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Working Group on the Universal Periodic Review

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### 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 16/21

#### Ghana\*

The present report is a summary of 11 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

## **I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles**

See Joint Submission 1 (JS1).

## **II. Information provided by other stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations**

1. Amnesty International (AI) recommended that Ghana ratify the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Rights of Persons with Disabilities and the Optional Protocol; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and permit international inspection of all places of detention.<sup>2</sup>

2. Edmund Rice International (ERI) and Human Rights Watch (HRW) recommended that Ghana ratify the Convention on the Rights of Persons with Disabilities and harmonise its legislation with the requirements of this Convention.<sup>3</sup>

3. Joint Submission 3 (JS3) advised that Ghana ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.<sup>4</sup>

4. The International Organization for Migration (IOM) recommended that Ghana take the steps to be party to the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons.<sup>5</sup>

#### **2. Constitutional and legislative framework**

5. JS1 stated that, in January 2010, Ghana initiated a process to review the 1992 Constitution with the establishment of a 9-member Constitution Review Commission mandated to: 1) ascertain from people their views on the operation of the 1992 Fourth Republican Constitution and, in particular, its strengths and weaknesses; 2) articulate the concerns of people on amendments that may be required for a comprehensive review of the Constitution; and 3) make recommendations to the Government for consideration and provide a draft Bill for possible amendments to the Constitution.<sup>6</sup>

6. AI stated that, although the final report of the Constitutional Review Commission has not yet been made public, a summary of the report was released in December 2011. Its recommendations include abolishing the death penalty and replacing it with life imprisonment without parole; full recognition of economic, social and cultural rights in the Constitution; and direct enforcement of decisions by the Commission on Human Rights and Administrative Justice (CHRAJ) which is to have increased powers to enable it to initiate investigations within its mandate.<sup>7</sup>

7. AI indicated that Article 13 of the 1992 Constitution, which guarantees the right to life, provides for much wider grounds for the use of lethal force than is permissible under international standards. It has a more lenient standard of necessity than the UN Basic

Principles on the Use of Force and Firearms by Law Enforcement Officials.<sup>8</sup> AI recommended that Ghana amend Article 13 to ensure the grounds permitting the use of lethal force are in line with international standards.<sup>9</sup>

8. AI stated that most economic, social and cultural rights are not included within Chapter 5 of the 1992 Constitution. Although some economic, social and cultural rights are included in Chapter 6 on Directive Principles of State Policy, these directive principles have not been enforceable in the courts.<sup>10</sup>

9. AI indicated that, while some crimes under international law are defined as crimes under Ghanaian law, other such crimes, including war crimes defined in international humanitarian law applicable during non-international armed conflict, crimes against humanity; ‘other acts’ of genocide (such as conspiracy, direct and public incitement, attempt and complicity); extrajudicial execution; enforced disappearance and aggression, are not defined as crimes. The definitions of crimes under national law should be as broad as the definitions set out in the Rome Statute (to which Ghana is a party), but whenever international treaties or customary law contain stronger definitions than those in the Rome Statute, these definitions should be incorporated into Ghanaian law.<sup>11</sup>

### **3. Institutional and human rights infrastructure and policy measures**

10. JS1 stated that CHRAJ has received increasing resources from the government in executing its functions which has allowed it to undertake training programmes to improve staff capacity to better promote and protect human rights and investigate cases involving violations.<sup>12</sup>

11. JS1 stated that Ghana is in the process of drafting a National Human Rights Action Plan (NAHRAP) which would enable Ghana to address human rights concerns in a comprehensive and holistic manner. The NAHRAP will cover five key priority areas, namely: economic, social and cultural rights; civil and political rights; vulnerable groups/minorities; international and national legal frameworks; and human rights education.<sup>13</sup>

## **B. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

12. JS1 indicated that gender disparities and inequalities still persist. Harmful and discriminatory social and cultural practices against women and girls are justified in the name of culture. The Affirmative Action Policy (1994) initiated by the government calls for 40 per cent representation of women in public decision-making but women are still under-represented in policy and decision-making in Ghana. Women for instance account for less than 10% of Parliamentarians in Ghana.<sup>14</sup>

13. JS1 stated that the Property Rights of Spouses Bill and the Intestate Succession Bill have been laid before Parliament. Although the 1992 Constitution requires that legislation regulating the property rights of spouses would be enacted as soon as practicable after the coming into force of the Constitution, the two Bills still encounter stultifying delays in Parliament.<sup>15</sup>

