Centre for Security Policy and Research is a think tank that aspires to deliver security-oriented analysis, publications, tailor-made training programmes and policy recommendations for the security sector.

²² POS Foundation is a human rights civil society organization championing the course for policy reforms, youth development and social accountability in Ghana.

submission and measures undertaken by Ghana to entrench democracy, which has implications for human rights, constitutionalism, rule of law and the fight against corruption in the country. The information was further discussed at a pre-UPR submission workshop organized by Ghana Human Rights NGOs Forum (POS Foundation-Secretariat) using the UN UPR Ghana portal, on 29th and 30th June, 2022 which was attended by more than 70 civil society organizations in Accra, and validated by the same on 13th July, 2022. The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to various media articles, press statements, reports by various civil society organizations.

Ghana has ratified the International Covenant on Civil and Political Rights (ICCPR), the Second Optional Protocol to the International Covenant on Civil and Political Rights, the UN Convention against Corruption (UNCAC), the UN Convention against Transnational Organized Crimes, The African Union Convention on Preventing and Combating Corruption, The UN Declaration against Corruption and Bribery in International Commercial Transactions, The International Code of Conduct for Public officials, The OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and FATF 40+9 Recommendations. Additionally, Ghana is a member of the Inter-Governmental Action Group against Money Laundering in West Africa, the Financial Action Task Force and the Open Government Partnership (OGP).

Ghana's domestic legal foundation is provided by the 1992 Constitution. Chapter 5 of the Constitution promotes and ensures the protection of the human rights of the citizenry. Subsequent Acts and legislation derived from the Constitution have been enacted by Parliament of Ghana under the 4th Republic, which include, but are not limited to the establishment of the Commission of Human Rights and Administrative Justice and The National Anti-Corruption Action Plan (NACAP) in 2014.

The State of Corruption in Ghana

The state of Algeria recommended (No. 146.84) that Ghana continue efforts to tackle corruption during the third cycle of the 2017 UPR, for which Ghana accepted. The government should increase its efforts to reduce corruption to the barest minimum. The government was expected to pass legislation to make corruption more punitive, enforce the existing anti-corruption laws and resource existing anti-corruption institutions. Unfortunately, there has been little action enacted to meet these expectations. Corruption continues to be a drawback to the fight against poverty. Corruption exists in all branches of government and accompanies a lack of accountability and justice. According to Afrobarometer 2017, 73% of Ghanaians want corrupt officials prosecuted and jailed, and 64% feel that corrupt officials should return stolen funds and be publicly named and shamed²³.

Based on the 2021 Corruption Perception Index produced by GII, Ghana received a score of 43 out of 100 causing the country to rank 73rd out of 180. This score indicates that Ghana has

²³Kaunain Rahman, 'Overview of corruption and anti-corruption in Ghana' (11 September 2018) <<https://knowledgehub.transparency.org/assets/uploads/helpdesk/overview-of-corruption-and-anti-corruption-in-ghana-2018.pdf>>

failed to make any progress to fight against corruption in the year 2021. Ghana’s current performance is still below 50 which is the accepted global average. Ghana’s score on the democracy index has been on a decline between 2015 and 2021. Currently many Ghanaians do not trust law enforcement agencies, government officials and state institutions. The Afrobarometer 2019 survey revealed that most Ghanaians perceive state institutions as corrupt because the staff extort money and engage in other illicit corrupt activities that have caused many Ghanaians to lose faith in the system²⁴.

The Auditor General’s audit of 2020 revealed that there has been consistent mismanagement and abuse of public funds. According to the Auditor General report on Public Accounts of Ghana-Public Boards, Corporations and Other Statutory Institutions for the Year Ended 31 December 2020, the total irregularities stood at GH¢12,856,172,626 of irregularities of public funds²⁵. The irregularities cover tax irregularities, cash irregularities, indebtedness/loans/advances, payroll irregularities, stores/procurement irregularities, rent payment irregularities and contract irregularities. The Auditor General’s report from the years 2017 to 2020 indicates a rising number of irregularities with public funds. The trend is as follows²⁶:

	2017	2018	2019	2020
Total (Ghc)	12,002,880,339	3,007,258,924	5,468,398,431	12,856,172,626

Achievements

Nevertheless, Ghana should be commended for certain actions and procedures it has achieved since 2017. In Ghana’s bid to reduce corruption to the barest minimum, a number of sunshine legislations were passed namely:

1. Witness Protection Act, 2018 (Act 975);
2. The Right to Information, 2019 (Act 989) and the subsequent establishment of the Right to Information Commission;
3. Amendment of the Companies Act, 2019 (Act 992) to provide for beneficial ownership disclosure.

²⁴Afrobarometer Round 8 Survey in Ghana, 2019

<https://www.afrobarometer.org/wp-content/uploads/migrated/files/publications/Summary%20of%20results/summary_of_results-ghana_r8-19feb20-updated.pdf>

²⁵ Report of the Auditor-General on the Public Account of Ghana: Ministries, Departments and Other Agencies (MDAs) For the Year Ended 31 December 2020

<<https://ghaudit.org/web/wp-content/uploads/Reports/2020/2020-MDAs-Report-Final-Reviewed.pdf>>

²⁶ Auditor General’s Reports <<https://ghaudit.org/web/reports/>>

Additionally, the Judicial Service's Public Complaints and Court Inspectorate Unit has been extended from 2 regions to 10 regions. Also, an electronic procurement platform termed the Ghana Electronic Procurement System (GHANEPs) was launched to make public procurement more transparent. For the first time, a corruption risk assessment was conducted on the Agyapa Royalties deal, a special purpose vehicle, and assessment findings made publicly accessible to the citizenry.²⁷ The Agyapa deal was halted by the President of the Republic, H.E. Nana Addo Dankwa Akufo-Addo, following the release of the Special Prosecutor's corruption risk assessment report, with instructions to the Minister of Finance and the Attorney General to revise the transaction documents, address the concerns of civil society, and to return the deal back to Parliament for approval.²⁸

Despite these achievements, corruption continues to persist and the following are the major areas of concern that require immediate action.

Monetization Of Electoral Politics

The monetization of electoral politics continues to undermine the multiparty democracy of the country and is an obstacle to the fight against corruption. According to a 2017 Westminster Foundation for Democracy (WFD) and CDD- Ghana survey, it costs approximately \$693,000 (Ghc 4 million) to get elected to Parliament and \$100million (Ghc 575 million) to be elected President.

This phenomenon raises the cost of political campaigns thereby excluding citizens and marginalized groups with economic disadvantages from venturing into politics. Politicians who buy votes invariably regain the amount invested in buying the votes through corrupt means while in office. In addition, candidates who are sponsored by financiers are compelled to do the bidding of their sponsors, thereby entrenching corruption.

A case in point is the exposé by the Corruption Watch, where the deputy MASLOC CEO, Hajia Abibata Shani Mahama Zakaria was allegedly inducing delegates in the Yendi Constituency²⁹ with money during the 2020 NPP Parliamentary primaries.

Lack of enforcement of auditing of political party accounts (expenditure, income, assets) and the Electoral Commission is under-resourced and overburdened.

²⁷ Graphic.com 'Full text of Special Prosecutor's corruption risk assessment of Agyapa deal' (02 November ,2020) <<https://www.graphic.com.gh/news/general-news/full-text-of-special-prosecutor-s-corruption-risk-assessment-of-agyapa-deal.html>>,<(12 November 2020), Ghana: What is going on with the controversial Agyapa gold royalties deal? (26 November 2020) Financial institutions in the UK urged to review and withdraw from Ghana gold royalties deal (22 December 2020)

²⁸ Enoch Darfah Frimpong, 'Amidu submits Agyapa risk assessment report to Akufo Addo' (02 November 2020) <<https://www.graphic.com.gh/news/general-news/amidu-completes-corruption-risk-assessment-on-agyapa-deal.html> Ghana Parliament asked to overturn risky Agyapa gold royalties deal>

²⁹ Corruption Watch Investigations Desk, 'Exposed: How Candidates bought votes in NPP Primaries (09 July 2020) <<https://corruptionwatchghana.org/2020/07/09/exposed-how-candidates-bought-votes-in-npp-2020primaries/>>

Recommendation:

- I. The current legislation to regulate political party financing is the Political Parties Act, 2000 (Act 574) and Chapter 7, Article 55 (15) of the 1992 Constitution. Therefore, there needs to be campaign financing reform and Parliament needs to pass a law or amend the Political Parties Act for campaign and political party financing reform.
- II. Separate office or a new department under the EC with the mandate to regulate political parties so that the EC could focus on handling all matters directly related to the conduct of elections in the country.

Limited Legislative Enforcement and Procedure of Public Procurement and Sole Sourcing

Section 1 of the Public Procurement Act, 2003 (Act 663) established the Public Procurement Authority (PPA) to serve as a regulatory body responsible for the effective implementation of the Public Procurement Law in Ghana. One of its key objectives is to ensure fairness, transparency and non-discrimination in public procurement³⁰, which they have failed to enact in recent years. Unfortunately, the public procurement processes are constantly abused through sole source and restricted tendering methods. The International Growth Centre conducted surveys with 864 local bureaucrats in five regions: Central, Eastern, Brong Ahafo, Ashanti, and Volta. Out of a total of 128 MMDAs, 80 were selected and interviewed concerning those who are involved in the awarding of public contracts³¹. The local bureaucrats admitted to abuse of power, as well they displayed ineffective contract management. The Controller and Accountant General's Department purchased value books without consulting the MDAs, leading to unused value books. In 2018, value books amounting to Ghc 3,539,858 for eight MDAs remained unused due to poor stock management on the part of the Controller and Accountant-General. In 2017, the AGs report cited the purchase of over 10million value books costing about Ghc 17,779,500 between 2000 and 2009 remained unused and wasting. Similarly, over 14million booklets procured for some Ministries at a cost of Ghc 21,568,386 were not in use, resulting in a procurement loss of Ghc 39,437,886 on value books wasted. Despite the clear financial loss to the state, no sanctions were charged to the institution³².

³⁰ <https://ppa.gov.gh/>

³¹ Sarah Brierley, 'Procurement mismanagement and the politicization of bureaucratic transfers in Ghana' (August 2018) <<https://www.wathi.org/wathinote-election-ghana-situation-politique/procurement-mismanagement-and-the-politicisation-of-bureaucratic-transfers-in-ghana-international-growth-centre-sarah-brierley/>>

³² IMANI Africa, 'Public Procurement Reforms: An Analysis of The Drivers of Procurement Irregularities in Ghana' (April 2022), <<https://imaniafrica.org/wp-content/plugins/pdf-poster/pdfs/web/viewer.html?file=https://imaniafrica.org/wp-content/uploads/2022/05/PUBLIC-PROCUREMENT-REFORM.pdf&download=true&print=vera&openfile=false>>

There has been flagrant abuse of the PPA Act by public institutions as the major causes of procurement irregularities. A report published by IMANI Africa³³ showed 120 contracts were single sourced and the value of these contracts added to GHC 18,706.20. An example of their gross misconduct and abuse of power was the recent 'Contracts for Sale' scandal. Mr. A. B. Adjei, former PPA CEO, had used his company Talent Discovery Limited to gain government contracts through restricted tendering and selling those contracts to others for profit. The contracts were public works contract awarded by the Ministry of Works and Housing, Ministry of Education, Ministry of Special Development Initiatives, Ministry of Inner-City & Zongo Development and the Ghana Ports and Harbour Authority³⁴. The former boss of the PPA was charged with eight counts of using public office for profit and nine counts of directly and indirectly influencing the procurement process to obtain an unfair advantage in the award of a procurement contract by the Office of the Special Prosecutor (OSP). Francis Kwaku Arhin, his brother-in-law, was also charged with using public office for profit. The OSP reported that he had violated section 179C(a) of the Criminal Offences Act, 1960 (Act 29) and section 92(b) of the Public Procurement Act, 2003 (Act 663).

Recommendations:

- I. The PPA must ensure effective use of the Ghana Electronic Procurement System (GHANEPS) to enhance the oversight function of the PPA. The Ministry of Finance must integrate GHANEPS with the Government Integrated Financial Management System (GIFMIS), and ensure that Internal Auditors have full access to the GIFMIS.
- II. The Due Diligence Unit at the PPA must be resourced to consider critical issues such as beneficial ownership when evaluating applications.
- III. Ensure strict enforcement of the advertisement of notice of contracts (on a public board outside the assembly) details of each infrastructure project; that should include details about the chosen contractor, location of the project and contracted amount as purported by the Ghana Local Governance Act, 2016 (Act 936).
- IV. Ghana's Local Governance Act, 2016 (Act 936), demands that members of the Entity Tender Committee declare their assets to the Auditor General within three months of taking office. Members of the Entity Tender Committees should declare their assets to the Auditor General upon taking their position.

Public Asset Declaration

Article 286 (1), the Second Schedule of the 1992 Constitution and the Public Officer Holders

³³ 'Public Procurement: Reforms: An Analysis of the Drivers of Procurement Irregularities in Ghana' (April 2022)
<<https://imaniafrica.org/wp-content/plugins/pdf-poster/pdfs/web/viewer.html?file=https://imaniafrica.org/wp-content/uploads/2022/05/PUBLIC-PROCUREMENT-REFORM.pdf&download=true&print=vera&openfile=false>>

³⁴ Manasseh Azure Awuni, 'Contracts for Sale: Special Prosecutor slaps former PPA boss and brother-in-law with 18 charges' (18 May 2022)
<<https://thefourthstategh.com/2022/05/18/contracts-for-sale-special-prosecutor-slaps-former-ppa-boss-and-brother-in-law-with-18-charges/>>

(Declaration of Assets and Disqualification) Act, 1998 (Act 550) mandates that a public office holder must submit to the Auditor General a written declaration of all property or assets. In addition, Article 286 (5) obligates the President, Vice-President, the Speaker, Deputy Speakers of Parliament, ministers and deputy ministers of state, ambassadors, the Chief of Justice and managers of public institutions in which the state has interest submit to the Auditor General a written declaration of all property or assets owned by, or liabilities owned by them, whether directly or indirectly. When a public officer declares their assets, it is put in a sealed envelope and deposited with the Auditor General's Office³⁵. Ignorance of this obligation and non-enforcement of the laws prevents effective compliance of the law. Public officials have displayed complete disregard for the law and their duty to the public. Ghana's current asset declaration lacks verification of the declared assets and failure to enforce the legislation³⁶. For instance, the Fourth Estate uncovered that 28 ministers and deputy ministers of state who are currently serving under the Akufo-Addo administration did not declare their assets at all³⁷. Only the President and 19 of his ministers have complied with the asset declaration law.

Recommendations:

- I. The Commission on Human Rights and Administrative Justice (CHRAJ) needs to take action against all ministers and deputy ministers who have failed to declare their assets. CHRAJ must commence an investigation into whether the failure of the above-mentioned public officials to declare their assets amounts to a breach of the oaths of office.
- II. Parliament needs to pass the Conduct of Public Officers Bill for a robust asset declaration regime with verification and publication of the declared assets and sanctions for non-compliance.
- III. The passage of Illicit enrichment Law in line with the UNCAC Provision.

Security Recruitment Scandals

³⁵Raphael Ghartey, 'What is lacking in Ghana's asset declaration regime is verifying what has been declared - Domelevo' (25 May 2022) <<https://www.myjovonline.com/what-is-lacking-in-ghanas-asset-declaration-regime-is-verifying-what-has-been-declared-domelevo/>>

³⁶ Raphael Ghartey, 'We need a robust asset declaration regime - CHRAJ Commissioner' (26 May 2022) <<https://www.myjovonline.com/we-need-a-robust-asset-declaration-regime-chraj-commissioner/>>

³⁷ Seth J. Bokpe 'Asset Declaration: Bawumia, Ofori Atta, Osafo-Maafa, Kyei Mensah-Bonsue, and 89 others did not fully comply' (02 June 2022) <<https://thefourthestategh.com/2022/06/02/bawumia-ken-ofori-atta-osafo-marfo-kyei-mensah-bonsu-adwoa-safo-and-87-others-did-not-fully-comply-with-asset-declaration-law/>>

Though there have been marked improvements in the recruitment process of security agencies³⁸³⁹, politicians and their surrogates are being accused of involvement in a “pay to serve” scheme by the media⁴⁰⁴¹. On April 2, 2022 a man believed to be an officer in mufti who was captured in a video brandishing a weapon and attacking a motorist along the Kasoa-Winneba highway was arrested. The man was seen allegedly slapping a motorist while brandishing his gun. After an individual has been recruited there is no information as to the nature of the training and the code of conduct for which they must follow. A Member of Parliament for Tamale North, Alhassan Sayibu Suhuyini has called for a second look at how people get recruited into the Army and the Ghana Police Service⁴².

The police have come under scrutiny in recent times after some personnel in the Ashanti Region specifically Kumasi, issued warning shots and opened tear gas to disperse students who were protesting the absence of speed ramps at the Kumasi Islamic SHS, hospitalizing at least 30 students⁴³. There was also another incident of a police officer with the Formed Police Unit in Tesano-Accra, Sergeant Lotsu Agbeko, 36, who was found with substances suspected to be Indian Hemp being transported in his personal Toyota Corolla car⁴⁴.

The pay to serve action has decreased the quality of security officers in the streets and protecting the people. World War II veteran, Corporal Wisdom Edmond Kudowor stated that the current recruitment process for the various security agencies in Ghana has become so bad. The act of paying money before one gets recruited has contributed to the indiscipline in the security agencies being witnessed today.⁴⁵

Recommendations:

- I. State party should periodically publish the procedures of recruitment into security agencies to encourage transparency and avoid claims of corruption from those who may not understand the process.

³⁸ Edna Agnes Boakye, 'Ghana Police Service recruitment: Applicants 'satisfied' with smooth process' (04 Novemehr, 2021) <<https://citinewsroom.com/2021/11/ghana-police-service-recruitment-applicants-satisfied-with-smooth-process/>>

³⁹ Priscilla Aklorbortu, 'Ghana Police recruitment: Process was smooth and orderly as compared to the others- Applicants reveal', (15 November, 2021) <<https://yen.com.gh/ghana/197745-police-recruitment-process-smooth-orderly-compared-applicants-reveal/>>

⁴⁰ 'MP's boy caged over GHc 800k recruitment scam' (30 May 2022) <<https://www.modernghana.com/news/1161200/mps-boy-caged-over-gh800k-recruitment-scam.html>>

⁴¹ Eric Nana Yaw Kwafo, 'You have done a good job but investigate last year's Police recruitment - CPP chair tells Dampare' <<https://www.modernghana.com/news/1130429/you-have-done-a-good-job-but-investigate-last-year.html>>

⁴² 'Review recruitment process into Police - Suhuyini'(04 April 2022) <<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Review-recruitment-process-into-Police-Suhuyini-1506881>>

⁴³ <https://www.myjoyonline.com/education-ministry-investigates-kumasi-islamic-shs-chaos/>

⁴⁴ 'Politicians pushing crooks into police service to protect their interests - Criminologists' (15 June 2022) <<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Politicians-pushing-crooks-into-police-service-to-protect-their-interests-Criminologist-1561751>>

⁴⁵ 'Paying bribes to be recruited into security services is a 'national disease' - War veteran' (14 March, 2022) <<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Paying-bribes-to-be-recruited-into-security-services-is-a-national-disease-War-veteran-1489904>>

- II. The national anti-corruption institutions should prosecute those involved in recruitment scams should be made public to serve as a deterrent to other would-be offenders.

Corruption Accountability Institutions Are Underfunded

The Ghana Office of the Special Prosecutor (OSP) was instituted in 2018 to aid the Government of Ghana in the investigation and prosecution of cases and allegations of corruption and other criminal wrongdoing. Since the formation of the OSP, a number of corruption complaints lodged with the OSP have not been expediently addressed. In early 2018, the CEO of Chamber Petroleum Consumers (COPEC), Duncan Amoah, petitioned the OSP on a case involving the financial loss of an estimated GHS 30 million to the state at BOST. COPEC alleges that BOST decided to sell 1.8 million barrels of contaminated fuel to BB Energy. The OSP had acknowledged receipt and commenced investigation but the case is yet to be concluded⁴⁶.

Limited budget allocation to the office of the OSP. According to Mr. Agyebeng, the Special Prosecutor, his office is under-resourced. He warned that *“Without money, we can’t do anything. We will be reduced to writing long letters without any force”*⁴⁷.

Similarly, the CHRAJ also does not have the necessary funds to operate as it should. For years now, the Commission has been under-funded which has led to debt payment delays, hindering the operation of the Commission in the process. Despite a budget allocation of 45 million cedis, only Ghc 2 million has been released for operations and Ghc 9 million for salaries and compensation. Poor resource has prevented the Commission from fully investigating corruption cases⁴⁸. In April 2018, Metro Mass Transport MD Mr. Bennet Aboagye was ordered to proceed on leave with immediate effect. It later emerged in 2019 that a former security coordinator of the Metro Mass Transit Company (MMT), Lawal Fuseini confirmed that the Ministry of Transport had inflated the prices of about 50 buses purchased from China by over US\$5 million. The former MMT security coordinator then petitioned CHRAJ over the scandal. There have been no updates about the outcome and silence from both the OSP and CHRAJ⁴⁹.

Recommendation:

- I. The state should strengthen the OSP and CHRAJ by allocating more resources to allow them to effectively fulfil their anti-corruption mandate.

⁴⁶ Good Governance Africa ‘Reviewing the Office of the Special Prosecutor(OSP), Ghana: Assessing Progress On The Renewed Anti-Corruption Fight’
<https://digitalmallblobstorage.blob.core.windows.net/wp-content/2022/04/Final-Report-Assessing-Progress-on-the-Renewed-Anti-Corruption-Fight_29.03.22.pdf>

⁴⁷ Hanson Agyemang & Delali Adogla-Bass, “2022 budget allocation not enough, we’ll push for more resources’ -Special Prosecutor’, (09 December 2021)
<<https://citinewsroom.com/2021/12/2022-budget-allocation-not-enough-well-push-for-more-resources-special-prosecutor/>>

⁴⁸ ‘CHRAJ Laments Insufficient Funding Undermines its Ability to Operate Efficiently’ (07 June 2022)
<<https://theyvaultnews.com/news/general-news/chrj-laments-insufficient-funding-undermines-its-ability-to-operate-efficiently/>>

⁴⁹ Good Governance Africa ‘Reviewing the Office of the Special Prosecutor(OSP), Ghana: Assessing Progress On The Renewed Anti-Corruption Fight’
<https://digitalmallblobstorage.blob.core.windows.net/wp-content/2022/04/Final-Report-Assessing-Progress-on-the-Renewed-Anti-Corruption-Fight_29.03.22.pdf>

COVID Fund Scandal

Ghana was flagged by the Transparency International as one of the high corruption risk countries which have failed to put in place anti-corruption measures as part of the COVID-19 financial assistance and debt relief⁵⁰. In March 2022, the Parliamentary Minority also filed a motion for an inquiry into the government's expenditure of Ghc 8.1 billion during the COVID-19 period. When the motion was admitted to Parliament it was dismissed. The Deputy Majority Leader, Alexander Afenyo-Markin, felt that auditing of the COVID-19 expenditure should be left to the appropriate state agencies. On Wednesday, February 23, Speaker Alban Bagbin expressed dissatisfaction his deputy, Joseph Osei-Owusu, for dismissing the motion and described the act as illegal and unconstitutional⁵¹. Mr. Bagbin has directed two Parliamentary Committees (Finance and Health) to probe the utilisation of the COVID-19 expenditure by the government⁵².

Recommendations

- I. The Auditor-General should perform a full audit of the COVID-19 funds and publish the report.

⁵⁰ 'Citizens Report Corruption in Covid-19 Humanitarian Aid, Quarantine, Health Care' (14 September, 2020)

<https://www.transparency.org/en/press/citizens-report-corruption-in-covid-19-humanitarian-aid-quarantine-health-care>

⁵¹ <https://www.myjoyonline.com/staff-of-3-state-institutions-to-be-prosecuted-for-misappropriating-covid-funds/>

⁵² <https://www.graphic.com.gh/news/politics/speaker-directs-two-committees-to-investigate-covid-19-expenditure.html>

4. BUSINESS AND HUMAN RIGHTS



Environment)

Business and Human Rights (Natural Resources and

GHANA

**A Rocha Ghana and The Kasa Initiative Ghana
Platform/ Natural Resource and Environment Sector**

JOINT UPR SUBMISSION – 2022

Joint Stakeholders' Report
United Nations
Fourth Universal Periodic Review Ghana

Webpage	email	Postal address
https://www.kasaghana.org/	kasaghana@gmail.com	81 Olympic Street Kokomlemlle Accra
https://ghana.arocha.org/	ghana@arocha.org	P. O. Box KN 3480 Kaneshie, Accra

Submitted by A Rocha Ghana and the members of the Kasa Initiative Ghana Platform.

