

**NGO Shadow Report to 6th & 7th Periodic Report of
Ghana on Convention on the Elimination of all forms
of Discrimination against Women (CEDAW)**

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ACRONYMS

CAP	Chapter
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CHRAJ	Commission on Human Rights and Administrative Justice
CPP	Convention People's Party
CRC	Constitutional Review Commission
DOVVSU	Domestic Violence and Victim Support Unit
DV	Domestic Violence
FGM	Female Genital Mutilation
GER	Gross Enrolment Rate
GHS	Ghana Health Service
GSS	Ghana Statistical Service
IRS	Indoor Residual Spraying
ITN	Insecticide Treated Nets
JHS	Junior High School
KEEAM	Komenda Edina Eguafo Abirem Municipality
LEAP	Livelihood Empowerment against Poverty
MDG	Millennium Development Goals
MMDCEs	Metropolitan, Municipal and District Chief Executives
MOWAC	Ministry of Women and Children's Affairs
MoGCSP	Ministry of Gender, Children and Social Protection
MP	Member of Parliament
NAP	National Advocacy Partnership
NDC	National Democratic Congress
NHIS	National Health Insurance Scheme.

NPP	New Patriotic Party
PMI	United States President’s Malaria Initiative
PNDC	Provisional National Defence Council
TIP	Trafficking in Persons
USD	United States Dollars
WiLDAF	Women in Law and Development in Africa

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NGOS INVOLVED IN DEVELOPING THE REPORT

Centre for the Development of People	Ghana Muslim Mission Women's Federation
Coalition of Women in Governance	Integrated Social Enterprise Centre
Legon Ladies Association	Institute for Demographic Governance
Fataale Rural Foundation	Handi Vangelism
Echoing Hills Ministry	The Ark Foundation
UNIWAF	International Federation of Women Lawyers (FIDA-Ghana)
Life Again Foundation	Resource Link Foundation
The Hunger Project	Widows and Orphans Ministry
Human Rights Network	L. E. R. G. G.
Farmers Network	Dolly Foundation
Kpobiman Women's Association	Leadership and Advocacy for Women in Africa (LAWA Ghana)
Sankofa Gardens	Community and Family Aid Foundation
Basic Needs, Ghana	Ehope
GenCED	Society for Women and Aids in Africa
Netwomen Plus	Grace Amey Obeng Foundation International
Hope in Trust	KIDARUS
YOWAS	Women in Law and Development in Africa
ABANTU for Development	Gender Studies and Human Rights Documentation Centre
Treba Women Association	ABANTU for Development
Gender Violence and Victim Support Network	Advocates for Gender Equality
Traditional Leaders from Somanya, Ada, Akyem Awisa	Hope for Future Generation
Women Empowerment Club	Legal Resources Centre

MOJAD	ICDP
Y-Peep	Centre for the Development of People
Human Rights Network Ghana	Foundation of Muslim Women's Association of Ghana

EXECUTIVE SUMMARY

AREAS OF CONCERN

Article 1: definition of discrimination

While proposals to amend the definition to bring it in line with CEDAW Article 1 were made by NGOs to the Constitution Review Commission in 2011, the Executive in a White Paper recommended that an affirmative action law should deal with all kinds of discrimination against vulnerable groups and minorities. The legislative process for an affirmative action law has commenced in earnest by the Gender ministry with a zero draft ready.

Issue for consideration

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| <ol style="list-style-type: none"> 1. Definition of discrimination in the zero draft of the affirmative action bill should cover direct and indirect discrimination. |
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Article 2: obligation to eliminate discriminatory laws

Section 24 (1) of the Marriages Act, 1884-1985 requires a *Wali* to sign the marriage and divorce registers on behalf of the bride at marriage. The requirement for a *Wali* for the bride without corresponding provisions for the bridegroom clearly suggests that women are subordinate to men.

Issue for consideration

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| <ol style="list-style-type: none"> 1. What is the State Party doing to review the sections of the Marriages Act where the bride's '<i>Wali</i>' (a male) signs the marriage and divorce register on behalf of the bride. And what efforts are being taking to ensure there are marriage registers and certificates to facilitate registration of marriage by Muslims? |
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Article 3: appropriate measures to ensure full development of women

The portrayal of women as witches, gold diggers and prostitutes in songs, local movies and television programmes contribute to sexual stereotyping and derail the efforts at promoting the rights of women. There are significant challenges to the implementation of many laws including the Domestic Violence Act because of undue delays with putting the legislative instruments and protocols in place. Frequent transfer of trained personnel of the Domestic Violence and Victim Support Units, insufficient funds and logistics for their operations are of serious concern. Increased public education by the State Party, translation of the law into 6 languages without the necessary tools and regulatory framework for the DOVVSU to do its work seem to be yielding little results. Victims of violence still have to pay for the medical bills. And judges are not providing adequate reasons that touch on the gendered nature of domestic violence meaning many of them do not fully appreciate the importance of the Domestic Violence Act.