14. AI stated that Ghana has not yet harmonized the norms of citizenship for foreign spouses in line with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Further legislative reforms are needed to ensure equal rights between women and men.<sup>16</sup>

15. ERI indicated that children without family are the most discriminated against in many ways, especially in the traditional homes. They drop out from school to do all the odd

jobs of the family. Local estimates, in some rural areas, suggest that 20 per cent of children fall into this category.<sup>17</sup> ERI recommended that Ghana protect the rights of its most vulnerable children, by establishing programmes to ensure their full participation in education and employment.<sup>18</sup>

16. JS1 stated that the Mental Health Bill was passed by Parliament in March, 2012. Key rights and principles under the Act include equality and non-discrimination and freedom from inhuman and degrading treatment. The mentally ill suffer stigmatisation largely because of the deeply held beliefs and superstitions.<sup>19</sup> JS1 reported that there is also discrimination against and stigmatisation of people living with HIV/AIDS.<sup>20</sup>

17. AI indicated that Ghana's Constitution guarantees freedom from discrimination, in line with the International Covenant on Civil and Political Rights, Article 2 of which guarantees non-discrimination on the grounds of sex. However, discrimination on the grounds of sexual orientation persists.<sup>21</sup>

18. The Advocates for Human Rights (AHR) stated that non-Ghanaians face discrimination based on national origin, nationality, and ethnicity.<sup>22</sup> AHR recommended that Ghana create a public-awareness campaign to address and combat discrimination against non-Ghanaians and to explain the status of refugees selected for local integration.<sup>23</sup>

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

19. AI stated that Ghana is abolitionist in practice, although it retains the death penalty in law and continues to sentence people to death. At the end of 2011, 138 people were on death row, including four women. No executions have been carried out since 1993.<sup>24</sup> AI recommended that Ghana abolish the death penalty as recommended by the Constitution Review Commission and establish an official moratorium on the use of the death penalty, pending abolition of the death penalty.<sup>25</sup> JS3 raised similar concern(s).<sup>26</sup>

20. The Commonwealth Human Rights Initiative (CHRI) stated that, since Ghana's 2008 UPR, when it was recommended to combat and sanction police brutalities, little has been done to hold offending officers accountable. The Police administration has failed to effectively address numerous reports of shooting and brutalisation of innocent civilians.<sup>27</sup>

21. AI also reported that excessive use of force and unlawful killings by the police and security forces continue. In February 2011, the police were accused of firing indiscriminately in order to restore order in the Buduburam refugee camp.<sup>28</sup> AI recommended that Ghana instruct the security forces to always act in compliance with international human rights law and to respect the right to life and the prohibition of torture and other cruel, inhuman and degrading treatment.<sup>29</sup>

22. AHR indicated that security in Buduburam is increasingly tenuous. In January 2012, police swept Buduburam and took dozens of refugee men into custody. The police did not charge them but demanded large sums of cash before releasing them.<sup>30</sup>

23. JS1 stated that police brutalities persist, although disciplinary measures introduced by the Ghana Police to help change the image of the Police has led to increasing number of reported dismissals of police officers and the CHRAJ has also undertaken human rights and integrity training for station officers for the Ghana Police Service.<sup>31</sup>

24. HRW stated that the Mental Health Bill does not seem to provide a remedy to cruel, inhumane and degrading treatment in psychiatric hospitals and prayer camps, mainly through prolonged seclusion and restraints, chaining, starvation or forced fasting of up to 21 days. HRW recommended that Ghana enact laws banning inhumane practices including chaining and prolonged restraint, mandatory fasting in prayer camps, and treatment without free and informed consent.<sup>32</sup>

25. AI expressed concern that, in many prisons, overcrowding is severe, sanitation is inadequate, food and medical care are scarce and many prisoners rely on family members and outside organizations for additional food, medicines and other necessities. Skin diseases, tuberculosis, malaria, hepatitis and HIV are prevalent; however, the prison health system is over-stretched, under-equipped and unable to provide adequate medical care.<sup>33</sup>