The Kasa Ghana Initiative is a platform (2008) National Natural Resources and Environment (NRE) coalition of over 100 NRE organizations working within seven thematic areas, aimed at ensuring the effective participation of citizens, including deprived local communities in

responsible and sustainable environment and natural resource governance, maximizing its benefits to Ghana as a nation.

Established in 1999, A Rocha Ghana is a committed and recognized environmental conservation non-governmental organization in Ghana. It has in the past 23 years worked with communities in the Savannah ecological zone of Ghana on restoration of the Savannah ecosystem and the sustainable utilization of natural resources through policy influencing at both the local and national levels, as well as direct conservation action.

Members A list of all the members and organizations that assigns to this document are listed in Annex 2

Accra, Ghana -2022

I. INTRODUCTION AND METHODOLOGY

1. The compilation of this submission has been made possible through a series of engagement with over 40 Civil Society Organizations (CSOs), Coalitions and Networks, individual Experts and Practitioners in the natural resource and environment sector. An initial one-day capacity building workshop was organised for the stakeholders on 29th September, 2021. This was followed by a one-day consultative workshop held on March 31st, 2022 as a joint initiative between A Rocha Ghana and KASA Initiative Ghana. After the second engagement, a field visit was organised to gather evidence to support the issues raised during the consultative workshop.
2. The report is based on field work, media publications and articles, and reports from CSOs. This report has been widely circulated and validated among all relevant stakeholders for their review and inputs. A validation meeting was organized on 8th July, 2022. All parties engaged in the process have finalised this joint UPR submission and confirmed their commitment and approval of the report.
3. The submission is prepared in line with Information and Guidelines for the Universal Periodic Review Mechanism (as of June 30th, 2022). It covers the methodology for the preparation of the report, background and framework, emerging issues in mining, forestry and climate change.

4. The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to recommendations from the third cycle Ghana's UPR 2017 Report and makes other recommendations to the issue raised.

II. **BACKGROUND AND FRAMEWORK**

4. *Scope of international obligations*

4.1. The principles of Free, Prior, and Informed and Consent (FPIC) in the context of development projects that affect indigenous people's lives, livelihoods, and customary land rights are binding on Ghana due to their obligatory status under customary international laws. These principles are also enshrined in the following instruments, which apply to Ghana even though it has not effectively domesticated them in the Ghanaian policies, Laws and Regulations:

- Universal Declaration of Human Rights
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- United Nations treaty bodies, such as the Committee on the Elimination of Racial Discrimination and Committee on Economic, Social, and Cultural Rights,
- African Union's African Convention on the Conservation of Nature and Natural Resources
- The Africa Mining Vision (AMV, 2009)
- ECOWAS Mining Code
- African Commission on Human and Peoples Rights (ACHPR).
- United Nations Guiding Principles on Business, Security and Human Rights
- Minerals and Mining Act 2006 (703)
- 1992 Constitution of Ghana

III. **EMERGING ISSUES IN MINING**

Ghana in the third cycle accepted the recommendation with reference (Ref. 146.51) to apply the guiding principles on business and human rights. However, the state has failed to protect the rights of community members from the activities of private investors and businesses. The state has allowed the operation of private investors such as Electrochem Ghana Ltd, since October 2020. The operation of the business has led to the deprivation of the indigenous Community in the Ada Songor lagoon area in Ada East District access to livelihood (fishing and salt

production). This case infringes on the Minerals and Mining Act 2006 (Act 703), ECOWAS Mining Directives and African Mining Vision and UN Guiding Principles on Business, Security and Human Rights.

Ghana has not implemented the provisions of the UN Guiding Principles on Business, Security and Human Rights. These principles recognize the role of states in respecting and protecting the fundamental human rights and freedoms, the role of businesses to comply to the existing laws and respect to human rights and the need for rights and obligations to be matched to appropriate and effective remedies when breached.

The mining platform of the Kasa Initiative Ghana in this report gives accounts on three cases of human right issues within the mining sector perpetuated by private investors and businesses. The three human right cases include: human rights abuses as a result of large- scale salt production in the Ada Songor lagoon area by Electrochem Ghana Ltd in the Greater Accra Region; the destruction of the Appiatse community and Prestea Huni-Valley Municipal through improper explosives handling; and the security threat posed on communities' members due to the operations of Adamus Gold Resources Ltd, a Mining company in the Ellembelle District, Western region of Ghana.

A. Human rights abuses as a result of large- scale salt production in Ada Songor lagoon area in Ada East and West Districts, by private investors, Electrochem Ghana Ltd (⁵³)

A.i. Threat to Life and Security of Persons

1. There is a severe threat to the security of persons within the communities. Joint company and public security officials often clash with community youth. This has led to unlawful arrest and detention of 14 Youth, without appropriate legal representation and adjudication has become the new normal within mini

⁵³ Ada: Indigenes demonstrate against Electrochem Ltd over salt mining in Songor lagoon, February 10, 2022- Source: [classfmonline.com/Elikem Adiku - https://www.classfmonline.com/news/general/Ada-Indigenes-demonstrate-against-Electrochem-Ltd-over-salt-mini-ng-in-Songor-lagoon-30605](https://www.classfmonline.com/Elikem%20Adiku-%20https://www.classfmonline.com/news/general/Ada-Indigenes-demonstrate-against-Electrochem-Ltd-over-salt-mini-ng-in-Songor-lagoon-30605))

2. Radio Ada (Media House) was vandalized just because they were openly discussing community concerns and impacts from the company operations. The perpetrators are believed to be operatives of the company (⁵⁴).
3. The large- scale land acquisition which affects up to 30 communities that are dependent on Songor Lagoon are threatened with force eviction. It has also led to increased flooding, destruction of farms, housing and other infrastructure due to poorly controlled fresh water management and blockage of some Lagoon drainage by the Company operations without any consultation with the adjoining communities.
4. The Ada Songor lagoon is a Ramsar site and UNESCO Biosphere Reserve (Ada Wildlife Division, Forestry Commission of Ghana) therefore the activities of the company within the landscape is destroying its eco-system (⁵⁵).

B. Threat to Children, Women and Youth socio-economic survival due to the destruction of the Appiatse community, Prestea Huni-Valley Municipal through improper Explosives handling, 20 January 2022(⁵⁶)

B.i. Threat to Children and Women's Rights:

5. A total of 3,300 people displaced, 59 people severely injured, 13 people confirmed dead, 500 buildings destroyed, over 1,500 citizens homeless. There is always slow disaster response in terms of poor search and rescue efforts, poor psychosocial counselling support for the affected population especially Children, Persons living with Disabilities (PwD), Women and Youth (Youth and Media Representative). This has led to high socio-economic and livelihood impact on citizens. Sadly, no economic interventions for Persons with Disability, Women and Youth, including Petty trading and Farming at the Camp site are implemented.

⁵⁴ Vandalism at Radio Ada: The inside story- Sourced: Adwoa Gyasiwaa Agyeman January 14, 2022 2:12 pm <https://www.adomonline.com/vandalism-at-radio-ada-the-inside-story-audio/>)

⁵⁵ <https://rsis Ramsar.org/ris/566>

⁵⁶ The Chief Executive (2022). The Emergency Plan of Action (EPoA) Ghana: Explosion in Apeate Retrieved from; <https://adore.ifrc.org/Download.aspx?FileId=491107>

6. The challenges with the relocation plan and the delayed rebuilding of the housing for the community as promised by the government exposes these vulnerable groups to several risks and leads to the abuse of their rights. The right to education and health of children are violated as parents currently don't have the economic power to afford such rights for their wards.

B. ii. Violation of Rights to Participation and Access to Information:

7. The citizens particularly, women and the youth who depend on the Songor Lagoon and its catchment area for livelihood were not properly informed and involved in the acquisition process thereby undermining the concept of *Free Prior Informed Consent (FPIC)*
8. Community members are not fully engaged in decision making and they are also not provided with enough information during such calamities. According to the Queen Mother of Bogoso, Nana Adwoa Tanaa II (2022), due to the poor community engagement, lack of proper accountability and the weak participation of the locals especially women and the youth, the decisions taken by the authorities and the strategic plan designed do not address adequately the needs of the most affected that is, children, women, youth and persons with disabilities.
9. Again, the affected locals lack access to information on the agreed on, government strategy for addressing their needs and demands. There are media publications which suggest that the company has been fined and the fine has been paid strangely, this was done prior to the Investigation and Redevelopment Committee's report and recommendations

C. A Community member burnt to death by Adamus Resources Ltd, a Mining company in the Asasetre Community, for intruding and trespassing their project site in the Ellembelle District, Western region (⁵⁷)

⁵⁷ Residents demand justice for illegal miner burnt by Adamus's security personnel by Akwasi Agyei Annim December 28, 2021
<https://citinewsroom.com/2021/12/residents-demand-justice-for-illegal-miner-burnt-by-adamus-security-personnel/>

C.i. Right to Life and Security of Persons

10. On 26th December 2021, a 27- year -old Michael Derry (⁵⁸), alias Budo, died at the Korle Bu Teaching Hospital, Accra. He was among a group of Youth who trespassed the concession of Adamus Gold Resources at Anwia and Teleku-Bokazo Nkroful area in the Ellebelle District of the Western Region. He was arrested, abused, molested and torched by the Mining Company's Security Personnel until he sustained life-threatening burns and dumped near the community fence, with the allegation of undertaking illegal mining activities on their concession. Prior to Derry's death his family helped him receive medical treatment at St. Martin de Porres Hospital at Eikwe and was later transferred due to the intensity of his injuries. The management of Adamus Gold Resources Ltd has admitted to the perpetuation of this human rights infringements and taking mitigation steps with the communities and affected families.
11. The Member of Parliament (MP) of the area and Parliamentary (⁵⁹) Select Committee on Mines and Energy have paid a working visit to the Aniwa-Bokazo community to commiserate with the bereaved family.
12. The Ghana Police Service is investigating this case, but, at an unacceptable snail pace. Persistent Social Conflicts and poor Community and Company relationship has resulted in another recent death (Andrew Donkor) who was shoot by a military personal on April 2022, the case is also under investigation; and the Inspector General of Police have paid a working visit to the community (⁶⁰). The continuous harassment of the youth by joint security personnel (Company, Police and Military) have led to several Youth migrating out of the Communities for fear of their safety, attack, arrest, injury and possible death. Community members are also denied access to information on the cases under investigations.

IV. EMERGING ISSUES IN FORESTRY

⁵⁸ <https://youtu.be/OefPOonCHqs>

⁵⁹ <https://youtu.be/tEEXsMZbmBA>

⁶⁰ <https://citinewsroom.com/2022/04/family-of-man-shot-dead-by-security-officer-at-nkroful-demand-justice/>

A. Human Rights Abuse in Managing Kalakpa Game Production Reserve

A. i. Right to Standard of Living Adequate for Health and Wellbeing

The Kalakpa Game Production Reserve which was created around 1975 currently has about 2,500 people who live within the reserve including the original settlers. Their settlements vary in size from a few huts to more than 500 inhabitants. A few of the residents were legal landowners to whom the government claimed they paid partial compensation to move out (although some now claim they did not receive payment). Even though Article 20(3) of the 1992 Constitution of Ghana requires that where a compulsory acquisition or possession of land effected by the State involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values, this provision of the constitution was not fulfilled when the state acquired the land from the inhabitants ⁽⁶¹⁾(⁶²).

Since the area is a Game reserve by law and policy prohibits the government from providing any services to these residents, there are no facilities inside the reserve – no schools, electricity, health facilities, or piped water or boreholes. The lack of such basic amenities further exacerbates residents' poverty. Because the area they live by law is a forest reserve, they are prohibited by government agencies to put up decent housing structures therefore residents make "temporary" huts of clay and thatch.

During the dry season, they walk for hours to find water from disease-ridden rivers, pools, and dams. Cholera, Bilharzia (Schistosomiasis), Guinea Worm, and River Blindness (Onchocerciasis) are often prevalent meanwhile they have limited access to medical care. The children within the community need to walk for about 8km to access basic school, as a result, most children from

⁶¹ 80% of residents of Kalakpa Forest Reserve willing to relocate- July 8, 2020-

<https://www.ghanabusinessnews.com/2020/07/08/80-of-residents-of-kalakpa-forest-reserve-willing-to-relocate/>

⁶² Thursday, 20 June 2019- Source: GNA Settlers on Kalakpa Nature Reserve must be relocated – DCE-

<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Settlers-on-Kalakpa-Nature-Reserve-must-be-relocated-DCE-756708>).

these communities do not go to school especially children below the ages of 8 years this deprived these children of their rights to basic education.

B: African Plantation for Sustainable Development (APSD) Plantation in Atebubu

B. i. Large Scale Land Acquisition and Violation of Property Rights

African Plantation for Sustainable Development (APSD) is a Norwegian company that has acquired 42,000 hectares of land with 50 years lease at Atebubu in the Bono East Region in Ghana to develop biomass for power production.

A field Visit to the communities indicated that the affected farmers were not consulted by their paramount chief and the company before the land was acquired (FPIC, indigenous people rights). They were only informed after their paramount chief and the company has finished the land transactions (⁶³).

The majority of farmers who were already farming in the lands acquired by APSD were evicted from their lands and consequently lost their source of livelihood without any compensation. The community also complained about the presence of military personnel who has been hired from the state by the company and they have been abusing them (⁶⁴). This issue was also raised by The Member of Parliament (MP) for Atebubu-Amantin, Sanja Nanja in Parliament as captured in the media (⁶⁵).

V. EMERGING ISSUES IN CLIMATE CHANGE

A. Sea Level rise and Coastal flooding in the Keta-Anlo Area in the Volta Region of Ghana

⁶³ A documentary by Civic Response: 'The Impact of APSD Plantation on Communities in Atebubu.

https://www.youtube.com/watch?v=9_-MscnBTHE

⁶⁴ (Security presence in Atebubu/Amantin necessary - Defense Minister- Date: Jan - 28 - 2022, 09:36BY: Samuel Duodu-

[https://www.graphic.com.gh/news/politics/security-presence-in-atebubu-amantin-necessary-defence-minister.htm](https://www.graphic.com.gh/news/politics/security-presence-in-atebubu-amantin-necessary-defence-minister.html)l)

⁶⁵ <https://dailyguidenetwork.com/atebubu-amantin-is-security-risk-area-minister/>

A. i. Threat to Social Security and Livelihood

The coastal areas in Ghana are currently facing increased natural and anthropogenic-induced disturbances including sea level rise resulting in coastal erosion. This phenomenon has reduced the full enjoyment of human rights by people living along the coast of Ghana. With the entire coastal region of Ghana at risk, the eastern portions which covering a stretch of 149km from Ada to Aflao have seen significant impacts of such phenomenon. The entitlement of all these people to be treated equally, to live their life in safety and freedom, and to be protected by their government has not been the case in several decades now. There have been several reports of sea level rise in Ghana as reported by Evadzi et al. (2017) ⁽⁶⁶⁾, and others by an average of about 5.3 cm over the last 21 years resulting in approx. 31% of the observed annual coastal erosion rate (about 2 m/yr.) in Ghana ⁽⁶⁷⁾⁽⁶⁸⁾.

Several coastal communities have been lost to sea level rise and coastal erosion in the past including Fuveme, a once flourishing fishing community of about 2,500 people which has been reduced to a few hundred, now struggling to keep their heads above water. The communities have lost and keeps losing their properties their shelters, farmlands, roads and health facilities to sea level rise and coastal erosion ⁽⁶⁹⁾.

The local authorities continue to struggle to find temporal solutions to the problem including banning wining of sand along the shores but in an interview with one of the fishermen and an opinion leader in Anloga, he asserts that the local authorities depend on sand wining through the collection of tolls from truck drivers. He added that these tolls are the only source of internally generated funds (IGF) for the local authorities ⁽⁷⁰⁾.

RECOMMENDATIONS

⁶⁶ Evadzi PIK, Zorita E, Hünicke B (2017) Quantifying and predicting the contribution of sea-level rise to shoreline change in Ghana: information for coastal adaptation strategies. J Coast Res. <https://doi.org/10.2112/JCOASTRES-D-16-00119.1>

⁶⁷ <https://www.youtube.com/watch?v=XNfY9X90yNk>

- Residents along Keta-Aflao stretch displaced following mass destruction by tidal waves- Nov 9, 2021- City TV News.

⁶⁸ Keta coastal flooding: Is it a warning for Ghana about climate change? Source: Ing. Prince Osisiadan 10 November 2021 4:56pm

⁶⁹

<https://www.voanews.com/a/ghana-s-coastal-communities-threatened-by-erosion-sand-harvesting-/6374516.html>

⁷⁰ An Interview with a fisherman, Anloga, 2022

A. Recommendations to the Emerging Issues in Mining

1. The government of Ghana should implement the accepted recommendation from the third cycle with reference (Ref. 147.18) ⁽⁷¹⁾ by ensuring that the Ministry of Lands and Natural Resources (MLNR) and the Minerals Commission prioritize the review of the Minerals and Mining Act and the domestication of the African Mining Vision, ECOWAS Mining Code and the UN Guiding Principles on Business, Security and Human Rights;
2. The MLNR, the Forestry Commission (FC) and the Minerals Commission should enforce the status and profiling of the Ada Songor Lagoon as a Ramsar Site and UNESCO Biosphere Reserve and prevent it from mining;
3. The MLNR and the Minerals Commission should review the Occupation Safety, Health and Environment of the Minerals and Mining (Explosives) Regulations, 2012 (LI 2177) ⁽⁷²⁾;
4. The Commission for Human Rights and Administrative Justice (CHRAJ) should immediately initiate actions to investigate, prosecute and compensate the affected persons of accidents caused by companies as a result of negligence of health and safety standards;
5. The government of Ghana should implement the accepted recommendation from the third cycle with reference (Ref. 146.51) ⁽⁷³⁾ by developing the business and human rights action plan which would ensure that shareholders and management of mining companies demonstrate their commitment to the UN Guiding Principle on Business and Human Rights by taking full responsibilities of the incident.

B. Recommendations to the Emerging Issues in Forestry

⁷¹ Appendix 2

⁷²[https://bcp.gov.gh/acc/registry/docs/MINERALS%20AND%20MINING%20\(EXPLOSIVES\)%20REGULATIONS,%202012%20\(LI%202177\).pdf](https://bcp.gov.gh/acc/registry/docs/MINERALS%20AND%20MINING%20(EXPLOSIVES)%20REGULATIONS,%202012%20(LI%202177).pdf)

⁷³ Appendix 2

6. The MLNR and the FC should as a matter of urgency collaborate with relevant agencies to appropriately resettle and/ or admit the communities within the Kalakpa reserves;
7. The MLNR and the Parliament should develop a Legislative Instrument to regulate large-scale land acquisition in Ghana as recommended by the Land Act, 2020 (Act 1036).

C. Recommendations to the Emerging Issues in Climate Change

The government of Ghana should:

8. Develop a Coastal Development Management Policy with allocated funds to implement it;
9. Adopt an eco-friendly, nonpartisan, and participatory approach to development options of the coastal region of Ghana. This would ensure that people thrive with the environment and their heritage preserved;

The ministry of Environment, Science, Technology and Innovation (MESTI) should:

10. Build the capacity of local authorities to offer first-hand help to affected communities and support these communities to mitigate the effects of climate change;
11. Develop and implement Coastal disaster risk preparedness and early warning systems for local people to make informed decisions;
12. Institute appropriate compensation scheme for loss and damage to alleviate the plight of climate disaster victims for alternate livelihoods;
13. Build the capacity of communities to be able to respond to climate crises.

Annex 1: References

- 80% of residents of Kalakpa Forest Reserve willing to relocate- July 8, 2020- <https://www.ghanabusinessnews.com/2020/07/08/80-of-residents-of-kalakpa-forest-reserve-willing-to-relocate/>
- A documentary by Civic Response: 'The Impact of APSD Plantation on Communities in Atebubu. https://www.youtube.com/watch?v=9_-MscnBTHE
- Ada: Indigenes demonstrate against Electrochem Ltd over salt mining in Songor lagoon, February 10, 2022- Source: [classfmonline.com/Elikem Adiku](https://www.classfmonline.com/Elikem-Adiku) - <https://www.classfmonline.com/news/general/Ada-Indigenes-demonstrate-against-Electrochem-Ltd-over-salt-mining-in-Songor-lagoon-30605>)
- An Interview with a fisherman, Anloga, 2022
- An Interview with the Queen Mother of Bogoso, July 2022
- Article 20(3) of the 1992 Constitution
- Evadzi PIK, Zorita E, Hünicke B (2017) Quantifying and predicting the contribution of sea-level rise to shoreline change in Ghana: information for coastal adaptation strategies. *J Coast Res.* <https://doi.org/10.2112/JCOASTRES-D-16-00119.1>
<https://www.youtube.com/watch?v=XNfy9X90yNk> - Residents along Keta-Aflao stretch displaced following mass destruction by tidal waves- Nov 9, 2021- City TV News.) (Keta coastal flooding: Is it a warning for Ghana about climate change? Source: Ing. Prince Osisiadan 10 November 2021 4:56pm
- <https://citinewsroom.com/2022/04/family-of-man-shot-dead-by-security-officer-at-nkroful-demand-justice/>
- <https://dailyguidenetwork.com/atebubu-amantin-is-security-risk-area-minister/>
- <https://rsis.ramsar.org/ris/566>
- <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- <https://www.voanews.com/a/ghana-s-coastal-communities-threatened-by-erosion-sand-harvesting-/6374516.html>
- <https://youtu.be/OefP0onCHqs>
- <https://youtu.be/tEEXsMZbmBA>

- Residents demand justice for illegal miner burnt by Adamu’s security personnel by Akwasi Agyei Annim December 28, 2021 <https://citinewsroom.com/2021/12/residents-demand-justice-for-illegal-miner-burnt-by-adamus-security-personnel/>
- Security presence in Atebubu/Amantin necessary - Defence Minister- Date: Jan - 28 - 2022, 09:36BY: Samuel Duodu- <https://www.graphic.com.gh/news/politics/security-presence-in-atebubu-amantin-necessary-defence-minister.html>
- The Chief Executive (2022). The Emergency Plan of Action (EPoA) Ghana: Explosion in Apeate Retrieved from; <https://adore.ifrc.org/Download.aspx?FileId=491107>
- Thursday, 20 June 2019- Source: GNA Settlers on Kalakpa Nature Reserve must be relocated – DCE- <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Settlers-on-Kalakpa-Nature-Reserve-must-be-relocated-DCE-756708>
- Vandalism at Radio Ada: The inside story- Sourced: Adwoa Gyasiwaa Agyeman January 14, 2022 2:12 pm <https://www.adomonline.com/vandalism-at-radio-ada-the-inside-story-audio/>

Annex 2: Status of Implementation of Relevant Recommendations From 3rd UPR Cycle

An overview of the [relevant recommendations](#) accepted by Ghana in the 3rd UPR cycle that have not been implemented is provide in the table below:

Recommendation	Position	Full list of themes	Comments on level of implementation
Theme: Business and Human Rights			

146.51: Integrate and apply the Guiding Principles on Business and Human Rights to all its relevant policies including licensing extractive business (Republic of South Korea)	Accepted	Business and human rights	The Guiding Principles on Business and Human Rights is yet to be operationalized.
Theme: Environment and Human Rights			
147.18: Expedite action on the review of the Minerals and Mining Act to ensure sound management of the extractive sector to include control of illegal mining activities and integrate community rights (Kenya)	Accepted	Environment and human rights	The review of the Minerals and Mining Act is still pending

Annex 3: List of Participating CSOs

Index	Name of Organization/ Persons	Location
1	A Rocha Ghana	Accra
2	Social Support Foundation	Obuasi
3	Wacam	Accra
4	Centre for Public Interest Law (CEPIL)	Accra
5	Centre for Environmental Impact Analysis (CEIA)	Cape Coast
6	Livelihood Empowerment Ghana (LEG)	Ahafo
7	Centre for Social Impact Studies (CESIS)	Obuasi
8	NECPAD	Tarkwa
9	Nana Adwoa Tanaa II (Queen Mother)	Bogoso

10	Environmental Advocates	Wassa Akropong
11	United Force for Development	Tamale
12	Civic Response	Accra
13	Ayongo Foundation	Ada, East
14	New Generation Concern	Wassa, Akropong
15	Devascom Foundation	Kumawu
16	Foundation for Environmental Watch	Accra
17	Environmental Protection Association of Ghana	Kumasi
18	Greenglobe Ghana	Ho
19	Ada Songor Advocacy Forum	Ada Songor
20	Muthashi Foundation	Asante Akim, Konongo
21	Strategic Youth Network for Development	Accra
22	Advocate for Biodiversity	Accra
23	Accelerated Rural Development Organization	Hohoe
24	Zenab Family Foundation	Ahafo
25	Hired Consult	Accra
26	Ellembelle Community Member	Ellembelle
27	Agorvie Youth for Sustainable Development	Ketu North
28	Centre for Public Interes Law	Accra/ Tarkwa
29	AbibiNsoroma Foundation	Accra
30	Women in Law and Development in Africa	Accra
31	UCSOND	Axim
32	Vision for Alternative Development	Accra
33	Renel Ghana Foundation	Cape Coast
34	Ako Foundation	Accra
35	Bogoso Community Member	Bogoso
36	Save Our Environment Foundation	Accra
37	Youth Volunteers for the Environment	Kasoa

38	Greener Impact International	Accra
39	Defense Against Aids Poverty and Underdevelopment (DAAPU)	Akropong
40	Kasa Initiative Ghana	Accra

5. GHANA’S OBLIGATIONS UNDER INTERNATIONAL LAW

UNITED NATIONS UNIVERSAL PERIODIC REVIEW OF GHANA

Joint Report on Ghana’s Obligations Under International Law

By

- **POS Foundation,**
- **Reformation of Hope (ROH) Foundation**
- **Centre for Security Policy and Research (CSPR)**



Center for
Security Policy
and Research
(CSPR)

Email:

- posjonathan@gmail.com
- rohfishrael@gmail.com

Website:

- posfoundation.org
- <https://www.facebook.com/ROH-Foundation-1599621746961763>

POS Foundation is one of the leading CSOs in Ghana which operates in the area of Access to Justice, Policy Reforms, Cross-Border Trade, Drug Policy Reforms, Advocacy for the Right to Information, Youth Empowerment and functions as Convener for Ghana's Civil Society Platform on the UN UPR and also serves as the secretariat for the Ghana Human Rights NGOs Forum.