The national women's machinery now has an expanded mandate covering gender, children and social protection. This should correspond to increased resources for the Ministry yet that Ministry continues to receive one of the least budgetary allocations by government year after year.

Issues for consideration

1. State party must set definite dates to have the legislative instrument to the Domestic Violence Act, and relevant protocols in place to aid effective implementation of the law.
2. State party to adequately resource the Domestic Violence and Victim Support Unit to enable it support victims of violence.
3. The national gender machinery should be adequately resourced to carry out its expanded mandate.

Article 4: temporary measures for the acceleration of equality between men and women

The affirmative action policy guideline of 1998 though worked in the education sector has not been seriously implemented in public life. Until recently, there seemed to be a lack of commitment by the State Party to make good its obligations to gender parity in political participation and public life. Thus women's participation in politics and public life is still low. It is expected that the affirmative action bill if it becomes law would undoubtedly enhance participation of women in public and political life.

Issue for consideration

1. What temporary measures are included in the draft affirmative action bill to accelerate equality between men and women?

Article 5: gender roles and stereotypes

With respect to witch camps, an outcome document from a 2011 conference called on the State to provide immediate needs of residents, develop a roadmap for disbandment and re-integration, put in place a legal regime to halt fresh allegations of witchcraft and ensure the safe reintegration of women into communities of their choice, outline a programme to provide psycho-social and economic empowerment that will guarantee peace of mind and economic independence for the women and their dependents. The State's response to following through with the road map for disbandment and reintegration has delayed because there is no telling how communities particularly the youth would react. Some communities are resistant to the alleged witches returning to the communities with threats to lynch them; the process is a resource intensive one because funds will be required for rituals to 'cleanse' the women before they depart from the camps, provision of shelter, seed money for income generating activities and funding a sustained campaign to prevent risk of further allegation and stigmatisation. The Commission on Human Rights and Administrative Justice (CHRAJ) monitors these camps annually.

An emerging religious practice among Christians is telecasting of pastors who exorcise witchcraft from mostly women and girls who may face being ostracized by their communities. If this religious practice is not checked, the incidence and prevalence of witches' camp will not and cannot be eradicated

The Labour Act does not cover paternity leave which perpetuates the stereotype that women are caretakers of new born babies. Not much attention is paid by the State Party to public education that teaches men that they have a role to play in the upbringing of children.

Issues for consideration

1. The Labour Act should be amended to allow paternity leave as a means of doing away with the stereotype that mothers are responsible for caring for a baby.
2. The Commission on Human Rights and Administrative Justice (CHRAJ) monitoring the witch camps arguably amounts to a tacit approval of the continued existence of the camps.
3. The State party must put in place a programme or legislation to curb emerging religious practices that discriminate against girls and women?

Article 6: trafficking and prostitution

Child prostitution, and possibly child sex tourism, are reported in the Volta Region and is growing in the oil-producing Western Region. To date the legislative instrument to implement the Human Trafficking Act has not been approved by Parliament. Efforts to protect victims of trafficking continue to decrease. For instance in 2013, the Anti-Human Trafficking Unit identified 262 victims including children, but was only able to send 33 victims to government

and NGO-run facilities for protective care. Government has two shelters which are not operational therefore it is unable to protect trafficked adults.

Issues for consideration

1. What sustainable measures are in place to guarantee funding for the activities required for the rehabilitation and resettlement of victims of human trafficking?
2. What efforts is the State Party making to improve protection and prevention measures to address human trafficking?

Article 7: women in political and public life

Ghana's system of Government provides several opportunities for quotas to encourage and promote the political participation of women. However, the reality has not matched the rhetoric contained in the Manifestoes of the various political parties and the country's obligations under national and international law. A significant number of political positions (Ministers of State, district chief executives and Ambassadors) are appointments made by the President in consultation with legally prescribed bodies. This means there is opportunity to make significant strides to provide at least 40% women in executive positions by appointing more females in executive positions. A law on affirmative action would address the low number of women in politics and public life.

Issue for consideration

1. What are some likely obstacles that will confront debate of the affirmative action bill within Parliament and in public, and what measures are being put in place by the Gender ministry to address these challenges to forestall undue delay of the passage of the bill into law?

Article 10: education

Despite gains made many girls are unable to transition from junior high to senior high schools because of challenges on quality of education particularly in rural and deprived areas. Too many girls fail the basic certificate education examination each year. Further, teenage pregnancy and early marriage truncates girls' education though there is a policy to allow girls to continue their education after delivery. There are significant infrastructural deficits in respect of water and toilet facilities in schools as a result of which menstruating girls are dropping out of school. 27% of children aged 5-14 years are currently economically active. The proportion of economically active children in rural areas (31%) is more than twice as high as their urban counterparts (13.5%).¹ The large number of children out of school suggests that free compulsory universal basic education (FCUBE) guaranteed in the 1992 Constitution is not working.