26. HRW stated that a number of residents in psychiatric hospitals and prayer camps were arrested and detained by police on mere suspicion of a mental disability, and some were detained for several days. Those admitted under court order often had to wait several weeks for the court to sanction their release after the hospital had discharged them. The Mental Health Bill allows for forced treatment or admission, which may lead to arbitrary and prolonged detention and deprivation of personal liberty.<sup>34</sup>

27. JS1 indicated that capacity building of the staff of the Domestic Violence and Victims Support Unit (DOVSU) of the Ghana Police Service has been one of the challenges to the implementation of the Domestic Violence Act. Furthermore, the Victims of Domestic Violence Support Fund was launched in the last quarter of 2011, but it is yet to attract much needed support.<sup>35</sup> AI raised similar concern.<sup>36</sup> With respect to shelter for victims, JS1 stated that none exists, except one which is run by an NGO.<sup>37</sup>

28. AI reported that although the Domestic Violence Act 2007 allows prosecution of marital rape, little progress has been made in the implementation of the Act. Victims of violence are still obliged to pay the costs of their medical examination.<sup>38</sup>

29. JS3 indicated that there is a widespread problem of police abuse of female sex workers' human rights. It recommended that the Ghana Police Service improve training of its police officers, with a view of heightening their understanding of and compliance with both human rights and the laws relevant to commercial sex workers.<sup>39</sup>

30. JS3 stated that the incidence of defilement remains high with girls being the overwhelming majority of victims and that the persistence of harmful customary practices poses a threat to girls' development.<sup>40</sup> AI expressed concern that, although female genital mutilation was made a criminal offence in 1994, the practice continues, particularly in the North of Ghana.<sup>41</sup>

31. JS1 stated that practices of dehumanizing widowhood rites are still prevalent. These rites involve rituals, ranging from seclusion and general isolation of the widow to actual causing of physical harm to the widow. Women alleged to be witches also suffer the fury of their communities, ranging from seclusion, banishment into witch camps, physical molestation, to outright lynching sometimes.<sup>42</sup>

32. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment of children was lawful in Ghana, despite repeated recommendations to prohibit by the treaty bodies and during Ghana's initial UPR in 2008. There has been no change in the legality of corporal punishment of children in Ghana since its initial UPR in 2008. Corporal punishment is unlawful as a sentence for crime and in prison, but it is lawful in the home, school, alternative care settings and penal institutions such as borstal institutions and industrial institutions. GIEACPC expressed its hope that the Human Rights Council will note with concern the repeated and unfulfilled treaty body recommendations on corporal punishment and Ghana's failure to enact prohibition. It recommended that Ghana enact legislation to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.<sup>43</sup>

33. The World Vision Ghana (WV Ghana) indicated that children are found in the mining industry and at stone quarries cracking stones to sell. The majority are on the streets to fend for themselves due to parental neglect, death of parents or poverty. Most of these

children are exposed to all kinds of danger, including rape, being deceived and kidnapped for use in rituals and even trafficking.<sup>44</sup>

34. ERI recommended that the Ghana establish a Task Force to work closely with the police in bringing to justice those who exploit children and to report to the Government on progress in reducing child exploitation and that Ghana address the underlying issues of poverty and child abuse and neglect, with the aim of reducing such exploitation.<sup>45</sup>

35. IOM reported that there are not enough shelters or specialized care facilities for trafficking victims who have been rescued and have to undergo rehabilitation. Furthermore, the number of social workers who are required to give support to victims is inadequate. IOM indicated that Ghana must take steps in ensuring the provision of shelter and psychological services for affected victims of trafficking and other related abuses.<sup>46</sup>

### **3. Administration of justice and the rule of law**

36. AI indicated that court procedures continue to be subject to long delays. Access to legal aid is inadequate and some prisoners spend years awaiting trial.<sup>47</sup>

37. AI stated that, while the courts are able to exercise universal jurisdiction over certain crimes, they are not empowered so far to exercise universal jurisdiction over crimes against humanity, torture, extrajudicial executions and enforced disappearance.<sup>48</sup>

38. WV Ghana indicated that, though Ghana has the juvenile justice legislations and related policies to ensure children in conflict with the law are given age appropriate trials and incarceration, these are not enforced.<sup>49</sup>

39. CHRI stated that the Juvenile Justice Act (2003) suffers from many gaps and a lack of implementation by court and police officials. Juveniles are held with adults, they are not brought to court within 48 hours, and they are never offered bail by the police. Facilities for juvenile suspects are in disrepair, the juvenile court in Accra only operates once a week, outside of Accra juvenile courts barely exist at all, and Child Panels and Probation Committees meet irregularly.<sup>50</sup>

