



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-second session
3-21 March 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination***

GHANA

1. The Committee considered the sixteenth and seventeenth periodic reports of Ghana, which were due on 4 January 2000 and 2002, respectively, and were submitted as one document (CERD/C/431/Add.3), at its 1574th and 1575th meetings (CERD/C/SR.1574 and CERD/C/SR.1575), held on 17 and 18 March 2003. At its 1581st meeting (CERD/C/SR.1581), held on 21 March, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the State party and appreciates that the high-level delegation of the State party included a member of the Commission for Human Rights and Administrative Justice (CHRAJ) of Ghana. It commends the delegation for providing the Committee with comprehensive additional information.

* Please note that the symbol CERD/C/Session No./CO/... replaces the symbol CERD/C/304/Add...

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the insufficient education infrastructure, the high illiteracy rates in certain areas in Ghana, as well as the existence of some negative traditional practices constitute impediments to the full implementation of the Convention.

C. Positive aspects

4. The Committee notes with appreciation the quality of the report and the frankness and openness with which the State party has dealt with the situation in Ghana relevant to the Convention.

5. The Committee appreciates the approach adopted by the State party that seeks to respect the customs and traditions of various ethnic groups on its territory, while at the same time enhancing the enjoyment of human rights for all. It further notes that, under article 26 of the Constitution, which protects cultural rights, customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.

6. The Committee notes with satisfaction the important role played by the CHRAJ in the protection of human rights, particularly the right to be protected from racial discrimination and intolerance, as well as the activities carried out in the field of human rights education and tolerance by both the CHRAJ and the National Commission for Civic Education (NCCE). The decentralized set-up of the CHRAJ and its ongoing cooperation with civil society are noted with satisfaction; the Committee considers that these are good ways to reach out to people and to secure better implementation of the Convention.

7. The Committee welcomes the ongoing process of elaboration of a national plan of action to combat racism and the involvement of non-governmental organizations in this regard.

8. The Committee appreciates the assurance given by the delegation that the Government of Ghana will give serious consideration to the possibility of making the declaration provided for in article 14, as well as to the ratification of the amendments to article 8, paragraph 6, of the Convention. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002 in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

D. Concerns and recommendations

9. The Committee is concerned that the existence of ethnic discrimination persists as an undercurrent in Ghanaian society and that, according to a 1997 survey, 25 per cent of respondents felt discriminated against due to their tribal origins. The Committee recommends that high priority be given to the eradication of discriminatory practices and racial prejudices in Ghana, through the strengthening of education in general and of human rights education programmes in particular, the criminalization of acts of racial discrimination and effective punishment.

10. The Committee is particularly concerned about the occurrence of sporadic violent ethnic conflicts in Ghana and welcomes the efforts undertaken by the State party in this regard. It

notes, in particular, the role of traditional and religious leaders in the resolution of conflicts relating to land and chieftaincy or involving customary law. The Committee requests the State party to include, in its next periodic report, more information on the roots of such conflicts, on the kinds of settlements generally reached and on the concrete measures adopted to prevent their recurrence. It also requests further information on how the District and Regional Security Councils operate in practice.

11. The Committee expresses its concern about the existence of certain negative traditional practices that, according to the report, discriminate against people on racial or ethnic grounds, in particular in cases of interracial or inter-ethnic marriages. The Committee wishes to receive information on the measures adopted to eradicate such practices.

12. While noting the legislative and other measures adopted to eradicate practices that are harmful to the health and dignity of women, the Committee is concerned that some practices, in particular female genital mutilation, degrading treatment of widows and the Trokosi system, still occur, and wishes to be further informed of their ethnic dimensions. The Committee encourages the State party to continue its efforts in this field and refers the State party to its general recommendation XXV (56) of 20 March 2000 on gender-related dimensions of racial discrimination.

13. The Committee notes the existence of legal pluralism in Ghana and wishes to receive more detailed information on the application of customary law in the country, as well as on the balance generally achieved in practice between statutory law, common law and customary law.

14. Noting the task given to the National House of Chiefs to undertake an evaluation of traditional customs and practices with a view to eliminating those which are socially harmful, the Committee wishes to receive further information on the results of the activities undertaken by this institution as well as on the difficulties encountered.

15. The Committee welcomes the frankness with which the State party has stated that the existing legislation does not meet the requirements of article 4, paragraphs (a), (b) and (c), of the Convention. The Committee notes that the Criminal Code is currently being reviewed and revised, and encourages the State party to accelerate this process and to ensure that the new legislation will comply fully with article 4. The Committee also requests that information on the content of the new legislation as well as on the results of its implementation be included in the next periodic report.

16. The Committee notes that, out of a total of 9,265 complaints heard by the Commission in 2000, the CHRAJ only dealt with fewer than five complaints directly relating to alleged racial discrimination. According to the State party, the majority of the complaints received by the Commission were cases of religious discrimination which, because religion in Ghana is often related to ethnicity, could be classified, in some cases, as indirect racial discrimination. The Committee would like to receive more detailed information on this matter, as well as statistical information relating to the number of complaints having a bearing on racial discrimination, and the action taken by the Commission.

17. The Committee would like to receive further information on the mandate of and activities undertaken by the National Reconciliation Commission, as well as on the results achieved.

18. The State party's report did not include sufficient information relating to the practical implementation of article 5 of the Convention. The Committee requests that such information be included in the next periodic report, in accordance with the Committee's reporting guidelines and taking into account its general recommendation XX (48) of 8 March 1996 on article 5.

19. The Committee is concerned about the existing educational gap between populations of certain geographic areas of the country, which has an ethnic dimension. The Committee encourages the Ghanaian authorities to pursue and increase the efforts already undertaken to remedy this situation. It would like to receive, in the next periodic report, information on the results of the Northern Scholarship Scheme, as well as on the criteria for selecting the beneficiaries.

20. The Committee wishes to receive more information on the legal status of native languages in Ghana and to know whether the State party supports them through various programmes in the field of education, the media, and in the administration.

21. While welcoming the efforts undertaken by the State party to include all ethnic groups in decision-making processes in matters concerning them, the Committee wishes to receive more information about the measures adopted to this effect, as well as on the results achieved.

22. The Committee wishes to know whether descent-based discrimination exists in Ghana, and draws the attention of the State party to its general recommendation XXIX on the matter.

23. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.

24. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level. The Committee wishes to be informed about the adoption and the content of the national plan of action to combat racism which is currently under consideration.

25. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted to the United Nations and that the observations of the Committee on these reports be similarly publicized.

26. The Committee recommends that the State party submit its eighteenth periodic report jointly with its nineteenth periodic report, due on 4 January 2006, and that it address all points raised in the present concluding observations.
