

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 28th Session

GHANA

I. BACKGROUND INFORMATION

Ghana acceded to the *1951 Convention relating to the Status of Refugees* in 1963 and its *1967 Protocol* in 1968 (hereinafter jointly referred to as the “*1951 Convention*”). However, Ghana has not yet acceded to the *1954 Convention relating to the Status of Stateless Persons* (the “*1954 Convention*”) or the *1961 Convention on the Reduction of Statelessness* (the “*1961 Convention*”). In addition, Ghana ratified the *1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa* (the “*OAU Convention*”)¹ in 1975 and is a signatory to, but has not yet ratified, the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (the “*Kampala Convention*”).²

The legal framework for the protection of asylum-seekers and refugees in Ghana is governed by the *1992 Refugee Act*, adopted on 30 December 1992.³ This law reflects the obligations enshrined in the *1951 Convention* and in the *OAU Convention*. The *1992 Refugee Act* also establishes the Ghana Refugee Board (GRB), whose functions are, *inter alia*, to register, assess and adjudicate asylum applications at first instance, to ensure the provision of adequate facilities, to provide advice and services for the reception and support of refugees in Ghana, and to assist refugees in seeking employment and/or education, including for refugee children.

A majority of the refugees currently residing in Ghana have been in Ghana for at least six years. The most recent influx of refugees to Ghana were Ivorian refugees in mid-2011. Other refugees arrived during influxes in either the 1990s⁴ or in the 2000s⁵. UNHCR wishes to emphasize that the search for durable solutions is of the utmost importance to provide international protection to refugees.

¹ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 10 September 1969, 1001 U.N.T.S. 45, available at: <http://www.refworld.org/docid/3ae6b36018.html>.

² African Union, *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (“*Kampala Convention*”), 22 October 2009, available at: <http://www.refworld.org/docid/4ae572d82.html>.

³ *Ghana: Refugee Law of 1992* [Ghana], 27 August 1993, available at: <http://www.refworld.org/docid/3ae6b4e51c.html>.

⁴ These are mainly Togolese refugees living in the Volta Region, Krisan camp and in Accra who fled Togo in 1992 and 1993 as well as exempted Liberian refugees who fled Liberia in 1990, 2003 and 1996.

⁵ This refers to Togolese refugees living in the Volta Region of Ghana who fled from Togo in 2005.

As of the end of 2016, there were 13,236 refugees and 1,371 asylum-seekers registered in Ghana. Among the refugees, there were 6,957 Ivoirians, 3,386 Togolese, 1,364 Liberians, and 1,529 refugees of other nationalities.⁶ The majority of the Ivoirian refugees are hosted in three refugee camps, located in three regions (Ampain Camp in the Western Region, Egyeikrom Camp in the Central Region, and Fetentaa Camp in the Brong Ahafo Region), while the other Ivoirian refugees are self-settled in urban areas and host communities. Several nationalities⁷ are hosted in the Krisan camp, Western Region, while the majority of the Togolese refugees are living in host communities in the Volta Region.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 125.82: “Consolidate its efforts in the implementation of its national priorities, including in the spheres of education, health and social services (Zimbabwe).”⁸

UNHCR welcomes the Ministry of Gender, Children and Social Protection’s formulation of a *National Social Protection Policy* in December 2015, in accordance with Ghana’s commitment under relevant treaties.⁹ The policy provides a means for Ghana to fulfil its national and international obligations for social protection, including those set forth in the *1951 Convention*. It explicitly includes refugees in the economically at risk vulnerability category and establishes five social protection programmes: the *Livelihood Empowerment Against Poverty*, the *Education Capitation Grant for Basic Schools*, the *Ghana School Feeding Programme*, the *National Health Insurance Exemptions*, and the *Labour Intensive Public Works Programme*.¹⁰ UNHCR encourages the Government of Ghana to continue its efforts in operationalizing and strengthening its *National Social Protection Policy*, increasing the protection environment of refugees, especially those who are economically at risk.

Linked to 2nd cycle UPR recommendation no. 125.80: “Protect the rights of its most vulnerable children and ensure their full participation in education (Estonia).”

UNHCR welcomes the approval of camp schools to be included in the national school feeding program. Since the end of the general food distribution provided by the World Food Programme in September 2015 to all refugees and asylum-seekers in the Ivorian camps, UNHCR and its partners¹¹ have observed low school attendance by boys and girls in primary school. As the lack of a school canteen negatively impacts attendance, learning achievement, concentration and behavior, UNHCR commends the approval of refugee camp schools being

⁶ Including Central Africans, Congolese, Rwandese, Ethiopian, Eritreans, Ugandans, Somalians and Syrians.

⁷ Currently there about 16 nationalities including Togolese, Sudanese, Liberians, Central Africans, Sierra Leoneans and Congolese (DRC).

⁸ All recommendations made to Ghana during its 2nd cycle UPR can be found in: “Report of the Working Group on the Universal Periodic Review: Ghana” (13 December), A/HRC/22/6, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GHSession14.aspx>.

⁹ The *Convention on the Rights of the Child* of 20 November 1989 and the *Convention on the Rights of Persons with Disabilities* of 13 December 2006.

¹⁰ See for more information: Ministry of Gender and Social Protection, available at <http://www.mogcsp.gov.gh/view-policy-doc.php?id=6>.