40. JS1 stated that Ghana has drawn up a National Anti-Corruption Action Plan (NACAP) 2012–2021.<sup>51</sup> Substantial financial management reforms have also been undertaken. New elements have been added to the anti-corruption legal framework, including the Anti-Money Laundering Act, 2008 (Act 749) and its implementation. Also, the Economic and Organised Crime Office (EOCO) is now the leading agency in investigating organised and economic crimes, including human trafficking and terrorism.<sup>52</sup>

### **4. Right to privacy**

41. AI stated that sexual activity between consenting adults remains criminalized under Chapter 6, Article 104 of the Criminal Code, which prohibits “unnatural carnal knowledge” (defined to include consensual sexual intercourse between men). This clause has the effect of encouraging discrimination, harassment and persecution of people on the basis of their identity and consensual sexual behaviour. AI recommended that Ghana protect the human rights of lesbian, gay, bisexual and transgender people and to amend the Criminal Code to repeal the provision that criminalizes sexual activity between consenting adults.<sup>53</sup>

42. CHRI stated that the period under review has seen statements by members of parliament that the government should take action against homosexuals. Church organisations, which wield significant influence in Ghanaian politics, have publicly called for the strengthening of the laws in relation to same-sex sexual conduct. The impact of the debates, and the animosity towards homosexuality this incites, has meant that lesbian, gay, bisexual, transgender and intersexual individuals (LGBTI) are more vulnerable to

discrimination, harassment and violence. As homosexuality is illegal in Ghana, they have no protection under the law.<sup>54</sup> JS3 raised similar concern.<sup>55</sup>

43. CHRI recommended that Ghana issue a moratorium on public prosecutions under Section 104(b) of the 1960 Criminal Code and embark on a process of repealing it. CHRI also recommended that Ghana ensure that the provisions in the Constitution that guarantee equality and dignity are used to protect members of the LGBTI community; and encourage dialogue and cooperation between civil society groups, human rights defenders, religious groups and other relevant stakeholders on the decriminalisation of same-sex sexual conduct.<sup>56</sup>

## 5. Freedom of movement

44. HRW stated that people living in psychiatric hospitals are restricted in their movement even within their respective wards. In prayer camps, people were restrained in chains for the entire day and for long periods, one man for up to eight months without pause. People were released from the chain and from the camp only when the camp leader received “a message from God,” rather than following a medical or psychiatric evaluation.<sup>57</sup>

## 6. Freedom of expression

45. CHRI stated that the Government has not passed the Right to Information (RTI) Bill which has been before Parliament since 2010. The RTI Bill does not conform to international best practice standards. There are too many blanket exemptions covering all information relating to the offices of the President, Vice President and the Cabinet. Virtually any information about their functioning will become inaccessible under the law.<sup>58</sup> CHRI recommended that Ghana immediately improve the current draft of the RTI Bill.<sup>59</sup>

46. JS3 reported the key improvements of the RTI Bill include the need to create an independent oversight body to undertake the responsibility of enforcing the RTI Bill, inclusion of maximum disclosure, and reduction of the numerous exemptions in the Bill. The RTI Bill must include private sector and chieftaincy institutions, not only Government agencies and the fees for accessing information must be minimal. The RTI Bill also has a limited scope of penalties, which undercuts the need to provide information in a timely manner.<sup>60</sup>

47. Article 19 indicated that the shortcomings of the RTI Bill include long time-limits, unclear and broad exception clauses, and a lack of independent control over its implementation.<sup>61</sup>

48. Article 19 stated that freedom of media in Ghana has improved over the last years. The communications regulator, the National Communications Authority (NCA), became significantly more independent in 2010. However, complaints have persisted regarding delays in obtaining bandwidth and licenses for broadcast media. The problem with allocation of licenses stems from the legislation: the National Communications Authority Act 2008. It urges Ghana to adopt amendments to the National Communication Authority Act and impose clearer standards of transparency, procedural fairness and efficiency.<sup>62</sup>

