



REPUBLIC OF GHANA

**PRESENTATION OF THE NATIONAL REPORT OF
THE REPUBLIC OF GHANA TO THE 14TH SESSION
OF THE UNIVERSAL PERIODIC REVIEW OF THE
HUMAN RIGHTS COUNCIL
TUESDAY, 23RD OCTOBER, 2012**

BY

**THE HONOURABLE MR. EBO BARTON ODRO
DEPUTY ATTORNEY GENERAL &
DEPUTY MINISTER FOR JUSTICE**

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Madam President,
Excellencies,
Distinguished Delegations

1. It is an honour for me to be here today to present the National Report of Ghana for the 2nd Cycle of the Universal Periodic Review (UPR). We bring warm greetings from the Government and People of Ghana and convey the kind sentiments and best wishes of the President, his Excellency Mr. John Dramani Mahama to this Council.

2. Madam President, allow me to pay tribute to the late Professor John Evans Atta Mills, former President of the Republic of Ghana, who passed away three months ago, on 24th July 2012, for his commitment and contribution to peace, not only in Ghana but in Africa as a whole. He was a strong advocate for human rights, due process and the rule of law. He also valued the independence of the judiciary and other institutions and worked tirelessly to promote these principles.

3. The Government of Ghana views the UPR mechanism as an important platform, for examining the human rights situation in member states, assessing government's performance in promoting and protecting the rights of its citizens, and to share and exchange views on addressing its weaknesses.

4. We therefore welcome this opportunity to engage once again with the Human Rights Council, to discuss human rights issues in Ghana, in particular, the progress made in implementing the recommendations accepted during the first review in 2008. My delegation which comprises Experts from some Government Ministries, Departments and Agencies looks forward to an open and constructive dialogue with you this afternoon.

5. The obligation of the government of Ghana to uphold the human rights of its people, is enshrined in the 1992 Constitution of the Republic of Ghana. The Constitution provides for the establishment of institutions charged, inter alia, with safeguarding the human rights of the people of Ghana, guaranteeing the people's access to justice, ensuring the independence of the Media, and empowering the people to contribute to the governance and development of the country.

6. The National Report for Ghana's review sets out some developments since the first UPR in May, 2008. It highlights the achievements chalked by the Government in the area of human rights and also brings to the fore challenges, particularly limited financial resources, which militate against the effective operations of institutions of state and Government's efforts to ensure the full realisation of the rights of its people.

7. In this context, we acknowledge the significant contributions of our bilateral and multilateral partners by way of budgetary and technical support towards the implementation of government programmes, and the cooperation we have enjoyed over the years.

8. We are mindful of the effects of the global economic crises on our development partners. The Government of Ghana is however committed to its development programmes, particularly in matters affecting health, education, housing and delivery of other basic services.

Madam President,

9. I would like to also acknowledge the important and significant contribution of civil society in ensuring that human rights issues remain high on government's agenda, and on the public consciousness. It is for this reason that we ensured the active participation of not only the relevant government institutions, but civil society as well, in the preparation of the report. The Ministry held several meetings and interactions with the MDAs and collated information gathered for this report. Additionally we collaborated with the National Human Rights Institution (CHRAJ), and held informal consultations with civil society organizations. A final meeting was held on 20th July 2012 with all stakeholders to validate the report.

10. The Government of Ghana is committed to continuing its engagement with all relevant stakeholders in implementing the recommendations we will accept at this session.

Madam President,

11. At the first review on 8th May, 2008, Ghana accepted twenty-two recommendations. Progress made in the implementation of the recommendations are clearly set out in the National Report.

12. However, it is important to inform the Council that since the submission of the National Report, some salient developments have taken place. I shall therefore focus on these recent developments as well as the status of the

implementation of the recommendations accepted in 2008, and address advance questions we have received ahead of this session.

13. I wish to inform the august house that the Government, in its White Paper to the Report of the Constitutional Review Commission, has accepted the recommendation of the Commission to abolish the death penalty. In view of the fact that it is an entrenched provision of the Constitution, it will have to be subjected to a referendum. It is however worth mentioning that no executions have taken place in Ghana since 1993.