¹¹ UNHCR’s partners in education: the *Christian Council of Ghana*, the *Ghana Education Service* and the GRB.

included in the national Ghana School Feeding Program¹² as of January 2017. UNHCR encourages the Government of Ghana to continue its efforts in ensuring that refugee children and asylum-seeking children enjoy education.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Local integration and durable solutions for refugees

Linked to 2nd cycle UPR recommendation no. 125.57: “Strengthen legal advice and assistance for people in need (Germany).”

UNHCR wishes to express its concern regarding the existing four-year renewable residence permit, which does not provide effective legal solutions for refugees opting to remain in Ghana.

UNHCR wishes to stress the importance of seeking indefinite residence status in accordance with the relevant provisions of the *2000 Immigration Act*.¹³ UNHCR considers naturalization as the best legal pathway to achieve local integration, as it offers the paramount legal protection for refugees opting to locally integrate in the host country by ensuring the acquisition of a new nationality with a proof of nationality, thus preventing statelessness. Currently there are legal, administrative and practical barriers which impede the acquisition of nationality and indefinite residence status (e.g. cumbersome naturalization process and the obligation to possess a national passport). In light of the particular circumstances surrounding the difficulties refugees face in obtaining documents recognizing their country of origin and for the compassionate grounds of facilitating access to durable solutions for refugees in Ghana, GRB and UNHCR recommend that the Minister waives the requirement that a person should hold a national passport as a pre-requisite for obtaining Indefinite Residence Status.

UNHCR and the GRB also recommended, in a joint legal note from November 2016, that opportunities for naturalization should be pursued by the Government of Ghana, in accordance with section 14 of the 1992 *Ghana Refugee Act*, and section 14 of the 2000 *Citizenship Act*, for those refugees interested. UNHCR encourages the Government of Ghana to ensure the facilitated access of refugees to this legal solution, including by reducing the fees, in light of Article 34 of the *1951 Convention*. In this regard, high-level commitment from the Ministry of the Interior is required, so as to waive certain legal and/or procedural requirements which refugees may not be able to meet.

Due to developments around the voter registry, including incidents of Togolese and foreigners enrolled as voters in the voter register, it was recommended by GRB to commence this process of facilitating access to naturalization procedures after the General Elections, which were planned to be held at the end of 2016. Discussions on implementation could therefore take place in 2017. However, given the current electoral context in Ghana, and the pressing nature of other national priorities, the implementation of the above legal solution pathways for refugees in protracted circumstances is not at the forefront of the national agenda.

¹² An initiative of the Comprehensive African Agricultural Development Program and part of the Government of Ghana’s plan to enhance food security, reduce hunger and poverty, and increase access to primary education.

¹³ Sections 14 and 15 of the *2000 Immigration Act* provide for the general conditions for a foreigner residing in Ghana to seek indefinite residence status.

Recommendations:

UNHCR recommends that the Government of Ghana:

- a) Approve the joint legal note for legal solutions pathways for local integration of refugees prepared by the GRB and UNHCR; and
- b) Remove the legal and procedural requirements that prevent access to naturalization and/or indefinite residence status procedures for refugees who are opting to locally integrate, such as the requirement that a person should hold a national passport and of the imposed fees as a pre-requisite for obtaining Indefinite Residence Status.

Issue 2: Ratification of the Kampala Convention

Linked to 2nd cycle UPR recommendation no. 123.7: “Ratify before the end of the third UPR cycle those Conventions to which Ghana is a signatory (Hungary).”

Inter-ethnic conflicts and violence due to disputes over natural resources and chieftaincy are the main causes of internal displacement in Ghana. In practice, the protection of the rights of internally displaced persons (IDPs) focuses on material rights (through the provision of relief) without ensuring the respect for political rights.¹⁴

We wish to recall that the *Kampala Convention* is a legally binding regional instrument ensuring protection and assistance of IDPs within the country. It contains an explicit provision on equality and non-discrimination and it specifically obliges States Parties to protect women and children from gender-based violence, including sexual slavery and trafficking in persons. Ghana has signed the *Kampala Convention*, but it has not been ratified by the Parliament as of yet.

Recommendation:

UNHCR recommends that the Government of Ghana:

- a) Undertake effective measures to swiftly ratify the *Kampala Convention*.

Additional protection challenges**Issue 3: Adoption of the National Action Plan to End Statelessness**

In January 2016, pursuant to its commitments deriving from the *Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness*,¹⁵ Ghana developed a *National Action Plan to End Statelessness* that has been submitted to the Minister of the Interior and is pending approval since February 2016. The priority actions identified by stakeholders¹⁶ include ensuring that no child is born stateless; granting protection status to stateless persons and facilitating their naturalization; ensuring birth registration for the prevention of statelessness; issuing nationality documentation to those with entitlement to it; acceding to the

¹⁴ For example physical assistance in the form of Non Food Items is provided to displaced persons to overcome the impact of flooding.

¹⁵ Regional Treaties, Agreements, Declarations and Related, *Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness*, 25 February 2015, available at: <http://www.refworld.org/docid/54f588df4.html> [accessed 24 January 2017].