Reformation of Hope Foundation is a non-profit making organization dedicated to promoting Youth development, Human rights advocacy and Research, Access to Justice, Sustainable Environment and monitoring of Governmental Policy Reforms at the local and national levels.

The Centre for Security Policy and Research (CSPR) is a people-centred and youth-led think tank for research, training and policy on security matters pertaining to the African context. With a robust in-house research capacity, a driven team and a pool of international experts, CSPR aspires to deliver security-oriented analysis, publications, tailor-made training programmes and policy recommendations for the public and private security sector

1. Introduction

- I.0 This submission focuses on the work of the POS Foundation, Reformation of Hope Foundation and Centre for Security Policy and Research (CSPR) on international criminal justice and monitoring Ghana’s compliance with international instruments to which it is a party. This report is also an add-on and situational report from the earlier submission made by ACILA
- I.1 In this submission, we focus on the recommendations made during the 2nd and 3rd UPR Cycle to Ghana to domesticate the Rome Statute of the International Criminal Court (ICC) in 2012 and 2017, respectively, along with several recommendations to ratify specific international instruments.

II. Methodology

- 2.1. The information submitted in this report was derived from POS Foundation, Reformation of Hope Foundation and Centre for Security Policy and Research (CSPR) study and publications on the issues, some of which were validated through various forums, including outreach and public education activities undertaken by the aforementioned organizations.
- 2.2. In addition, the information was further discussed at a pre-UPR submission workshop organised by the Ghana Human Rights NGOs Forum (POS Foundation-Secretariat) which was attended by over 60 CSOs in Ghana on the 29th & 30th of June, 2022 and validated by same on the 12th and 13th July, 2022.

III. Context/Issues

III.1 Recommendation to Domesticate the Rome Statute of the International Criminal Court

- I. Per UPR 2012, a recommendation was made to Ghana at 123.11 to “intensify its efforts to complete the alignment of national legislation with the provisions of the Rome Statute...”. Since then, Ghana has only drafted the International Criminal Court Bill in 2016.
- II. Also, according to the UPR 2017, recommendations were made to Ghana at 146.22 and 146.58 to take all the necessary measures to align its legislation with all the obligations under the Rome Statute of the International Criminal Court. This is because the Bill has not been passed since it was drafted in 2016 to domesticate the Rome Statute and give effect to Ghana’s obligations under the Statute.
- III. It is pertinent to note that Ghana was among the early adopters of the Rome Statute, having signed the Rome Statute on 18 July 1998 and ratified it on 20 December 1999. However, 20 years after the Rome Statute came into force in 2002, Ghana has not domesticated the Rome Statute to demonstrate its commitment to providing justice for victims of international crimes, including crimes against humanity, genocide, and war crimes.
- IV. Domesticating the Rome Statute is especially important at a time when there has been a persistent call by a majority of African leaders for mass withdrawal from the ICC.

Although Ghana has not publicly denounced the ICC, Ghana has pursued a two-track approach: ensuring that Ghana did not withdraw from the ICC while supporting calls for the establishment of the African Court of Justice and Human Rights to prosecute international crimes.

- V. Indeed, Ghana was among the first eight countries to follow through with its support for establishing a chamber at the African Court to prosecute international crimes when it signed the agreement on the African court in February 2016.
 - VI. In addition, Ghana was not among the minority of countries that voted against the non-binding resolution adopted by the African Union on 31 January 2017 in Addis Ababa for mass withdrawal from the ICC. Ghana's support for mass withdrawal from the ICC prompted Justice Emile Short, a former Judge of the United Nations International Criminal Tribunal for Rwanda (ICTR), to urge Ghana to state its position on the ICC at a roundtable discussion organized by Africa Centre for International Law and Accountability (ACILA) and CDD on 9th August, 2018.
- A. **Obligation:** Ghana is obligated to respect its obligations under the Rome Statute to pass the Ghana International Criminal Court Bill, 2016, into law.⁷⁴

B. Recommendation

The State Party should:

- Pass the International Criminal Court Bill, 2016 into law by December 2023.

3.2. Ratification of International Instruments

1. Per UPR 2012, about 20 recommendations were made to Ghana to ratify, implement or bring its domestic laws in compliance with its international law obligations.
2. Some of the recommendations asked Ghana to “Intensify its efforts to complete the alignment of national legislation with the provisions of the Rome Statute and to expedite the process of ratification of OP-CAT (Tunisia, 123.11.); “Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2) (Australia, Spain, Rwanda, 126.1.); “Ratify ICCPR-OP2, aiming at the abolition of the death penalty (Switzerland, 126.2.);” ‘Abolish by law the death penalty and consider ratifying ICCPR-OP2 (France, 126.12.), among other recommendations
3. We highlight the status of ratifications by Ghana of some of the core international human rights instruments, including OP-CAT, Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at or Abolishing the Death Penalty; International Convention for the Protection of All Persons from Enforced Disappearance; Optional Protocol to the Convention on the Rights of the Child on the

⁷⁴ <https://www.graphic.com.gh/news/general-news/pass-ghana-int-l-criminal-court-bill-justice-short.html>

Sale of Children, Child Prostitution and Child Pornography; and Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, and Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

- i) Ratification Status of the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at or Abolishing the Death Penalty - According to information available on the United Nations Treaty Collection database on 7 July 2022, Ghana has not taken any action (not signed or ratified) the Second Optional Protocol to the International Covenant on Civil and Political Rights Aimed at or Abolish the Death Penalty.
- ii) Ratification Status of the International Convention for the Protection of All Persons from Enforced Disappearance - According to information available on the United Nations Treaty Collection database on 7 July 2022, Ghana has signed but has not ratified this treaty.
- iii) Ratification Status of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography - According to information available on the United Nations Treaty Collection database, on 7 July 2022, Ghana signed this instrument on 24 September 2003, but has not ratified it.
- iv) Ratification Status of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure - According to information available on the United Nations Treaty Collection database on 7 July 2022, Ghana signed this instrument on 24 September 2013 but has not ratified it.
- v) Ratification Status of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights - According to information available on the United Nations Treaty Collection database on 7 July 2022, Ghana signed this instrument on 24 September 2009 but has not ratified it⁷⁵.

Ghana has made progress in ratifying some of the international human rights-based instruments; however, much remains to be done.

- A. **Obligation:** Ghana is obligated under the recommendations it supported at the 2012 and 2017 Universal Periodic Review to, at the very least, ratify the international instruments which it has signed.

B. **Recommendation**

The State Party should:

- Ratify the international instruments which it has signed by December, 2023.

⁷⁵ <https://www.graphic.com.gh/news/general-news/pass-ghana-int-l-criminal-court-bill-justice-short.html>

6. RIGHT TO LABOUR (WORK)

JOINT REPORT ON RIGHT TO LABOUR (WORK)

UNITED NATIONS UNIVERSAL PERIODIC REVIEW OF GHANA

By

- POS Foundation,
- Reformation of Hope (ROH) Foundation



Email:

- posjonathan@gmail.com
- rohfishrael@gmail.com

Website:

- posfoundation.org
- <https://www.facebook.com/ROH-Foundation-1599621746961763>

1. Introduction

This report is submitted for the fourth cycle of the UN UPR by POS Foundation and Reformation of Hope Foundation.

POS Foundation is one of the leading CSOs in Ghana which operates in the area of Access to Justice, Policy Reforms, Cross-Border Trade, Drug Policy Reforms, Advocacy for the Right to Information, Youth Empowerment and functions as Convener for Ghana’s Civil Society Platform on the UN UPR and also serves as the secretariat for the Ghana Human Rights NGOs Forum.

Reformation of Hope Foundation is a non-profit making organization dedicated to promoting Youth development, Human rights advocacy and Research, Access to Justice, Sustainable Environment and monitoring of Governmental Policy Reforms at the local and national levels.

2. Methodology

II.1 The report was prepared with fact finding researches embarked upon in consultation with the Trades Union Congress, Ghana (TUC), the media (who in executing their mandates as “watch dogs” brought to fore an accurate and tangible state of unemployment rates and its effect on indigenes {the youth}), as well as locally based civil society groups living and working in various communities.

II.2 The information was further discussed at a pre-UPR submission workshop organised by the Ghana Human Rights NGOs Forum (POS Foundation-Secretariat) which was attended by over 60 CSOs in Ghana on the 29th & 30th of June, 2022 and validated by same on the 12th and 13th July, 2022.

II.3 The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to the summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution (16/21A/HRC/WG.6/14/GHA/3).

III. Ghana's International commitments

3.1 Ghana has also expressed commitment to the International Labour Organisation. The country has also been active in giving and receiving recommendations during the Universal Periodic Review cycles.

3.2 However, the country still faces major challenges for implementing international commitments related to Right to Labour (work & unemployment), particularly concerning women and girls, young people, people living with disability and those belonging to vulnerable groups.

31. National UPR Context

At the 3rd UPR cycle, Ghana received and accepted 14 recommendations on the rights of citizens to Labour (Work). Including 146.17 by Sudan 'Accede to the ILO Domestic Workers Convention, 2011 (No. 189)''.

a. Information on degree/level of implementation since 3rd Cycle

i. Unemployment

1. The greatest challenge facing the youth in Ghana has been the lack of employment opportunities. In the last three decades, government has often focused its attention on the stabilization of the economy and in particular the achievement of single digit inflation rather than employment. This policy direction has often been reflected in budget statements which usually has very little to say about how government will create or help create employment on the scale required for a significant poverty reduction.

2. Data from the Ghana Investment Promotion Council (GIPC) show that in the 2021 annual report 271 projects were registered (both old and new). Out of the 271 projects registered, the services sector recorded the highest number of projects (139). It was followed by manufacturing and general trading with 50 and 35 projects respectively. Oil & gas, export trade and building & construction recorded 19, 12 and 11 projects respectively. The agricultural sector recorded 3 projects and liaison recorded 1 project. In terms of the FDI values, the services sector recorded the largest value of US\$689.91

million. This was followed by the oil and gas and manufacturing sectors with FDI values of US\$265.87 million and US\$131.41 million respectively. This has been the pattern over the last decade, there has been no direct investment into sectors and areas that will help create jobs and add value to the country's natural resources⁷⁶.

3. Like previous year budgets, Ghana started the 2022 year with another round of austerity and fiscal consolidation with single digit inflation as the main policy objective.
4. Unproductive spending which has become a feature of economic management every election year has led to what analysts have termed unsustainable deficit.
5. The Government presented its 2022 Budget Statement and Economic Policies to Parliament on 16th November, 2021. A careful reading of the budget indicates that the government recognizes the employment challenge and as such has a clear intention to address it. Government has promised to continue special programmes such as the one-district-one-factory, one village-one-dam, small business development, planting for food and jobs, national entrepreneurship and innovation program, one million-one-constituency, among other initiatives aimed at creating jobs for Ghanaians. Government has also promised to undertake employment audit of government-funded projects⁷⁷. However, a considerable number of these mapped out interventions have not been implemented with various experts questioning its efficacy in addressing the issue of high unemployment rates.
6. According to the TUC, the successful implementation of these initiatives will go a long way to alleviate the employment challenge, however, the TUC observes with concern that there is a need for clear targets for employment creation to serve as a guide for assessing performance, sector by sector, region by region and district by district. Since women and the youth, it is argued, have suffered discrimination in terms of decent jobs, it will be important to assess Ghana's performance in terms of the proportion of new jobs that benefit women and young people directly.
7. The 2022 budget emphasized on growth and jobs, and clearly reveals that government has set clear targets to measure growth within a year. Regrettably, there is no such target for job creation.

5.0. Obligation;

⁷⁶ <https://gipc.gov.gh/wp-content/uploads/2022/05/Q4-2021-Investment-Report-01022022-02022022-.pdf>

⁷⁷ <https://mofep.gov.gh/sites/default/files/news/2022-Budget-Statement.pdf>

Ghana is obligated under the recommendations it accepted at the 2012 and 2017 Universal Periodic Review to, at the very least, ratify the international instruments which it has signed.

6.0. Recommendations

The State Party should;

1. Conduct in the nearest possible time, a comprehensive survey highlighting the high employment rate in Ghana and implement effective measures to solve the problem.
2. Set clear employment targets for each region and district in Ghana.
3. Review the Labour Act of which has been in active use for over 13 years without review.
4. Expedite the ratification of the International Labour Organization Domestic Workers Convention, 2011 (No. 189)
5. Ratification of remaining 11 out of 51 International Labour Organization Conventions
6. Initiate further efforts in order to fight child exploitation in dangerous work and work more seriously through the promulgation of laws to combat this phenomenon.

7. WOMEN'S RIGHTS



DEFENCE FOR CHILDREN
INTERNATIONAL
GHANA





Joint Reports submitted to the Office of the United Nations High Commissioner for Human Rights by Women’s Initiative For Self-Empowerment (WISE), Defence for Children International, Ghana Section (DCI-Ghana), Women in Law and Development in Africa (WILDAF-Ghana), Centre For Women In Development And Public Policy (CEWODEPP), Amnesty International Ghana (AI Ghana), Sung Foundation (SUFOD), Legal Resource Centre (LRC), Gender Centre For Empowering Development (GenCED), The Ark Foundation, Youth Entrepreneurship And Social Advocacy Centre (YESAC), Centre For Muslim Youth In Peace And Development, Women in the Lord’s Vineyard (WITLOV), Ghana NGO Coalition on the Rights of the Child (GNCRC), Resource Link Foundation, Human Rights Advocacy Centre and KASA Ghana towards its 4th Universal Periodic Review-UPR

(Workshop for 60 CSOs held on June 29th, 30th, July 12th, 13th 2022, Accra, Ghana, convened by Ghana UN UPR Civil Society Platform (POS Foundation- Secretariat/ Convener).

INTRODUCTION AND METHODOLOGY

1. This report examines Ghana's implementation of international human rights obligations under Equality and Non-Discrimination with particular reference to the ***Protection of Women's Rights***.
2. This submission is informed by the shared experiences of the above mentioned network of civil society organizations (CSOs) contributing to the protection of women's rights on a daily basis serving their constituents in their communities as well as engaging with state collaborating partners discussed at a pre-UPR submission workshop organized by POS Foundation (Ghana Human Rights NGOs Forum Secretariat) on June 28 – 30, 2022 in Accra, was by over sixty (60) CSOs nationwide and validated by same on July 12 – 13, 2022.
3. The submission examines specific developments and follow-up measures taken by Ghana in relation to thematic list recommendations of the 3rd cycle – 28th session of the UPR by the Office of the High Commissioner for Human Rights.
4. The 1992 Constitution provides Ghana's domestic legal foundation with Chapter 5 mandating the protection of the human rights of the citizenry, including women. Ghana is a state party to a number of related regional and international treaties and has put in place a number of legal instruments to domesticate them.
5. Ghana has ratified the International Covenant on Civil and Political Rights (ICCPR), Second Optional Protocol to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR), for the protection of women's rights.
6. Others include Convention against Torture (CAT), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Protection from Torture, Ill-Treatment and Disappearance as well as Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Convention on the Elimination of All forms of Discrimination against Women and the African Charter on Human and Peoples' Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol).
7. Under domestic law, The Criminal Offences (Amendment) Act, 1998 (Act 554), Human Trafficking Act 2005, (Act 694) and the Domestic Violence Act, 2007 (Act 732), all give protection to women.
8. Despite tireless efforts by state and non-state actors to ensure that women enjoy their rights, there remain certain practices that infringe on these rights. Trafficking in Persons, relatively high incidence of domestic violence as well as low representation of women in public decision-making processes continue to impede the full protection of women's rights in Ghana.

□ VIOLENCE AGAINST WOMEN (VAW) INCLUDING DOMESTIC VIOLENCE (DV)

9. During the 3rd Cycle of the UPR in 2017, Ghana received over twelve (12) recommendations to address the issue of Violence Against Women (VAW)⁷⁸. These were reference numbers;146.138, 146.143, 146.144, 146.132, 146.133, 146.136, 146.137, 146.156, 146.48 146.187and 147.33.
10. As per recommendations 146.138 and 146.144, Ghana was advised to “Continue efforts to combat violence against women and early and forced marriage” and “Continue efforts to implement the 2007 law on domestic violence and prohibit dehumanizing practices against women and girls” respectively.
11. Since the passage of the Domestic Violence Act, 2007 (Act 732) development partners have supported both state and non-state actors in its implementation. The Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service continues to receive thousands of reports of sexual and gender-based violence nationwide. According to the DOVVSU 2019 statistics, only 15.81% of reported cases of gender-based violence have resulted in successful convictions of perpetrators.
12. Appropriate support to victims of violence against women continues to be a challenge. The DV Act established a Domestic Violence Fund to assist in the rehabilitation and re-integrations of victims of gender-based violence⁷⁹ but allocation to this fund remains woefully inadequate. The DV Act mandates the State to set up shelters for victims of gender-based violence⁸⁰
13. Until recently the only shelter for abused women was operated by an NGO. DOVVSU has inaugurated a “One-Stop Centre to enhance access to justice, psycho-social interventions and other services including shelter, for survivors of domestic violence”⁸¹
14. In March 2021, UNFPA in collaboration with MoGCSP launched the “Orange Support Centre and BoaMe App⁸² with a toll-free helpline number for individuals to report DV cases and access support services. The DOVVSU One-Stop Centre also offers toll free help line services to the public with 24-hour access⁸³.

⁷⁸ <http://www.ohchr.org>

⁷⁹ Section 31

⁸⁰ ibid

⁸¹ <http://mint.gov.gh>

⁸² <http://niyiojuolape.com>

⁸³ <http://police.gov.gh>

15. On April 19, 2022, a man in Assin South District of Central Region was arrested for “allegedly” shooting his wife because she refused to give him Gh¢2.00 to buy alcohol. The forty-six (46) year old man killed his wife after several threats on her life.⁸⁴
16. On 16th February 2022, a 31-year-old man in Adansi Nyakumase in the Ashanti Region shot his wife after she denied him sex. After shooting her, he attempted suicide after sensing danger but was unsuccessful. He was also unable to kill his wife⁸⁵.
17. On 21st August 2021, 45-year-old man killed his wife over food. This incident occurred at Prang in the Pru West district of the Bono East Region while the wife was in the kitchen cooking. It was reported that, the suspect had refused to give the wife money for a funeral she planned to attend therefore the wife retaliated by not reserving dinner for the husband, which got him infuriated and shot the wife to death⁸⁶.
18. OBLIGATION: VAW is a violation of human rights under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), as well as the DV Act 2007, Act (732) and the 1992 Constitution.

19. RECOMMENDATIONS

20. The State Party should:

- I. As a matter of urgency provide funds for the effective implementation of Section 8 (3) of the DV Act, 2007, (Act 732).
- II. Take immediate steps to set up more shelters for victims as stipulated by the DV Act.
- III. Allocate adequate resources to DOVVSU for intensive public education on the DOVVSU toll free number and the services available.
- IV. Resource DOVVSU one-stop centre to provide psycho-social support to victims of DV to facilitate an effective reintegration into the society.

□ INTESTATE SUCCESSION BILL

21. Recommendation 146.46 states that Ghana must “Pass gender equality legislation including the Property Rights of Spouses Bill, the Affirmative Action Bill and the Intestate Succession Bill”
22. As per recommendation 146.130 Ghana was required to “Abolish legislation discriminating against women in the fields of property ownership, access to credit and inheritance”

⁸⁴ <https://www.myjoyonline.com/man-46-allegedly-shoots-wife-over-¢2/>

⁸⁵ <https://www.myjoyonline.com/man-shoots-wife-for-refusing-him-sex-attempts-suicide/>

⁸⁶ <https://www.pulse.com.gh/news/local/man-reports-himself-to-police-after-killing-wife-a-mother-of-9-children-over-food/7we68cc>

23. Ghana enacted PNDC Law 111 to protect the rights of women and children to inheritance upon the demise of the husbands / fathers who die intestate. However, this law has been found to lack provisions for full protection hence the proposal of the Intestate Succession Bill to provide the needed relief. The draft of this bill has been introduced and re-introduced to each Parliament for consideration and passage into law since November 3, 2009.
24. On 12th December 2018, *Odamtten and Others Vrs Wuta-ofei* (J4 20 of 2016) [2018] GHASC 63: a case petitioned by the grandchildren of Robert and Barbara Wuta Ofei claiming the property as beneficiaries of the estate of their mother (Roberta Wuta- Ofei) and Respondent, (Robert Wuta-Ofei who claimed the right to sell the property as the head of family, administrator of the estate and the only surviving child of the parents). A Court of Appeal affirmed the decision of a High Court that upon the death intestate of Wuta–Ofei, a Ga from Osu, succession to his self-acquired property became a family property and by Osu customary law which is patrilineal, it is his children who inherited him (Roberta, Vida, Percy and the Robert). The court ruled in favour of Robert (the only surviving child) of Wuta-Ofei since the female children had only life interest in the estate. The Court further held that Robert the head of family is clothed with authority to deal with the property⁸⁷.
25. Despite a verbal commitment by the Attorney General and Minister of Justice in January 2017, to work towards the passage of the Intestate Succession Bill when she assumes office⁸⁸, it remains a bill after her 5 years in office.
26. OBLIGATION: Ghana is obligated under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol).
27. **RECOMMENDATION**
28. The State Party should:
- I. Pass the Intestate Succession Bill into law by December 2024.