14. Since the passing of the Persons with Disability Act, 2006 (Act 75) and the ratification of the Convention on the Rights of Persons with Disabilities, Ghana has established the National Council on Persons with Disability. This Council will evolve policies and strategies to enable persons with disability enter and participate in the mainstreaming of the national development process. To this end the Council will among others, monitor and evaluate disability policies and programmes, co-ordinate disability activities, play an advocacy role on disability issues at all levels and formulate strategies for broad – based inter-sectoral interdisciplinary participation in the implementation of the national disability policy.

Madam President,

15. We are also pleased to inform that the Mental Health Bill has now been passed into an Act of Parliament. The Act seeks, among others, to promote access to basic mental health care in an environment free from restrictions, and prevent the abuse of people with mental disorders, including physical and sexual abuse. The Government of Ghana and all stakeholders are determined to work together to ensure its effective implementation. In this regard we welcome the consultation currently underway at the World Health Organization on the Global Mental Health Action Plan for 2013 to 2020 and are committed to participate fully in the deliberations.

16. I would now turn to the status of the implementation of the recommendations accepted. For ease of presentation, these have been grouped under the following thematic areas :

- Women and Childrens rights
- Access to justice for the vulnerable
- Health and education
- Corruption in the public service

Women and children's rights

Madam President

17. With regards to the rights of women and children. Ghana has a Women and Children's Ministry (MOWAC) which plays a lead role in the promotion and development of the rights of women and children. Following the passage of the Domestic Violence Act and the establishment of the Domestic Violence Secretariat, the Ministry has developed a national policy and plan of action to support the implementation of the Domestic Violence Act. MOWAC is also working closely with the Ministry of Justice to pass regulations to support the implementation of the Act. There is currently a major national survey to update data on the incidence and prevalence of domestic violence in Ghana. This will inform policy review and effective implementation of the Act.

18. To effectively implement the national plan of action, a pilot project has been completed to decentralize the implementation of the Act at the local level. This will be rolled out to all the ten regions in Ghana.

19. A number of training, sensitization and awareness raising programmes on Domestic Violence and discriminatory practices, against women, have been held for the general public, Traditional Authorities/Queen-mothers, the Media, the Police and other stakeholders, through community durbars, the print and electronic media, workshops and publications. The Domestic Violence Act (Act 732), has been translated into six major Ghanaian languages namely Nzema, Ga, Twi, Hausa, Ewe and Dagbani, and copies of the translated, abridged and simplified versions of the Act are distributed to institutions and the public and key stakeholders, including the Judicial Service, the Domestic Violence and Victim Support Unit of the Ghana Police Service, the Department of Social Welfare and the Ghana Education Service. An important part of the sensitization programmes is the celebration of special events like the '16 Days of Activism to end Gender-Based Violence' which takes place annually.

20. Ghana is committed to ensuring equal rights of women in matters related to property and inheritance. There are currently two Bills before Parliament

i) the Property Rights of Spouses Bill and

ii) the Intestate Succession Amendment Bill.

21. The Ministry of Justice, Ministry of Women and Children's Affairs (MOWAC) and some civil society organizations are currently engaging the Parliamentary Select Committee on Gender and Children to have the Bills passed speedily into law.

22. In 2008 DOVVSU with the support of UNICEF led a multi sectorial group to start a Child Abuse Network to provide a comprehensive, child friendly, sustainable system which prevents and responds to all forms of physical and humiliating abuse of children in Ghana. This initiative was renamed Network Against Child Abuse in 2011.

23. The Network, comprising medical practitioners and legal professionals, among others, has instituted an in-school advocacy campaign against child abuse, where students and teachers are provided with information on prevention and response to child abuse. The Network has also introduced mobile counseling in schools where a group of psychologists and counselors work with school children in outreach programs. The Unit and its collaborators are at a final stage of developing a Standard Operating Procedures Manual to facilitate coordination of its activities.