¹⁶ The stakeholders include UNHCR, Ministry of the Interior, Ghana Refugee Board, UNDP, IOM, Commission on Human Rights and Administrative Justice, Births and Deaths Registry, Ministry of Foreign Affairs and Regional Integration, National Identification Authority, etc.

UN Conventions on Statelessness; and establishing quantitative and qualitative data on stateless populations.

UNHCR has observed limited progress in adopting the *National Action Plan to End Statelessness* and translating its content into concrete steps, particularly with regard to the accession to the UN Statelessness Conventions. Ghana pledged to accede to the *1954* and *1961 Conventions* at the Ministerial Conference on Statelessness in Abidjan on 23 February 2015, which has also been confirmed in the *National Action Plan* draft from January 2016. However, the Government has not yet made any legally binding decisions in relation to acceding to these Conventions.

Recommendations:

UNHCR recommends that the Government of Ghana:

- a) Accede to the *1954 Convention* and the *1961 Convention* by the end of 2017;
- b) Collect relevant data on stateless persons and groups at risk of statelessness;
- c) Review the nationality legislation with a view to bringing it into compliance with the international standards on prevention and reduction of statelessness;
- d) Adopt the *National Action Plan to End Statelessness*; and
- e) Put in place a legal framework for the protection of stateless persons.

Issue 4: Favourable Protection Environment

UNHCR wishes to note that the *1992 Refugee Act* does not adequately reflect all the minimal asylum procedural safeguards to ensure a fair, quality and efficient refugee status determination (RSD) procedures for asylum-seekers.

The Government of Ghana is responsible for conducting RSD. In 2017, staff of the GRB secretariat were migrated into the national civil service scheme. UNHCR wishes to note that in light of fair procedures, the financial autonomy of GRB is important to achieve sustainability as well to ensure that RSD is undertaken by qualified staff.

Discussions between UNHCR and the GRB on the need for the amendment of *1992 Refugee Act* in order to bring it in conformity with international refugee law and standards have been ongoing since 2013. However, to date no concrete steps have been taken to amend the *1992 Refugee Act*.

Recommendations:

UNHCR recommends that the Government of Ghana:

- a) Ensure a comprehensive review of the *1992 Refugee Law*, in particular with the insertion of specific provisions relating to asylum procedural safeguards for asylum-seekers, such as the right to effective legal remedy; and
- b) Expedite the drafting process of the revised national legal refugee framework with the technical support of UNHCR and enact the *Refugee Act* that is fully in line with international refugee law standards.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
March 2017**

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

GHANA

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Ghana.

I. Universal Periodic Review (Second Cycle – 2012)

Recommendation ¹⁷	Recommending State/s	Position
Gender equality		
123.14. Continue its fight to promote and protect women's rights	Bangladesh	Supported
125.19. Redouble its efforts to promote and protect women's rights, including dealing with the widespread violence against women	Trinidad and Tobago	Supported
Sexual and gender-based violence (SGBV)		
125.33. Take steps to fully implement the 2007 Domestic Violence Act, inter alia by ensuring that effective and prompt investigations are carried out for any allegations of domestic violence and female genital mutilation, and that those responsible are brought to justice	Canada	Supported
Discrimination against persons of concern		
124.1. Criminalize and punish the practice of acts of racial discrimination	Portugal	Supported
124.2. Combat discrimination, in particular against minorities and immigrants	Romania	Supported
Trafficking in persons		
125.46. Step up its efforts to prevent and combat trafficking in persons and protect and assist trafficked victims	Philippines	Supported
125.47. Prevent and combat trafficking in human beings, by protecting victims and ensuring their access to medical, social, legal and counselling services; by ensuring adequate conditions for	Kyrgyzstan	Supported

¹⁷ All recommendations made to Ghana during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Ghana" (13 December 2012), A/HRC/2/6, available at: <http://ohchr.org/EN/HRBodies/UPR/Pages/GHSession14.aspx>.

the victims to make complaints; and by conducting investigations and punishing those responsible		
125.48. Enhance the prevention of and combat trafficking in human beings, including internal and cross-border trafficking of women and children for the purpose of sexual exploitation or forced labour, by inter alia implementing anti-trafficking legislation, protecting victims and offering necessary help and assistance	Poland	Supported
Equal rights regardless of SOGI		
126.23. Ensure that the provisions in the Constitution that guarantee equality and dignity are equally applied to members of the lesbian, gay, bisexual and transgender (LGBT) community and ensure thorough and impartial investigation into all allegations of attacks and threats against individuals targeted because of their sexual orientation or gender identity	Norway	Noted

II. Treaty Bodies

Human Rights Committee

Concluding Observations, (9 August 2016), [CCPR/C/GHA/CO/1](#)

Equality between men and women

11. The Committee is concerned about the existence of provisions that discriminate against women in the State party's legislation on property ownership, access to formal credit and inheritance. In particular, the Committee notes with concern the delays in adopting the Property Rights of Spouses Bill, which was published in the *Gazette* in 2013 (arts. 2, 3, 23 and 26).

12. The State party should step up its efforts to raise popular awareness of, and change, customary attitudes detrimental to women's rights. The State party should, in full compliance with the Covenant, expedite the adoption of the legislation to regulate intestate succession and the property rights of spouses, with a view to guaranteeing equality between men and women.