□ PROPERTY RIGHTS OF SPOUSES BILL

⁸⁷ <https://ghalii.org/gh/judgment/supreme-court/2018/63>

⁸⁸ <https://citifmonline.com/2017/01/ill-ensure-passage-of-intestate-succession-bill-gloria-akuffo/>

29. As per recommendation 146.46, Ghana is required to “Pass gender equality legislation including the Property Rights of Spouses Bill, the Affirmative Action Bill and the Intestate Succession Bill”
30. In Ghana, women do not often make direct financial contribution to property acquisition in a marriage and even where they do there is hardly ever appropriate documentation to attest to it. Property is often registered in the name of the man and women are left with next to nothing upon the dissolution of the marriage.
- 31. On 31st October, 2012 during the Quartson Vrs Quartson (J4 8 of 2012) [2012] GHASC 49**, a Court of Appeal dismissed an appeal on matrimonial property after dissolving the marriage, save for awarding an enhanced financial settlement to the wife. It was ruled that, the matrimonial property was not jointly acquired because; the contribution of the wife was in a form of purchasing building materials and supervising the property from the foundation level to completion which did not constitute substantial contribution. It further ruled that, the contribution of the wife constituted **only domestic chores** of a wife and cannot entitle her to an interest in the property which cannot be qualified in monetary terms or value⁸⁹.
32. The Property Rights of Spouses Bill which seeks to provide a more equitable distribution of property acquired during a marriage between spouses, was proposed, drafted and placed before Parliament for consideration and passage into law in 2009 but did not see the light of day/ It has been re-introduced to each new Parliament thereafter but remains a bill.
33. OBLIGATION: Ghana is obligated under the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol).
- 34. RECOMMENDATION**
35. The State Party should:
- I. Pass the Property Rights of Spouses Bill into law by December 2024.
 - II. Allocate adequate resources to undertake extensive public education and sensitization on the Bill after its passage.

□ AFFIRMATIVE ACTION BILL

⁸⁹ <https://ghalii.org/gh/judgment/supreme-court/2012/49>

32. During the UPR 3rd Cycle in 2017, Ghana received seven (7) recommendations to address the issue of women’s participation in high level decision making.
33. Recommendations 146.141 and 146.142 called on Ghana to “Pass the Affirmative Action Bill speedily to allow the increase of women present in political offices” and “Adopt the Affirmative Action Bill without further delay” respectively.
34. Low participation in governance and public decision-making processes continue to impede the full actualization of women’s rights as enshrined in Article 21 of the Universal Declaration of Human Rights. Women’s representation in Ghana’s 4th Republic has been a little over ten percent (10%). The 7th Parliament had 12.72% women’s representation and the current Parliament has 14.54 %, regrettably lower than the UN recommended rate of at least 30%.
35. An Affirmative Action Bill (AA Bill), which journey began in 1995 with guidelines for drafting was developed in accordance with international instruments ratified by Ghana to promote women’s participation in governance and public decision making, was introduced to Parliament and was expected to have been passed before the end of the 6th Parliament in 2016. It remains a bill.
36. There is no evidence to suggest any practical measures on the part of government to increase women’s representation in public office outside the provisions of the AA Bill.
37. In February 2017, the President of Ghana and the AU Gender Champion affirmed his government’s commitment to working with the 7th Parliament to ensure the passage of the AA Bill into law⁹⁰, yet Ghana cannot boast of an Affirmative Action law, two (2) years into the 8th Parliament under the President’s watch despite numerous appeals to him to fulfill his promise.
38. OBLIGATION: As a signatory to CEDAW and other treaties, Ghana is obligated to take measures to ensure participation of women in public decision making.
39. The National Gender Policy 2015 recommends 40 percent quota to women on public decision-making bodies.

40. **RECOMMENDATIONS**

41. The State Party should:

- I. Pass the Affirmative Action Bill into law by March 8, 2024, International Women’s Day.
- II. Allocate adequate resources to undertake extensive public education and sensitization on the Act when passed.
- III. Take immediate steps to ensure implementation of the Act at all levels.

⁹⁰ <http://newsghana.com.gh>

□ WITCH CAMPS

42. As per recommendation 146.110, Ghana was expected to “Prevent, investigate and prosecute inhumane treatment in prayer camps or witch camps and psychiatric hospitals. Address societal attitudes condoning such violations and abuses of rights of persons with mental disabilities”
43. Recommendation 146.154 required Ghana to “Adopt subnational actions plans for strengthening implementation of laws prohibiting harmful practices, including but not limited to: trokosi, female genital mutilation, child, early and forced marriage, widowhood rites and practices related to “witchcraft”.
44. Belief in supernatural forces is quite widespread and deeply rooted in Ghana. There are many cases, especially in rural areas, in which mostly women are accused of practicing witchcraft to bring harm to members of their family or community.⁹¹ Accused women are often violently driven from their homes and communities, physically assaulted and, in extreme cases, murdered. Most of these people tend to be poor and elderly, mostly in the northern part of Ghana⁹²
45. In July 2020, Akua Denteh, a 90-year-old woman at Kafaba near Salaga in the Savannah region, met her untimely death after she was accused of being a witch by a priestess. She was dragged through the community by an angry mob, who subsequently lynched her. Bereaved widows in particular, risk being accused of murdering their husbands for personal gain. A woman in this situation can be branded a witch, maltreated, with threats to her life.⁹³
46. Kongit Langbon is a survivor of these accusations with a broken arm, weary heart and weak legs and she has gone through 5 journeys to gain freedom. She was never contacted until 8th March 2021 when a phone call was made by the police to the people managing the camp. She requests an interview because she believes the people are still alive⁹⁴.
47. Some of those accused are driven from their homes and forced to live in “witch camps”. It is estimated that about one thousand (1,000) women in northern Ghana inhabit camps whose sole occupants are deemed to be witches. They are not

⁹¹ <https://www.opendemocracy.net/5050/yakin-erturk/women-at-war-in-country-in-peace-ghana>

⁹² Ibid

⁹³ <https://www.ghanasomubi.com/blog/ghanas-witches-camps-a-situation-of-unmet-mental-health-needs>

⁹⁴ <https://www.myjoyonline.com/finding-the-witch-hunters-hunted-and-slashed-victims-of-witchcraft-allegations-plead-with-state-to-give-them-justice>

allowed to return to their communities, as they are victims of stigmatization.

48. In addition, children who are believed to be relatives of these women are sent to serve the supposed witches for as long they remain in the camps and as a result, the children miss out on opportunities to be educated or acquire any meaningful skills whilst in the camps.
49. In its Concluding Observations on Ghana, CEDAW noted “the high number of cases of violence against girls and older women alleged to be witches, which has caused several of them to seek refuge in so-called witch camps, often under difficult living conditions, including lack of access to adequate housing, sufficient food, water and sanitation.”⁹⁵
50. In 2014, MoGCSP in collaboration with CHRAJ and Action Aid Ghana, disbanded two (2) witch camps in the Northern region and was expected to close all existing camps by 2017. The closure was expected to be complimented with the provision of rehabilitation, reintegration into the communities, alternative housing and livelihood options to alleged witches.⁹⁶
51. However, Government has made little progress in providing these services to the former inhabitants of the witch camps, thus leaving them without any place to live and little prospect for supporting themselves.
52. Currently, there are five (5) operational camps, all of which are in the former Northern Region, (which is now made up of the re-demarcated Northern and North-East Regions)⁹⁷
53. On 30th September 2021, three Members of Parliament; Francis-Xavier Koso Sosu, MP for Madina Constituency), Hajia Laadi Ayii Ayamba (MP for Pusiga Constituency), and Dr. Godfred Seidu Jasaw (MP for Wa East Constituency) proposed a Private Members’ Bill to parliament to amend the Criminal and Other Offences Act 1960 (Act 29) to prohibit the practice by any person as a witch doctor, or witchfinder and proscribe the declaration, accusation, naming or labelling of another person as a witch. The proposed bill is yet to be introduced to parliament⁹⁸.

⁹⁵ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Ghana, Adopted by the Committee at its fifty-ninth session, meeting from 20 October to 7 November 2014.

⁹⁶ <http://citifmonline.com/2015/11/27/closed-witches-camps-by-2017-cedaw/>

⁹⁷ <https://tsinet.org/news/tsis-report-on-alleged-witches-camps-in-ghana/>

⁹⁸ <https://www.myjoyonline.com/sosu-2-other-mps-introduce-private-members-bill-to-ban-witch-doctors/>

54. OBLIGATION: Ghana is obligated under the International Covenant on Civil and Political Rights (ICCPR), Second Optional Protocol to the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention against Torture (CAT), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Elimination of all forms of Discrimination against Women and the African Charter on Human and Peoples' Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol).

55. RECOMMENDATION

56. The State Party should:

- I. Take immediate steps to close down remaining witch camps.
- II. Implement its program of rehabilitation and reintegration for all former inhabitants of witch camps.

□ FEMALE GENITAL MUTILATION (FGM) AND REPRODUCTIVE HEALTH

52. As per recommendation 146.153, Ghana was required to “Reinforce measures aimed at abolishing female genital mutilation” and further advised to “Endow the competent authorities with more resources to apply the law that sanctions female genital mutilation, in particular in the most isolated areas”⁹⁹

53. According to UNICEF, Ghana has one of the lowest rates of female genital mutilation in Africa (4%), and most (93%) of Ghanaian girls and women are not in favor of the practice.¹⁰⁰ Since FGM was banned in 1994, several perpetrators have been successfully prosecuted.¹⁰¹

54. In 2007, Parliament further strengthened the law against FGM by increasing the maximum penalty from 5 years to 10 years of imprisonment and extending the range of persons who can be prosecuted for involvement in an act of FGM.

55. Officials at all levels of government, including the President, have also publicly condemned FGM as an inhumane act. Yet, this practice remains in some rural and hard to reach communities of Ghana where innocent female children undergo this inhumane practice. This group found that pockets of the FGM practice are mainly found in the Upper West, Upper East and the Northern Volta Regions of Ghana. There is the need to strengthen efforts to completely eradicate FGM in the country.

⁹⁹ Recommendation 146.148

¹⁰⁰ https://www.unicef.org/media/files/FGCM_Brochure_Hi_res.pdf

¹⁰¹ <https://www.opendemocracy.net/5050/yakin-erturk/women-at-war-in-country-in-peace-ghana>

56. OBLIGATIONS: Per the above-mentioned international instruments, including the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture (CAT), the African Charter on Human and Peoples' Rights (ACHPR), and the Protocol on the Rights of Women in Africa (Maputo Protocol), Ghana is obligated to ensure that the right to health of persons in Ghana is respected and protected.

56. RECOMMENDATION

57. The State Party should:

I. Enforce the law of the arrest and detention of all perpetrators of FGM in the pocket areas in Ghana.

II. Increase the promotion of child welfare health advocacy campaigns and services to protect and safeguard the reproductive health of females in Ghana.

ANNEXES

WOMEN'S RIGHTS

ORGANISATION	WEBSITE	EMAIL
Women's Initiative for Self-Empowerment (WISE)	www.wise-upgh.net	Info@wise-upgh.net / ajubam@yahoo.com
Defence For Children International, Ghana Section (DCI-Ghana)	www.dci-ghana.org	dcighana@yahoo.com/ fprempeh@dci-ghana.org
Women In Law and Development In African (WILDAF)	www.wildaf-ghana.org	
Sung Foundation (SUFOD)	www.sungfoundationghana.org	sungfoundation6@gmail.com
Amnesty International Ghana (AIGHANA),	www.amnestyghana.org	samuel@amnestyghana.org
Legal Resources Centre	www.lrcghana.org	dnabila@lrcghana.org
Human Rights Advocacy Centre	www.hracghana.org	
Gender Centre For Empowering Development (GENCED)	www.genced.org	esther.tawiah@genced.org
Centre For Women In Development And Public Policy (CEWODEPP),		cewodepp.2021@gmail.com
The Ark Foundation	www.arkfoundationghana.org	
Youth Entrepreneurship and Social Advocacy Centre (YESAC)		ziglabaudawu@gmail.com
Women in the Lord's Vineyard (WITLOV)		witlov@yahoo.com

Centre For Muslim Youth In Peace And Development	www.cmypd.org	coachadamu@gmail.com
POS Foundation	www.posfoundation.org	posjonathan@gmail.com
Girls Empowerment Initiative Ghana		ayishaa527@gmail.com
Ghana NGO Coalition on the Rights of the Child (GNCRC)	www.gncrcghana.org	info@gncrcghana.org
Resource Link Foundation	www.rlfgh.org	chrisdapaa@gmail.com
KASA Initiative Ghana	www.kasaghana.org	kasaghana@gmail.com

8. RIGHTS OF THE CHILD

A JOINT REPORT: THE SITUATION OF GHANAIAI CHILDREN, 2022

List of Organizations

- Ghana NGOs Coalition on the Right of the Child – www.gncrcghana.org
- Resource Link Foundation – www.rlfgh.org
- Youth Development and Voice Initiative – www.yovighana.org
- Youth Entrepreneurship and social advancement Centre –
- International Child Development programs -
- Progressive Excellence Youth Organization – www.peyorgghana.webs.com

A. Introduction / Methodology:

1. The Ghana NGOs Coalition on the Rights of the Child (GNCRC) was established in 1996 and registered in 1997. Taking its mandate from the UNCRC which enjoins NGOs to participate in the implementation and reporting on the UNCRC, through the formation of National Coalitions, the organization has membership of over 70 NGOs across Ghana, fostering networking and information sharing with NGOs working to promote the rights of Children in Ghana. The Government of Ghana (GOG) made a promise to optimize the realization of children’s rights when it ratified the Convention on the Rights of the Child (CRC) in 1990. Ratifying the Convention set the stage for improving the general conditions of children in Ghana through legislation, policy formulation, programme/project implementation, research, monitoring and evaluation with respect to quality care.
2. To the start the process, the GNCRC organized series of meetings with stakeholders such as community members, the ministry of Gender, children and social protection and

children to gather data and allow them to make inputs into the report. The team also analyzed data from News items, reports from national and international organizations.

3. This report reveals modest achievements made and challenges encountered by government and its partners to address important needs and gaps of children in the enjoyment of their rights in Ghana. It also responds to certain important observations made by the UNCRC on Ghana's previous reports submitted to the Committee.
4. More than thirty years ago, following the adoption of the International Convention on the Rights of the Child by the United Nations on 5 February, 1990, Ghana was the first country in the world to ratify the treaty, thus committing to integrate it into national law. The African Charter on the Rights and Welfare of the Child, inspired by the Convention, was adopted by several African countries, including Ghana, in the 1990s and came with force in 1999. More specifically, the rights of the child are defined in the Ghanaian Constitution of 1992 and were reinforced by the Children's Act of 1998, thus providing a legal basis for working for the respect of children's rights in Ghana.

B. KEY ISSUES TO BE ADDRESSED:

1. VIOLENCE AGAINST CHILDREN:

a. Previous Recommendation:

- i. 147.33 Deepen efforts to prevent and sanction harmful traditional practices, such as female genital mutilation, the tradition known as trokosi, early forced marriage and accusations of witchcraft and polygamy, guaranteeing the protection and rehabilitation of victims (Argentina); **Source of position:** A/HRC/37/7/Add.1 - Para. 147.
- ii. 146.4 Promptly ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Guatemala); **Source of position:** A/HRC/37/7 - Para. 146

Ghana considers a person to be a child until the age of 18. The minimum age for work is 15 years old. Light work is, however, permitted from the age of 13. By this we mean work that does not endanger the health and development of the child. In addition, forced child marriage is prohibited and the official minimum age for marriage is 18 years old.

On paper, the Constitution gives Ghanaian children the rights that every child should have, but the reality is still too far away from legal guidelines.

Violence against girls, women and boys takes many forms, including physical, sexual, gender-based, domestic and emotional abuse, and may involve neglect or deprivation. Violence occurs in many settings, including the home, school, community and over the Internet. Similarly,

a wide range of perpetrators commit violence against children and women, such as family members, intimate partners, teachers, neighbours and strangers. Such violence not only inflicts harm, pain and humiliation on women and children; it also kills. All women and children have the right to protection from violence, regardless of the nature or severity of the act. Without addressing violence against girls, women and boys and eliminating human trafficking, Ghana will not achieve some of the SDG targets related to gender equality mostly SDG 5.2, 5.3, 16.2.

The adverse effects of violence, including Sexual and Gender Based Violence (SGBV) against women and children, are devastating for survivors of violence and their families and entail high social and economic costs. A study by the Institute of Statistical, Social and Economic Research (ISSER) of the University of Ghana, revealed that Ghana lost \$18.9 million (GHC73.5 million) as economic costs of violence against women and girls in 2016.

Further, a costing study conducted by Ministry of Gender, Children and Social Protection in 2015 estimated that the cost to Ghana of child abuse is in the order of GH¢ 926 million to GH¢ 1.442 billion per year. In both Ghana-based studies, the highest cost resulted from the loss of productivity. Based on international research, it is estimated that abuse victims will, on average earn 5 per cent less than other children over their lives. (**Ref UNICEF- Budget Brief Ending Human Trafficking & Violence Against Women and Children 2020**).

Despite the legal bases to protect children’s rights and the progress made regarding infant mortality and education, significant obstacles still stand in the way of the accomplishment of children’s rights. The hardships and difficulties faced by children in Ghana include slavery and forced labour, poverty, physical and moral violence, sexual abuse, poor quality education as well as certain ancestral rites.

On Child marriage and related issues, Ghana has one of the highest child marriage prevalence rates in the world. Several regions in Ghana are recording high prevalence rates related to this harmful practice. On average, 27% of girls (1 out of 4) between ages 20-49 years are married before their 18th birthday. For girls living in the three Northern Regions of Ghana, this percentage increases to 34% (1 out of 3 girls). Also, 20.9% of girls (1 out of 5) between ages 20-24 are married before 18 years. Recent data on child marriage in Ghana reveals that Upper East Region (39.2%), Western Region (36.7%), and Upper West Region (36.3%) have the highest prevalence rates in the country. Between 2006 and 2011, the following regions have seen considerable increase in prevalence: Eastern Region (+ 6.6%), Central Region (+8.3%) and Western Region (+ 9.3%)¹. In 2014, the Ministry of Gender, Children, and Social Protection (MoGCSP) created an “Ending Child Marriage Unit”, which intervenes in communities to address CEFM in Ghana and in 2016, launched the 2017- 2026 National Strategic Framework for ending child marriage in Ghana.

The UNICEF (2020) budget brief on ending human trafficking and violence against women and children in Ghana showed that 38% of girls between 15 and 19 have experienced some form of sexual violence in Ghana and this must be attended to.

2. CHILD EDUCATION

a. Previous Recommendation:

- i. 146.120 Continue its efforts to deliver free education to all, and to ensure that women, children, persons with disabilities and other vulnerable groups are at the forefront of its efforts (State of Palestine); **Source of position:** A/HRC/37/7 - Para. 146.
- ii. 146.123 Enhance education and awareness-raising to ensure maximum respect for the rights of girls (Japan); **Source of position:** A/HRC/37/7 - Para. 146

Over the years education in Ghana has gone through several reforms geared towards quality education and accessibility from school feeding programmes, free SHS education, Technical and Vocational Education (TVET), and now introduction of some form of technology and other social protection interventions. In 2020, the gross enrolment ratio for primary school pupils in Ghana reached 103.44 percent, showing a slight decrease which was as a result of the COVID 19 pandemic compared to the 104.84 percent reported in the preceding year. From 2008 to 2020, the gross ratio of primary school enrolment fluctuated between a low of 100.29 percent in 2009 and a high of 108.34 percent in 2015.

Enrolment in Senior high schools have seen dramatic increments since the introduction of free SHS, according to **statista.com**, in 2008 a gross secondary school enrolment ratio of 47.35 enrolments were recorded against 77.67 in 2020. Nevertheless, though Ghana is on the path of achieving accessibility of education for all, both rich and poor the issue of quality still remains a challenge, this includes lack of text books, desks, infrastructure and teacher to student ratio.

As of March 2020, there were nearly 405 thousand-second cycle students enrolled under the Free Senior High School (SHS) policy, as against 512,083 applicants at the same date. This policy was launched by the government of Ghana in September 2017 to provide free and accessible education to people at this educational level. Enrolment in secondary schools increased significantly since the institution of this educational policy. Pupil-teacher ratio in primary schools in Ghana was 26.99 as of 2019. Its highest value over the past 45 years was 35.39 in 2006, while its lowest value was 23.24 in 1986.

The issue of lack of national educational policy for basic and senior high public education has led to ad-hoc change of educational systems, policies and structures that have over the years had significant negative effects on pupils, students' performance, mental and psychological health and overall development of young people and its effects on lifestyles and invariably on

productivity.

Currently, the quality of education is a growing debate in Ghana. The decision of Government to purchase past questions for candidates of secondary schools when it is time for the students to write the West African Senior High School Final Examination has heightened the debate on quality of secondary education. As at December 2021, the government has not supplied text books to basic school pupils more than two (2) after the introduction of a new basic educational curriculum. This has, and might have implication for quality basic education due to lack of textbooks.

Furthermore, Free SHS and its accompanied logistics and the Basic school feeding program are facing serious timely release of funds and other logistics which affect school curriculum and running of academic calendar. The school children who are at the centre of all these are greatly affected in academic performance, psychological and health of these children in schools.

3. SPECIAL PROTECTION MEASURES

a. Previous recommendation:

- i. 146.159 Encourage the Ministry of Gender, Children and Social Protection to end the practice and harmful effects of child marriage and related cultural practices (Kenya); **Source of position:** A/HRC/37/7 - Para. 146.
- ii. 146.160 Make the Ending Child Marriage Unit operational within the Ministry of Gender, Children and Social Protection (United Kingdom of Great Britain and Northern Ireland);
Source of position: A/HRC/37/7 - Para. 146.

Despite a comparatively strong social protection framework, less than one percent of the nation's Gross Domestic Product (GDP), since 2015, is spent on such interventions, a recently-released mirror report by SEND Ghana, has found.

The Mirror report, which follows a study conducted in partnership with the Ghana Civil Society Partnership on Social Accountability for Social Protection including some Ghana NGOs coalition on the Rights of the Child seeks to provide a complementary and comprehensive evaluation of official government reports with the view to promoting mutual accountability in the implementation of social protection intervention.

It showed that Ghana falls behind its Lower-Middle Income peers in Sub-Saharan Africa (SSA) who spend approximately 2.2 percent of GDP in this regard. Unsurprisingly, the nation's social protection expenditure pales in comparison to the middle-income range, which the United Nations Children's Fund (UNICEF) indicates is between 6.7 percent and 8.7 percent (**Source-<https://thebftonline.com/>**)

It is truism that, of all children in Ghana aged 5 to17 years, about 21 per cent are involved in

child Labour and 14 per cent are engaged in hazardous forms of Labour as well are witnessing as twice as common in rural areas. For poorer households, child Labour is a negative coping mechanism and most of the children are involved in Agriculture (especially cocoa), mining and fishing industries as well as some commercial and service sectors.

In all regions, the vast majority of working children are unpaid family workers between the ages of 5 and 7 years. While usually boys are more likely to be doing manual work, this could be due to the household interpretation of what constitutes child labour. Thus, the heavy domestic workload for girls, including childcare, is not considered as labour. There are no reliable figures on the number of children affected by the worst forms of child labour (including sale of children, pushing or forcing girls to Early Marriage by Parents, child prostitution and trafficking) and children living and working on the streets of Ghana

While accurate numbers of human trafficking cases don't exist since all these are done behind the scenes, it is believed that the large majority of all cases involve children, mainly girls. In spite of the progress, the findings on the worst forms of child labour in Ghana by the U.S. Department of labour indicates that children suffer child labour in fishing and cocoa farming due to human trafficking (U.S. Department of Labour, 2020)

It has been estimated that 21.8% of Ghanaian are child labourers with about 6 in 10 children doing hazardous work (Government of Ghana, 2017). Ghana is yet to ratify the U.N. Convention on the Rights of the Child's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (**U.S. Department of labour, 2020**)

4. Cyber Security

a. Previous recommendation:

- i. 146.5 Expedite the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Hungary); **Source of position:** A/HRC/37/7 - Para. 146**

In the context of child online protection, multi-stakeholder cooperation is a necessity. Internet developments are increasingly reaching rural areas, including internet access in schools and homes, making it easier for children to access a wide variety of content. If development of the internet is not accompanied by structured, continuous, and measurable e-literacy education programs and policies, then a wide range of problems are created, and children are left vulnerable.

Today, Children are also exposed to content that are harmful. A report from UNICEF indicates that more than 13,000 images and videos of child sexual abuse were reportedly accessed or uploaded from Ghana in 2020. As a consequence, it is imperative to develop an approach to deal with online safety in the country.

Ghana NGOs coalition on the Rights of the Child (GNCR) and allied Civil Society Organizations (CSOs) play multiple vital roles in the protection of children online, by way of awareness creation, supporting victims and survivors.