24. The government is in the process of establishing shelters in the country, to provide protection and care for victims of domestic violence and trafficked children. One of the shelters has been completed and is ready for use. Two are currently under construction.

Access to justice for the vulnerable

25. Specialized courts have been set up at the High Courts to deal with human rights cases. These are called Human Rights Courts. Additionally, a Gender Based Violence Court has been set up as a pilot project to deal with domestic violence cases, with a view to improving women's access to justice.

26. The national Legal Aid Programme under the Ministry of Justice continues to provide legal aid for indigent persons including women. Its offices in all the 10 Regions are used as a platform to reach out to people in areas located within the region. However, participation by lawyers is not adequate and this provides a challenge to Government's Legal aid programme. The Government is therefore in consultation with the Ghana Bar Association to help address the problem. I am happy to report that as a result of these consultations the theme for last year's Bar Conference was the provision of pro bono services including legal aid. Meanwhile CHRAJ continues to provide mediation services for women to actualize their right to access justice.

27. As part of its vision to create efficient justice delivery, and promote the rule of law and enhance access to justice, particularly for the poor and vulnerable, the Ministry of Justice, is focused on implementing the 'Remand Review Project' of the 'Justice for All Programme' instituted in 2007. This has led to an increase in the release of the number of remand prisoners who have out-stayed

their remand warrants, resulting in a significant reduction in the remand population.

28. To enhance women's awareness of their rights and legal literacy to claim their rights, CHRAJ, MOWAC, the National Commission for Civic Education (NCCE) and DOVVSU continue to educate people including women on their rights.

Health and education

29. As noted by the Special Rapporteur for Health on his recent visit, Ghana has made significant progress in the health related Millennium Development Goals. In 2011, the Ghana Aids Commission launched the National HIV Strategic Plan 2011-2015 which is aimed at enhancing the implementation of the national response to dealing with HIV and AIDS. The Plan focuses, inter alia, on controlling new infections and reducing mother-to-child transmission. In addition, various educational campaigns aimed at addressing HIV-related stigma and discrimination, as well as the rights of the Most-at-Risk populations (MARPs) and Persons Living with HIV. Currently, Ghana's MARPs response is underpinned by a public health approach to ensure that HIV services reach all who need those services.

Madam President,

30. There has been a steady increase in female enrolment in school which could be attributed to the increased awareness programmes, community mobilization and sensitization at the Basic School level. For example, parents in deprived areas are sensitized on the constraints that impede girls' education and the importance of giving girls secondary and higher education. The inclusion of lessons and activities on education as a human right in school curriculum, the use of fliers, posters, durbars, drama as well as radio and TV discussions, have increased children's awareness of their right to education. The result is that many more girls now report to school authorities, education officers or civil society organizations when parents have withdrawn them from school.

31. Other interventions by government and NGOS to increase enrolment and retention of females in schools to bridge the gender gap include scholarships to needy girls to access secondary education and the introduction of a quota system by the public universities. Challenges however remain with inadequate infrastructure to accommodate more students and the lack of adequate ICT facilities

Corruption in the public service

32. I wish to stress that, the Government of Ghana is committed to addressing corruption in all its forms in particular in the public sector. We are mindful of the debilitating effects of corruption on the socio - economic development of Ghana. Consequently, a work plan which will pave the way for the execution of an anti-corruption project has been prepared by government in collaboration with stakeholders. A National Anti-Corruption Action Plan (NACAP) that aims to offer a more holistic and concerted approach to combat corruption in Ghana has been laid before parliament for adoption.

33. In addition a number of legislation has been passed and others are before Parliament. These include:

- the Economic and Organized Crime Act which transformed the Serious Fraud Office into the Economic and Organized Crime Office, (EOCO) and provides comprehensively for the confiscation of proceeds of crime;
- the Mutual Legal Assistance Act 2010 (Act 807) which provides for international mutual legal assistance in respect of a broad spectrum of criminal matters particularly for the prosecution of offenders across borders.
- the Criminal Offences (Procedure) (Amendment) Bill is before parliament;
- The Public Officers (Code of Conduct) Bill which seeks to regulate the conduct of public officers in the course of their employment is before Cabinet.
- An anti-corruption manual has also been published, and it serves as an educational tool to create awareness about corruption. The manual was officially launched on 1st June, 2009.