Issues for consideration

¹ Ghana Living Standards Survey (GLSS) 6, Ghana Statistical Service, 2012/13

1. What measures are being put in place to ensure girls in rural areas and in public schools have the same quality education as those in the cities?
2. What measures are in place to stop children from engaging in active child labour?
3. What measures are in place to ensure water and sanitation facilities in public schools?

Article 11: employment

52% of the currently employed persons aged 15 years and older are engaged in the agriculture, forestry and fishing sector of which 57.1% are men compared to 47.3% women. On the other hand, females dominate the wholesale and retail trade sector – 22.6% women to 8.7% males. ² Unfortunately, the markets for these trading activities lacks basic amenities like water, sanitation, accessibility, poor electrical and lighting layout which has caused fire outbreaks in a significant number of markets.

Issue for consideration

It is not enough to provide money for traders to pick up their business after fire outbreaks. The State party should outline plans to provide basic amenities in markets particularly as new markets are being constructed following fire outbreaks?

Article 12: healthcare and family planning

There has been an increase in antenatal care from 92% in 2003 to 95% in 2008 as well as a decrease in maternal deaths from 503 per 100,000 live births in 2005 to 350 deaths per 100,000 live births in 2010. Yet lack of access to health facilities and the paucity of qualified trained personnel contribute to the high maternal mortality rates.³ Further, men are not being involved in antenatal care or contraception education. Preventable diseases such as malaria continue to kill pregnant women in Ghana. The risk of a woman living with HIV transmitting the disease to her child has reduced from 31% in 2009 to 9% (7% - 11%) in 2012⁴ yet only 50% of women know that mother-to-child transmission can be reduced if an infected mother takes special drugs.⁵ At the national level, the doctor patient ratio in 2012 was 1: 10,452 patients and nurse patient ratio was 1: 1,251 patients.

² GLSS 6

³ Ghana Millennium Development Goals Report, 2010, p 35

⁴UNAIDS (2013) UNAIDS 2013 Global Aids Report

⁵ Ghana Statistical Service (GSS), Ghana Health Service (GHS), and ICF Macro. 2009. Ghana Demographic and Health Survey 2008, Accra, Ghana: GSS, GHS, and ICF Macro, p. 243

Post-partum haemorrhage is the largest single cause of maternal mortality in Ghana. In 2009 only 10% of hospitals had a blood bank which meets the minimum standards and it is estimated that due to the lack of funds for the implementation of the strategic plan to enhance blood availability through the establishment of an effective National Blood Agency, it may take years to correct or improve this position. In the last five years, there has been a decrease in contraceptive prevalence rate among married women (22% in 1998, 25% in 2003 and 24% in 2008). It is also noted that knowledge of contraceptive use is much lower among women in the rural areas than in the urban areas. Myths and death are some reasons preventing women from using contraceptives in some rural areas. The Ghana Health Service Report in 2012 indicated that 750,000 teenagers between the ages of 15 and 19 became pregnant while a World Bank survey showed that 10 per cent of maternal deaths in the country were as result of unsafe abortion with 13.8 per cent of pregnant women being teenagers. Although there is a policy on Adolescent Reproductive Health, programmes on reproductive health education is not reaching many schools across the country.

Issues for consideration

1. It is evident that the availability of safe blood is critical to reducing maternal mortality in Ghana. The State Party should outline a strategy to make provision for safe blood in the various hospitals across the country.
2. What pragmatic steps is the State party taking to curb the high rate of teenage pregnancy?

Article 14: rural women

Rural women in many communities do not still have access to basic amenities such as electricity, potable water, and health care. Many are illiterate and so are ignorant of policies and laws made by the State party to protect their rights. Although the system of government has been decentralised, due to illiteracy, lack of confidence and lack of financial support, many are unable to participate in the local government elections. There is a wide difference in rural and urban communities regarding access to improved sanitation. While urban population without access to improved sanitation has decreased by 50%, the rural population without access to improved sanitation has increased by about 6%.⁶ The agricultural sector is the main employer for rural women, however, the ratio of women famers to agriculture extension officers is 1:1500 compared to the ideal ratio of 1:600.

Issues for consideration

⁶ NDPC/UNDP, Achieving the MDGs with Equity in Ghana: Unmasking the issues behind the averages, A technical paper, 2012

1. What strategies is the State party putting in place to rural women are registered on the informal social security system?
2. How is the State party addressing the rural urban disparities with regard to social services?

Article 15: equality before the law

Ghana Police Service currently has 102 Domestic Violence and Victim Support Units across the country. Yet, these Units are being weakened by challenges including regular transfer of officers, lack of logistics to provide immediate care for victims of violence, prosecutors have inadequate skills to ensure proper prosecution for convictions, and some of the units are not functioning.

Issue for consideration

1. It appears there is a weakening of the domestic violence units of the Ghana Police Service through lack of logistics and transfer of personnel. How are the Police being supported to ensure they secure convictions in cases of gender based violence?