Non-discrimination of vulnerable groups

13. Despite the steps taken by the State party to train police officers to protect women in prostitution, the Committee is concerned about reports that police abuse of these women is widespread. The Committee is also concerned by the stigmatization and discrimination against persons with albinism (arts. 2, 7 and 26).

14. The State party should continue its efforts to protect women in prostitution against all forms of discrimination, including attacks on their physical integrity. It should also ensure that persons with albinism are protected against discrimination and find lasting solutions that will give them access, without discrimination, to health care, social services, employment and education.

Violence against women

15. The Committee is concerned about the persistence of violence against women, including domestic violence, sexual assault and rape. It notes the initiative to draft legislative instruments to support the implementation of the Domestic Violence Act of 2007, but regrets the delays in its adoption. The Committee is particularly concerned by the frequent withdrawal of complaints by women victims of domestic violence due to reprisals or social stigma. It is further concerned at reports of lack of investigation and prosecutions as well as lenient sentences imposed on perpetrators. Despite the establishment of the Domestic Violence and Victim Support Unit to assist in the rehabilitation and re-integration of victims of gender-based violence, the Committee is concerned at the lack of sufficient social services and shelters for victims of domestic violence (arts. 2, 3, 6 and 7).

16. The State party should strengthen its efforts to prevent and combat all forms of domestic violence, including by:

- (a) Ensuring that the relevant provisions of the Domestic Violence Act of 2007 are effectively enforced, including with the adoption of legislative instruments to support its implementation;**
- (b) Encouraging reporting of domestic violence cases, inter alia by informing women of their rights and the existing legal avenues through which they can receive protection;**
- (c) Strengthening the Domestic Violence and Victim Support Unit and ensuring access of victims to effective remedies and means of protection, including an adequate number of shelters and support services available in all parts of the country;**
- (d) Ensuring that law enforcement authorities continue to receive appropriate training to deal with cases of domestic violence; and**
- (e) Pursuing its awareness-raising efforts to widely sensitize the public at large to the adverse impact of domestic violence.**

Non-discrimination and harmful traditional practices

17. The Committee is concerned about the persistence of certain harmful practices, notwithstanding their prohibition by law, such as female genital mutilation, *trokosi* (ritual servitude), forced early marriage and witchcraft accusations leading to confinement in witch-camps. The Committee also expresses its concern about the practice of polygamy, which is still permitted through religious or customary norms and widely accepted in society. While, as explained by the delegation during the dialogue, the cultural background of these practices must be borne in mind when devising strategies to address them, the Committee recalls that a failure to comply with the obligations contained in the Covenant cannot be ultimately justified by reference to political, social, cultural or economic considerations within the State (General Comment No. 31). The Committee regrets the lack of information on possible cases of prosecutions of perpetrators and measures of redress granted to victims of harmful practices (arts. 2, 3, 7, 8, 24 and 26).

18. The State party should:

- (a) Strengthen its awareness-raising and education programs in that regard, in particular in those communities where the practices remain widespread;**
- (b) Further enhance its efforts to prevent and eradicate harmful traditional practices; and**
- (c) Proactively investigate cases of traditional harmful practices and ensure that victims have access to effective remedies and adequate protection, rehabilitation and reintegration mechanisms.**

Child labour

31. While noting the efforts undertaken by the State party to address the issue of child labour, in particular the worst forms of child labour, the Committee expresses its concern at the persisting prevalence of this phenomenon in the State party (arts. 8 and 24).

32. The State party should intensify its efforts to eliminate child labour, in particular by strengthening its public awareness-raising campaign in this regard. The State party should also investigate cases of worst forms of child labour, bring alleged perpetrators to justice and ensure that all victims are adequately protected, assisted, rehabilitated and compensated.

Refugees and asylum-seekers

33. While the Committee welcomes the initiative to reform the asylum system, including the Ghana Refugee Law of 1992, to bring it in line with international standards, in particular articles 2(3), 6 and 7 of the Covenant, it regrets the delay in the drafting process. The Committee welcomes the information provided by the State party's delegation that the State party is considering ratifying the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention) by the end of 2016 (arts. 6, 7 and 13).

34. The State party should expedite the drafting process of the revised legal refugee framework and enact legislation in line with the obligations under the Covenant. The State party should also take concrete legal and administrative steps to prevent statelessness and guarantee the fundamental rights of stateless persons and persons at risk of statelessness by law and practice.

Birth registration

37. The Committee is concerned about the large number of children who remain unregistered in the State party, especially in rural area. It is also concerned at barriers encountered by recognized refugee children who were born outside Ghana and do not have birth certificates, to have identity documents issued by Ghanaian authorities (arts. 13, 16 and 24).

38. The State party should step up measures to expedite the registration of children who remain unregistered. It should take all measures, to facilitate access to identification documentation to refugee children born outside Ghana.

Discrimination based on sexual orientation

43. The Committee is concerned about reports that LGBT persons are subjected to discrimination, intimidation and harassment and about the impunity enjoyed by the perpetrators of such acts. The Committee notes with concern the explanation provided by the State party that same-sex sexual activity falls within the definition of "unnatural carnal knowledge, under Section 104 of the Criminal Offences Act, 1960 and is considered a misdemeanour if it is between two consenting adults.