Others member CSOs work to build better tools to identify and track illegal and abusive materials. Even though the government of Ghana has put some measures in place for the country, more collaborations with CSOs is needed to guarantee a comprehensive strategy for child online protection. The passage of the landmark Cybersecurity Act, 2020 (Act 1038) provides the legal basis for cybersecurity development in the country. Section 2 of Act 1038 establishes the Cyber Security Authority (CSA) with the mandate to regulate cybersecurity related activities in Ghana. Sections 60, and 62 – 66 of the Cybersecurity Act, 2020, directly impacts the works of civil society organizations who play a crucial role in the effective implementation of Act 1038 including the protection of children (Section 62 – 66)

The Cyber Security Act 2020 (Act 1038) (Government of Ghana, 2020), provides for the protection of children online. Section 62 of Act 1038 deals with indecent images or photographs of the child. This Act is in its early stage and implementation is being keenly observed. Non censorship of the use of children’s images on TV, radio, and social media is still a challenge. Children who might have committed crimes have their images splashed all over the media. A recent murder case - involving teenagers witnessed widespread showing of the images of the children involved in some media outlets (**Newsghana.com, 2021**).

It is realised that, defilement continues to be the worst form of sexual exploitation and abuse in Ghana. Section 63 to 66 of the Cyber Security Act (Government of Ghana, 2020), deals with issues of sexual exploitation and abuse. The ACT 1038 (Cyber Security Act) is yet to gain ground and its implementation is keenly being observed.

5. DISABILITY, BASIC HEALTH AND WELFARE

a. Previous recommendation:

i. 146.19 Amend the Persons with Disability Act of 2006 in line with the Convention on the Rights of the Persons with Disabilities (Turkey); **Source of position:** A/HRC/37/7 - Para. 146.

Despite being a Lower-Middle Income Country with impressive social protection schemes, Ghana’s spending on social protection as a percentage of GDP is less than 1%, which is even lower than average spending in Low-Income Countries. In Middle-Income Countries, social protection spending as a percentage of GDP is between 6.7% to 8.7%. Ghana’s spending on social protection is also below the sub-Saharan African average. In addition, current budget allocations and forecasted allocations will not enable Ghana to reach national targets for the number of Ghanaians to be covered as outlined in the National Social Protection Policy and the Medium-Term National Development Planning Framework, nor global and regional targets such as SDG 1.3

In order for the sector to meet national targets, allocations in the multi-year budget need to increase significantly.

Acknowledging that the economic impacts of COVID-19 and interest payments on government loans are creating fiscal pressures, it is nonetheless critical to invest in social protection both to protect Ghana’s gains in poverty reduction over the past two decades and as a counter-cyclical measure to enable economic recovery. This requires increasing social protection spending to 2%

of GDP in 2022, and gradually up to 4.5% of Ghana's GDP by 2025 in line with global benchmarks and commitments.

This allocation should be reflected in the MDA's MTEF (2022-2025) as well as allocation in the 2022 national budget. (Ref - **SOCIAL PROTECTION BUDGET BRIEF 2021- link here**)

Social neglects and negative attitudes towards PWDs still prevail as some people make fun of them and their needs neglected or are not always prioritized.

The allocation of funds from the District Assembly Common Fund where they offered 2% of the District Assembly common fund is always in arrears, sometimes for up to one year and therefore unable to access it regularly to meet their fair share of the National Resources.

Also recognised that, The Percentage of District Assembly Common Fund for PWD's are not paid as planned due to lack of reliable source or special funds allocation from regular sources or inflows- probably due to Covid-19 and related issues or no priority on resource allocations

OUR RECCOMENDATIONS:

- o The Government of Ghana through the department of children should give priority to child sexual abuse cases, when seeking redress in the value chain of stakeholders so that evidence is not compromised on issues like child marriage, FGM and related Gender based violence.
- o Ghana Police Service (DOVVSU) should be adequately resourced to enforced the law.
- o Government must adequately increase budget allocation to cater for the vulnerable children who fall out of their families because of abuse and violence.
- o Department of Social welfare must track every abuse case and give feedback report on quarterly bases to the Department of Children.
- o The State or the Government should intensify the enforcement of the National Plan of Action Phase II for the Elimination of the all-Worst Forms of Child Labour in Ghana - (Government of Ghana, 2017)
- o Government to Provide alternative livelihoods and sources of income including social security and National trust fund to ensure sustainability flow of income to reduce poverty driven parents and intensify child Rights education in schools and also to fast-tracking of the Social Protection Bill by the Ministry of Gender, Children and Social Protection for submission to Parliament.
- o Ministries of interior and communication should put in place clear road map and responsivities for collaborative engagement between the cyber security Authority and the CSOs to integrate and cover all forms sexual exploitation and abuse (OCSEA) and use of appropriate information Technology means for effective monitoring publication on censorship.

- The Ministries of Education and information to integrate cyber security education in all schools and put in place all safe guarding principles and monitoring mechanisms on the use of Technology for the best interest of the child.
- The Government to establish an emergency Preparedness fund as percentage of the social security and national insurance trust (SSNIT) for all social protection interventions and for emergency Preparedness fund in support of children and parent with disability including Mental health in the mist of post covid 19 era and for any Pandemic.
- REFERENCE:
 1. (<https://www.corteidh.or.cr/tablas/r27682.pdf>)
 2. Realizing Children’s Rights in Ghana <https://www.humanium.org/en/ghana/>
 3. Gross primary school enrolment ratio in Ghana <https://bit.ly/3Ny5ldB>
 4. Ghana - Pupil teacher ratio <https://bit.ly/3AgjgSM>
 5. Source- <https://thebftonline.com/>

9. SOGIESC

I. Joint submission of Stakeholder Report for the Third Universal Periodic Review on the Lesbian, Bisexual and Queer Women in Ghana

Main submitting organisation:

One Love Sisters Ghana



Contact person: Leila Yahya, Executive Director

Phone: +233249215920

Email: leilayahaya1@gmail.com

Other submitting organisations

1. POS Foundation
2. One Love Sisters
3. Sisters of the Heart
4. Resilient Sisters Ghana

INTRODUCTION

This report is submitted for the fourth cycle of Universal Periodic Review (UPR) by Perfector of Sentiments (POS) Foundation, One Love Sisters Ghana, Sisters of the Heart, Resilient Sisters and Courageous Sisters Ghana. The information contained in this document was further discussed at a pre-UPR submission workshop organized by Ghana Human Rights NGOs Forum (POS

Foundation-Secretariat) on 29th and 30th June 2022 which was attended by more than 50 civil society organizations in Accra, and validated by same on 12th and 13th of July 2022.

The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to the summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution (16/21A/HRC/WG.6/14/GHA/3). This report is to direct the UPR Committee's attention to serious and ongoing violations of the human rights of lesbian, bisexual and queer (LBQ) individuals in Ghana.

Ghana has signed and ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR) the Convention on the Rights of the Child (CRC) and enacted Chapter five of the Constitution of The Republic of Ghana. This act protects rights of freedom of every person without discrimination. This report will highlight recent events that illustrate the following thematic issues relating to Sexual Orientation and Gender Identity (SOGI) as they relate to domestic laws as well as international treaties to which Ghana is a party:

Laws criminalization of same-sex sexual conduct and the resulting arbitrary arrests and detentions, in violation of Articles 2(1), 9, 17, and 26 of the ICCPR; Section 14(1) and 17(2) of Chapter Five of the Constitution of Ghana;

The climate of homophobia in violation resulting in the violation of Article 17 of the ICCPR and 25(1) of Chapter Five of the Constitution of Ghana; Violent attacks motivated by the victim's real or perceived sexual orientation and a pervasive climate of homophobia, in violation of Articles 2(1), 7, 9, 17, and 26 of the ICCPR and 17(2) Chapter Five of the Constitution of Ghana.

PRIVIOUS RECOMMENDATIONS RELATED TO LESBIAN, BISEXUAL AND QUEER PERSONS.

There have not been any specific recommendations since the first cycle of the UPR towards the LBQ women community in Ghana specifically.

IMPROVEMENTS

There have been no improvements towards the LBQ community in Ghana since the third cycle of the UPR for Ghana.

ISSUES FACING LESBIAN, BISEXUAL, AND QUEER PERSONS IN GHANA

- Introduction of Anti – LGBTIQ+ Bill which seeks to further criminalize association and organizations that provide services for LBQ persons.¹⁰²

¹⁰² <https://www.washingtonpost.com-world-2021-ghana-lgbtq-bill-AOvVaw2S-hFcZuGvj2XGXojV4-rX>

- Absence of available reproductive and sexual health services specifically for Lesbian, Bisexual and Queer women leading to limited access to health care and discrimination towards the LBQ women in Ghana.
- The anti-LGBTIQ+ bill which has led to the escalated rate of abuse against LBQ persons with the rise in arbitrary arrest, detention, blackmail and extortion and stigma and discrimination due to the lack of proper interpretation of section 104 and pressure to conform or face jail term.¹⁰³

RECOMMENDATIONS

- The state should reject the adoption of the “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021” into law.
- State should ensure the provision of reproductive and sexual health services that meets the needs of LBQ women in Ghana.
- The state should take steps to train open minded and progressive police officers to understand LBQ women specific issues to enable them properly handle and follow up with gender-based and assaults cases of LBQ Women which usually go unresolved.

II. Joint Submission for the 4th Cycle Universal Periodic Review of the Human Rights Council on Intersex and Transgender Persons in Ghana

Main Submitting organisation:

Key Watch Ghana



Contact person: Shone Adjei

Phone: +233504800897

Email: shoneedem@gmail.com

¹⁰³ Section 104 of the 1992 constitution of Ghana

Other submitting organisations

1. Alliance for Dynamics Initiative

Introduction

1. This report is submitted for the fourth cycle of by Key Watch Ghana¹⁰⁴, Alliance for Dynamics Initiative¹⁰⁵, and Intersex Ghana. The information contained in this document was further discussed at a pre-UPR submission workshop organized by Ghana Human Rights NGOs Forum (POS Foundation-Secretariat), United Nations Ghana, Canadian High Commission-Ghana on 29th and 30th June 2022 which was attended by more than 70 civil society organizations in Accra, and validated by same on 12th and 13th of July. The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to the summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution (16/21A/HRC/WG.6/14/GHA/3).
2. The purpose of this report is to direct the UPR Committee's attention to serious and ongoing violations of the intersex and transgender individuals by the Republic of Ghana. Ghana has signed and ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR) the Convention on the Rights of the Child (CRC) and enacted Chapter five of the Constitution of The Republic of Ghana (Amendment) Act. This act protects rights of freedom of every person without discrimination. This report will highlight recent events that illustrate the following thematic issues relating to Sexual Orientation and Gender Identity (SOGI) as they relate to domestic laws as well as international treaties to which Ghana is a party:
3. Laws criminalization of same-sex sexual conduct and the resulting arbitrary arrests and detentions, in violation of Articles 2(1), 9, 17, and 26 of the ICCPR; Section 14(1) and 17(2) of Chapter Five of the Constitution of Ghana.
4. The climate of homophobia in violation resulting in the violation of Article 17 of the ICCPR and 25(1) of Chapter Five of the Constitution of Ghana;
5. Violent attacks motivated by the victim's real or perceived sex characteristics, sexual orientation and a pervasive climate of homophobia, in violation of Articles 2(1), 7, 9, 17, and 26 of the ICCPR and 17(2) Chapter Five of the Constitution of Ghana;

¹⁰⁴ Key Watch Ghana is an Intersex and Non-Binary inclusive led and focused organization.

¹⁰⁵ Alliance for Dynamics Initiative is a trans lead and Trans specific organization

6. Discrimination in education, in violation of Article 17 of the ICCPR, Article 13 of the ICESCR, Articles 2(1), 16, 29(1a), 29(1b) and 29(1d) of the CRC and articles 25(1) of Chapter Five of the Constitution of Ghana.
7. Infanticide of intersex born babies and foetus and forced surgeries, treatment and given to children and persons born intersex, discrimination of intersex and trans persons, in violation of Articles The right to life is also laid down in numerous other Conventions and Instruments, including Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights. These Conventions protect the right to non-discrimination, which prohibits discrimination on grounds of gender. It also against the Children’s Act,1998.
8. At the end of the report will be suggested questions to be asked during Ghana’s upcoming review session.

PRIVIOUS RECOMMENDATIONS RELATED TO TRANSGENDER AND INTERSEX

There have not been any specific recommendations since the first cycle of the UPR towards the transgender and intersex community in Ghana.

IMPROVEMENTS

There have been no improvements towards the transgender and intersex community in Ghana.

KEY INTERSEX AND TRANS ISSUES FROM 2018 - 2022

Criminalization (Violence, arbitrary arrest, and discrimination)

- Introduction of Anti – LGBTIQ+ Bill which seeks to criminalize association and organizations that provide services for intersex and transgender persons.¹⁰⁶¹⁰⁷
- Discriminatory laws fuelling the increase in HIV and other STIs transmitted illness within the intersex and trans community.¹⁰⁸
- The anti-LGBTIQ+ bill which has led to the escalated rate of abuse against intersex and Trans person with the rise in arbitrary arrest, detention, gender-based violations, blackmail and extortion due to the lack of proper interpretation of section 104. and pressure to conform or face jail term.¹⁰⁹¹¹⁰¹¹¹

Institutional response

¹⁰⁶ <https://www.okayafrika.com/ghana-gay-bill-anti-means/>

¹⁰⁷

<https://www.theguardian.com/global-development-ghana-anti-gay-bill-proposing-10-year-prison-sentences-for-anyone-who-offers-assistance-to-LGBTIQ-persons>

¹⁰⁸ <https://www.reuters.com-ghana-lgbt-lawmaking-idUSKBN2F5220>

¹⁰⁹ Section 104 of the 1992 constitution of Ghana

¹¹⁰

<https://www.google.com/facebook.com-WomeninLawandDevelopmentGhana-videos-day-8-of-16-days-of-activism-in-rape-613268046533494-A-OvVaw1GLJ1Zo5jCRKlarkGefKSE>

¹¹¹ <https://www.citizennewsroom.com-2021-05-21-persons-arrested-in-ho-for-allegedly-pushing-lgbtqi-agenda-AOvVaw2qd9wfXIE-hel7iem4qCm9>

1. Ghana Police always justifying and ignore the abuses of Intersex and Trans persons when cases are reported and rather making them victims, as well at support blackmail and extortion.¹¹²
2. Media intolerance and hate agenda against Intersex and Trans persons¹¹³
3. Refusal by state identification offices to provide legal gender recognition for Intersex and Trans persons.¹¹⁴
4. Sports institutions reject persons found to be intersex and trans from the various disciplines.¹¹⁵

Education

1. Physical and emotional abuses on persons born Intersex which causes the increase of school dropouts.¹¹⁶
2. Intersex and Trans children are being discriminated and stigmatized against in educational facilities for being different.¹¹⁷
3. Religious established schools justifying rejection and dismissal of students who are Intersex and Trans from their institutions of learning¹¹⁸.

Health

1. Forced surgeries and treatment given to children and persons born intersex, discrimination of intersex and trans persons.¹¹⁹
2. Infanticide of intersex born babies and foetus.
3. Forced and cohesive Conversion therapy on intersex and trans persons.

RECOMMENDATIONS BY THE COMMUNITY TO THE UN

1. Government should decriminalize sodomy laws and institute hate speeches laws as well as enforce laws on assaults on Intersex and Trans persons in Ghana.
2. Government should protect the Intersex and Trans persons against state sanctioned arbitrary arrests and undignified treatment from law enforcement agencies.
3. Government should take steps to train Police to understand Intersex and Trans issues and deal with assault and not the other way round.
4. Government should reject the anti-LGBTIQ+ bill.

¹¹² <https://www.hrw.org/node/312882>

¹¹³ <https://www.opendemocracy.net-ghana-lgbt-queer-community-media-disinformation-campaign-AOvVaw0r32oXJmk8q3m45chvYwps>
<https://www.africanarguments.org-ghana-church-state-and-media-vs-lgbt-rights-AOvVaw0NayKSVMxd2tGo8sqFMcRt>

¹¹⁴ https://www.assets.publishing.service.gov-GHA_CPIN_Sexual_orientation_and_gender_identity_or_expression-AOvVaw2aIH7mNBVAWSE6l-MWdqKd

¹¹⁵ https://www.ghanasoccernet.com-dropped-ghana-national-team-female-striker-ativor-has-both-male-and-female-organs-mother-confirms-AOvVaw1fi3CgBBZ_a6IzicEljAFA <https://www.facebook.com-mx-special-intersex-921992678622387-AOvVaw2wcN7CIXTXCcpJmCADLbsr>

¹¹⁶ https://www.ohchr.org-Documents-SexualOrientation-UNDP_AdditionalReference_1.pdf-AOvVaw0ios8DRiaxLuW3rGwo-WPs
https://www.unfpa.org-Final_Global_Study_English_3_Oct

¹¹⁷ <https://www.ugspace.ug.edu.gh-bitstream-handle-Prejudice-against-Ghanaian-LGBTIQ-Youth.pdf-sequence>

¹¹⁸ <https://www.washingtonpost.com-outlook-an-anti-lgbtq-bill-ghana-is-outcome-institutionalized-homophobia>

¹¹⁹ <https://www.myjoyonline.com-strike-out-portions-of-lgbtq-bill-that-criminalise-intersex-people-key-watch-ghana>

5. Government should take steps to stop surgeries and treatment conducted on intersex children and adults and provide a national policy on Intersex and Trans.
6. Government should amend section 104 (1) (b) of the Criminal Offenses Act 1960, (Act 29) to decriminalize homosexuality. Government should protect Intersex and Trans persons from stigma, discrimination, and violence at educational institutions and religious places of worship.
7. The state should end rejection, discrimination and abuses to sport persons who are intersex and trans.

III. Joint Stakeholder Report: Human Rights Overview of Lesbian, Gay, Bisexual, and Transgender Intersex and Queer People in Ghana

Submitted for consideration at the
United Nations Fourth Cycle of the Universal Periodic Review

Principle submitting organization:

Solace Initiative (SI)



<https://solaceinitiative.org/>

Phone : +233 (0)30 273 6714, +233 (0)20 747 7530

Email: info@solaceinitiative.org

Compiled by Robert Amofo and Kwaku Adomako

Date of submission: 14th July, 2022

Other submitting organizations:

Rightify Ghana, LGBT+ Rights Ghana, CEPHERG, One Love Sisters Ghana, Courageous Sisters Ghana, Hope Alliance Foundation, OHF Initiative, PORSH, SAME, Glorious Interfaith Initiative, Interfaith Diversity Network of West Africa, Alliance for Dynamics Initiative, Key Watch Ghana, Sisters of the Heart, Resilience Sisters Ghana, Youth Alliance for Equality Foundation and Queer Ghana Education Fund.

Introduction

1. This report is submitted for the fourth cycle of the UPR by Solace Initiative¹²⁰, Rightify Ghana¹²¹, LGBT+ Rights Ghana¹²², CEPHERG¹²³, One Love Sisters Ghana¹²⁴, Courageous Sisters Ghana¹²⁵, Hope Alliance Foundation¹²⁶, OHF Initiative¹²⁷, PORSH¹²⁸, SAME¹²⁹, Glorious Interfaith Initiative, Interfaith Diversity Network of West Africa, Alliance for Dynamics Initiative¹³⁰, Key Watch Ghana¹³¹, Sisters of the Heart¹³², Resilience Sisters Ghana¹³³, Youth Alliance for Equality Foundation and Queer Ghana Education Fund.
2. The information contained in this document was collated by the above organizations. They represent a national coalition of organizations that defend the rights of all persons

¹²⁰ Solace Initiative is an LGBTIQ+ organisation that works towards the protection of rights of LGBTIQ+ persons

¹²¹ Rightify Ghana is an LGBTI human rights organisation that document and report human rights violations

¹²² LGBT+ Rights Ghana is an LGBT organisation championing the rights and freedoms of Ghanaian LGBT+ persons.

¹²³ CEPEHRG is an organisation that works on Sexual Reproductive Health and Right, HIV/AIDS programming and undertake activities for human rights protection of LGBT persons

¹²⁴ One Love Sisters Ghana is Muslim LBQT specific organization working towards creating an intentional safe and equitable environment for LBQT persons in Ghana.

¹²⁵ Courageous Sisters Ghana is an LBQ organization focused in promoting the human rights of the individuals

¹²⁶ Hope Alliance foundation is a human rights and health organisation

¹²⁷ OHF Initiative is a community-based organisation that works on advancing human rights and HIV/AIDS for Key Populations. Especially MSMs.

¹²⁸ PORSH is a health-related LGBT organisation

¹²⁹ SAME is a community-based organisation that focus on human rights, health care and wellbeing of LGBT people in the Western Region of Ghana

¹³⁰ Alliance for Dynamics Initiative is a trans lead and Trans specific organization

¹³¹ Key Watch Ghana is an Intersex and Non-Binary inclusive led and focused organization.

¹³² Sisters of the Heart is a lesbian, bisexual and queer women organisation

¹³³ Resilient Sisters Ghana is an LBQ organisation that works on empowering women

including lesbian, gay, bisexual, trans* intersex, queer and questioning persons (LGBTIQ+). The organizations met at a series of pre-submission fora to consult, discuss and identify relevant issues that need the attention of the Human Rights Council. This report was then validated for submission at a summit of over 70 CSOs, on 12-13 July 2022.

3. This report aims to direct the attention of the UPR Working Group to the serious and ongoing human rights violations that LGBTIQ+ groups and individuals face in the Republic of Ghana. It also highlights the status of implementation of previous recommendations Ghana accepted especially in the third cycle.
4. Ghana has signed and ratified/Acceded to the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic Social and Cultural Rights (ICESCR). This report will highlight recent events that illustrate the following thematic issues relating to Sexual Orientation and Gender Identity (SOGI) as they relate to the international treaties to which Ghana is a party:
 - Introduction of law to criminalize LGBTIQ+ persons, in violation of Articles 2, 3, 10 of the ICCPR
 - Discriminatory applications of national laws, in violation of Articles 2, 3, 7, 9, 10, 14, 17 and 26 of the ICCPR and Articles 12(2), 15 (1) (2a&b) and Article 17(2) of the Constitution of the Republic of Ghana;
 - Discrimination and violence against LGBTIQ+ persons incited by religious, traditional and political leaders, in violation of Articles 2(1), 7, 9, 17, and 26 of the ICCPR
 - Violent attacks by non-state actors in violation of Articles 2(1), 7, 9, 17, and 26 of the ICCPR and 17(2) Constitution of the Republic of Ghana
5. The end of the report provides recommendations and suggested questions to be asked during Ghana’s upcoming review, in January 2023.

Status of Previous recommendations related to SOGI

6. Ghana has accepted a total of 6 recommendations that address human rights issues on sexual orientation and gender identity over the course of the Universal Periodic Review since Ghana’s first review in 2018.
7. During the third cycle, Ghana accepted 3 recommendations fully and 1 partially. The table below gives the status of the accepted recommendations by Ghana in the 3rd cycle:

Third Cycle (2017-2022)	
Accepted recommendations	Status since the last review

Czechia: Ensure that victims of discrimination and violence based on sexual orientation and gender identity have access to rehabilitation and remedy and that all perpetrators are punished (6.60)	Not implemented
Ireland: Take the steps necessary to protect LGBTI persons from violence and discrimination on the basis of their sexual orientation and gender identity (6.59).	Not implemented
Italy: Take measures to fight against violence and discrimination based on sexual orientation and gender identity (6.61)	Not implemented
Colombia: Continue strengthening the application of the Discrimination Complaint System that allows to protect the rights of people because of their sexual orientation and gender identity, and encourage that the education system include guidelines to prevent discrimination against students (7.2) ¹³⁴	Not implemented

The State of Ghana’s Voluntary Commitments to Human Rights Protection (2017-2021)

8. Following the third cycle, Ghana committed itself to “take measures to fight against violence and discrimination...” (Ireland and Italy 2017), to “strengthen the discrimination reporting system” (Colombia 2017) as per the CHRAJ ‘action plan’ that the attorney general referred to and that to ensure that “victims against discrimination and violence.... have access to rehabilitation and remedy and that all perpetrators are punished” (Chezia 2017).
9. However, despite the promises that Ghana made at the end of the third cycle, it has not made any strides toward ensuring the protection of persons from violence or discrimination based on lived or perceived sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). It has not done so in the form of new/strengthened laws, policies, or public institutional commitments.
10. Instead, since the 2017 UPR, the actions of the state towards SOGIESC issues have worsened. A major action to this effect is the proposal of an anti-LGBTIQ+ law by some members of parliament to criminalize further LGBTIQ+ persons and prescribe sanctions against them.