Madam President,

34. It seems that I have expended quite some time in outlining the status of implementation. I would perhaps now pass the floor to you to ensure that this process is an interactive session. But before I do, allow me to express my delegation's appreciation to you and the Working Group for your kind attention. Let me also assure you of my delegations readiness to engage meaningfully in the Interactive Dialogue. To this end, my delegation will endeavour to answer the advanced questions received from the Troika during my follow up intervention as well as those posed on the floor by distinguished delegations.

Madam President,

35. I am grateful for the kind words extended to my delegation by the Working Group. I would like to take this opportunity to express our appreciation to those countries that sent advanced questions. I believe it would be in keeping with the spirit of the UPR to answer those questions as well as those received this afternoon.

36. The Czech Republic has enquired of measures being adopted to ensure that victims of violence are not obliged to pay the cost of their medical examination. Let me emphasise that the Domestic Violence Act provides for free medical care for victims of violence. In line with Ghana's commitment to assist victims of violence, the Police Hospital in Accra offers free medical treatment and the Domestic Violence and Victims Support Unit (DOVVSU) also pays for other medical services like drugs, lab tests and X-ray for needy victims. Additionally, the Ministry of Women and Children has set up a fund meant to assist victims of domestic violence abuse which would soon become operational.

Madam President,

37. The delegations of the Czech Republic, Denmark and the Netherlands have expressed interest in knowing the state of the Right to Information Bill. I wish to inform that Ghana's Parliament is currently considering the Right to Information Bill. This bill is in line with the international standard for freedom of Expression in that it provides for maximum disclosure in relation to governance. The Bill also provides for restrictions regarding public safety and national security among others. The bill is currently in Parliament and is likely to be passed next year.

38. The delegation of Germany has requested to be updated on the issue of trokosi and witch camps. As indicted in our national report the issue of violence against persons suspected of practicing witchcraft is a challenge in view of the fact it deals with entrenched beliefs which makes it difficult to eradicate through legislation. Although Ghana's Criminal Offences Act criminalises lynching, maltreatment and other human rights abuses, extensive education in these areas are needed and are ongoing. There is also the need to protect those who have been forced to flee their homes, as well as make life more comfortable for them in camps of refuge.

39. Additionally the jurisprudence shows that Ghanaian courts do not countenance accusations of witchcraft and have ruled that words imputing witchcraft are actionable and that it is not necessary for the plaintiff in such a

case to prove any special damage. However Ghana is committed to examining the issue further. In the meantime the government and civil society organisations are extending support to victims in the camps as well as sensitisation of traditional authority, communities and other opinion leaders.

40. As mentioned in our report, the practice of trokosi has been criminalised by the Criminal Offences Act. This is also a practice firmly rooted in the cultural beliefs of a few communities in Ghana. Ghana is committed to continuing the extensive educational campaigns and consultations already in progress to change the mind-sets of persons who indulge in these practices.

41. As result of various interventions the practice has reduced and even for those who still practice it there is some improvement in the human rights situation of the victims of the practice as they have the freedom to attend school.

Madam President,

42. The UK has inquired on the steps Ghana is taking to promote an improved dialogue and relationship between mining companies, security forces and mining communities.

43. It must be noted that in recent times the mining industry in Ghana has witnessed some challenges notably illegal mining and its attendant environmental hazards and dissatisfaction among the mining communities which finds expression in conflict. To adequately address these problems, among others, Parliament has passed six sets of regulations in June, 2012, to give full effect to the Minerals and Mining Act. These regulations are designed to improve the existing legal regimes and ensure that mining companies fulfil their obligations under the Act including, their corporate social responsibility.

44. Before the new Regulations were passed by Parliament, the drafts regulations were subjected at various times since 2008 to extensive review with stakeholders, including the Chamber of Mines, Civil Society Organizations, Chiefs and Traditional Authorities. The pertinent Stakeholders' inputs had been duly incorporated by the Attorney-General's Department since 2009.