Article 16: marriage and family life

Not much effort has been made by the state to eliminate polygamy. In fact the Property rights of spouses bill makes provision for distribution of property at divorce between a man and his polygamous wives. Until the Property Rights of Spouses Bill eventually becomes law thus providing clearly how property will be distributed at divorce, the law courts will continue to use their discretion in matrimonial matters using the current Matrimonial Causes Act, 1971 (MCA) Regrettably, outside the courts, property sharing at divorce under customary law before the family has not advanced beyond the fact that the responsibility of the man is to provide for his family, and the responsibility of the woman is to support the work of the man by taking care of the household and the children.

Registering customary marriages and when to do so are left to the discretion of those contracting the marriage. The result is most people fail to register their customary marriages. In addition, absence of registers and certificates to facilitate registration of Muslim marriages under the Marriage of Mohammedans Ordinance means that these marriages are not recorded by the State party and indeed are void for non-compliance. Despite a gender neutral law (Intestate Succession Law) which allows children to inherit property, in some communities women (widows and daughters) are not allowed to inherit land.

Issues for consideration

1. What pragmatic steps is the State Party taking to stop the discriminatory practice of polygamy?

2. What strategies are in place to ensure that Parliament will pass the Property Rights of Spouses and Intestate Succession Bills?

List of Recommendations

- The State party should ensure the affirmative action law defines discrimination in conformity with Article 1 of CEDAW.
- Review the consolidated marriages law to amend the discriminatory provision where a bride's '*wali*' signs the marriage and divorce certificates.
- State party should put in place strategies towards getting the legislative instrument and inter-agency protocols in place to expedite implementation of the Domestic Violence, Mental Health and Human Trafficking laws.
- State party must provide the necessary financial, logistical and human resources for the national gender machinery to implement programmes towards advancement of women's rights and gender equality. The need for resources will ensure the national machinery will be able to execute its mandate on gender, children and social protection.
- Review the Labour Act to provide paternity leave and pay attention to education that teaches men that they have a role to play in the upbringing of children.
- Put in place measures to implement the roadmap for disbandment and reintegration of women in witch camps.
- State party should put in place measures to create awareness on family planning methods to address myths, misconceptions and stigmatisation of women who use contraceptives. Strategies must be put in place to address the gender norms that perpetuate HIV AIDS.
- State party should put in place pragmatic steps to stop the discriminatory practice of polygamy.
- Strategies should be put in place to ensure Parliament passes the Property Rights of Spouses and Intestate Succession Bills with relevant reviews regarding polygamy.

MAIN REPORT

ARTICLE 1: DEFINITION OF DISCRIMINATION

1. Article 17 (2) of the 1992 Constitution provides for equality for all persons and prohibits discrimination on the grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status. Whilst the Constitutional provision covers direct discrimination, it is not sufficient to address indirect discrimination.
2. Ghana recently went through a constitutional review process and as part of the process stakeholders were invited by the Constitutional Review Commission (CRC) to submit

memoranda. As a result, various civil society groups made submissions for the review of Article 17 (2) to bring it in conformity with Article 1 of the Convention. Following submission of the CRC Report to the Government, the latter issued a White Paper recommending that an affirmative action law should deal with all kinds of discrimination against vulnerable groups and minorities.

3. In accordance with this, the Ministry for Gender, Children and Social Protection (formerly MOWAC) is working with the Attorney General's Office on a draft bill on affirmative action. An affirmative action committee composed of stakeholders including State agencies and NGOs was established in 2013 under the auspices of the Gender Ministry. Recommendations from this committee, specific memoranda from WiLDAF, Netright plus feedback from nationwide consultations were formulated by an independent consultant into the zero draft of the bill. Some of the recommendations include a quota of 40% to guarantee increased women's representation in politics and, enhance formal and informal education to build capacity of people to be able to participate in political decision making.
4. It is expected that the definition of discrimination in the affirmative action bill would be crafted in a way that conforms to the definition in the CEDAW. That notwithstanding, there was a missed opportunity to redefine discrimination (to include direct and indirect forms) in the revised Constitution which would have given the constitutional article on discrimination (which is an entrenched provision) a higher status. Using the route of a law instead of a constitutional amendment to re-define discrimination risks undue delays, testing of the law would be in a High Court and not the Supreme Court, and the law may not be implemented.⁷

ARTICLE 2: OBLIGATION TO ELIMINATE DISCRIMINATORY LAWS

5. Despite repeal of Section 42 (g) of the Criminal Code and passage of the Domestic Violence Act, it appears that minimal attention is paid to the practical realization of the principle of equality of women to men. Thus, certain socio-cultural and political practices which indirectly contribute to discrimination against women continue unabated despite the plethora of laws. In certain instances, there is conflict of laws. For instance, Section 24 (1) of the Marriages Act, 1884-1985 requires a *Wali* to sign the register of marriages on behalf of the bride at marriage. The law further requires the *Wali* and not the bride to

⁷ If the definition of discrimination was amended in the Constitution, it could be tested in the Supreme Court.

be present at the registration of divorce.⁸ The requirement for a *Wali* for the bride without corresponding provisions for the bridegroom clearly suggests that women are subordinate to men.