49. While Ghana has no laws criminalising insult, there have been a number of cases where police have used the ambiguous provisions in the Criminal Offences Act to arrest and detain those who insult the President,<sup>63</sup> Article 19 calls on the Human Rights Council to urge Ghana to repeal Section 208 of the Criminal Offences Act in its entirety and amend Section 207 and 185 to clearly demarcate the scope of the law and to remove any suggestion of criminal insult.<sup>64</sup>

50. Article 19 also highlighted the growing intolerance of dissenting views and the growing frequency with which media workers are attacked for carrying out their

journalistic activities. It calls on the Human Rights Council to urge Ghana to respect the democratic right to protest and ensure that the right to freedom of expression and freedom of peaceful assembly is respected in demonstrations, marches and other forms of protest.<sup>65</sup>

**7. Right to work and to just and favourable conditions of work**

51. ERI indicated that the youth unemployment is 40 per cent, much higher than adult levels, and that the disadvantaged ones are those from poor homes.<sup>66</sup> ERI recommended that Ghana ensure equal access to employment for all its citizens, especially youth, by legislating for employment policies that provide equal opportunities, and monitoring how well employers implement them.<sup>67</sup>

52. AHR stated that many refugees believe that their refugee status barred them from equal access to resources and opportunities afforded to Ghanaian citizens.<sup>68</sup> Some refugees living in the Buduburam settlement reported to TAHR that discrimination interfered with their right to work. They felt their accent when they speak English and their inability to speak Twi, primary Ghanaian indigenous language, intensify discrimination against them.<sup>69</sup>

**8. Right to social security and to an adequate standard of living**

53. JS1 stated that, even though Ghana joined the middle income bracket countries in December 2010, poverty is practically still endemic in the country. There is still a vast amount of work to be done in achieving the Millennium Development Goals (MDGs) in view of the country's increasing youth population who are faced with difficulty in finding productive employment.<sup>70</sup>

54. JS1 indicated that there is a large housing deficit in the country. There is little improvement in providing adequate housing for people living in deprived communities, especially the slums. A major planned intervention by the government to meet the housing needs has stalled owing to funding problems. There have also been demolitions, by local government authorities, of houses apparently built in water-ways and in unauthorised locations leading to increasing public protests about inadequate notice amidst the general lack of housing.<sup>71</sup>

55. AI stated that Ghana's laws do not provide adequate protection against forced eviction. There is no reference to housing rights in the Constitution.<sup>72</sup> Forced evictions compound the country's housing shortage and have left many people homeless and destitute. In May 2010, hundreds of people were forcibly evicted from their homes in "Abinkyi slum" in Kumasi. The residents were given just two weeks' notice and were not offered any alternative accommodation or compensation.<sup>73</sup>

**9. Rights to health**

56. Although free and informed consent is a key component of the government's obligation to provide the highest attainable standard of physical and mental health, HRW found that doctors and nurses admitted using force to give patients their prescribed medication or hiding the medicines in their food. In most cases, family members or medical staff decided on admission into and treatment in a psychiatric hospital or prayer camp, without the free and informed consent of the individual.<sup>74</sup>

57. HRW stated that family members or staff routinely decided on a person's admission to, treatment within, and discharge from mental health facilities even when people voluntarily bring themselves to such facilities, effectively denying them their legal capacity to make their own decisions. The Mental Health Bill presumes the incapacity of persons with mental disability, limiting their ability to make decisions about where they live and what treatment they receive.<sup>75</sup>



58. HRW reported that some public psychiatric hospitals were in poor condition and in need of repairs. Some hospitals had insufficient running water and electricity in bathrooms, forcing patients to defecate in the courtyard or rooms. General hygiene was very poor, with toilets in some hospitals filled with faeces and cockroaches. All hospitals reported lack of enough food to feed residents, many of whom complained of poor food quality, including rotten fish.<sup>76</sup>

59. AHR stated that the Ghana Health Service runs the community clinic in the Buduburam Refugee Settlement, the only place to receive medical treatment in Buduburam. The clinic faces monumental financial challenges and provides only a limited number of basic services. Many refugees in Buduburam with limited financial resources do not have meaningful access to health care. They will be at heightened risk of developing or exacerbating serious health problems.<sup>77</sup>

60. JS1 stated that Ghana has been successful in keeping the prevalence rate of HIV/AIDS low, largely through promotional efforts spearheaded by the Ghana AIDS Commission. The CHRAJ's monitoring, however, also reveal that anti-retroviral drugs are inadequate.<sup>78</sup>