45. The Ministry of Lands and Natural Resources (MLNR) and the Minerals Commission of Ghana are currently carrying out a sensitization programme on these regulations to all stakeholders throughout the country.

46. The Ministry of Lands and Natural Resources has put in place a National Security Sub Committee on Lands and Natural Resources which is sensitive to

the needs of the community when dealing with problems between mining companies and communities.

47. Ghana is furthermore, committed to ensuring that businesses in the mining sector as well as in the other sectors of the economy give due regard to human rights issues in their operations. In this regard, we welcome the Guiding Principles on Business and Human Rights for implementing the United Nations 'Protect, Respect and Remedy Framework' as we believe that it will help us address protection gaps in respect of business related human rights abuses.

48. We are therefore following keenly the activities of the Working Group on the issue of human rights and transnational corporations and other business enterprises, and their efforts to promote the effective and comprehensive dissemination of the Guiding Principles. We also welcome the involvement of the United Nations system as a whole in advancing the business and human rights agenda and the dissemination and implementation of the Guiding Principles and note that they will assist in capacity building of all relevant actors, to effectively implement the Guiding Principles. We look forward to future engagement with the Working Group.

Madam President,

49. Mexico has enquired about our National Reconciliation Commission. The National Reconciliation Commission was set up to provide a platform for victims of human rights abuses to share their painful experiences and seek reparation. The Commission recommended reparations to victims in the form of monetary awards which have been fully paid. Some also had confiscated properties returned to them. Those who still feel dissatisfied have the right to petition the Attorney General who promptly deals with any such complaints. However there were no prosecutions as the process was aimed at national healing and reconciliation rather than the punishment of offenders. It is evident from the peace and stability in Ghana that this process has served the nation well.

50. Madam President, Germany would like to know what is being done about the situation in the prisons. Several interventions have been put in place, to improve the conditions in the prisons. The amount allocated for feeding of each prisoner has been increased from \$ 0.40 to \$1.00 In addition, a percentage of food stuffs produced on prison farms across the country are used to supplement the ration of the inmates.

51. All prisoners are classified as indigents under the National Health Insurance Scheme and thus enjoy free registration, enabling them to access good health care services under the Scheme. Prisoners who contract communicable diseases

are sent to a health facility for care. In view of the service's inability to attract and retain health providers, officers are being sponsored to pursue health-related courses to provide health care services to the inmates. Recently the Ministry of Health has directed that doctors should be attached to the various prisons.

52. To deal with congestion in the country's prisons, Government in 2011 completed the construction of a maximum security prison with a holding capacity for 2000 inmates, at Ankaful in the Central Region. Inmates from other prisons are being moved to the new prison facility to ease the congestion. Efforts are underway to improve the infrastructure in other prisons.

53. Since the introduction of the 'Justice for All Programme' there have been gradual improvements with respect to the number of prisoners who have benefited from the programme. As at 2011, 1,499 inmates had attended the courts situated in the prisons. Of that number, 345 were discharged, 243 granted bail, 35 were convicted and the rest were referred to court for their cases to take the normal course.

54. The rights of prisoners have been expanded to include voting rights. Prisoners throughout the country have been duly registered to vote in all elections

55. Slovenia asked about the measures being considered to address the gaps in coverage of the NHIS. With regards to gaps in the National Health Insurance Scheme (NHIS), Government is presently exploring alternative means of financing the NHIS. It is the fervent aspiration of government, that the citizenry will enjoy the full benefits of the scheme when a sustainable financial mechanism is achieved.

56. Germany asked if the government of Ghana will end its policy of non-equal treatment of homosexuals and LGBT in general. The Netherland also asked how Ghana will apply the principle of non-discrimination in relation to the issue of homosexuality.

