Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Ghana – 2nd Session – 2008

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National Report

The Constitution of Ghana chapter 5 provides for the protection of children’s rights, amongst others. Other relevant legislation includes:


The Ghanaian parliament has also ratified the following:
- Convention on the Rights of the Child - Signed and ratified on 29th January 1990 and 5th February 1990 respectively.
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour – Ratified on 13th June 2000.

The rights of women and children are protected under Articles 27 and 28 of the 1992 Constitution. In spite of this, domestic violence happens to be one of the commonest human rights abuses in Ghana. The realisation that the Criminal Offences Act, 1960 (Act 29) Ghana did not adequately criminalise domestic violence resulted in the passage of the Domestic Violence Act, 2007. (Act 732) This Act seeks proscribe violence within the domestic setting. The legislation provides victims of domestic violence protection and occupational orders. To give effect to the Act, the Domestic Violence Victim Support Unit (DOVVSU) formerly known as the Women and Juveniles Unit (WAJU) was established to handle cases of domestic violence and child abuse as well as juvenile offences. DOVVSU works closely with the Department of Social Welfare, FIDA (Federation of International Women Lawyers, Ghana), African Women Lawyers Association (AWLA), the Legal Aid Board and several other human rights NGOs to combat domestic violence.

Trafficking in women and children has been dealt with, by the passage of the Human Trafficking Act, 2005 (Act 694). The Act seeks to prohibit trafficking in persons. It also provides for victim assistance including locating family members, and providing temporary shelter, counselling and job skills training.

Under the auspices of the Ministry of Manpower, Youth and Employment, a task force to monitor fishing areas such as Yeji, and other parts of the Brong-Ahafo and areas along the Volta Lake has been set up to combat child labour and trafficking. Shelter homes have been set up under this project in Madina and Osu in Accra in the Greater Accra Region, where children rescued from these situations are kept until contact is made with their families.

Ghana was the first country to ratify the UN Convention on the Rights of the Child. In addition to being a state party to a number of related regional and, international treaties, it has made great strides in creating a national environment conducive to the promotion and protection of these rights.

One area of concern that has been raised is child labour. The government is robustly seeking to address this problem in a number of
ways. A National Programme for the Elimination of the Worst Forms of Child Labour has been launched by Government. A National Action Plan is also being prepared. The focus is to conduct an in depth study into the problem and develop strategies to address the problem. Some of the remedial actions that have been proposed include improving the productivity of the farm family, making school attendance fee free, school feeding programmes and education and sensitisation of the state of the law and the negative effects of child labour. The district assemblies have also been urged to mainstream the elimination of child labour into their district development plans. The government is collaborating with international organisations such as the International Labour Organisation and civil society organisations such as Childs Rights International in this regard.

Currently, the Ministry of Manpower is operating a pilot programme on children involved in child labour in cocoa producing areas. This programme referred to as the Child Labour Monitoring Programme is an integrated programme involving 46 districts in cocoa growing areas. In each community, all the key stakeholders are educated and encouraged to resist child labour tendencies and desist from using children as farm hands. These stakeholders are tasked with identifying the problems associated with child labour. They also have a duty to notify the authorities on any unauthorised movement of children in these farming areas. The current programme has recorded successes in the reduction of child labour especially in cocoa growing areas. The programme has School’s Support, Skills Training, and Parental Support Programmes under it. The stakeholders themselves have initiated bye-laws to put the objectives of the programme into effect. There are plans to extend the programme to other districts in the country.

The right to education including such elements as free and compulsory basic education, the general availability of and access to secondary education and accessibility to higher education on the basis of capacity have been guaranteed under the Constitution. There has been an improvement and expansion of physical facilities like classrooms at all levels. Access to basic education for both girls and boys has increased since the introduction of the capitation grant to all public basic schools. The capitation grant has enabled all children of school going age to attend school. The government pays approximately $3.20 per child to cover cultural, sports and other school fees.

The New Partnership for Africa’s Development (NEPAD) School feeding program has been introduced where children are fed once a day by the State and this has improved the nutrition of these children. This has led to easy access to education, a resulting retention of pupils in classrooms and an improvement in the quality of education in deprived areas. This is because the programme helps to alleviate incidental costs associated with school attendance. There is also the metro mass transport system, which provides free transportation for school children in uniform.