¹³⁴ Recommendations have been examined by Ghana and have been partially accepted by Ghana. The explanation for partially accepting this recommendation can be found below in the section ‘SOGIESC Mentions During Ghana’s UPR Outcome (Item 6 of the Agenda of the Human Rights Council)’.

11. Notwithstanding the worsening state of LGBTIQ+ persons in Ghana, NGOs included in this report can cite their involvement in piecemeal collaboration with police that helped initiate investigations into allegations of attacks and threats against LGBTIQ+ persons. The police have attempted to hold perpetrators accountable for “violence perpetrated against individuals¹³⁵ based on SOGIESC but to date, there is no record of perpetrators of violence against LGBTIQ+ persons prosecuted and punished.
12. Although investigations have been initiated, it is unclear whether full prosecution has ever been achieved through the formal legal system. These investigations are the fruits of the efforts of activists, not official state policy aimed at implementing the recommendations received in the third cycle of the UPR. Unsystematized, these state responses were not evidence of improvements but evidence of how activists attempted to mend the institutional gaps borne of a climate of indifference.
13. For example, in 2019 Kasoa-Buduburam a group of young men were luring men over Grindr to a place in Kasoa-Buduburam, in the Outskirts of Accra.
14. The four men would ambush the victims, strip naked and humiliate them while filming them. The four would hold the victim’s hostage for up to several days to extort money from. As videos leaked and went viral, some of the activists who are included in this submission used ad hoc means investigative techniques to identify and locate the house. Through the referral of high-ranking members of the police, they were able to engage reluctant local police to attempt to arrest the perpetrators, in part by posing as a new victim through Grindr. The police would not cooperate unless activists printed the necessary documents and even provided gas to drive their vehicles to the scene of the crime. Ultimately, the men were caught and police investigations found videos of over 20 victims, some of whom were army officials. Several victims were invited to come to court to assist in the prosecution of the perpetrators, but the general dysfunction (prosecutors and perpetrators not showing up, judges going on extended holidays) dragged the case so long that the victims decided to drop the case.
15. Ghana made six voluntary commitments to provide legal redress for instances of violence and discrimination while strengthening existing national human rights organs to this effect. Until 2021, the state had made little to no progress to achieve; instead, activists had to fill the gap. Otherwise, when it came to issues relating to SOGIESC, citizens emboldened to attack people they suspected to be sexual or gender minorities rarely had consequences as the state’s attitude was characterized by a generalized indifference. However, in the following sections, we show a shift from indifference to active persecution.

Improvement

¹³⁵ Priorities of which are reflected by recommendations made by Belgium and Canada in 2012, and Czechia, Ireland and Italy.

16. At the time of the compilation of this report, there were no records of improvements made by the state towards advancing the human rights protection of LGBTIQ+ persons based on their real or perceived sexual orientation or gender identity.

Regressions

Introduction of law to further criminalize LGBTIQ+ persons

17. Notwithstanding the overwhelming recommendations Ghana has received since the second cycle (recommendations 126.16, 126.17, 126.18, 126.22) and the third cycle (recommendations 7.32, 7.34, 7.36, 7.8, 7.9, 7.10, 7.12, 7.27, 7.30) on decriminalization of LGBTIQ+ persons, these recommendations have never enjoyed the full or partial support of the state. There has been no effort to review or repeal the law.

18. In fact, a bill titled “Promotion of Proper Sexual Rights and Ghanaian Family Values Bill, 2021”¹³⁶ has been introduced in parliament through a private member’s bill process by 8 members of parliament. The bill in its introductory section states:

“An act to provide for proper human sexual rights and Ghanaian family values; proscribe LGBTQ+ and related activities; proscribe propaganda of, advocacy for, or promotion of LGBTTQQIAAP+ and related activities...”¹³⁷

19. If passed into law the bill will criminalize LGBTIQ+ identities, any activity to protect, promote or advocate for the rights of LGBTIQ+ persons, any person that supports or provides services to LGBTIQ+ persons and anyone found in contravention of some of the provisions of this bill could be imprisoned up to 10 years. While also institutionalizing psychological, hormonal and surgical ‘conversion therapies’ the Bill requires medical practitioners to report LGBTIQ+ persons who may seek medical treatment. The World Psychiatric Association stated in 2016 that “There is no sound scientific evidence that innate sexual orientation can be changed” and called attempts to change SOGIESC “wholly unethical.”¹³⁸ The UN Independent Expert on Sexual Orientation and Gender Identity has also catalogued a litany of independent accounts of the harm this causes.¹³⁹

¹³⁶ Samuel Nartey George et al., “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021” (Parliament of Ghana, 2021), <https://cdn.modernghana.com/files/722202192224-0h830n4ayt-lgbt-bill.pdf>.

¹³⁷ Ibid.

¹³⁸ Dinesh Bhugra et al., “WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction and Behaviours,” *World Psychiatry* 15, no. 3 (October 2016): 299–300, <https://doi.org/10.1002/wps.20340>.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5032493/>

¹³⁹ Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, “OHCHR | Practices of So-Called ‘Conversion Therapy’ Report of the Independent Expert on Protection against Violence And discrimination Based on Sexual Orientation and Gender Identity” (Geneva, Switzerland, May 1, 2020), <https://www.ohchr.org/en/documents/thematic-reports/practices-so-called-conversion-therapyreport-independent-expert>.

20. Timeline of events leading to the further criminalization of LGBTIQ+ persons

May 5, 2018	The Executive Secretary and Spokesperson for the National Coalition for Proper Human Sexual Rights and Family Values (National Coalition) gave an exclusive interview to the Ghana News Agency, during which he announced that his coalition would present draft legislation to the parliament. The bill would be entitled “Comprehensive Solution Based Legislative Framework for Dealing with LGBT phenomenon’. It would provide psychological, and surgical support for people looking to change their sexual orientation and gender identity, while meting out punishments for people who “think it is a lifestyle.’ ¹⁴⁰ This is a key element of the “Promotion of Proper Human Sexuality and Ghanaian Family Values Bill” later introduced in June 2021 to criminalize LGBTIQ+ identities, support, allyship and organizing.
Sept-Dec 2019	The National Coalition, political elites and religious leaders stall the introduction of CSE guidelines, claiming it is a subtle attempt to infuse an LGBT agenda into the curriculum. ¹⁴¹ This foments an anti-LGBTIQ+ that dovetails with the World Congress of Families (WCF) African Regional Conference (ARC).
Oct 31 to Nov 1, 2019	The World Congress of Families African Regional Summit takes place around the controversy surrounding CSE, reaffirming the belief that LGBT identities and movement building are alien to Africa and testing “holistic sexual therapy systems to bring healing and comfort to Africans and other persons with LGBTQI disorders.” ¹⁴² ‘Holistic sexual therapy system’ is the term the National Coalition and the Anti-LGBT bill’s proponents use to attempt to codify into law, and mainstream, conversion therapy.

¹⁴⁰ Ghana News Agency, “Bill to Criminalize Homosexuality Coming Soon - Foh Amoaning,” *GhanaWeb*, May 29, 2018, General News edition, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Bill-to-criminalise-homosexuality-coming-soon-Foh-Amoaning-655883>.

¹⁴¹ Rita Nketiah, “‘God Has a New Africa’: Undercover in a US-Led Anti-LGBT ‘Hate Movement,’” *Open Democracy*, December 11, 2019, <https://www.opendemocracy.net/en/5050/god-has-a-new-africa-undercover-in-a-us-led-anti-lgbt-hate-movement/>.

¹⁴² Nketiah.

July 17, 2020	Parliament enacts the Private Members Bill system, allowing "members of the House (the Parliament), citizens, CSOs and unions" to "draft and initiate legislation." ¹⁴³ Before this, only the executive branch of government could present bills to the Parliament.
Dec 18, 2020	Road Traffic (Amendment) Bill passes as the first Private Members' Bill. It intensifies punishment for "road traffic offenders whose actions lead to the death of an unborn child." ¹⁴⁴ It will be later understood by this coalition and ally activists as a law bearing the mark of Ghana's 'Family Rights' movement led in part by the National Coalition ¹⁴⁵
29 Jun 2021	8 PMs Introduce the Private Members' Bill "Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021" to parliament. The Bill is written by the National Coalition ¹⁴⁶

Discriminatory application of national laws

21. Ghana continues to hold on to its Criminal Offences Act 1960 (Act 29). Subsection (1)(b) of Section 104 of Ghana's Criminal Offences Act criminalizes consensual "unnatural carnal knowledge"¹⁴⁷ but does not define what is and what is not natural. Ghanaian legal institutions and law enforcement often interpret "unnatural carnal knowledge" to mean the penetration of a male sexual organ into any opening of another human part that is not the female sexual organ.¹⁴⁸ Notwithstanding this definition, this law is used almost exclusively against LGBTIQ+ persons. This targets and discriminates against individuals based on their perceived or lived SOGIESC while providing no avenue for legal recourse and protection. Ghana's police also increasingly use 'Gross Indecency' (Section 278) and Unlawful Assembly (Section 201) to harass and detain LGBTIQ+ persons disproportionately.

¹⁴³ Ghanaian Times, "Parliament Adopts Proposal for Enactment of Private Members' Bills," *GhanaWeb*, July 17, 2020, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Parliament-adopts-proposal-for-enactment-of-Private-Members-Bills-1010062>.

¹⁴⁴ Joseph Opoku Gakpo, "Parliament Passes Road Traffic Amendment Bill," *MyJoyOnline.Com*, December 18, 2020, sec. National, <https://www.myjoyonline.com/parliament-to-pass-private-members-bill/>.

¹⁴⁵ CDD Ghana, *Press Conference by the Coalition of Professors, Legal Minds and Human Rights Activists against Anti-LGBTQ Bill* (Accra, Ghana, 2021), https://web.facebook.com/watch/live/?ref=watch_permalink&v=136365525333207.

¹⁴⁶ The National Coalition For Proper Human Sexual Rights And Family Values, "Institutional Profile," October 18, 2021.

¹⁴⁷ Criminal Offences Act 1960 (Act 29) The Republic of Ghana

¹⁴⁸ Republic of Ghana, *Banousin v Republic*, No. J3/2/2014 (Supreme Court March 18, 2014).

22. In February 2021 the police closed an LGBTIQ+ office space because they believed the activities of the organization in that office are in contravention of section 104 (1)(b) as stated above. The LGBTIQ+ organization was denied their rights to freedom of association (Article 21(1e) and freedom of assembly (Article 21(1d)) as contained in the Constitution of Ghana.
23. In July 2021 the police arrested some 21 LBQ women, trans and intersex activists who were holding a workshop in Ho, the capital town of the Volta Region. In a statement released by the Public Affairs Unit of the Volta Branch of the Ghana Police Service, they mentioned that they arrested and detained the 21 activists because their gathering was in contravention of Section 201 of the Criminal Offences Act 1960 (Act 29).¹⁴⁹ They were charged with unlawful assembly. Four UN Special Procedures released a 'Joint Communication' on 2 June 2021,¹⁵⁰ and a press statement on 4 June¹⁵¹ expressing concern and listing the human rights that the detention violated. One Intersex person "was stripped naked and tortured in police custody. She says that police officers forcefully examined her genitals, shoved her into a male cell, insisted that she was not a woman and encouraged male prisoners to rape her."¹⁵² They were released on 11 June as not it was clear that doing so would have violated their rights¹⁵³. Their case was dismissed on 2 Aug 2021. As of 17 June 2022, three of the 21 who were arrested are in constitutional litigation in the Ghana High Court seeking redress for discrimination. The 21 activists were detained for over 21 days and were denied bail four times.¹⁵⁴ The case was dismissed by the court due to a lack of evidence to continue with the case.

¹⁴⁹ Public Affairs Unit, Volta , Ho, "21 LGBTQI Members Remanded for Unlawful Assembly in Ho" (Ghana Police Service, May 21, 2021), <https://twitter.com/ghpoliceservice/status/1395771457251205124?lang=en>.

¹⁵⁰ OHCHR, "Joint Communication from Special Procedures," June 2, 2021.

¹⁵¹ OHCHR, "Ghana: UN Rights Experts Condemn Arbitrary Arrest of LGBT Human Rights Defenders, Urge Their Release," OHCHR, June 4, 2021, <https://www.ohchr.org/en/press-releases/2021/06/ghana-un-rights-experts-condemn-arbitrary-arrest-lgbt-human-rights-defenders>.

¹⁵² Rita Nketiah, "Ho21 Anniversary: Reflections on State-Sanctioned Violence Against LGBTI Ghanaians," *Human Rights Watch* (blog), May 20, 2022, <https://www.hrw.org/news/2022/05/20/ho21-anniversary-reflections-state-sanctioned-violence-against-lgbti-ghana>.

¹⁵³ Nketiah.

¹⁵⁴ Rita Nketiah, "A Year on from the Ho 21 Arrests, Queer Ghanaians Fear More to Come," *African Arguments*, May 20, 2022, sec. Ghana, <https://africanarguments.org/2022/05/a-year-on-from-the-ho-21-arrests-queer-ghanaians-fear-more-to-come/>.

Incitement to discrimination and violence from religious, traditional and political leaders

24. Religious, traditional and political leaders continue to incite violence, discrimination and denial of basic services against LGBTIQ+ persons because of their perceived sexual orientation or gender identity. Many religious leaders use their religion as a tool to call on their members to kill, arrest or beat up LGBTIQ+ persons. Some make hate speeches against the LGBTIQ+ community and promote conversion therapy as a solution to heal LGBTIQ+ persons. This is also perpetrated by traditional leaders who in some instances take their victims through degrading and inhumane treatments.
25. Political leaders continue to make hate speech against LGBTIQ+ persons and in some cases threaten to make stiffer laws to further criminalize LGBTIQ+ persons. In fact, in August 2021, 8 parliamentarians proposed the “Promotion of Proper Sexual Rights and Ghanaian Family Values, Bill, 2021” which is set to criminalize LGBTIQ+ identity, activism and support of any kind to the LGBTIQ+ community in Ghana.

26. Timeline of Events

Mar 21, 2021	The Church of Pentecost and the National Coalition hold a National Prayer Rally leading up to the introduction of the anti-LGBT-Bill four months later. ¹⁵⁵ During this event present the parliamentarians that will present the bill; they also make it known that there is a network of journalists that intentionally slant all coverage relating to LGBT issues. The head of the Journalist Against LGBT+ stated that though the media should be impartial, “we as journalists believe that homosexuality is immoral” and something “we should not condone in our media space.” He ended his intervention by assuring the Christian council, and the ecumenical councils, “the media are strongly behind you. We are ready to fight for the lord.”
Oct 28, 2021	The Spokesperson of the National Chief Imam, Sheikh Aremeyaw Shaibu says “LGBTQ+ is a violation of natural order...and a war against ...family values. He calls for Ghanaians “to avoid ...being misguided or miseducated using terminologies such as ‘human rights and freedom’”. He continues, “[t]hese words are used to disguise the very context of the discussions.” The National Chief Imam aligns himself with the National Coalition, “The

¹⁵⁵ Church of Pentecost, *National Prayer Rally on LGBTQI+ Homosexuality: A Detestable Sin to God* (Accra, Ghana, 2021), https://web.facebook.com/watch/live/?v=196559922227331&ref=watch_permalink.

Mar 21, 2022	<p>spokesperson said words like 'hate and intolerance' are all distractions being used to divert attention on the core issues and concerns.¹⁵⁶</p> <p>Open Democracy launches a report on the media disinformation campaign against Ghana's LGBTIQ+ community. From a sample of 138 false online reporting, 44% were on news websites, despite them being regulated by the state.¹⁵⁷</p> <p>"These instances are only a sample of what is available online, however, and did not include offline broadcasts or print content." ("The media disinformation campaign against Ghana's queer community")</p> <p>They capture the head of the 'Journalists Against LGBT+' stating: "he called a local radio station to say: 'We will expose and show where the gays and lesbians live; 98% of Ghanaians are against it and if Ghanaians want to beat them, so be it.'"</p> <p>Ghanaian journalists are driving an anti-LGBTIQ campaign that could result in one of the world's harshest homophobic laws.</p>
--------------	---

Violent attacks by non-state actors

27. The state has not taken any steps to address incidents of violence and discrimination against LGBTIQ+ persons since the third cycle. Individuals continue to physically abuse LGBTIQ+ persons because of their real or perceived sexual orientation or gender identity. Some are lured through social media platforms, beaten up, and have pictures taken of them naked and these pictures are used to blackmail them. The lack of examples of punishment of perpetrators of these acts against LGBTIQ+ people by the state has contributed to the perpetuation of these incidents by anti-LGBTIQ+ vigilante groups and others.
28. For example, among the recent submissions to the Parliament of non-reported cases of abuse, Rightify Ghana (a contributing NGO to this submission) included a particularly harrowing case of a former schoolteacher who used to live in Northern Kumasi. Now living in a European country, he recounted how he was reportedly fired in 2016 because of his feminine demeanour. His superiors accused him of 'recruiting' students into homosexuality. Then, in August 2019, when he was returning from an evening church service, a group of men attacked him. Accusing him of homosexuality, they brought him to an unfinished building where they raped him. They forced a wooden object up his

¹⁵⁶ Ghana Broadcasting Corporation, *It's a Violation of Natural Order- Sheikh Aremeyaw Shaibu*. (Accra, Ghana: GTV Breakfast Show, 2021), <https://www.facebook.com/watch/?v=204644098476291>.

¹⁵⁷ Lydia Namubiru, "The Disinformation Campaign Targeting Ghana's LGBT Community," *OpenDemocracy*, March 21, 2022, <https://www.opendemocracy.net/en/5050/ghana-lgbt-queer-community-media-disinformation-campaign/>.

rectum until he bled. He sought medical treatment at Mampong Health Centre where nurses refused to treat him based on his perceived sexual orientation. When he sought legal redress from the police, they told him he deserved it. His cousin even instructed his mother to poison his food because he brought shame to the family. After finding out, he fled his home and eventually left Ghana permanently to claim asylum in another country.

Conclusion

The state has since the 3rd cycle UPR has not made any move towards implementing the recommendations from that cycle. Currently, parliament is considering an anti-LGBT law called “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021” which if passed into law will further worsen the protection of LGBTIQ+ rights in Ghana.

Since the proposal of the Bill, incidents of violence against LGBTIQ+ persons have increased. Many religious and traditional leaders are promoting conversion therapy and some politicians continue to make hate speech against LGBTIQ+ persons.

Recommendations

1. Take measures to ensure the realization of recommendations 7.32 and 7.29 by avoiding the passage of the “Promotion of Proper Human Sexual Rights and Ghanaian Family Bill, 2021” into law.
2. Implement recommendations 7.32, 7.34, 7.36, 7.8, 7.9, 7.10, 7.12, 7.27, 7.30 from the third cycle and repeal section 104 (1)(b) of the Criminal Offences Act 1960 (Act 29) and replace it with laws that protect LGBTIQ+ persons from violence and other human rights abuses based on real or perceived SOGIESC.
3. Reject the “Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, and implement human rights laws that protect the LGBTIQ+ community from violence and discrimination.
4. Implement recommendations 6.59, 6.60, 6.61, 7.40 and 7.38 by providing training to recruits and police already in the service (especially officers that receive and process cases reported at the police stations) to understand LGBTIQ+ issues. The training should attune them to the violence LGBTIQ+ persons face, equipping the police with adequate tools, professionalism and knowledge of international and national human rights regulations to deal with assault and violence against LGBTIQ+ persons.
5. Use the National Commission for Civic Education and the Commission on Human Rights and Administrative Justice to hold public education campaigns on the duty to respect the rights of all persons including LGBTIQ+ persons

6. State should invite the Independent Expert on SOGI to conduct a state visit and draft a report that will help produce policies that help protect LGBTQ+ persons from the violence and discrimination they face.
7. Desist from using state resources and state laws to promote so-called conversion therapy and sanction any religious, medical or traditional institution or person that uses attempts to convert LGBTQ+ persons.
8. Empower the National Media Commission to sanction any media house that uses its media platform to propagate misinformation, hate, discrimination or violence against the LGBTQ+ community.

Annex 1

Other submitting organisations

Organisation	Contact person	Addresses
Rightify Ghana	Ebenezer Pegah	rightifyghana@gmail.com
LGBT+ Rights Ghana	Alexander Donkor	director@lgbtrightsghana.org
CEPHERG	Samuel Owiredu	cepehrg.programs@gmail.com
One Love Sisters Ghana	Leila Yahya	leilayahaya1@gmail.com
Courageous Sisters Ghana	Sarah Fleischer	courageoussisters@gmail.com
Hope Alliance Foundation	Gideon Adjaka	hopealliance86@gmail.com
OHF Initiative	Mensah Jacobs	ohfinitiativegh@gmail.com
PORSH	Francis Boakye	poshgh2@yahoo.co.uk
SAME	Anthony Adonu Mensah	sameinitives@gmail.com
Glorious Interfaith Initiative	Vishnu Coleman	gloriousinterfaith@gmail.com

Interfaith Diversity Network of West Africa	Davis Mac-Iyalla	interfaithdiversitynowa@gmail.com
Alliance for Dynamics	Magnus Jamal	edirector.adi@gmail.com
Key Watch Ghana	Shone Agyei	keywatchghana.gmail.com
Sisters of the Heart	Huseina M. MEYAKI	courageoussisters@gmail.com
Resilience Sisters Ghana	Iris Nartey	rsg.edirector@gmail.com
Youth Alliance for Equality Foundation	David Larbi	larbied6@gmail.com
Queer Ghana Education Fund	Fischere Richard Kwofie	admi.quegef@gmail.com

9. DISABILITY

I. EMPLOYMENT FOR PERSONS WITH DISABILITY





This report submitted for the fourth cycle of the UPR by the Ghana Federation of Disability Organizations¹⁵⁸, Centre for Employment of Persons with Disabilities¹⁵⁹, considers the progress Ghana has made on the issues concerning Persons with Disabilities in line with the various International and National laws, Disability Act 2006 (ACT 715).

1.0. Introduction

1. This is a report submitted by the Ghana Federation of Disability Organisations (GFD), an umbrella of nine (9) organizations of persons with disabilities, and the Centre for Employment of Persons with Disabilities to highlight the human right situation of persons with disabilities in Ghana.
2. The purpose of the report is to reflect on key issues as they affect the rights of persons with disabilities and progress made by Ghana after the last peer review in 2017.

¹⁵⁸ Ghana Federation of Disability Organizations is a civil society organization representing over 3 million persons with disabilities in Ghana to champion engagements towards assuring the rights of Persons with Disabilities (<http://efd.org.gh/>)

¹⁵⁹ Centre for Employment of Persons with Disabilities is a non-profit organization which facilitates the employment of disabled people through training, coaching, advocacy and consultancy (<http://cepdghana.org>)

3. The report covers key areas in relation to the rights of persons with disabilities. These include legal protection mechanisms and human rights, social protection, personal mobility, access to justice, accessibility, employment and situation of risk and humanitarian emergencies of persons with disabilities in Ghana.

4. The final report was drafted in consultation with the UN UPR CSO Platform convened by the POS Foundation.

2.0. Methodology

1. The process of preparing the report started with setting up a national technical committee to plan and lead the process.

2. The committee comprised representatives of organizations of persons with disabilities, civil society organizations and individuals with technical expertise in human rights and disability related issues.

3. The committee conducted a desk review of different national reports, policies, programs and laws to inform preparation of the report.

4. Notable among the documents reviewed are the State reports to the Human Rights Council in 2017 and Committee of Experts on the implementation of the United Nations Convention on the Rights of Persons with Disabilities in 2018.

5. Subsequently, an inclusive data gathering tool was used for a nation-wide stakeholder consultation. Information drawn from the stakeholder consultations were used to generate this report. The consultation involved persons with disabilities and representations of selected civil society organizations.

3.0. Background

1. Ghana enacted the persons with disability Act on 23rd June 2006 and ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 22nd August 2012.

2. However, Ghana has not done much regarding implementation of the Convention. For instance, Ghana has not adopted measures for the implementation of the rights recognized in

the CRPD as stipulated in article 4. There still exist laws, regulations, customs and practices that constitute discrimination against persons with disabilities.

3. Ghana has still not amended its national law - Persons with Disability Act, 2006 (Act 715) to be in synch with the CRPD.