44. The State party should take the necessary steps to protect lesbians, gays, bisexuals and transgender persons against all forms of discrimination, intimidation and violence. Furthermore, the State party should amend Section 104 of the Criminal Offences Act, 1960 to ensure that sexual relations between consenting adults of the same sex is not considered a misdemeanour and is not punishable by law.

Committee on the Rights of the Child

Concluding Observations, (9 June 2015), [CRC/C/GHA/CO/3-5](#)

Non-discrimination

21. While noting the anti-discriminatory provisions contained in the laws of the State party, the Committee reiterates its concern (CRC/C/GHA/CO/2, para. 25) that discrimination against certain groups of children, particularly girls, children with disabilities, unaccompanied or separated asylum seeking children, children of migrants, children of asylum-seekers, children infected and/or affected by HIV/AIDS, children living in rural areas and children in street situations still exists in practice.

22. The Committee reiterates its previous recommendation (para.26) and urges the State party to adopt a comprehensive strategy to eliminate de facto discrimination against all groups of children in vulnerable and marginalized situations and ensure full implementation of all legal provisions in full compliance with article 2 of the Convention.

Birth registration

29. While noting the significant progress in improving birth registration coverage from 17 percent in 2002 to about 58 percent in 2014, the Committee reiterates its concerns (CRC/C/GHA/CO/2, para. 32) about the many challenges faced by the State party such as understaffing and inadequate funding and about the difficulties in ensuring, particularly, the birth registration of children in rural areas as well as of asylum-seeking and refugee children.

30. The Committee reiterates its previous recommendations (CRC/C/GHA/CO/2, para. 32) and recommends that the State party:

(a) Implement the recommendations of the “Birth Registration bottleneck analysis”;

(b) Enter into a formal partnership and collaboration agreement between the Birth and Death Registry and the Ghana Health Service;

(c) Allocate sufficient funds for the strengthening of birth registration initiatives;

(d) Extend free birth registration and issuance of certificates for, at least, children under five years of age;

(e) Strengthen and expand mobile birth registration to reach universal coverage, particularly, for registration of children in rural areas, asylum-seeking and refugee children, and those who have never been registered;

(f) Amend the Refugee Law (1992) to ensure that recognized refugee children born outside the State party can be issued with substitute birth certificates;

(g) Increase public awareness about the importance of birth registration and the process by which children are registered.

Nationality

31. While welcoming the additional information provided by the State party during the dialogue, the Committee is concerned that nationality at birth is not granted to children born on the territory of the State party who would otherwise be stateless.

32. The Committee recommends that the State party:

(a) Review the 2000 Ghanaian Citizenship Act and other relevant legislation relating to nationality to bring them into line with international standards on prevention, reduction and protection of stateless children;

(b) Conduct a statelessness mapping study in order to better prevent and address the protection of stateless children or children at risk of statelessness;

(c) Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Asylum-seeking, refugee and unaccompanied children

59. The Committee welcomes the general practice of the State party in hosting refugees and asylum seekers and providing them with access to the national health insurance system (NHIS). It also notes with appreciation the efforts taken to provide protection to refugee, asylum-seeking and unaccompanied children against sexual and gender-based violence in refugee camps, including the establishment of special protection committees, regional task forces, sensitization activities and reporting mechanisms, including a helpline. Nevertheless, the Committee is concerned about the limited legal and procedural guarantees and assistance for asylum-seeking children and unaccompanied or separated asylum-seeking children during the RSD procedures.

60. In the light of general comment No.6 (2005) on Treatment of Unaccompanied and Separated Children Outside Their Country of Origin and the recommendations from the 2012 Day of General Discussion on the rights of all children in the context of international migration, the Committee recommends that the State party:

(a) review the Refugee Act (PNDC Law 305d) (1992) and amend it accordingly, in order to ensure that the specific needs of asylum-seeking children are taken into account during the RSD procedures;;

(b) include- special guarantees for personal interviews to be conducted on a child appropriate manner, the consideration of child-specific forms of persecution and specific procedural safeguards for unaccompanied or separated asylum-seeking children;

(c) seek technical assistance from the UNHCR in this regard.

Sale, trafficking and abduction

67. The Committee notes the establishment of a National Stakeholder and Intervention Database on human trafficking within the Ministry of Gender, Children and Social Protection and the establishment of a human trafficking desk at the Ghana Immigration Service, a Secretariat at the Ministry of Gender, Children and Social Protection and a Unit within the Ghana Police Service, under the Human Trafficking Act (2005). However, the Committee is concerned about:

(a) The insufficient implementation of the anti-trafficking legal and policy frameworks and the limited coordination among relevant institutions in this regard;

(b) The lack of formal agreements with neighbouring countries concerning child trafficking;

(c) The limited number of investigations and prosecution of trafficking offenses;

(d) The lack of protective mechanisms and services to safeguard children at risk of being subject to trafficking;

(e) The lack of data on the number of children trafficked, as mentioned in its previous concern (para. 69);

68. The Committee recommends that the State party:

(a) Ensure the effective enforcement of relevant legislation, policies and programmes to combat trafficking in children and their body parts, including through an appropriate allocation of human and financial resources, particularly to the Police Anti-Human Trafficking Unit;

(b) Finalize and adopt the NPA against trafficking;

(c) Adopt a legislative instrument to effectively implement the Human Trafficking Act (2005);

(d) Increase the efforts to investigate and prosecute trafficking offences and convict and punish trafficking offenders;

(e) Establish protective mechanisms and services to safeguard children at risk of being subject to trafficking and, ensure that victims of these practices have access to social, medical, psychological and rehabilitative services and legal redress;

(f) Improve data collection efforts to ensure reliable data on child trafficking; particularly through continue strengthening the work of National Stakeholder and Intervention Database on human trafficking;

(g) Strengthen awareness-raising programmes, including campaigns on trafficking, in particular in rural areas, border areas and areas of poverty;

(h) Address the root causes of trafficking, child labour and sexual exploitation by, inter alia, increasing efforts to improve and expand access to education for both girls and boys, particularly among children in vulnerable situations.

