



## Convention on the Elimination of All Forms of Discrimination against Women

25 August 2006

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### Committee on the Elimination of Discrimination against Women

**Thirty-sixth session**

7-25 August 2006

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana

1. The Committee considered the combined third, fourth and fifth periodic report of Ghana (CEDAW/C/GHA/3-5) at its 741st and 742nd meetings, on 9 August 2006 (see CEDAW/C/SR.741 and 742). The Committee's list of issues and questions is contained in CEDAW/C/GHA/Q/5 and the responses of Ghana are contained in CEDAW/C/GHA/Q/5/Add.1.

#### Introduction

2. The Committee commends the State party for its combined third, fourth and fifth periodic report which followed the Committee's guidelines for the preparation of reports, but which was, however, overdue and lacked reference to the Committee's general recommendations. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by its pre-session working group and for the oral presentation which provided additional information on the implementation of the Convention.

3. The Committee commends the State party for its high-level delegation, headed by the Minister for Women and Children's Affairs, and composed of representatives of different departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee notes with appreciation that the report was prepared in a participatory process involving government bodies and non-governmental organizations.

5. The Committee notes with satisfaction that the report includes reference to the implementation of the Beijing Platform for Action and efforts undertaken to achieve the Millennium Development Goals.

**Positive aspects**

6. The Committee congratulates the State party for the achievements in implementing the Convention, including the establishment, in 2001, of the Ministry of Women and Children's Affairs, headed by a Cabinet Minister. The Committee notes with appreciation the establishment of the Girl Child Education Directorate in the Ministry of Education, and of the Maternal and Public Health Units in the Ghana Health Service. It also welcomes the setting up of gender focal points and gender desk officers in all ministries, departments and agencies and in all 138 district assemblies.

7. The Committee notes with satisfaction the adoption of the Ghana Labour Act 2003, which provides for paid holidays, sick leave and maternity leave in all employment sectors.

8. The Committee appreciates the adoption, in 1998, of the Affirmative Action Policy, setting up a 40 per cent quota for women's representation on all government and public boards, commissions, councils, committees and official bodies, including the Cabinet and the Council of State.

9. The Committee commends the State party for creating, in 2002, the Women's Development Fund to improve women's access to microcredit facilities. It also congratulates the State party for setting up the Women in Local Governance Fund for Women's Participation in Local Government (District Assembly), aimed at enhancing women's participation in the district-level elections to be held in September 2006.

10. The Committee appreciates the inclusion of gender perspectives in Ghana's Poverty Reduction Strategy, as well as the adoption of the Reproductive Health Policy and the Strategic Plan for Abortion Care.

11. The Committee commends the State party for the establishment of the Domestic Violence Victim Support Unit within the Police Service to better address the issue of domestic violence.

**Principal areas of concern and recommendations**

**12. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

13. The Committee is concerned that the definition of discrimination against women contained in article 17 (2) of the Constitution is not in conformity with the definition contained in article 1 of the Convention, which encompasses the prohibition of direct and indirect discrimination. It is also concerned that the existing legislative framework is inadequate to ensure compliance with all the provisions of the Convention.

14. **The Committee requests the State party to include in its Constitution, or in its gender equality law, which is currently being drafted, a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination. It also urges the State party to adopt appropriate legislation for the implementation of each of the provisions of the Convention. The Committee also calls on the State party to ensure that the provisions of the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors.**

15. The Committee is concerned that, although women's access to justice is provided for by the law, women's ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as limited information on their rights, lack of assistance in pursuing these rights, and legal costs.

16. **The Committee requests the State party to remove impediments women may face in gaining access to justice. It further urges the State party to take special measures, in collaboration with the Commission on Human Rights and Administrative Justice, to enhance women's awareness of their rights and legal literacy to claim their rights.**

17. The Committee is concerned about the insufficient financial and human resources of the Ministry of Women and Children's Affairs, and of the Women's Desks (gender focal points) in the Government's ministries, departments and agencies. It is also concerned that as a result of inadequate resources and incapacity to assert its authority, the existing institutional mechanism is unable to effectively coordinate the Government's work to promote gender equality and full implementation of the Convention.

18. **The Committee calls on the State party to strengthen the national machinery for the advancement of women by providing it with the human and financial resources that are necessary to work effectively for the promotion of gender equality and enjoyment of women's rights. In particular, it urges the State party to enhance the exercise of authority and capacity of the national machinery to effectively coordinate the Government's work to promote gender equality and full implementation of the Convention, across all sectors and levels, and to effectively monitor and evaluate progress in this regard.**

19. While welcoming the adoption, in 1998, of the Affirmative Action Policy, the Committee is concerned about its poor implementation and the fact that women continue to remain underrepresented in decision-making positions in political and public life.