57. Madam President, it must be stated emphatically that Ghana does not have a policy of non-equal treatment of its citizens. The Constitution of Ghana entrenches the fundamental principles of non-discrimination and equality. It also guarantees the freedom of religion and the rights of persons to practice that religion. The Constitution also provides for the legislature to enact laws that

further the social cohesion and economic development of the people of Ghana. Admittedly, laws passed by Parliament are a reflection of the sovereign wishes of the people they represent. Unless and until an issue, be it social, religious, economic or political is sufficiently advanced in the moral consciousness of the citizenry and an unequivocal demand is made on Parliament to address the issue through effective legislation, any attempt to bypass the true wishes of the people of Ghana will be counterproductive.

58. On the CAT recommendation to criminalize marital rape, I wish to indicate, that the rape provision in the Criminal Offences Act does not make any distinction among women. It is applicable to all females above sixteen, married or unmarried, and neither are perpetrators of the offence of rape defined to exclude spouses. Section 42(g) which made marriage a defence to rape has now been expunged from the statute.

59. Spain has asked on the measures that we are envisaging protecting victims of child trafficking. The government together with MOWAC, the department of social welfare and civil society organizations has intensified sensitization efforts at the rural communities and areas of high risk. A number of training programmes have also been undertaken by the Ministry of the Interior, Ghana Immigration Service and Ghana Police Service to equip them with the skills and capacities needed to detect, deter and prevent child trafficking. MOWAC has also constructed a number of shelters for victims of trafficking and continues to solicit support from the private sector and other concerned actors for improved conditions of the children in the areas most affected by the menace.

Madam President,

61. The government of Ghana and its people take their responsibility in promoting and protecting human rights seriously. We therefore welcome the constructive contributions of the Working Group which will no doubt assist us to advance the cause of human rights. As part of efforts to address the gaps in our Human Rights framework, the Government of Ghana is working with the National Human Rights Institution(CHRAJ) and other stakeholders to develop a national Human Rights Action Plan(NHAP). The plan when completed should assist Ghana adopt a more holistic approach to fulfilling its obligations to effectively promote and protect the rights of its people.

62. In addition, the MOWAC is working closely with CHRAJ and other stakeholders to put in place a comprehensive gender action plan to specifically address the gender inequality that persist in our social set up.

Madam President,

63. The Constitutional Review Commission, set up to review the 1992 Constitution of Ghana with a view to making recommendations for strengthening of the Governance architecture has submitted its report to the Government. The report contains salient recommendations, in line with Ghana's obligations to provide an environment conducive for the full realization of the social, economic, cultural, civil and political rights of its people.

64. I'm pleased to inform that the Government of Ghana has accepted majority of the recommendations and consultations are on-going to examine the feasibility of the other recommendations yet to be accepted. Indeed a Committee has been set up to consider the implementation of the accepted recommendations. Let me touch briefly on some of these recommendations.

65. The Commission recommended the creation of an independent fund to finance the advocacy activities and institutional building programmes of the independent governance institutions such as the Judiciary, Electoral Commission, Media Commission, CHRAJ and the National Commission for Civil Education. This recommendation is intended to undergird the need to safeguard the independence, neutrality and impartiality of the governance institutions tasked with the promotion of human rights. In this regard the Government will welcome any suggestions, contributions or support from the international community that will strengthen the capacity of these critical institutions to deliver on their mandate.

Madam President,

66. It will be remiss of me if I fail to inform the Working Group that Ghana will hold its Presidential and Parliamentary elections on 7th December 2012. The government is committed to ensuring a free, fair and transparent elections. To further enhance transparency of the process, a biometric registration of eligible voters has been introduced for the very first time in the country's electoral history. Government has also taken concrete steps to adequately resource the Electoral Commission as well as other relevant institutions who are actively involved in educating the public on their rights and obligations during the elections. Let me assure this august house, that the government will do its possible best to ensure that all stakeholders play their part in safeguarding the integrity of the process and maintain the peace and stability Ghana currently enjoys.

67. I wish to thank you once again for the opportunity given to my delegation to engage the Working Group in the review of Ghana's human rights framework. We look forward to a fruitful collaboration in implementing the recommendations that we would accept.

I thank you