As regards marriage, there are three forms of marriage in Ghana; Islamic, civil, and customary. The Children’s Act, 1998 (Act 560) which seeks to protect the rights of the child, criminalises forced marriage. The Act fixes the minimum age of marriage at 18 years. There have been successful prosecutions in cases of abduction and attempts at forced marriage.

The Ministry of Health has intensified education on preventive health and is providing mosquito nets for the prevention of malaria to expectant mothers and children below two years.

Research conducted by the Gender Center in 1999, shows that, over 90 per cent of the victims of domestic violence are children. Due to cultural secrecy, these cases are not usually reported for redress. A lot of women and children tend to suffer abuse without seeking redress. The prosecution of domestic violence cases remains difficult. Victims are discouraged from reporting abuse and from co-operating with prosecutors because of cultural secrecy and the fear of social stigmatisation. The inadequate number of social workers to give support to victims is another challenge. Other constraints are lack of shelters to house the victims of violence.

There are certain cultural practices such as female genital mutilation (FGM), ritual enslavement and various forms of widowhood rites which violate the rights of women and girls. FGM has been criminalised under Ghanaian law. The practitioners of FGM have developed new strategies including going beyond the borders of Ghana to perform the act. The government has responded by amending the law to make it criminal to assist a person to engage in FGM and also strengthened the penalty for perpetration of the offence. Ritual enslavement where family members, mostly teenagers but sometimes children under the age of ten are pledged to render service at a shrine to atone for another family member’s alleged wrongdoings. These victims help with the upkeep of the shrine and pour libation during prayers, others are subjected to sexual exploitation and forced labour. Ritual enslavement has been criminalised but there is still evidence of practice in a few areas. The focus is on creating public awareness through education in realisation of the fact that is difficult to eradicate cultural practices which dehumanise and degrade human dignity simply through legislation.

There is a disparity between the number of boys and girls enrolled in basic schools with the number of boys being substantially higher than that of girls. There is a high level of illiteracy among girls. This disparity is attributed to various cultural and socio economic factors such as parents’ attitude to education, child labour, mother’s educational level and sexual harassment of girls. To rectify this situation, the Government has initiated programmes like skills training and entrepreneurial programmes to provide skills training for all school dropouts under the Ghana Functional Literacy Training Programme which provides literacy for school dropouts and illiterates.

The educational policy supports the admission of more girls in school. The Government, in a bid to address the low enrolment of girls in schools, has taken the bold step of lowering the admission requirements for girls into educational institutions. This policy has been so successful that in some coeducational senior high institutions, the ratio of girls to boys is now 3:2. People from the more deprived areas such as in the Northern regions of Ghana also enjoy free education up to the tertiary level for those who attend schools in the North.

Poverty is a main challenge facing the fight against child labour. Due to the inability of parents to employ the services of farm hands, they are forced to use theirs and other disadvantaged children on their farms. In a bid to alleviate this problem, the Ministry of Manpower, Youth and Employment has instituted an orientation programme to educate various communities on the negative effects of forced labour.
The Committee on the Rights of the Child (CRC) recommended in 2006 the State to consider ratifying the Palermo Protocol.

In 2006, CRC noted with appreciation: the review of the Children’s Act in 1998; the amendment to the Criminal Code in 1998; the adoption of the Juvenile Justice Act in 2003; and the adoption of the Human Trafficking Act in 2005. UNFPA and UNICEF also noted those Acts as well as the adoption of the Domestic Violence Act in 2007. However, CRC was concerned about the lack of adequate human and financial resources for an effective implementation of the Children’s Act and other laws and regulations relevant for the promotion and realisation of child rights. CRC recommended the State to take measures, including provision of human and financial resources, to guarantee the implementation of all legislation.

CRC in 2006 welcomed the important role played by The Ghana Commission of Human Rights and Administrative Justice (CHRAJ), especially in the area of juvenile justice and prevention of child neglect and female genital mutilation (FGM). CRC noted with regret the abolition of the specific department dealing with child rights and recommended the State to reconsider establishing such a department within the CHRAJ and to allocate adequate financial and human resources for its effective functioning.

CRC called on the State to strengthen the national machinery for the advancement of women by providing it with the human and financial resources.

UNICEF noted that there has been good progress in the overall policy and strategy development of the Health Sector, with the major efforts being directed at finalising the new 5-Year Programme of Work for the Ministry of Health (2007-2011).