61. ERI stated that drug and alcohol addiction among adolescents is increasing. One estimate is that 40 per cent of youth may be abusing alcohol or other drugs.<sup>79</sup> Accordingly, many of the adolescents end up in psychiatric care.<sup>80</sup>

## 10. Right to education

62. WV Ghana stated that the Government has taken pragmatic steps to construct 1,226 schools which are at various stages of completion to increase accessibility and reduce the number of children learning under trees and in deplorable conditions.<sup>81</sup>

63. JS1 stated that the quality of education is questioned as functionally illiterate children continue to pass out of the basic schools, especially the public schools. Furthermore, deeply held cultural beliefs and practices still manifest in the discrimination against the girl child, resulting in families not supporting girl child education.<sup>82</sup>

64. ERI stated that, although school attendance rate is high in Ghana, drop-out rates are a concern. Pupils may leave school early due to family problems. Furthermore, access to education is not equal between children of well-to-do families and the less wealthy or underprivileged ones (70 per cent of Ghana's children).<sup>83</sup> The northern part of Ghana is less developed in both natural resources and human resources. The gap is wide between the South and North of Ghana, in both quality of education and access to educational resources.<sup>84</sup>

65. AHR stated that the Buduburam Refugee Community School, one of the larger schools in Buduburam, charges school fees of USD10 per term for a three-term school year. A handful of schools in Buduburam are church-run, but even students who attend these tuition-free schools must purchase uniforms. As a result of these costs, many refugee children do not attend school or attend only sporadically.<sup>85</sup>

## 11. Persons with disabilities

66. JS1 stated that, even though the Persons with Disability Act, 2006 (Act 715) was passed by Parliament in June 2006, the relevant Regulations to give effect to the Act are yet to be promulgated. There continue to be flagrant violations of the provisions of the Persons with Disability Act. Persons with disabilities, accordingly, continue to publicly complain about discrimination against them.<sup>86</sup>

67. Joint Submission 2 (JS2) stated that many persons with disability are marginalized and discriminated against. Because the legislative instrument for Act 715 is not ready since

2006, most of the provisions of the Disability Act are not being implemented. The national council on persons with disability, which has oversight responsibility of ensuring compliance with the provisions of the Act, is not staffed and resourced.<sup>87</sup>

## 12. Migrants, refugees and asylum-seekers

68. IOM stated that it had signed a Cooperation Agreement with Ghana in August 2010 to create a platform for IOM to address migration challenges in the country. IOM commended Ghana for its role in taking strides in handling the influx of displaced persons and migrant workers who fled the political crises in neighbouring countries.<sup>88</sup>

69. AHR expressed concern that the Ghana Refugee Board (GRB) has not clarified eligibility standards for local integration. Hence, refugees may elect local integration, only to learn that they have not been selected and that it is too late for a voluntary repatriation package. There is a danger that the selection process may be conducted in an arbitrary or discriminatory manner.<sup>89</sup> TAHR recommended that Ghana clarify and publicize the selection standards, process, and benefits of local integration, and extend the grace period for two months thereafter.<sup>90</sup> It also recommended that Ghana ensure that no person is deported without due process of law.<sup>91</sup>

70. AHR stated that many refugees who applied for asylum do not know their legal status because the GRB has not notified them of the outcome of their applications. Post-cessation, there is a danger that refugees who have valid, individualized asylum claims under international law will be deported without resolution of their claims and appeals.<sup>92</sup>

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with "A" status):

#### *Civil society*

AI	Amnesty International ;
Article 19	Article 19 ;
CHRI	Commonwealth Human Rights Initiative;
ERI	Edmund Rice International;
GIEACPC	Global Initiative to End All Corporal Punishment of Children;
HRW	Human Rights Watch;
WV Ghana	World Vision Ghana;
JS1	Joint Submission 1—Commission on Human Rights and Administrative Justice* and Ghana Human Rights NGOs Forum;
JS2	Joint Submission 2—Ghana Federation of the Disabled;
JS3	Joint Submission 3—Human Rights Advocacy Centre and Amnesty International Ghana.

#### *Other*

IOM	International Organization for Migration.
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<sup>2</sup> AI, p. 4.

<sup>3</sup> ERI, recommendation 2/HRW, p.2.

<sup>4</sup> JS3, p. 4.

<sup>5</sup> IOM, p. 3.