4. Reference to paragraph 101 of the Ghana National Report submitted to the Human Rights Council Working Group on the Universal Periodic Review in 2017, the government committed to amend the Persons with Disability Act, 2006 to make it consistent with the United Nations (UN) Convention on the Rights of Persons with Disabilities by 2018.

5. However, the process finally started in 2019 but has been unduly delayed. There is no clear roadmap or way forward regarding the amendment of the Disability Act. The gaps in the Disability Act give rise to exclusion, limited promotion and protection of the rights of persons with disabilities.

6. National Laws such as Mental Health Act, 2012 contradicts the CRPD in many ways including use of derogatory words such as 'mental retardation' 'capacity assessment tests', 'seclusion and restraint' and 'involuntary admission in hospital'.

7. On involuntary admission, the Mental Health Act allows the police to arrest all involuntary patients who leave the health facility before the expiry date of their admission. These provisions violate the will and preferences of a person with psychosocial disability.

4.0. ISSUES PERTAINING TO PERSONS WITH DISABILITY

i. Access to Justice

1. The Disability Act, in section 5, provides that "where a person with disability is a party in judicial proceedings, the adjudicating body shall take into account the condition of the person with disability and provide appropriate facilities that enable the person with disability to participate effectively in the proceedings". Section 40 of the same Act 715 obliges law enforcement agencies to take cognizance of issues and the needs of persons with disabilities in their training and in the enforcement of the law.

2. However, persons with disabilities do not enjoy access to justice on equal basis with others. This is for instance evidence in the inaccessible nature of the built environment, limited as far as

adjudication is concerned. The inaccessibility poses major a challenge and affects some persons with disabilities on daily basis.

3. In proceeding of adjudication, communication and information in most cases are not in accessible formats for persons with disabilities. For instance, the State does not provide sign language interpretations and other communication support services for persons who are deaf, hard of hearing people and deafblind people.

4. Prisons and places of incarceration do not have systems, procedures and facilities to adequately accommodate persons with disabilities. This leaves incarcerated persons with disabilities in such facilities in dehumanising and degrading states. E.g., it limits a person with physical disability to crawling on a rather unhygienic ground.

5. The prison service has not put any measures in place to accommodate and cater for persons with disabilities who are convicted. The facilities are mostly not accessible to persons with disabilities.

ii. Personal Mobility

1. Despite the provision of assistive devices to persons with disabilities by the State as indicated in the State report to the CRPD Committee, access to assistive devices and equipment that promote mobility is still out of reach for many persons with disabilities, especially those living in rural areas.

2. Assistive devices are not covered by the National Health Insurance Scheme, making it almost impossible for ordinary persons with disabilities, who are also poor, to have access.

3. There is also inadequate orientation and mobility instructors and specialist staff, to train persons with disabilities in mobility skills.

iii. Family life and reproductive health

1. Many persons with disability experience discrimination and negative attitudes in relation to their rights to marry, choice of relationships, form a family and parenting.

2. This is worse for persons with psychosocial and intellectual disabilities who are deemed incapable of consenting and entering marriage and valid contract.

3. Moreover, there are reports of negative cultural and religious beliefs and practices causing some parents to attempt to 'dispose of' children with disabilities, including children with down syndrome among others, in wild forests and in rivers as they are believed to be 'evil spirit'.

4. Stigma and discriminatory attitudes around disability, gender and sexuality also impact negatively on how women with disabilities exercise their rights to sexual and reproductive health services and family planning.

5. The inaccessibility of infrastructure and information at health facilities, lack of trained health personnel on the human rights approach to disability, further excludes women with disabilities to access sexual and reproductive health services.

iv. Social protection and adequate standard of living:

1. The Livelihood Empowerment Against Poverty (LEAP) programme and the District Assemblies Common Fund (DACF) for persons with disabilities- a 3% statutory fund from the DACF set aside to support income generating activities of Persons with disabilities, among others are some of the State led social protection initiatives for persons with disabilities.

2. Some learners with disabilities in beneficiary mainstream schools also benefit from the School Feeding Programme.

3. The 3% DACF however is inadequate, and its administration is fraught with challenges such as the lack of clear guidelines for its administration, corruption on the part of District Assemblies who sometimes use the fund for purposes other than those required by the State.

4. The LEAP programme does not also take cognizance of disability related costs.

v. Right to Work/Employment

1. In Ghana, there are a lot of barriers in the labour market that limit the employment opportunities for persons with disabilities. These include inaccessible work environment, negative attitude, stigma, discrimination and general perception among employers about the high cost of employing persons with disabilities.

2. There is also limited understanding about the capacities of persons with disabilities. For instance, Persons with disabilities are denied employment in all the security services in Ghana on grounds of their disabilities.

3. In most work environment, there is no respect for the fundamental rights of persons with disabilities and the rights of workers with disabilities in terms of conditions of work safety and remuneration.

4. Most institutions employed persons with disabilities who have low certification making it impossible for them to progress to the managerial level. Some institutions consider employment of persons with disabilities as charity. Most persons with disabilities who are employed are rather under-utilized and underpaid.

vi. Situation of Risk and Humanitarian Emergencies

1. With regards to situation of risk and humanitarian emergencies, Ghana has not put measures in place to ensure the safety of persons with disabilities, in spite of numerous disaster and humanitarian emergencies occurring in the country. The Persons with Disability Act, 2006 does not make any provisions on persons with disabilities during crisis and humanitarian emergencies.

2. The National Disaster Management Organization Act of 2016, Act 927, has no provision targeting persons with disabilities, neither is there any established protocol directing how persons with disabilities should be handled during humanitarian emergencies.

3. There are no action plans or any institutional framework seeking to address issues about persons with disabilities during situation of risk and humanitarian emergencies. For instance, communication about risk and disaster management warning and information are not accessible to all persons with disabilities. This makes persons with disabilities more vulnerable to risk and humanitarian emergencies.

vii. Accessibility

1. Ghana Standards Authority launched the National Accessibility Standards and the National building code in November 2016 and November 2018 respectively. However, implementation is yet to fully began.

2. Section 6 of Act 715, makes provision on accessibility and enjoins owners of all buildings meant for public use to be made accessible and available to persons with disabilities. Section 60 of Act 715, 2006 provides for a ten-year moratorium for all public buildings to be accessible. But five years since the expiration of the moratorium neither the Government nor private developers have complied with this provision. The Government continues to grant permits to

inaccessible projects and has not taken any measures to ensure compliance of the Law. The Government has also not clearly defined or impose sanction on individuals and institutions who do not comply with the standards.

3. The accessibility provisions addressed under Act 715 do not cover the Government's obligation to provide training for stakeholders on accessibility issues; and different forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters' information is largely not accessible to most persons with disabilities.

4. In effect, persons with disabilities are not able to fully enjoy their rights to health, education and employment on equal bases with others.

5.0 Recommendations

1. Amend Act 715 to adequately address non-discrimination in detail in order to effectively do away with the negative attitude of the society against persons with disabilities and promote their effective participation in society at all levels on equal basis with others. This should be done by June 2023 since the process has already begun.
2. The State should review the training curriculum for officials of the judicial and law enforcement agencies, including lawyers, judges, social welfare officers, police and prison officers, to include the provisions and standards of the CRPD.
3. Increase the 3% DACF designated for Persons with Disabilities while introducing and implementing clear guidelines as to how these funds would be utilized.
4. The State through its agencies like the GSA should set up a taskforce to ensure the full implementation and compliance with the moratorium to make public buildings accessible and where they are not sanctions must be duly applied.
5. Increase the accessibility of the justice system and infrastructure, including physical access, and accessible legal aid and information, and the measures to provide procedural accommodation;

6. The State should put measures to ensure that children with disabilities are not living on the street as a result of being excluded from the family.
7. The State should put measures in place to remove structural barriers that prevent persons with disabilities to compete on equal basis with others to access work and employment opportunities, and adopt affirmative action measures and implement the special incentive provisions to promote the employment of persons with disabilities.
8. There is the need for the government to adopt and implement employment equity policy to increase opportunities and employment of persons with disabilities.

ANNEX1; RECOMMENDATIONS ACCEPTED BY GHANA IN THE 3rd UPR CYCLE, 2017.

Reference No.	Thematic Area	Recommendations	Issues	Status
146.197	Rights of Persons with Disabilities	Further improve the legal framework on the rights of persons with disabilities in line with the provisions of international conventions.	Disability Rights	Not Completed
146.16	Rights of Persons with Disabilities	Take the necessary measures to ensure the Persons with Disability Act (2006) is in line with the Convention on the Rights of Persons with Disabilities.	Disability Rights, Rights of the Child	Not Completed
146.199	Rights of Persons with Disabilities	Elaborate and Adopt an Action Plan for strengthening the promotion and protection of the rights of persons with	Disability Rights	Not Completed

		disabilities in compliance with the 2006 Person with the Disability Act of Ghana.		
--	--	---	--	--

II. DISABILITY PERSONS REPORT

UNIVERSAL PERIODIC REVIEW

DPOs' SHADOW REPORT



**BY GHANA FEDERATION OF DISABILITY ORGANISATIONS (GFD)
JULY 1, 2022**

Table of Contents

List of Abbreviations	2
Ghana Federation of Disability Organizations	2
1.0. Executive Summary	2
2.0. Introduction	3
3.0. Purpose/objectives	4
4.0. Methodology	4
5.0. Legal Protection Mechanism and Rights of Persons with Disabilities	5
6.0. International Treaties on Disability	6
7.0. Institutional and Systematic Mechanisms for Human Rights	7
8.0. Equal Recognition	8
9.0. Equality and Non-Discrimination	8
10.0. Specific Rights	9
10.1. Right to life	9
10.2. Right to Education	10
10.3. Right to Work/Employment	11
10.4. Right to Health	12
10.5. Right to Political Participation	13
10.6. Rights of Women and Girls with Disabilities	13
10.7. Situation of Risk and Humanitarian Emergencies	14
10.8. Accessibility	15

Ghana Federation of Disability Organisations

The Ghana Federation of Disability Organisations (GFD) is a non-partisan, non-religious, not-for-profit civil society organisation that brings together associations of persons with disabilities in Ghana. The Federation was established in 1987 with the vision of an inclusive society for all persons with disabilities in Ghana, GFD works to influence inclusive national legislation, policies and programme, provide a common platform for organisations of persons with disabilities and strengthens their capacity to operate independently and lead on disability rights advocacy. The GFD has governance structures at national, regional and district levels and currently operate in all the sixteen (16) administrative regions and over two hundred and fifty (250) districts in Ghana.

Currently there are 9 members of the GFD representing over 2.5million persons with disabilities in Ghana. The member organisations are: Ghana Society of the Physically Disabled (GSPD), Ghana National Association for the Deaf (GNAD), Ghana Blind Union (GBU), Ghana Association of Persons with Albinism (GAPA), Mental Health Society of Ghana (MEHSOG), ShareCare Ghana, Inclusion Ghana (IG), Ghana Burn Survivors Foundation (GBSF) and Ghana Stammering Association (GSA). GFD also works with other disability groups such as the little persons, persons with deaf blindness, stroke survivors, persons with Down Syndrome, persons with Cerebral Palsy and persons with hunchback.

1.0. Executive Summary

This report is submitted by the Ghana Federation of Disability Organisations as an alternative to the State Report for the Universal Periodic Review to highlight the human right situation of persons with disabilities in Ghana.

The purpose of the report is to reflect on key issues as they affect the rights of persons with disabilities. The report covers some key areas in relation to the rights of persons with disabilities. These include legal protection mechanisms and human rights, international treaties, institutional and systematic mechanisms for human rights and equal recognition before the law, equality and non-discrimination as well as specific rights

2.0. Introduction

The Universal Periodic Review (UPR) is a unique process that involves a review of the human rights records of all United Nations (UN) Member States. The UPR was created through UN General Assembly resolution [60/251](#), on 15 March 2006 which established the Human Rights Council itself. It is a State-driven process, conducted under the auspices of the Human Rights Council, and provides the opportunity for each State to report and declare what actions they have taken to improve the human rights situations in their countries. The reviews take place in the working group which has the same composition as the Human Rights Council. All 193 States were considered over a period of four years for each cycle - from 2008 to 2011 (first cycle) 2012 to 2016 (second cycle). The third cycle ran from 2017 to 2021. The fourth cycle of the UPR is now in progress and Ghana will be reviewed. In view of this, there is the need for the disability movement in Ghana to present an alternative report to the working group to highlight key issues regarding the human right situation of persons with disabilities in Ghana.

3.0. Purpose/objectives

The main purpose and objectives of the alternative report are to:

- provide the treaty body and the working groups with crucial information about existing gaps in relation to implementation of human right issues of persons with disabilities in Ghana.
- highlight important issues about the rights of persons with disabilities that might be overlooked or not considered so important by the government
- Provide a credible alternative report to point out where the government may be giving an inaccurate account of the real situation of Persons with Disability to the human rights council.

4.0. Methodology

The process of preparing the report started with setting up a national technical committee to plan and lead the process. The committee comprised representatives of Organisations of Persons with Disabilities (OPWDs), civil society organisations and individuals with technical expertise in the subject matter.

The committee first conducted a desk review where several reports, policies and laws were critically examined to inform preparation of the report.

Subsequently, a data gathering tool was developed and used to conduct stakeholder consultations. Relevant information drawn from the consultations were used to generate this report. The consultation involved persons with disabilities and representations of selected civil society organisations. Telephone interviews were also conducted among selected persons with disabilities.

The draft report was validated at both regional and national levels.

5.0. Legal Protection Mechanism and Rights of Persons with Disabilities

Ghana's Constitution provides in Article 29 for provisions to protect and promote the rights of persons with disabilities. The same article provides for enactment of laws to further address the rights of persons with disabilities in Ghana. Clause 8 of Article 29 resulted in the passage of the Persons with Disability Act, 2006 (Act 715) to safeguard the rights of persons with disabilities.

Additionally, Ghana has enacted a number of legislations, formulated policies and programmes to further promote and protect the rights of its citizens. These include the Children's Act, 1998 (Act 560); the Labour Act, 2003 (Act 651); Domestic Violence Act, 2007 (Act 732); Education Act, 2008 (Act 778); Mental Health Act, 2012 (Act 846), Livelihoods Empowerment Against Poverty (LEAP) programme, the Labour-Intensive Public Works (LIPW), the Ghana School Feeding Programme (SFP), the National Health Insurance Scheme (NHIS) Exemptions and the Basic Education Capitation Grants. Child and Family Welfare Policy; National Disability Policy; Justice for Children Policy; the Social Protection Policy; Inclusive Education Policy; and the Gender Policy. Despite the existence of these laws, policies, and programmes, persons with disabilities continue to suffer discrimination, deprivation and exclusion on daily basis.

6.0. International Treaties on Disability

Ghana ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 22nd August 2012. However, Ghana has not done much regarding implementation of the Convention. for instance, Ghana has not adopted measures for the implementation of the

rights recognized in the CRPD as stipulated in article 4. There still exist laws, regulations, customs and practices that constitute discrimination against persons with disabilities.

Ghana has still not amended its Disability Act to be synchronized with the CRPD. Reference to paragraph 101 of the Ghana National Report submitted to the Human Rights Council Working Group on the Universal Periodic Review in 2017, the government committed to amend the Persons with Disability Act, 2006 (Act 715) to make it consistent with the United Nations Convention on the Rights of Persons with Disabilities, and committed to begin stakeholder consultations on the content of a new Disability Bill by September, 2017, and was expected to complete by 2018. However, the process of reviewing the Disability Act began in 2019 and not completed as at June 2022.

7.0. Institutional and Systematic Mechanisms for Human Rights

Article 218 of the 1992 constitution of the republic of Ghana reflects the core functions of the Commission on Human Rights and Administrative Justice (CHRAJ) and provides for its mandate in paragraph (a) "...to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power and unfair treatment of any person by a public officer in the exercise of his official duties" however, CHRAJ does not have specific focal point for dealing with concerns of persons with disabilities. In addition, the Ghana police service, the prison and fire services do not also have specific known plan for dealing with cases involving persons with disabilities. In view of this they are unable to produce disability specific reports pertaining to human rights violation. Persons with disabilities are considered as part of the vulnerable or the marginalize population irrespective of their peculiar needs and multiple challenges they face on daily basis.

There is existence of a National Council on Persons with Disability (NCPD), and Social Welfare Department under the Ministry of Gender, Children and Social Protection; as well as the Special Education Division of the Ghana Education Service of the Ministry of Education, to ensure inclusion of persons with disabilities in Ghana. However, these institutions are faced with numerous challenges such as lack of adequate human and financial resources to effectively carry out its mandate as prescribed by the various legislations that set them up.

Regarding disaster and humanitarian emergencies, though there is the National Disaster Management Organisation mandated to manage situations of risks and humanitarian emergencies, it has no institutional framework, policy or action plan as well as established protocols on handling persons with disabilities. In effect persons with disabilities suffer the most when there is crisis or humanitarian emergencies

8.0. Equal Recognition

Although the 1992 constitution of Ghana provides that all persons shall be equal before the law, it does not specifically include persons with disabilities.

The Mental Health Act, 2012 does not adequately recognize the legal capacity of persons with psychosocial disabilities, and also still upholds the matter of guardianship for individuals with psychosocial disabilities.

The Mental Health Act contradicts the CRPD including use of derogatory words such as ‘mental retardation’ ‘capacity assessment tests’, ‘seclusion and restraint’ and ‘involuntary admission in hospital’. On involuntary admission, the Mental Health Act allows police to arrest all involuntary patients who leave the health facility before the expiry date of their admission. These provisions violate the will and preferences of a person with psychosocial disability.

9.0. Equality and Non-Discrimination

Article 17(1) of the 1992 Constitution of the Republic of Ghana stipulates that all persons shall be equal before the law and that a person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status. “Disability” does not seem to be a prohibited ground of discrimination under Article 17. In addition, Article 29 of the Constitution on “Rights of Disabled Persons”, while allegedly seeking to protect persons with disabilities from “all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature” (paragraph 4), includes in its discriminatory element’s contrary to the provision in Clause 3 of Article 29 of the Constitution and the CRPD.

At the level of legislation specifically on persons with disabilities, section 4 of the Persons with Disability Act reinforces that “person shall not discriminate against person with disability on

grounds of disability”. However, this has not been the case in practice, where disability-based discrimination remains frequent and not sanctioned. There are instances of denial of reasonable accommodation in education and employment of persons with disabilities. For instance, the security service, in their advertisement for vacancies openly discriminate against person with disabilities.

Recommendation:

There is the need to amend the Disability Act 715 to adequately address non-discrimination in detail in order to effectively do away with the negative attitude of the society against persons with disabilities and promote their effective participation in society at all levels on equal basis with others.

10.0. Specific Rights

10.1. Right to life

The 1992 Constitution of the Republic of Ghana states in Article 13 that no person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted.

The constitution goes further to prohibit all customary and cultural practices that dehumanize or are injurious to the physical and mental well-being of a person. However, there exist a ‘spirit child’ phenomenon in some parts of the country that promotes killing of children with disabilities. These actions are usually fuelled by traditional/cultural or religious beliefs that subject such children are evil and curse to society. In March 2022, the media reported that a child with autism was buried alive by a seventy-year-old man in the central region under a claim of a religious leader purporting the child was evil.

Recommendation:

The government of Ghana should adopt appropriate measures to protect all persons with disabilities from being murdered and other discriminatory practices.

10.2. Right to Education

Ghana rolled out an Inclusive Education Policy in 2015 to ensure that all Ghanaians have access to quality education on equal basis. However, the policy has been faced with implementation challenges. Government has not committed adequate human resource and budget for the implementation of the policy. Due to this, there is limited implementation, and there is no effective monitoring of the implementation of the policy so government has not been able to produce a comprehensive report regarding its implementation.

In effect, the right to education of persons with disabilities continue to be challenged with multiple barriers including inaccessible school environment, inaccessible and limited teaching and learning materials, negative attitude and stigma as well as discrimination against them.

In recent times, there have been numerous stories told about children with disabilities including children with cerebral palsy being hidden by their parents, and denied access to education.

Recommendation:

There should be measures put in place, including the allocation of adequate budget, in ensuring implementation inclusive, quality and accessible education to all learners with disabilities.

10.3. Right to Work/Employment

In Ghana, many barriers in the labour market limit employment opportunities for persons with disabilities. These include inaccessible work environment, negative attitude, stigma, discrimination and general negative perception among employers about the high or extra cost required to employ persons with disabilities. There is also a general negative perception and limited understanding about the capacities of persons with disabilities. For instance, Persons with disabilities are denied employment in all the security services in Ghana on grounds of their disabilities.

In most work environment, there is no respect for the fundamental rights of person with disabilities and the rights of workers with disabilities in terms of conditions of work safety and remuneration. Most institutions employ persons with disabilities who have low certification making it impossible for them to progress to the managerial level. Some institutions consider

employment of persons with disabilities as charity. Most persons with disabilities who are employed are rather under-utilized and underpaid.

Recommendation

Government should put measures in place to remove structural barriers that prevent persons with disabilities to compete on equal basis with others to access work and employment opportunities, and adopt affirmative action measures and implement the special incentive provisions to promote the employment of persons with disabilities. There is the need for the government to adopt and implement an employment equity policy to increase opportunities and employment of persons with disabilities.

10.4. Right to Health

In Ghana, access to basic health care, service and facilities continue to be a major challenge faced by persons with disabilities. Health facilities, institutions providing health services and information on health are not accessible to most persons with disabilities. For instance, there is no provision of sign language interpretation services and alternative modes of communication in the health facilities. The right to privacy of persons with disabilities such as deaf persons and persons with visual impairment are usually violated by health practitioners mainly due to some level of ignorance, negative perceptions and attitudes as well as lack of appropriate skills to communicate with and handle patient with disabilities.

Moreover, Stigma and discriminatory attitude around issues of disability, gender and sexuality impact negatively on how both men and women with disabilities exercise their rights to sexual and reproductive health and services.

Recommendations:

The State should take steps to ensure that health services and infrastructure are accessible to persons with disabilities, and make clear provisions to respect the privacy and the right to consent of the person, including deaf persons and those with visual, intellectual and psychosocial disabilities.

There should be clear plans in place to refine the scope of the primary health care services to include essential medication for persons with disabilities in the list of medicines that are covered by the NHIS.

10.5. Right to Political Participation

The 1992 Constitution of Ghana assures the right to participate in political activities. Article 42 of the Constitution provides for the voting rights of all citizens of eighteen (18) years and above. Specifically, it states that “Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda”. However, the use of the phrase “sound mind” has tendency to exclude some persons with disabilities, particularly those with intellectual and psychosocial disabilities from voting processes on the basis of lack of mental capacity.

Recommendation

Government should adopt affirmative action measures to ensure equitable participation of persons with disabilities in decisions about the governance of the country including representation in leadership position from local to national level, including within the three arms of government.

10.6. Rights of Women and Girls with Disabilities

There are no meaningful attempts to better protect the rights of women and girls with disabilities taken into cognizance their peculiarities. There are no specific strategies and measures designed to recognize and address the inequality situation of women and girls with disabilities in Ghana. National programmes to operationalize the National Gender policy has no specific consideration for the intersectionality of women and girls with disabilities. Women with disabilities continue to face multiple discrimination based on disability and gender. They face violence and abuse, and are less represented in decision making both at the family and community level. However, the Domestic Violence Act does not explicitly address the specific challenges women with disabilities face in relation to violence and abuse. The Ghana’s Gender Equality Bill, 2016 that seeks to increase participation of women in decision making does not

consider the peculiarity of needs of women and girls with disabilities. In fact, the advocates who led the advocacy for the bill did not recognize the peculiar needs of persons with disabilities.

Recommendation:

There should be measures put in place for effective implementation of the National Gender Policy including resource to ensure issues affecting women with disabilities are adequately addressed. The national Gender policy should be reviewed to include intersectionality needs of women and girls with disabilities.

The government should put affirmative action measures to ensure that women and girls with disabilities are adequately represented in decision making.

10.7. Situation of Risk and Humanitarian Emergencies

With regards to situation of risk and humanitarian emergencies, Ghana has not put measures in place to ensure the safety of persons with disabilities, in spite of numerous disaster and humanitarian emergencies occurring in the country on regular basis. The Person Disability Act and the National Disability policy do not make any provisions on persons with disabilities during crisis and humanitarian emergencies.