Committee on the Elimination of Discrimination against Women

Concluding Observations, (14 November 2014), [CEDAW/C/GHA/CO/6-7](#)

Access to Justice

14. The Committee notes the measures taken with a view to increasing women's access to justice, including the establishment of two Gender-based and Sexual Offences Courts as well as Family and Juvenile Courts in the District Courts. It also notes the information provided that the legal aid scheme has been given constitutional rank resulting in increased resources. The Committee nonetheless remains concerned at:

(a) The fact admitted by the State party that judicial processes remain cumbersome and that most women living in poverty have limited or no access to the formal channels for obtaining access to justice;

(b) The continued lack of legal literacy, especially among rural women, unaffordable legal costs, and the stigmatization of women who bring cases to court; and

(c) The increased use of alternative dispute resolution (ADR) mechanisms to settle cases in the Family Courts, which also have jurisdiction to deal with criminal cases and civil protection orders under the Domestic Violence Act.

15. The Committee recommends that the State party:

(a) Conduct awareness-raising programmes to increase women's legal literacy, with specific attention to rural and poor women, and eliminate the stigmatization of women who claim their rights;

(b) Enhance its efforts to ensure that the Convention and the Committee's general recommendations are widely known and used by the executive, legislative and judicial branches of the Government and that they are made an integral part of the capacity-building programmes for judges, lawyers and prosecutors;

(c) Undertake targeted awareness-raising to ensure that customary court officials are familiar with the Convention and the Committee's general recommendations;

(d) Ensure that women have access to affordable legal assistance throughout the State party;

(e) Raise awareness among women about criminal law provisions on sexual violence and encourage them to opt for criminal complaints rather than mediation whenever justified; monitor the use of mediation to ensure that it is implemented in a way that respects women's rights and does not lead to impunity for perpetrators;

(f) Provide adequate assistance and protection to women victims of violence, by strengthening the capacity of shelters and crisis centres, especially in rural and remote areas, working towards the decentralisation of Domestic Violence and Victim Support units, and strengthening cooperation with NGOs providing shelter and rehabilitation to victims.

Stereotypes and harmful practices

22. The Committee notes the measures taken by the State party to eliminate stereotypes and harmful practices, e.g. the criminalisation of female genital mutilation and efforts to secure the release of women and girls in servitude in trokosi shrines. However, the Committee is deeply concerned at the persistence of adverse cultural norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, which contribute to the persistence of violence against women and harmful practices. It is equally concerned at the harmful, albeit decreasing, practice of enslaving young girls in trokosi shrines.

23. The Committee urges the State party to:

(a) Put in place, without delay and within a clear time frame, a comprehensive strategy, in conformity with articles 2 (f) and 5 (a) of the Convention, to eliminate stereotypes and harmful practices that discriminate against women, such as polygamy, forced and early marriage, the stigmatization of widows and widowhood rites, female genital mutilation, denial of inheritance rights to women, enslavement of young girls in trokosi shrines and violence against girls and older women believed to be witches;

(b) Strengthen measures aimed at securing the release and preventing further enslavement of young girls in trokosi shrines;

(c) Ensure the full implementation of the laws criminalising female genital mutilation and other harmful practices including by bringing perpetrators to justice.

24. The Committee is concerned by the persisting phenomenon of women being accused of witchcraft, especially in the Northern, Upper East and Upper West regions of the country. The Committee indeed notes the high number of cases of violence against girls and older women alleged to be witches causing several of them to seek refuge in so-called witch camps often under difficult living conditions including lack of access to adequate housing, sufficient food and water and sanitation.

25. The Committee calls on the State party to ensure the swift closure of all remaining "witch camps" and that alleged witches are provided with adequate rehabilitation and safe reinsertion into their communities or with alternative housing and livelihood options. Concrete steps should also be taken to protect the rights of all girls who have been growing up in these camps including through ensuring that they are provided with

rehabilitation, safely reintegrated into their families and communities and given access to quality education and vocational training.

Violence against women

26. The Committee notes the State party's efforts to combat violence against women, in particular the adoption of the Domestic Violence Act, 2007 (Act 732) and the National Policy and Plan of Action on Domestic Violence (2009-2019). It also notes the repeal of section 42(g) of the Criminal Offences Act, 1960, Act 29 which failed to criminalize non-consensual sex within marriage. The Committee nevertheless remains concerned about:

(a) The delays in adopting the Legislative Instrument required to fully implement the Domestic Violence Act as well as the insufficient resources allocated to implement the National Policy;

(b) The persistence of violence against women, including rape, sexual harassment in school, in the workplace and in the public sphere, early and forced marriages, domestic violence and female genital mutilation;

(c) The remaining obstacles faced by women in bringing cases of sexual violence to court owing to cultural taboos, the low number of investigations and convictions, and the increased use of mediation in cases of domestic violence; and

(d) The absence of State-run operational shelters and the heavy reliance on NGO-run shelters.