<sup>6</sup> JS1, para. 5.

<sup>7</sup> AI, p. 2.

<sup>8</sup> AI, p. 2.

<sup>9</sup> AI, p. 4.

<sup>10</sup> AI, p. 2.

<sup>11</sup> AI, p. 2.

<sup>12</sup> JS1, para. 42.

- <sup>13</sup> JS1, para. 11.  
<sup>14</sup> JS1, para. 13.  
<sup>15</sup> JS1, para. 12.  
<sup>16</sup> AI, p. 1.  
<sup>17</sup> ERI, para. 2.  
<sup>18</sup> ERI, recommendation 1.  
<sup>19</sup> JS1, paras. 15-16.  
<sup>20</sup> JS1, para. 30.  
<sup>21</sup> AI, p. 3.  
<sup>22</sup> AHR, para. 6.  
<sup>23</sup> AHR, p. 6.  
<sup>24</sup> AI, p. 3.  
<sup>25</sup> AI, p. 5.  
<sup>26</sup> JS3, pp.16-17.  
<sup>27</sup> CHRI, paras. 10-11.  
<sup>28</sup> AI, pp. 3-4.  
<sup>29</sup> AI, p. 5.  
<sup>30</sup> AHR, para. 15.  
<sup>31</sup> JS1, paras. 39-41.  
<sup>32</sup> HRW, p. 2.  
<sup>33</sup> AI, p. 3.  
<sup>34</sup> HRW, p.3.  
<sup>35</sup> JS1, para. 19.  
<sup>36</sup> AI, p. 1.  
<sup>37</sup> JS1, paras. 18-19.  
<sup>38</sup> AI, p. 1.  
<sup>39</sup> JS3, pp. 3-5.  
<sup>40</sup> JS3, pp. 8-9.  
<sup>41</sup> AI, p. 1.  
<sup>42</sup> JS1, para. 21.  
<sup>43</sup> GIEACPC, pp. 1-2. See also JS1, para. 46.  
<sup>44</sup> WV Ghana, p. 2.  
<sup>45</sup> ERI, recommendations 7 and 8.  
<sup>46</sup> IOM, pp. 2-3.  
<sup>47</sup> AI, p. 3.  
<sup>48</sup> AI, p. 2.  
<sup>49</sup> WV Ghana, p. 5.  
<sup>50</sup> CHRI, paras. 14-15.  
<sup>51</sup> JS1, paras. 8-9.  
<sup>52</sup> JS1, paras. 37-38.  
<sup>53</sup> AI, p. 4.  
<sup>54</sup> CHRI, para. 27.  
<sup>55</sup> JS3, pp. 5-6.  
<sup>56</sup> CHRI, recommendations 28 a., b., and c. See also JS1, para. 45.  
<sup>57</sup> HRW, p.3.  
<sup>58</sup> CHRI, para. 6.  
<sup>59</sup> CHRI, para. 8.  
<sup>60</sup> JS3, p. 16.  
<sup>61</sup> Article 19, para. 3.  
<sup>62</sup> Article 19, p. 5.  
<sup>63</sup> Article 19, para. 10.  
<sup>64</sup> Article 19, p. 5.  
<sup>65</sup> Article 19, p. 5.  
<sup>66</sup> ERI, para. 10.  
<sup>67</sup> ERI, recommendation 6.  
<sup>68</sup> AHR, para. 6.

- 69 AHR, para. 7.
  - 70 JS1, para. 36.
  - 71 JS1, paras. 43-44.
  - 72 I, p. 2.
  - 73 AI, p. 3.
  - 74 HRW, p. 4.
  - 75 HRW, p. 2.
  - 76 HRW, p. 4.
  - 77 AHR, para. 12.
  - 78 JS1, paras. 30-31.
  - 79 ERI, para. 12.
  - 80 ERI, para. 13.
  - 81 WV Ghana, p. 3.
  - 82 JS1, paras. 27-29.
  - 83 ERI, paras. 5,7-8.
  - 84 ERI, recommendations 4 and 5.
  - 85 AHR, para. 21.
  - 86 JS1, paras. 32-33.
  - 87 JS2, pp. 3-4.
  - 88 IOM, p. 2.
  - 89 AHR, para. 19.
  - 90 AHR, p. 6.
  - 91 AHR, p. 6.
  - 92 AHR, para. 18.
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