6. Ghana is a dualist State and Article 19(5) of the Constitution implies that the law criminalizing offences must be in existence prior to the commissioning of the alleged offence. This means that the State must ensure that direct and indirect violence against women are well covered in the criminal laws of the country in order to successfully prosecute and punish perpetrators.

ARTICLE 3: APPROPRIATE MEASURES TO ENSURE FULL DEVELOPMENT OF WOMEN

7. It is commendable that draft bills on Property Rights of Spouses and Intestate Succession have been developed. Despite advocacy efforts by NGOs and the Gender Ministry to get it passed, these bills lapsed with the last Parliament in 2012. The Bills have been reintroduced to the present Parliament but Members of Parliament have not attached much seriousness to their consideration and passage.
8. There are significant challenges to the implementation of many laws including the Domestic Violence Act. This is attributable to the fact that the budgetary outlay from the State Party needed to operationalise many of the anti-discriminatory laws and especially the Domestic Violence Act remains insufficient. While efforts have been made to roll out the Act, to develop inter-agency protocols for effective coordination of efforts among service providers, these inter-agency protocols are yet to be used. Further, though there is a draft legislative instrument to the Domestic Violence Act, this is not operational. In addition, out of 106 Units established in response to the high prevalence rates of domestic violence 4 are already defunct. This coupled with frequent transfer of trained personnel to regular police duties, insufficient funds and logistics for their operations are of serious concern. New police personnel posted to the DOVVSUs require training to understand gender based violence and the Domestic Violence Act.
9. Increased public education by the State Party, translation of the law into 6 languages without the necessary tools and regulatory framework for the DOVVSU to do its work seem to be yielding little results. Victims of violence still have to pay for the medical bills. And judges are not providing adequate reasons that touch on the gendered nature of

8 (1) *The bridegroom, the bride's wali, two witnesses to the marriage, and a Mohammedan priest licensed under section 21 shall as soon as conveniently may be, and before the expiration of a week after the celebration of the marriage, attend at the office of the District Chief Executive for the purpose of registering the marriage. (5) The register and certificates shall then be signed by the bridegroom, the brides' wali, and the two witnesses who have attended for the purpose.*

domestic violence meaning many of them do not fully appreciate the importance of the Domestic Violence Act.

10. The national women's machinery now has an expanded mandate covering gender, children and social protection. This should correspond to increased resources for the Ministry yet that Ministry continues to receive one of the least budgetary allocations by year after year. It appears the Ministry is focusing more on social protection than gender equality and children. The State Party must provide the necessary financial, logistical and human resources for the national gender machinery to implement programmes towards advancement of women's rights and gender equality.

ARTICLE 4: TEMPORARY MEASURES FOR THE ACCELERATION OF EQUALITY BETWEEN MEN AND WOMEN

11. Over the years, the State has introduced policies aimed at addressing discrimination against women and girls in education and in public life. The affirmative action policy guideline though worked in the education sector has not been seriously implemented in public life.
12. There is a lack of commitment by the State party to make good its obligations to gender parity in political participation and public life. Thus women's participation in politics and public life is still low. It is expected that the affirmative action bill if it becomes law would undoubtedly enhance participation of women in public and political life.

ARTICLE 5: GENDER ROLES AND STEREOTYPES

13. The Labour Act, 2003 (Act 651) has provisions on maternity but does not have any provision on paternity leave which perpetuates the stereotype that women are caretakers of new born babies.
14. Not much attention is paid by the State to public education that teaches men that they have a role to play in the upbringing of children. Despite a Children's Act, there is an apparent culture of impunity where too many men do not acknowledge their responsibility in the upbringing and development of their children. This is underscored by the huge number of reports on non-maintenance of children to both state and non-state institutions. Reports from DOVVSU in the last three years show a high incidence of non-maintenance. In 2011 there were 5,797 cases, in 2012, there were 6,107 and in 2013 the Unit recorded 5,797. CHRAJ, Department of Social Welfare and NOGs providing legal services all report that non-maintenance of children constitute the highest number of cases received. Indeed the Judicial Service now has family courts in the capital city

sitting five days a week instead of twice weekly previously because of the large number of cases on non-maintenance of children.