27. The Committee calls on the State party to:

(a) **Ensure the effective implementation of the Domestic Violence Act (2007), including by expeditiously adopting enabling legislation and increase the human and financial resources for the implementation of the National Policy;**

(b) **Intensify efforts to prevent and systematically punish all forms of violence against women and girls by ensuring that complaints are fully and effectively investigated and that perpetrators are brought to justice;**

(c) **Provide systematic and mandatory capacity-building for judges, prosecutors, lawyers, police officers and health-care providers, to ensure that victims of violence are dealt with in a gender-sensitive manner;**

(d) **Ensure that women victims of domestic violence have full access to protection orders and legal remedies rather than mediation;**

(e) **Strengthen victim assistance and rehabilitation by establishing a comprehensive care system for women victims of violence, including free legal aid, medical and psychological support, counselling and rehabilitation services, throughout the territory of the State party; and**

(f) **Ensure that a sufficient number of adequately equipped shelters are available to women victims of violence in each district, staffed by trained personnel.**

Trafficking and exploitation of prostitution

28. The Committee notes the State party's efforts to prevent trafficking in women and girls and protect and rehabilitate victims, including the creation of a trafficking database and collaboration with local authorities. However, it notes with concern that the State party remains a source, transit and destination country for women and children trafficked mainly for purposes of sexual exploitation and forced labour. The Committee is also concerned about the reported high incidence of internal trafficking of women and girls from rural areas. It is particularly concerned about the limited number of convictions under the Anti-Human

Trafficking Act (2005), partly due to the low level of reporting and inadequate identification of victims of trafficking. While noting the State party's efforts to ensure the protection of women in prostitution, the Committee is concerned that women in prostitution are disproportionately affected by the criminalization of prostitution in comparison to their clients. The Committee is further concerned at the absence of information on the impact of existing rehabilitation and reintegration programmes for women wishing to leave prostitution.

29. The Committee recommends that the State party:

- (a) Ensure the effective implementation of the Human Trafficking Act, 2005, including through the swift adoption of enabling legislation;**
- (b) Carry out a study to investigate the scope, extent and causes of forced prostitution and trafficking in human beings, particularly in women and girls;**
- (c) Address the root causes of trafficking by increasing prevention efforts through poverty reduction strategies;**
- (d) Take effective measures to provide assistance and support to women and girls victims of trafficking, through for instance increasing the number of available shelters including with support from civil society;**
- (e) Ensure the investigation, prosecution and punishment of perpetrators of human trafficking;**
- (f) Increase international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking, through information exchange, and harmonize legal procedures aimed at the prosecution and punishment of traffickers;**
- (g) Address the root causes of prostitution; provide women wishing to leave prostitution with alternative income opportunities, and intensify efforts to provide access to assistance, rehabilitation and reintegration programmes for women and girls in prostitution.**

Committee on Migrant Workers

Concluding Observations, (26 September 2014), [CMW/C/GHA/CO/1](#)

44. The Committee acknowledges the efforts made by the State party to combat trafficking in persons and the commercial sexual exploitation of migrant workers, as well as initiatives to counter human smuggling and other irregular migration. However, the Committee remains concerned about:

- (a) The lack of information about progress in the implementation of the Human Trafficking Act and the Immigration Amendment Act;
- (b) The absence of information on the number of convictions of traffickers and smugglers;
- (c) The absence of statistical information on victims of trafficking in persons and smuggling of migrant workers;
- (d) The insufficient services and resources dedicated to victims of trafficking and smuggling and to awareness-raising campaigns.

45. The Committee urges the State party to:

- (a) Step up its efforts to enforce the Human Trafficking Act and the Immigration Amendment Act and its regulations, allocate sufficient resources for the implementation of strategies to combat trafficking in persons and counter human smuggling and other irregular migration and build the capacity of border guards, law enforcement officials, judges, prosecutors, labour inspectors, teachers and other social**

service providers on the existing legal framework and its implementation with regard to both trafficking in persons and human smuggling as well as other irregular migration;

(b) Promptly, effectively and impartially investigate, prosecute and punish all acts of trafficking in persons, human smuggling and other related offences, and deal expeditiously with cases filed against traffickers and human smugglers;

(c) Develop effective mechanisms to identify victims of trafficking and smuggling, especially migrant women and children, and build the capacity of relevant law enforcement and other officials with regard to their implementation;

(d) Systematically collect disaggregated data on trafficking in persons and human smuggling as well as on other irregular migration;

(e) Provide adequate assistance, protection and rehabilitation to all victims of trafficking in persons and smuggling of migrants, including in cooperation with civil society and organizations for migrant rights, and ensure that victims of trafficking and human smuggling are informed of their rights under the Convention;

(f) Increase collaboration within schools, families and communities on prevention initiatives and continue collaborating with the media to educate the public about trafficking in persons and human smuggling.