20. **The Committee recommends that the State party review the Affirmative Action Policy and bring it in line with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 on temporary special measures. The Committee recommends that the Affirmative Action Policy be targeted to benefit different groups of women, including the most vulnerable groups. It also calls on the State party to include in its gender equality law, currently being drafted, a provision on temporary special measures which could include incentives and other compliance mechanisms, so as to enhance**

**women's participation in decision-making positions in political and public life and other areas .**

21. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted cultural norms, customs and traditions, including widowhood rites, female genital mutilation, and "Trokosi" (ritual slavery), which discriminates against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is also concerned about the persistence of the belief in witchcraft in some parts of the country, in particular in rural areas, and the fact that women accused of being witches are subjected to violence and are confined in witch camps.

**22. The Committee urges the State party to introduce, without delay and in conformity with articles 2 (f) and 5 (a) of the Convention, concrete measures to modify and eliminate customs and cultural and harmful traditional practices that discriminate against women, so as to promote women's full enjoyment of their human rights. In particular, the Committee urges the State party to eliminate such practices as widowhood rites, female genital mutilation, "Trokosi" (ritual slavery), and confining women believed to be witches in witch camps. It invites the State party to implement existing legislation prohibiting such practices and adopt new legislation, as necessary, to eliminate these harmful traditional practices. It also invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, including traditional leaders, with a view to changing discriminatory social and cultural patterns of conduct and to creating an enabling and supportive environment for women to exercise their human rights. The Committee encourages the State party to implement these necessary efforts in collaboration with civil society organizations, women's organizations and community leaders. It further calls upon the State party to review periodically the measures taken to assess the impact of these efforts and take appropriate remedial measures, and to report on results to the Committee in its next report.**

23. The Committee is concerned about the lack of data on the prevalence of violence against women, the lack of legislation to comprehensively address domestic violence, the apparent lack of public awareness of violence against women, and the insufficient support for victims of violence. The Committee is also concerned about insufficient measures aimed at preventing violence against women and about the fact that victims of violence have to bear the costs of medical examination when giving reports to the police.

**24. The Committee urges the State party to ensure the speedy adoption of the Domestic Violence Bill, which is currently in Parliament and expected to be passed in 2006. It also urges the State party to repeal section 42(g) of the Criminal Code Act 29, which exempts husbands from prosecution for marital rape. The Committee calls on the State party to implement awareness-raising efforts about all forms of violence against women, including domestic violence, and the unacceptability of all such violence. It encourages the State party to put in place training measures aimed at judicial officers, including judges, lawyers, prosecutors, and police and health-care officials in order to enhance their capacity to deal with violence against women in a gender-sensitive manner. It also encourages the State party to provide economic assistance to women**

**victims of violence who cannot afford to pay fees for medical examination. The Committee furthermore requests the State party to implement victim support measures, such as increasing the number of shelters or comparable safe places for women victims of violence, and to collect sex-disaggregated data on the incidence of violence against women.**

25. The Committee expresses concern about the discriminatory nature of article 7 (6) of the 1992 Constitution and Section 10 (7) of the Citizenship Act, 2000 (Act 591), which make it more difficult for foreign spouses of Ghanaian women to acquire Ghanaian citizenship than it is for foreign spouses of Ghanaian men to acquire citizenship.

**26. The Committee requests the State party to bring article 7 (6) of the 1992 Constitution and Section 10 (7) of the Citizenship Act, 2000 (Act 591) in line with article 9 of the Convention.**

27. While welcoming the State party's important achievements in the field of education, especially at the primary level, the Committee is concerned about the gender gap between boys and girls in secondary and tertiary education where girls constitute, respectively, 33 per cent and 22 per cent of enrolled students, as well as about the high drop-out rates of girls from schools.

**28. The Committee urges the State party to continue its efforts to raise awareness of the importance of education as a human right and as a basis for empowerment of women. It encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It recommends that the State party implement measures to ensure equal rights of girls and young women to all levels of education, to retain girls in school, and to put in place monitoring mechanisms to track girls' access to, and achievement levels in education, including the adoption of temporary special measures in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 25 on temporary special measures. It requests the State party to report on the measures taken and their impact in its next periodic report.**

29. The Committee expresses concern about the discrimination faced by women in employment, as reflected in the hiring process, the wage gap and occupational segregation. The Committee is concerned that 86 per cent of working women are employed in the informal sector of the economy, and only 4 per cent of women are employed in the formal public sector and 6 per cent in the formal private sector of the economy. It is also concerned about the apparent lack of monitoring mechanisms and enforcement of existing legislation.