15. Since men constitute the majority of irresponsible parents, women spend too much time going from one institution to the other seeking maintenance awards. In some cases the cost of litigating for maintenance awards supersedes the amount awarded by the court. For instance a woman will spend GH¢100 (US\$25) to file and pursue a suit in a family court only to be awarded GH¢10 (US\$2.5) per child per month because the male parent claims to be unemployed.
16. To further ensure children are protected, the Children’s Act mandates all local government assemblies (metropolitan, municipal and district assemblies) to establish child panels that would apply the best interest principle in all matters involving children. From 2008 to date, there are no more than 10 child panels in the 216 local assemblies.
17. As the chieftaincy institution is the custodian of customary laws, the National House of Chiefs has been mandated under Article 272 (c) of the Constitution to evaluate and abolish outmoded and socially harmful customs and usages. However, the National House of Chiefs is yet to fulfil this mandate.
18. There is the customary marriage of elopement in the northern parts of Ghana (which is actually kidnapping women and forcing them to marry their abductors).
19. The matter of witch camps presents two conflicting scenarios. On the one hand it is a clear violation of the human rights of women, and on the other hand, the camps provide temporary safe havens, although in deplorable conditions, for women who have find life unsafe in their own communities. A recent BBC documentary “*Hundreds of women trapped in Ghana’s ‘witch camps’*” shows the appalling conditions under which these women live.⁹

Table 1: May 2012 and February 2014 Statistics on Witch Camps in Ghana

District	Location of camp	Total in May, 2012	Total in Feb. 2014
Nanumba South District	Kukuo	137	103
Yendi Municipality	Gnani-Tindang	273	194

⁹ www.telegraph.co.uk/news/worldnews/africanandindianocean/ghana/9509493/Hundreds-of-Women-in-Ghana-s-witch-camps.html

Gushiegu District	Tindan-zhie	40	30
	Naboli	140	37
Central Gonja District	Bonyasi	3	3
Mamprusi	Gambaga	88	85

*Source Action Aid Ghana

20. From 2006 to date, there have been efforts by the State and NGOs to have the women organise, receive information, identify and plan actions to receive basic needs such as food, water and health care. NGOs¹⁰ The following actions have been on-going (a) A lot of radio and community level sensitizations, consultations with families, traditional authorities, camp owners, alleged witches and youth (b) Networks have been established to advocate on behalf of the alleged witches. This includes the Songtaba network which engaged with district assemblies and decentralized departments to respond by providing some budgetary allocation to meet the needs of the residents. For instance the Nanumba South District and Yendi Municipal Assemblies have registered the residents of the Kukuo and Gnani camps with the National Health Insurance Scheme. In 2011, the Gender Ministry in collaboration with NGOs and Ti-gbubtaba (network of alleged witches) organised a conference to develop a roadmap for disbandment and re-integration, (c)Ti-gbubtaba network was formed to build their confidence and offer them a bigger voice to campaign on issues violating their rights. Some of the witches have been on a radio station to talk about their plight, (d) Residents have benefitted from food aid, extension and outreach services by the Ministries for Food and Agriculture and, Health, (e)The National Commission for Civic Education facilitated meetings between the network and ‘sending communities’ to draw attention to the injustice and inhumane treatment society is perpetuating on the alleged witches and the need to reverse the situation, (f) The Commission on Human Rights and Administrative Justice (CHRAJ) annually visits some of the camps and reports on their condition in its annual reports, and (g) the Police Service’s Domestic Violence and Victim Support Unit (DOVVSU) is represented on Songtaba and has educated communities to report cases of witchcraft allegation to the police rather than lynching and banishment.

21. Notably, the outcome document from the 2011 conference called on the State to provide immediate needs of the residents, develop a roadmap for disbandment and re-integration, put in place a legal regime to halt fresh allegations of witchcraft and ensure the safe reintegration of women into communities of their choice, outline a programme to provide

¹⁰ ActionAid supported formation of the Songtaba coalition composed of NGOs and public institutions and agencies committed to women’s rights in the Northern Region which is leading an “anti-witchcraft campaign” to reverse the trend of abusing rights of women through allegations of witchcraft.

psycho-social and economic empowerment that will guarantee peace of mind and economic independence for the women and their dependents.

22. Some gains have been made which must be scaled up. Since 2010 one hundred and thirty six witches have been reintegrated. Some households have been enrolled on the State Party's Livelihood Empowerment against Poverty Programme (LEAP).
23. However, the State's response to follow through with the road map for disbandment and reintegration has delayed for the following reasons: (a) there is no telling how communities particularly the youth would react with fears of that some women will be lynched. One report states "*In Nakpali, which has a high case of witchcraft allegations, and a high population of youth, the youth see banishment as a life sentence for crime, just as it happens in the law courts*".¹¹ (b) the process is a resource intensive one. Funds will be required for rituals to 'cleanse' the women before they depart the camps. GH¢150 - GH¢250 (US\$39 - 65) per person will be needed, provision of shelter, seed money for income generating activities and funding a sustained campaign to prevent risk of further allegation and stigmatisation.
24. The proposal by the State party to symbolically close the Bonyasi camp is because it has only three inmates. This closure could be possible because this camp is the only one managed by a woman (who inherited it from her father) though no date has been set for this to happen. Further, the State Party plans to bring stakeholders to yet another national conference on the gender dimensions and treatment of females alleged as witches to take account of the traditional and emerging faith-based dimensions. The Commission on Human Rights and Administrative Justice (CHRAJ) monitors these camps, an action which arguably amounts to a tacit approval of the continued existence of these camps. CHRAJ should be proactive by supporting women who want to seek justice in a court of law for being labelled witches.
25. Presence of children at the witch camps is worrying as it constitutes a form of customary servitude. Girls are sent to the camps to care for their grandparents. These girls are not beneficiaries of the State party's Free Compulsory Basic Education programme. They work outside of the camps (selling) to support their grandparents.
26. Another emerging religious practice among Christians is telecasting of pastors who exorcise witchcraft from mostly women and girls.¹² This phenomenon is worrying because of the potential implications it could have on the education, present and future social lives of young girls in particular. In a country where old women are banished to