The National Disaster Management Organisation Act of 2016, Act 927, has no provision targeting persons with disabilities, neither is there any established protocol directing how persons with disabilities should be handled during humanitarian emergencies. There are no action plans or any institutional framework seeking to address issues about persons with disabilities during situation of risk and humanitarian emergencies. For instance, communication about risk and disaster management warning and information are not accessible to all persons with disabilities. This makes persons with disabilities more vulnerable to risk and humanitarian emergencies.

Recommendation

Government should put measures in place to train and equip emergency response teams to assist persons with disabilities in disaster risk situations, such as fire outbreak, conflict, flood etc, and to ensure that information on disaster risks and related warnings are accessible to persons with disabilities, including persons who are deaf, blind or have an intellectual disability or autism.

10.8. Accessibility

Ghana Standards Authority launched the National Accessibility Standards and the National building code in November 2016 and November 2018 respectively. However, implementation is lacking.

Section 6 of the Disability Act 715, makes provision on accessibility and enjoins owners of all buildings meant for public use to be made accessible and available to persons with disabilities. Section 60 of Act 715, provides for a ten-year moratorium for all public buildings to be made accessible. But over five years since the expiration of the moratorium neither the government nor private developers have complied with this provision. The government continues to grant permits to inaccessible projects and has not taken any measure to ensure implementation. The government has not also clearly defined or impose sanction on individuals and institutions who do not comply with the standards.

The accessibility provisions addressed under Act 715 do not cover the government's obligation to provide training for stakeholders on accessibility issues; and different forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters' information is largely not accessible to most persons with disabilities. In effect, persons with disabilities are not able to fully enjoy their rights to health, education and employment on equal bases with others.

Recommendation

There should be measures put in place by the State to promote accessibility of public buildings, facilities, transportation and information and communications, including in Braille and Easy-read

formats and in sign language, for persons with disabilities throughout Ghana, and enforce compliance of the building code and the national accessibility standards.

10.9. Awareness Raising

As far as awareness on disability is concerned, the government of Ghana has not yet taken any clear steps to raise awareness on issues about disability, neither has the government taken any steps to raise the positive image of persons with disabilities through the media.

Even though the government made a commitment to raise awareness on disability during the 2018 Global Disability Summit, there is no plan in place to raise awareness on disability. As part of their corporate social responsibilities, both the private and state-owned media sometime give free or discounted airtime to disability rights advocates and organisations of persons with disabilities to raise awareness and educate the general public on disability and issues affecting persons with disabilities.

Generally, dissemination of information does not adequately target many persons with disabilities. For instance, printed information does not take the peculiar needs of persons with albinism, blindness and persons with intellectual disabilities into consideration since there are often no alternative format like large print, braille and easy to read versions.

In effect, persons with disabilities continue to experience stigma, discrimination and abuse because most people have little or no knowledge about disability.

Recommendation

The government should put measures in place as well as support organisations of persons with disabilities to raise awareness on disability

11.0. Conclusion

In conclusion, there are gaps relating to implementation of human right legislation, policy and programmes on disabilities. Government has not done much as far as implementation of the disability related initiatives are concerned. While there are laws seeking to promote and protect the rights of persons with disabilities, there are still gaps in the country's domestic legislations and practises that discriminate against persons with disabilities. There is the need for the government to put measures in place to provide enabling environment for effective participation of persons with disabilities in the Ghanaian society.

13.0. References

Ghana State Report on the CRPD-2018

https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/GHA/CRPD_C_GHA_1_6956_E.docx

Dpos shadow report to the un on the implementation of the CRPD in Ghana, 2022

Ghana UPR state report 2017

Stigma related barrier to accessing sexual and reproductive health for persons with disabilities in Ghana- study by GFD-2018.

11. RIGHT TO HEALTH

UNITED NATIONS UNIVERSAL PERIODIC REVIEW OF GHANA

(Report on Right to Health)

Submitted to the UN Human Rights Council

By:

- Youth Harvest Foundation Ghana (YHFG),
- Planned Parenthood Association of Ghana (PPAG)
- Curious Minds Ghana
- Klikgold Association
- Divine Group International
- Concern Health Education Project
- Lost Talent Foundation Ghana

Email:

- concernhealthghana@yahoo.com
- clikfoundation@yahoo.com
- board@yhfg.org,
- info@ppag-gh.com,
- info@cmghana.org
- losttalentghana@gmail.com
- divinegroupinternational@gmail.com

Website:

- www.yhfg.com
- www.ppag-gh.org
- www.cmghana.org

3. Introduction

This report is submitted for the fourth cycle of the UPR by the Youth Harvest Foundation Ghana (YHFG), Planned Parenthood Association of Ghana (PPAG), Curious Minds, Concern Health Education Project, Clikgold Association, Divine Group International and Lost Talent Foundation Ghana.

YHFG is a non-profit organization committed to advocating for young people's sexual and reproductive health and rights, including expanding their access to evidence-based, age-appropriate comprehensive sexuality education.

PPAG focuses on providing comprehensive Sexual and Reproductive Health and Rights (SRHR) information and services to all people in Ghana, especially the young and vulnerable, to enhance their quality of life.

Curious Minds works to ensure that all children and youth are well informed and meaningfully participate in decision-making that affects their lives by advocating, generating knowledge, sharing information, building partnerships and training young activist at local, national and international levels.

Clikgold Association is a national advocacy organization mobilizing communities for health and development in urban slums and rural communities in Ghana.

Concern Health Education Project NGO (CHEP) is a registered non-profit organization in Ghana promoting the importance of public health initiatives, good governance, community system strengthening, climate change, and environmental health impact.

Divine Group International a registered non-profit organization which focuses on advocating and providing a comprehensive healthcare service for deprived communities in Africa.

Lost Talent Foundation is an organisation committed to empowering and improving the lives of orphans and vulnerable children, marginalized women, men and youth in the rural communities in the Central region of Ghana.

The aforementioned organizations submit on the status of right to health and its thematic health themes adolescents and young people accessing Comprehensive sexuality education (CSE), the status of their access to healthcare and HIV and TB funding.

4. Methodology

The report has been prepared using information from consultative meetings with partners, information from partner CSOs and desk reviews. The document was further validated by

partners on the 5th and 12th of July 2022 in two (2) separate meetings. The engagement was part of the consultative process of the UN UPR platform organised by the POS Foundation.

5. Ghana's International commitments

Ghana has also expressed commitment to the Programme of Action of the International Conference on Population and Development (ICPD), the Beijing Platform for Action and the Sustainable Development Goals (SDG). The country has also been active in giving and receiving recommendations during the Universal Periodic Review cycles. Yet, the country still faces major challenges for implementing international commitments related to Sexual and Reproductive Health and Rights (SRHR), particularly concerning women and girls, young people and those belonging to vulnerable groups.

6. National UPR Context

At the 3rd UPR cycle, Ghana received and accepted 13 recommendations on the rights of citizens to health including access to sexual and reproductive health (146.176), to implement measures that strengthen the protection of the rights of children and protect them from sexual exploitation (146.177). Ghana however noted recommendation 147.39 from Canada to 'Scale-up and expand youth-friendly and gender-sensitive programmes on comprehensive sexuality education and sexual reproductive health and rights. Other recommendations were under (Theme E41), Qatar (146.115), to continue its efforts to promote access to health services, including in local communities, Venezuela (146.117) Continue improving the access to and the use of health services in the most remote communities

4.1 Comprehensive Sexuality Education (CSE)

For the purpose of this report, CSE is defined as a rights-based approach that seeks to equip young people with the knowledge, skills, attitudes and values they need to determine and enjoy their sexuality—physically and emotionally, individually and in relationships.¹⁶⁰

4.1.1 Legal Provisions and Policies on CSE

The curricula of Ghanaian schools presently have no CSE. Ghana however has signed several policies, conventions and treaties that mandate the provision of CSE. These include the Sexual and Reproductive Health Policy for Young People in Ghana¹⁶¹, National Strategic Framework on Ending Child Marriage¹⁶², the Five-year Strategic Plan to Address Adolescent Pregnancy in Ghana¹⁶³, FP2030 Commitments¹⁶⁴, Maputo Plan of Action¹⁶⁵ as well as the government's commitment to the SDGs and ICPD+25 agenda¹⁶⁶.

4.1.2 Information about implementation level since 3rd Cycle

¹⁶⁰ https://www.guttmacher.org/sites/default/files/report_downloads/demystifying-data-handouts_0.pdf

¹⁶¹ <https://www.npc.gov.gh/news/sexual-and-reproductive-health-policy-for-young-people-in-ghana/>

¹⁶² Ministry of Gender, Children and Social Protection (2016). National Strategic Framework on ending Child Marriage in Ghana 2017-2026

¹⁶³ Ministry of Gender, Children and Social Protection (2017). Five-year Strategic Plan to Address Adolescent Pregnancy in Ghana 2018-2022

¹⁶⁴ <HTTP://WWW.FAMILYPLANNING2020.ORG/GHANA>

¹⁶⁵ https://addis.unfpa.org/sites/default/files/pub-pdf/MPOA%20English_A5_%20Version%205.pdf

¹⁶⁶ https://www.ipdf.org/sites/default/files/2020-09/ICPD+25%20Nairobi%20Summit_Main%20Report_ENG.pdf

Following recommendation 147.39, Ghana took steps to expand adolescents and young people's access to sexual and reproductive health education. In 2018, the Ministry of Education (MoE) in collaboration with the National Population Council (NPC) with support from UNFPA Ghana, developed age-appropriate Guidelines for CSE. The guidelines aimed to help teachers and Community-Based Organizations to give age-appropriate, evidence-based education on sexual and reproductive health and rights to both in and out of school adolescents and young adults. A national Technical Working Group was constituted to develop a CSE programme content for basic and high schools. The National Youth Authority (NYA) was also tasked with leading the processes of programme development for out-of-school young people.

However, the CSE guidelines and all processes towards its implementation were truncated in 2019 following a public outcry¹⁶⁷. Anti-SRHR actors criticized the guidelines as an attempt by the government to indoctrinate Ghanaian children with LGBTQIA+ agenda¹⁶⁸. In response to these criticisms, GES with support from UNESCO conducted nationwide stakeholder consultations in 2020 to review the guidelines. Following the review, the authors of this report are aware that the revised guidelines renamed the 'Reproductive Health Education (RHE) Guidelines' was subsequently submitted to the cabinet for adoption.

In 2021, the NYA with support from PPAG organized consultative meetings with stakeholders across the country to build a national consensus on ensuring access to Sexual and Reproductive Health for in and out of school young people. The outcomes of these consultative meetings are to be used by the NYA to develop context-specific and age-appropriate guidelines for out-of-school Reproductive Health Education in Ghana. The absence of standardised national RHE guidelines has created a situation where several non-Governmental actors are implementing heterogeneous interventions to address the challenges faced by adolescents regarding their sexual and reproductive health¹⁶⁹.

The absence of CSE in the curriculum coupled with negative traditional views on sexuality has resulted in many young people being ill-prepared to navigate SRHR challenges associated with transitioning to adulthood successfully¹⁷⁰. As a result, most sexually active young people are subjected to adverse reproductive health outcomes. In 2017, an estimated 40% of 15–19-year-olds and 88% of 20–24-year-old women had ever had sex¹⁷¹. In 2020, a total of 109,888 teen pregnancies were recorded among girls between 10-19 years old. Girls between the ages of 10 and 14 accounted for 2,865 pregnancies while those 15-19 accounted for 107,023 pregnancies¹⁷².

¹⁶⁷ <https://www.graphic.com.gh/news/general-news/ghanaians-divided-over-new-sexuality-education.html>

¹⁶⁸ <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/CSE-We-won-t-teach-pupils-homosexuality-GES-785004>

¹⁶⁹ 'Young Wise and Healthy' the Reproductive Health Education and Services for young people (RHESY) by the YHFG and PPAG; SHE+ Helpline and the YENKASA, digital platforms which provide a right-based Reproductive Health and Rights (RHR) information are examples of ongoing interventions.

¹⁷⁰ UNESCO (2018) "International Technical Guidance on Sexuality Education: An Evidence-Informed Approach."

<http://unesdoc.unesco.org/images/0026/002607/260770e.pdf>

¹⁷¹ Ghana Statistical Service, Ghana Health Service, ICF. Ghana Maternal Health Survey 2017. Accra, Ghana: GSS, GHS, ICF, 2018.

¹⁷² <https://www.gna.org.gh/1.21226667>.

Standardized and harmonized national reproductive health education guidelines and programmes will ensure that young people receive the right information to make informed decisions regarding their sexual and reproductive health. It will also contribute to the country achieving the target of 3.7 under SDG 3¹⁷³.

4.1.3 Recommendations

- The Government must adopt the new reproductive health education guidelines and take administrative steps to integrate reproductive health education into the national school curricula for primary and high schools.
- The Government must finalize the development of the reproductive health guidelines for out-of-school adolescents and young people.
- The Government must take all administrative and financial measures to guarantee universal access to reproductive health education and include RHE in the teacher training curriculum.

4.2 Comprehensive Abortion Care

CAC can be defined as the provision of information, abortion management (including induced abortion and care related to pregnancy loss), and post-abortion care¹⁷⁴.

4.2.1 Legal Provisions and Policies for CAC

In Ghana, Safe abortion is permitted by law (Criminal Code Amendment, PNDC Law 102, 1985) under a number of situations/conditions, now incorporated into the consolidated Criminal Code, 1960, Act 29, Section 58. These include: Where pregnancy is the result of rape or defilement of a female idiot or incest; where the continuance of the pregnancy would involve risk to the life of the pregnant woman or injury to her physical or mental health; Where there is a substantial risk that if the child were born it may suffer from or later develop a serious physical abnormality or disease.

That said, unsafe abortion is still a major cause of maternal deaths and disability in Ghana. In 2019, complications of abortion accounted for 9.2% of direct maternal deaths¹⁷⁵. A recent study on the incidence of abortion in Ghana showed that an estimated 71% of all abortions done in Ghana were illegal. Even though the legal framework in Ghana on abortion services prescribes conditions under which a woman can have access to safe abortion services, the majority of the population still view abortion as illegal¹⁷⁶.

This, coupled with the fact that most religious bodies disapprove of abortion, makes the environment for the provision of abortion services relatively hostile. Further, many health

¹⁷³ <https://www.un.org/development/desa/pd/data/sdg-indicator-371-contraceptive-use>

¹⁷⁴ <https://apps.who.int/iris/rest/bitstreams/1394380/retrieve>

¹⁷⁵ GHS, FHD Annual Report 2019

¹⁷⁶ Keogh SC et al., Estimating the incidence of abortion: a comparison of five approaches in Ghana, *BMJ Global Health*, 2020

service providers, as well as the public, are unaware of the law permitting safe abortion¹⁷⁷. Consequently, many health facilities either do not provide safe abortion services or do not capture service data in official records, making it challenging to obtain accurate information for program planning and advocacy¹⁷⁸.

In its recent publication on Abortion guidelines, the WHO states that when abortion services are unavailable or legally restricted, women and girls' resort to the risk of unsafe abortion¹⁷⁹. For women and girls that died of unsafe abortion complications, there are many who live with the short and long-term consequences such as infertility and chronic pelvic inflammatory disease.

4.2.2 Implementation since 3rd Cycle

Since the 3rd Cycle, Ghana has made progress in improving access to safe and affordable services. A secretariat has been established, under the office of the Director-General, to oversee a 3-year program to integrate comprehensive abortion care (CAC) services into routine service provisions in both public and private health facilities. The Comprehensive Abortion Care standards and protocols have been revised (June 2021) to reflect current evidence, best practices and operational realities in the national health system¹⁸⁰.

The revised CAC standards and protocols have expanded the list of healthcare cadres permitted to provide medical abortion services. It also includes protocols for the provision of medical abortion self-care through telemedicine and guidelines for abortion care for persons with disability. After the publication of the new CAC standards and protocols, the Ghana Health Service has led the development and rollout of a national CAC training curriculum and training resources. A core team of CAC trainers has been trained in all 16 administrative regions and guidelines have been established for the downstream training of CAC service providers in public and private health facilities.

Nevertheless, there is still some resistance to the CAC institutionalisation process by managers at some health facilities, particularly at the lower facility levels. Challenges to integration between maternal health, family planning, and comprehensive abortion care services at the facility level due to stigma and resistance still exist.

4.2.3 Recommendations

- The Government through the Ministry of Health must intensify public education and sensitization on the law on abortion to reduce stigma. Decriminalize Safe Abortion Services in line with WHO guidelines.
- The Government through the Ministry of Health must further expand/Revise the cadre of providers for medication abortion according to the new WHO guidelines

¹⁷⁷ Atakro, C.A., Addo, S.B., Aboagye, J.S. et al. Contributing factors to unsafe abortion practices among women of reproductive age at selected district hospitals in the Ashanti region of Ghana. *BMC Women's Health* 19, 60 (2019). <https://doi.org/10.1186/s12905-019-0759-5>

¹⁷⁸ James Akazili, Edmund Wedam Kanmiki, Dominic Anaseba, Veloshnee Govender, Georges Danhouno & Augustina Koduah (2020) Challenges and facilitators to the provision of sexual, reproductive health and rights services in Ghana, *Sexual and Reproductive Health Matters*, 28:2, DOI: 10.1080/26410397.2020.1846247

¹⁷⁹ WHO Abortion Care Guidelines

¹⁸⁰ Comprehensive Abortion Care Services Standards and Protocols 4th Edition (2021). Ministry of Health, Ghana Health Service

- The Government through the Ministry of Health must reclassify medical abortion drugs from class A, prescription-only medicine to class B, and pharmacist-initiated products.
- The Ministry of Health must include CAC in the pre-service curriculum for relevant healthcare providers.
- The Ministry of Health must sustain efforts to integrate safe abortion care services into routine reproductive health services at the different levels across the health care system and service delivery.
- The National Health Insurance Authority must include legal safe abortion care services in the services package of the National Health Insurance Scheme.

4.3 Access to and use of healthcare in remote Communities

Right to health is fundamental for the wellbeing and quality of life of every person and thus it is imperative for all governments to put in place systems that ensure that every person has access to health without any physical and financial barriers.

4.3.1 Legal Provisions and Policies on Access to Healthcare

Ghana's Universal Health Coverage roadmap indicates that every individual should have unfettered access to health and healthcare irrespective of one's location or financial means¹⁸¹. It includes the full spectrum of essential, quality health services, from health promotion to prevention, treatment, rehabilitation, and palliative care across the life course.

A lot of progress has been made by successive governments in Ghana regarding the promotion of the quality healthcare and services for all of Ghana's 31 million people. The health care provider per client/patient ratio is still low. In 2019, the UK government reported that there are only 1.1 doctors and 9.8 nurses and midwives for every 10,000 inhabitants of Ghana.

This falls short of the WHO's recommended minimum threshold of twenty-three doctors, nurses, and midwives per 10,000 population¹⁸². This has put a huge strain on the delivery of health care in the country. Compounding the issue, budget allocation to the health sector over the past years has remained below international standards. The government made an explicit commitment in the Medium-Term National Development Policy Framework (MTNDPF 2022–2025) to allocate 15% of health expenditure as a percentage of the GDP in the 2022 budget. However, analysis reveals that the projected health expenditure as a percentage of the GDP is only 2.19%. This not only shows a significant deviation from the set target but also falls far below the World Bank and WHO averages for Lower Middle-Income Countries.¹⁸³

¹⁸¹ <https://www.moh.gov.gh/wp-content/uploads/2021/08/UHC-Roadmap-2020-2030.pdf>

¹⁸² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812958/Ghana_-_Medical_and_Healthcare_-_CPIN_-_v1.0__GOV.UK_.pdf

¹⁸³ <https://sendwestafrica.org/nu/gh/wp-content/uploads/sites/2/2022/01/SEND-GHANA-assesses-2022-budget-statement-and-economic-policy.pdf>

4.3.2 Information about implementation level since the 3rd Cycle

Ghana is among the original signatories of the Abuja Declaration in 2001. Other health financing indicators such as the Abuja Declaration (to allocate a minimum of 15% of its total expenditure to the health sector year on year) are evidence of the government's low prioritization of health financing. For nearly two decades, Ghana registered over 6% GDP per annum, but successive governments failed to meet the Abuja target. For example, in the past four years (2017 to 2020), the Ministry of Health's (MOH) share of the national budget was averaged at 7.7% just half of the Abuja Declaration¹⁸⁴.

Primary health care facilities are for most citizens, the first point of contact with health services, yet they are the least developed and ill-prepared to cater for patients. A coherent national primary health care (PHC) policy will complement and strengthen the attainment of the Universal Health Coverage (UHC) Roadmap and also linked to the country's PHC strategic implementation plan¹⁸⁵.

The current government has promised to invest in the health sector emphasizing infrastructure as well as the provision of incentive packages for health workers. The government has also committed to building 110 district hospitals across the country¹⁸⁶.

The National Health Insurance Scheme is purposed to absorb the financial risks of poor persons and do away with the situation where people are compelled to make out-of-pocket payments at the point of need. This pro-poor scheme unfortunately has been saddled with a lot of challenges thereby making access to health difficult for the poor and most people in remote communities¹⁸⁷. Key among these bottlenecks is the case of delayed payment for the Health Insurance Scheme to private health providers enrolled on the scheme. Furthermore, the current NHIS benefit package does not adequately address all the emerging and non-communicable diseases (NCDs).

4.3.3 Recommendations

- The Government must take all administrative and financial measures for guaranteeing universal access to health.
- Government must take steps to expand the current NHIS benefits to include emerging and non-communicable diseases (NCDs).
- The Government should increase and maintain its health sector budgetary allocation to 15 per cent or more as agreed in the Abuja Declaration.
- Government must ensure that the National Health Insurance levy is separated from the consolidated fund and released to the NHIA in a timely manner.

¹⁸⁴ SEND Ghana 2020 health budget analysis – data from budget statement and economic policy

¹⁸⁵ <https://www.ppag-gh.org/ppag/wp-content/uploads/2020/09/CSOs-Health-Manifesto-for-Election-2020.pdf>

¹⁸⁶ <https://www.moh.gov.gh/covid-19-government-to-begin-construction-of-88-district-hospitals-this-year-nanaaddo/> and

¹⁸⁷ <https://sendwestafrica.org/nu/blog/covid-19-a-whole-ghana-approach/>

4.4 HIV and AIDS funding for education

Ghana received one recommendation (146.114) during the third UPR cycle to increase its spending on education in the fight against AIDS, tuberculosis and malaria. Available data from the Ghana AIDS Commission's National AIDS Spending Assessment (NASA) report for 2017 and 2018 indicated that total expenditure on HIV and AIDS activities in the country was estimated at US\$92,573,993 and US\$67,413,057, respectively, with 63 per cent of the funding from international sources. The report further indicated that the highest spending areas were care and treatment, programme management, administration, prevention and Human Resources. It is worth noting that PLHIV benefited the most from the fund¹⁸⁸. However, spending within beneficiary groups showed a very low proportion of funds spent on prevention programmes by PLHIV.

Among the highlighted challenges reported were lack of coordination at the district and community levels, low funding for HIV programmes, limited availability of HIV test kits and drugs, and difficulty gaining access to the workplace. The dwindling of external funds to support HIV and AIDS programming in Ghana has resulted in the country's inability to fully undertake HIV and AIDS programming effectively.

4.4.1 Legal Provisions and Policies

In 2016, the government through Parliament passed the Ghana AIDS Commission Act 2016, Act 938¹⁸⁹. The law amongst other things seeks to provide protection for Persons Living with HIV (PLHIV). The law also makes room for a Fund to be established to coordinate HIV and AIDS response in the country. However, since the launch of the fund in 2021 by the President of Ghana, the Fund remains nonfunctional, the government has not allocated funds to the HIV and AIDS Fund. The government through its agency Ghana AIDS Commission has put together National HIV and AIDS Strategic Plan 2021-2025 to replace the outdated 2015-2020 National Strategic Plan¹⁹⁰.

4.4.2 Recommendations

- Government must operationalise the AIDS Fund by creating the structure for mobilising resources for in-country work in HIV and AIDS.
- Government must release funds into the Ghana AIDS Fund to enable the Commission and its partners to undertake HIV and AIDS.

¹⁸⁸<https://www.ghanaims.gov.gh/pages/validation-of-national-aids-spending-assessment-nasa-report#:~:text=Felix%20Asante%20the%20lead%20consultant,for%202017%20and%202018%20respectively>

¹⁸⁹ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/100299/120295/F-891609736/GHA100299.pdf>

¹⁹⁰ national hiv & aids strategic plan 2021-2025, <https://www.ghanaims.gov.gh> › mcadmin › Uploads