In 2006, CRC welcomed the information that the State was preparing a National Programme of Action (NPA), “Ghana Fit for Children” and noted that negotiations were under way for the integration of children’s issues into the Ghana Poverty Reduction Strategy (GPRS). However, CRC was concerned that a comprehensive policy for the implementation for the rights enshrined in the Convention was still lacking. It recommended the State to expedite its efforts in adopting and effectively implementing a comprehensive NPA. It further recommended the State to integrate the priorities identified in the NPA into the GPRS and ensure the allocation of adequate financial and human resources. CRC welcomed the National Policy Guidelines on Orphans and Other Children made Vulnerable by HIV/AIDS but remained concerned that these Guidelines were not effectively implemented.

UNICEF also noted that in September 2007, Ghana begun implementing a new reform programme which, amongst others, focuses on Universal Basic Completion by 2015 instead of just Universal Primary Completion, and by 2020, all Junior Secondary school graduates will be exposed to Senior Second Cycle education or training.

UNICEF noted that further progress has been made in strengthening the legal and institutional framework to combat human trafficking. The Human Trafficking Management Board was established with the President’s approval and the National Plan of Action on Human Trafficking was adopted on December 5, 2007.

CRC expressed concern in 2006 at the fact that discrimination against certain groups of children such as girls, children with disabilities, children of asylum-seekers and immigrants, children infected and/or affected by HIV/AIDS as well as children living and/or working on street still exists in practice.

The Committee was also 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 (FGM), and “trokosi” (ritual servitude of girls including sexual abuse and forced labour) which constitute serious obstacles to women’s enjoyment of their human rights.

CRC was in 2006 concerned about cases of ill-treatment and abuse, including sexual abuse, and about the fact that there are no mandatory reporting requirements for professionals with regard to child abuse. It recommended in 2006 the State to: take the necessary measures to prevent child abuse and neglect; investigate cases of domestic violence and sexual abuse through a child-sensitive judicial procedure, and ensure that sanctions be applied to perpetrators; and raise awareness among the public of the problem of domestic violence, with the view to changing public attitudes and traditions that inhibit victims, particularly women and girls, from reporting it.

CRC was also concerned about the information that sexual exploitation, particularly sex tourism is growing in the country and that many girls and boys at a very young age are engaged in commercial sexual exploitation. The Committee recommended the State to effectively implement the Human Trafficking Act and to provide adequate programmes of prevention, assistance, recovery and reintegration for trafficked children.

CEDAW and CRC, as also noted by UNICEF, welcomed the establishment of the Domestic Violence Victim Support Unit (DVVSU) within the Police Service, which handles issues of children and women abuse and has branches in all 10 administrative regions. However, according to the Special Rapporteur on violence against women, the police, courts, social services and the health sector are not sufficiently equipped and trained to effectively protect those facing violence.

UNICEF noted that the juvenile justice administration system has been weakened by the inadequate logistical and human resource capacity of the Department of Social Welfare. The absence of separate police cells and lack of co-ordination between the police and the Department of Social Welfare have led to an increase in the presence of juveniles in adult police cells at specific points in time from 289 in 2000 to 382 by mid-2003.

In 2006, CRC was concerned that the right to an adequate standard of living is not fully implemented for many children due to widespread poverty and severe regional disparities. The Committee recommended the State to reinforce its efforts to provide support and material assistance, with particular focus on the most marginalised and disadvantaged families and to guarantee the right of children to an adequate standard of living.
CEDAW and CRC were in 2006 concerned about the high rate of teenage pregnancy, which presents a significant obstacle to girls’ educational opportunities and economic empowerment, as well as the high prevalence rate of HIV/AIDS and its steady increase, especially among women in their childbearing years, compounded in part by inappropriate traditional practices, stigmatisation and lack of knowledge about prevention methods. Furthermore, CRC was concerned by the more than 200,000 children orphaned by HIV/AIDS. It was alarmed at the information about the increasing number of orphanages, and about the lack of mental health services for adolescents.

In 2003, CERD noted 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 ICERD. In this context, the 2004 Common Country Assessment (CCA) noted the following key challenges in Education: shortage of school of school facilities; unaffordable school fees/contributions; long distances and natural impediments to school; hunger of school children; disease burden of school children; weak institutional arrangements for implementation; insufficient trained teachers; unintended exclusion of orphaned and vulnerable children.