¹¹ The State and Condition of Alleged Witches in the Northern Region of Ghana. Action Aid Ghana pg. 56.

¹² These shows are aired on Metro TV, Crystal TV and Adom TV.

camps or killed because they are ostensibly witches, this religious practice of exorcizing witchcraft in girls and women is a potential breeding ground for their banishment when they are older. If this religious practice is not checked, the incidence and prevalence of witches' camp will not and cannot be eradicated.

27. The Mental Health Act, 2012, (Act 846) is the latest law setting standards for dealing with persons with mental problems. While this law is welcome in that it sets standards for treating persons with mental problems, it is a common sight to find mentally ill persons walking in the streets of the country living in very unhygienic and insanitary conditions.¹³ The mental health hospitals have consistently complained of inadequate funds, very low government subvention and insufficient medicines to care for patients. Again the legislative instrument which will spell out how the law is to be implemented and how the Mental Health Fund can be accessed is still not in place.

28. It is reported there is an increase in the number of persons who undergo FGM with very few prosecutions under the law. According to a Ghana News Agency report, a UNICEF Multi-Indicator Cluster Survey (MISC) reports that in 2007 the prevalence rate for FGM was 4% in 2011.¹⁴

29. The 2013 Report of CHRAJ states the practice of widowhood rites is still prevalent in the country with marginal improvement. Interestingly, women who are Christians are able to negotiate not to perform the rites or they are modified.

30. Gender based violence remains alarmingly high.

Table 2: Data on reported cases of domestic violence to DOVVSU

	2011	2012	2013
Defilement	1,168	1,111	1,223
Rape	370	290	312
Incest	15	18	26

¹³ Human Rights Watch, 2012. " Like a death sentence" Abuses against Persons with Mental Disabilities in Ghana
¹⁴ Ghana News Agency www.ghananewsagency.org accessed on 28th September, 2014

Non-maintenance	5,797	6,107	5,797
Threatening	1,474	120	1,097
Assault	5,382	746	2,795
Abortion	88	15	42
Compulsion of marriage	16	11	21

Source – Domestic Violence Secretariat, 2014

31. The Ghana Police Service currently has 102 Domestic Violence and Victim Support Units across the country with training for officers of the Unit being undertaken by the UNFPA to enhance their knowledge and capacity in using the Domestic Violence Act. Yet, these Units are being weakened by challenges including regular transfer of officers (who have been trained), lack of logistics to provide immediate care for victims of violence, prosecutors have inadequate skills to ensure proper prosecution for convictions, and some of the units are not functioning. A Domestic Violence Management Board which under the 2007 law is to help reduce the high prevalence of domestic violence was inaugurated in August, 2014, and a Fund to help victims of violence has to date not been functioning. Victims of violence continue to bear their medical bills. With one 3 shelters in the country the Police are unable to protect many victims of abuse.
32. It should be noted that sustained public education and engagement with traditional leaders can lead to changes.

Success story – Traditional leaders modify customary practices that discriminate against women in South Dayi District in Ghana

In some communities in the South Dayi District, persons who are declared witches are prevented from being buried in the communities where they have lived all their wives. The corpses of the ‘witches’ are dragged on the ground, often leading to mutilated bodies, for a considerable distance to a designated spot at the outskirts of the community where the body is burnt.

WiLDAF Ghana has for the past year been implementing a legal literacy project in the district which includes several meetings with traditional leaders to educate them on human rights, gender and Ghana’s family laws. Through these interactions, the chiefs have abolished this customary practice.

In a related development, the duration for widowhood rites have been reduced from one year to three months. The traditional leaders are considering modifying other customary rites, many of which discriminate against women and girls.

ARTICLE 6: TRAFFICKING AND PROSTITUTION

33. Ghana has been cited as a source, transit and destination country for trafficked children and women.¹⁵ Child prostitution, and possibly child sex tourism, are reported to be prevalent in the Volta Region and is growing in the oil-producing Western Region. Further, many children trafficked end up as domestic workers whose human rights are violated with many working without contracts. In 2011 although four hundred and eighty two cases of trafficking were recorded, there were only six prosecutions and four convictions.¹⁶ And in 2012, Government initiated 91 investigations and convicted 29 traffickers. In 2013, 75 investigations were initiated; five prosecutions conducted, and only three convictions of trafficking offenders secured.¹⁷
34. To date the legislative instrument to implement the Human Trafficking Act has not been approved by Parliament. Efforts to protect victims of trafficking continue to decrease. For instance in 2013, the Anti-Human Trafficking Unit identified 262 victims including children, but was only able to send 33 victims to government and NGO-run facilities for protective care. Non-functioning State shelters means that trafficked women are unable to receive protection from the State. The TIP Report also states that there are no formal procedures employed by the government to identify victims among vulnerable groups, such as women in prostitution or children at work sites.