**30. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, in accordance with article 11 of the Convention, and the full implementation of the provisions of the Ghana Labour Act 2003 by the public and private sectors, including through effective monitoring and enforcement mechanisms. The Committee further recommends that the State party pay particular attention to the conditions of women workers in the informal sector with a view to ensuring their access to social services. It also calls on the State party to provide in its next report detailed information about the measures taken and their impact on realizing equal opportunities for women.**

31. The Committee expresses concern about the lack of access of women to adequate health-care services, including prenatal and post-natal. The Committee is concerned that women may lack access to health-care services owing to, among other reasons, cultural beliefs and limited education that inhibit women's decision-making with regard to the number of children and access to services. It is further concerned that negative attitudes of health workers may be an impediment to women's access to health-care services. The Committee is also concerned about the high rate of teenage pregnancy, which presents a significant obstacle to girls' educational opportunities and economic empowerment. The Committee is alarmed at the high maternal mortality rate, particularly the number of deaths resulting from unsafe abortions, and inadequate family planning services, especially in the rural areas, low rates of contraceptive use and lack of sex education. The Committee is also concerned about the steady increase in the number of HIV/AIDS infected women and girls.

**32. The Committee urges the State party to undertake appropriate measures to improve women's access to health care and health-related services and information, including for women who live in rural areas. It urges the State party to raise community awareness with regard to negative cultural beliefs and the importance of giving women a choice in relation to access to health-care services, number of children, and use of contraception, as well as ensure that health workers adopt a client-friendly attitude. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning information and services, as well as antenatal, post-natal and obstetric services to reduce maternal mortality and to set targets and benchmarks to achieve the Millennium Development Goal to reduce maternal mortality. It also recommends the adoption of measures to increase knowledge of and access to affordable contraceptive methods, so that women and men can make informed choices about the number and spacing of children, as well as access to safe abortion in accordance with domestic legislation. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention paid to the prevention of early pregnancy and the control of sexually transmitted diseases and HIV/AIDS. It also calls on the State party to ensure that its Reproductive Health Policy addresses adolescent health, and that its National HIV/AIDS/STDs policy is effectively implemented.**

33. The Committee is concerned about the widespread poverty among women, especially female headed households. The Committee is especially concerned about the situation of rural women, their lack of information and participation in decision-making processes as well as their lack of access to health, education, clean water, electricity, land and economic opportunities. The Committee is also concerned about discrimination against women on the basis of ethnicity. The Committee is further concerned about the lack of data on the de facto situation of rural women.

**34. The Committee urges the State party to pay special attention to the needs of rural women, especially heads of households. It urges the State party to ensure that the agricultural outreach programme reach out to the most vulnerable groups of women, including women of various ethnic groups, to ensure that their needs are identified and that they have access to appropriate information and decision-making. The Committee also urges the State party to ensure that rural women have access to health, education, clean water,**

electricity, land, and income-generating projects, and that the Women's Development Fund is made accessible to the most vulnerable women, including women of various ethnic groups. The Committee further recommends that traditional leaders be made aware that, in their mediation of conflicts in the rural areas, they must include a gender perspective and a perspective that is supportive of the various ethnic groups. The Committee recommends that the State party monitor the implementation of Ghana's Poverty Reduction Strategy to ensure that gender perspectives in the strategy are not lost in its implementation. Finally, the Committee recommends that the State party collect data on the situation of rural women, to be included in its next report.

35. The Committee is concerned about women's unequal status in marriage and family matters owing to customary and traditional attitudes. It is particularly concerned that marriages under customary law and Mohameddan law allow polygamy, and that women are discriminated with regard to inheritance of family property. The Committee is furthermore concerned that, even though the Children's Act 1998 (Act 560) sets the minimum age of marriage at 18 years, customary practices still lead to child betrothals and child marriages.

36. **The Committee urges the State party to harmonize civil, religious and customary law with article 16 of the Convention, and to effectively implement the Children's Act 1998 (Act 560) prohibiting child marriages. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation No. 21 on equality in marriage and family relations.**

37. The Committee is concerned that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

38. **The Committee calls upon the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved in the practical realization of women's de facto equality.**

39. The Committee notes with concern that the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women has not yet been ratified, despite the fact that the Parliament, in December 2002, passed a resolution approving its ratification.

40. **The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women as soon as possible. It also calls upon the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

41. **The Committee urges the State party to utilize fully, in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

42. **The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development**

**Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.**

43. **The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee commends the State party for having ratified the seven major international human rights instruments.**

44. **The Committee requests the wide dissemination in Ghana of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

45. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which is due in February 2007, and its seventh periodic report, which is due in February 2011, in a combined report in February 2011.**

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.