While welcoming the important achievements in the field of education, CEDAW was in 2006 concerned about the gender gap between boys and girls in secondary and tertiary education, as well as about the high drop-out rates of girls from schools. The Committee was also concerned about the existing educational gap between populations of certain geographic areas of the country, which has an ethnic dimension. It encouraged the State to pursue and increase the efforts already undertaken to remedy the situation, including the adoption of temporary special measures.

A 2006 UNESCO report noted that, where attendance rates average over 85 per cent, the chances of a poor child not having attended school are at least eight times those of a child from the wealthiest group of households. UNICEF noted that in the education sector, primary net enrolment has increased steadily since the 2005 education reforms.

In 2006, CRC noted that difficult socio-economic conditions, high-level external debt and poverty place limitations upon the State’s financial and human resources and hamper the achievement of effective enjoyment of the rights of the child.

**Summary of Stakeholders’ Information**

The Commission on Human Rights and Administrative Justice (CHRAJ) informed that the Constitution prohibits all customary practices that dehumanise or are injurious to the physical and mental well-being of a person. However, according to the CHRAJ, abhorrent cultural practices such as Female Genital Mutilation (FGM), trokosi (ritual servitude including sexual abuse and forced labour) and dehumanising and injurious widowhood rites persist in several communities in Ghana. With respect to the harmful discriminatory practices, monitoring by the CHRAJ this year continued to reveal that in spite of Ghanaian laws which forbid servitude and FGM, these practices persist. Similar observations were made by AI and CHRI.

In spite of the passage in December 2005 of the Human Trafficking Law, which prohibits all forms of trafficking in persons, child trafficking is still rife in Ghana, as reported by CHRAJ. CHRAJ noted with concern that Ghana is a source, transit, and destination country for children trafficked for forced labour and sexual exploitation. Children are trafficked as domestic servants, labourers, for work in the fishing industry, and for sexual exploitation. According to CHRAJ, the International Organisation for Migration (IOM) estimates that the number of trafficked children in the country is in the thousands.

The issue of child labour in Ghana remains a serious problem serving as one prominent source of child exploitation and abuse, as stated by CHRAJ. CHRAJ recalled that the ILO Global Report, launched in May 2006, indicated that there are about two million children in Ghana who are engaged in child labour. It is a very common sight to see children of school-going age at all times of the day engaged in menial jobs. Sectors that are rife in child exploitation include fishing, agriculture, mining and quarrying. The increasing incidences of rape and defilement of children and the resulting low conviction rate for offenders are of utmost concern, according to CHRAJ.

The Global Initiative to End All Corporal Punishment of Children (GIEACP) informed that corporal punishment is lawful in the home. The Children’s Act (1998) allows for a degree of “reasonable” and “justifiable” punishment of children, stating in article 13(2) that “no correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction.” GIEACP further noted that corporal punishment is lawful in schools. Pursuant to the Education Act (1961), the Ghana Education Code of Discipline for second cycle school provides for caning up to six strokes by a head teacher or person authorised by the head. As in 2006, the Teachers’ Handbook issued by the Ministry of Education stated that corporal punishment should be used as a last resort, and provided various alternative disciplinary measures. GIEACP recommended that Ghana introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home.

The CHRAJ reported that the constitutional guarantee for basic education in Ghana has not yet been realised in its totality. The Government’s introduction of the Capitation Grant scheme in the 2005/2006 academic year does not cover all the costs of education at the basic level. There are many children of school-going age who do not attend school either as a result of unavailability of schools within easy reach, or as a result of parents’ inability to bear the extra cost. It is estimated that about 1.357 million children in Ghana were not in school as at December 2006. Meanwhile allegations are rife about the mismanagement, corruption and conflict of interest within the entity managing the school feeding program. The CHRAJ recommended that the Government urgently extend the school feeding program to cover every Ghanaian child and conduct an inquiry into the alleged mismanagement plaguing the programme.
Noting that in 2007 Ghana amended the Criminal Code to criminalise the practice of FGM and passed legislation on domestic violence, Switzerland recommended Ghana to enhance efforts to protect rights of women and children as some cultural and traditional practices, particularly harmful to girl children and women, as well as about initiatives to prohibit corporal punishment of children in all settings.

Turkey asked about initiatives to educate and engage traditional and religious leaders in the elimination of customs and practices violence ensuring that sanctions can be applied to perpetrators.

Italy joined CRC in recommending Ghana to undertake measures to prevent child abuse and neglect and investigate cases of domestic violence ensuring that sanctions can be applied to perpetrators.