III. Special Procedures Mandate Holders

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Addendum: Mission to Ghana (1 October 2014) [A/HRC/27/53/Add.3](#)

Worst forms of child labour in artisanal fishing sector

93. Intensify efforts to combat child exploitation in artisanal fishing — as has been done in the mining and agricultural sectors — in partnership with affected communities, local enforcement officials, civil society and international organizations. In this context, take measures to establish effective channels for reporting suspicious cases, and increase monitoring activities, rescues and prosecutions. Target programmes to affected communities, both sending and receiving, including in and around the Lake Volta region.

94. Include in prevention programmes: education and sensitization activities targeting those likely to facilitate, or fall victim to, human trafficking and the worst forms of child labour in the fishing sector; improved access to education in affected communities; targeted expansion of social protection programmes to communities at risk; livelihood, microcredit and community development programmes which can eliminate the need for child labour in both receiving (e.g. motors for boats) and sending communities (e.g. improved livelihoods for female-headed households, better access to roads); adequate support to and expansion of good practices (e.g. “slavery-free communities”, network of community volunteers doing awareness-raising and monitoring in neighbouring communities).

Servile marriage

109. Adopt into law a spousal property regime consistent with international standards and the equal rights of spouses, as a matter of priority.

110. Publicly acknowledge and commit to addressing, together with civil society and affected communities, the causes and negative consequences of early and forced marriage (e.g. poverty, discriminatory practices and beliefs affecting women, high adolescent pregnancy rates, maternal mortality). In this context, develop a nationwide public sensitization campaign on the issue which engages in community-level dialogue, and which targets or includes men and boys (as well as women), traditional leaders, the media, influential women and men in society, law enforcement officials, and teachers from primary school level onwards.

111. Publicly denounce all forms of violence against women and girls including wife beating and female genital mutilation, and take necessary measures for the effective implementation of the Domestic Violence Act, including by allocating adequate funding, educating law enforcement officials, and providing timely assistance to victims. Develop public awareness campaigns on the issue; persons vested with public authority (e.g. government officials, traditional authorities, teachers) must not invoke any custom, tradition or religious consideration to justify domestic violence.

112. Adopt strategies for the empowerment of girls and women by facilitating access to education through to high school; offering life skills, literacy and livelihood programmes; and strengthening health care and social services and support. Take measures to facilitate the return to school for girls after pregnancy and offer alternative educational programmes for girls that take into account their financial and domestic obligations. Target these programmes, in particular, to girls and communities most at risk of child marriage and early pregnancies.

113. Adopt effective measures to enforce the obligation to register all marriages, and raise awareness of legal obligations and benefits.

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Addendum: Mission to Ghana (5 March 2014) [A/HRC/25/60/Add.1](#)

100. With regard to conditions of detention, the Government should:

(a) Recall that, regardless of the level of development of the country, it is obliged to ensure minimum standards of conditions of detention in accordance with the Standard Minimum Rules for the Treatment of Prisoners;

(b) Provide the minimum acceptable amount of floor space and cubic quantity of air per inmate, a separate bed and adequate sanitary conditions;

(c) Urgently improve access to, and the quality of, health care provided by the infirmaries by investing in them financially to ensure they provide a minimum standard of medical care, and employ a sufficient number of qualified doctors, including for psychiatric and dental care, in addition to medical assistants and nurses;

(d) Establish an independent body under the Ministry of Health to regulate and improve the quantity and quality of the food;

(e) Partner with the Ministry of Agriculture and the private sector to find additional resources to expand the farming programme to more prisons, especially the open prisons, in order to offset food costs and provide better variety and nutrition.

Even prisons with a higher security classification could establish a secure setting and designate physical space inside the grounds for farming projects;

(f) End the practice of denying children under 18 the right to visit family members in prison, and establish meaningful family visits, including the ability to communicate in private without being overheard by renovating facilities to include basic amenities such as family visit centres;

(g) Realize the principles of rehabilitation and reintegration and seek assistance to provide all prisoners with the opportunity to access educational and work opportunities, including sustainable training programmes, such as in farming, cooking, trades and small business, in order to gain relevant skills that can be applied upon release;

(h) Seek donations from churches and NGOs to provide the prisons with books, writing materials and equipment such as sewing machines and woodwork or metalwork supplies and to support recreational activities.

102. With regard to juveniles, the Government should:

(a) Expedite the ratification of the optional protocols to the Convention on the Rights of the Child (A/HRC/22/8, para. 123.1);

(b) Investigate all complaints of torture and ill-treatment of juveniles, in particular allegations of corporal punishment;

(c) Amend the Children's Act (1988) to explicitly prohibit all forms of corporal punishment of children in all settings, including in the home, in schools and in alternative care settings (ibid., para. 123.20) and educate the authorities and the public so that the practice of caning, in particular, is eradicated;

(d) Ensure the separation of juveniles on remand from adults, in compliance with international standards;

(e) Provide additional training to the judiciary and the Office of the Attorney-General so that bail and alternative measures are considered, and ensure that imprisonment is only used as an exceptional measure.

103. With regard to women, the Government should:

(a) Ensure that female inmates are protected from all gender-based violence;

(b) Uphold the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and implement alternative measures, especially for women who are pregnant or have dependents;

(c) Establish mother and baby units in all female prisons to promote the welfare of mothers and children, in accordance with article 3 of the Convention on the Rights of the Child.