Switzerland recommended Ghana to enhance efforts to protect rights of women and children as some cultural and traditional practices constitute a violation of human rights.

Noting that in 2007 Ghana amended the Criminal Code to criminalise the practice of FGM and passed legislation on domestic violence,
the United States asked about measures taken to ensure the enforcement of these laws.

- Algeria noted that the introduction of the child school feeding programme and the establishment of the Domestic Violence and Victim Support Unit were examples of best practice. With reference to the NEPAD School Feeding programme, Algeria recommended that Ghana continue to give increased attention to the gender gap between boys and girls in the advancement at all levels of education.

- Ireland recommended that legislative measures on FGM be strengthened and that specific measures be taken to ensure that the prohibition has the desired effect on the ground.

- Austria asked how the Domestic Violence Act and the Domestic Violence Victim Support Unit can be used to tackle the problem of impunity of perpetrators of violence against women and children. It recommended that Ghana adopts concrete grassroots programmes to sensitize communities, in particular traditional chiefs, and spread them into all communities in Ghana to abolish cultural practices, which violate the human rights, life and dignity of women and young girls.

- Ghana congratulated Ghana on efforts to stop child labour and the pilot programme by the Ministry of Manpower on children working in cocoa producing areas. It asked Ghana to elaborate more on what is involved in Parental Support.

- The Republic of Korea noted the creation of the Women’s Development Fund in 2002 to improve women’s access to micro-credit facilities and the National Policy Guidelines on Orphans and other Children made vulnerable by HIV/AIDS. Korea asked if Ghana could elaborate on measures taken to prevent child labour, exploitation and abuse since these remained a concern of the international community.

- Chile wished to obtain more information on implementation of measures to combat FGM.

- Morocco noted efforts made in promotion and protection of children’s and women’s rights, especially with regard to promoting the rights to education. Morocco asked for more information about the Ghanaian national plan and programme on education of children.

- The Syrian Arab Republic noted Ghana’s achievements in the field of women’s empowerment, reduction of the poverty level, health care, workers’ protection and children’s education. It noted that Ghana did acknowledge the existence of many challenges, like foreign debt, inadequate resources and disaster management as well as violence against women despite the enactment of the Domestic Violence Act in 2007. In the light of paragraph 65 of the national report it asked about legal and other measures taken to address the high rate of violence against children, mob justice and the issue of “cultural secrecy” associated with the victims’ unwillingness to disclose their traumas and agonies.

- In responding to questions, the Minister of Education, the Attorney-General and the Minister of Justice attending the UPR review reflect Ghana’s twin approach to human rights: education and law enforcement. Ghana will continue to educate and at the same time do law enforcement and pass regular laws, which need to be backed by policy programmes with sufficient budgetary allocations.

Conclusion and Recommendations

- To take the necessary measures in order to reinforce the campaign against discriminatory practices and violence against women (France); to strengthen its efforts in protecting women’s rights (Switzerland) and to take further steps to address discrimination against women and vulnerable groups, including children (United Kingdom);

- To adopt legislative and other necessary measures including awareness-raising campaigns against harmful traditional practices and stereotypes (Czech Republic); to continue to eradicate cultural practices that violated the rights of women and girls (Mexico); to introduce measures to eliminate or modify customs and harmful traditional practices that discriminate against women, eliminate FGM, put an end to harmful widowhood rites and implement protective measures for this group in relation to eviction and inheritance, and halt the practice of trokosi (Canada); to establish and implement concrete measures in conformity with CEDAW to modify and eliminate customs and cultural and harmful traditional practices that discriminate against women (Slovenia); to take necessary measures to ensure that the prohibition of FGM has the desired effect on the ground (Ireland);

- To strengthen its efforts to fully implement the recommendations adopted by the CRC and to prohibit all forms of violence against children (Finland); to take further measures to implement the overarching and setting-specific recommendations of the UN Study on violence against children (Finland); to take the necessary measures to prevent child abuse and neglect and investigate cases of domestic violence, ensuring that sanctions be applied to perpetrators (Italy); and to enhance its efforts in protecting children rights (Switzerland);

- To take steps to address problems related to high illiteracy rates in certain parts of the country, as well as the gender gap between boys and girls in secondary and tertiary education (Hungary); and to continue to give increased attention to the gender gap between girls and boys in their advancement at all levels of education (Algeria);