ARTICLE 7: WOMEN IN POLITICAL AND PUBLIC LIFE

35. Ghana's system of Government provides several opportunities for quotas to encourage and promote the political participation of women. However, the reality has not matched the rhetoric contained in the manifestoes of the various political parties and the country's obligations under national and international law. The Manifestoes of almost all the political parties in the country have at the minimum, declared intent of promoting women's political participation.

¹⁵ Trafficking in Persons Report, 2013 sourced from <http://www.refworld.org/docid/5cf3bc53.html> accessed on August 27, 2014

¹⁶ Trafficking in Persons Report, 2011

¹⁷ Trafficking in Persons Report, 2013

36. It is commendable that the two main political parties decided to reduce by 50%, the filing fees for female aspirants for Presidential and Parliamentary elections. However, given the amount of money involved, only a few women could realistically afford to pay to participate in the contest. For instance, in 2010 the New Patriotic Party (NPP) required aspirants to pay GH¢ 6000 (USD 1,578). Sitting Members of Parliament were also required to pay an additional GH¢ 10,000 (USD 2,631). This means that a female MP who wanted to contest again had to pay GH¢ 8000 (USD 2,105). New female contestants had to pay GH¢3000 (USD 789). The filing fees of the National Democratic Congress (NDC) was GHC ¢2000 (USD 526) and women were requested to pay GHC 1000 (USD263). Towards the 2016 elections, the New Patriotic Party requested persons vying for the flag-bearer position to pay GHC85,000 (US\$22,368).¹⁸ These amounts are high as many women still suffer significantly greater financial challenges than their male counterparts. Therefore, for women who are not economically independent, the cost of contesting, even if reduced, remains a significant obstacle to their political ambitions.
37. Systemic structural challenges have also affected women’s participation in politics. For instance, when the 2010 district assembly and unit committee elections were postponed by the Electoral Commission due to logistical challenges, it undoubtedly affected all candidates. However, women aspirants bore the brunt because of the peculiar challenges they were confronted with. The cost of transporting polling agents to the polling stations only to have the elections postponed created additional costs for the candidates. Some women aspirants were discouraged by their husbands from contesting.
38. Additionally, there are several areas where the differences in percentages of male/female elected maybe indicative of the presence of other environmental factors which militate against women presenting themselves for election. For instance, the low percentage of women elected per total contestants in the Northern Region is a reflection of the strong patriarchal ideology in the northern part of Ghana which perpetuates women’s subordinate status and discourages them from participating in an arena that is traditionally male dominated.
39. Although numbers alone are not necessarily the solution to women’s representation in politics, it is both a reflection of the Government’s commitment and an inroad into male dominated spheres. The tables below therefore provide a standard for measuring the State Party’s commitment to female participation in decision-making.

Table 3: Metropolitan, Municipal and District Chief Executives (MMDCE) in 2014

Region	Total number of districts	Number of female	% of women
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¹⁸ Exchange rate of US\$1 to GHC3.8

		MMDCEs	
Ashanti	30	1	3.33%
Brong-Ahafo	27	3	11.1%
Central	20	2	10%
Eastern	27	1	3.7%
Greater Accra	16	1	6.25%
Northern	26	0	0%
Upper East	13	2	15.4%
Upper West	11	1	9.10%
Volta	25	5	20%
Western	21	1	4.76%
Total	216	17	7.87%

Source: Compiled from various sources including newspaper reports and www.ghanadistricts.com accessed on 28th August, 2014

Table 4: Heads of Ghana Missions Abroad

Region of Mission	Total heads of mission	No. of female heads of mission	%
West Africa	10	2	20%
North Africa	4	0	0%
East and Central Africa	5	1	20%
Southern Africa	4	0	0%
Middle East & Asia	9	2	22%
Americas & the Caribbean	5	0	0%
Europe	13	6	46%
Total	50	11	22%

Source: Publication by Ministry of Foreign Affairs of names of heads of Ghana Missions abroad

Table 5: Members of the Executive, Ghana

Position	No. of Men	No. of Women	Vacant	Total	% of Women
Presidency	2	0	0	2	0%
Council of State	21	3	1	24	12%
Sector Ministers	16	7	0	23	30.4%

Ministers of State without Portfolio (Office of President)	4	1	0	5	20%
Deputy Sector Ministers	26	8	0	34	23.53%
Regional Ministers	9	1	0	10	10%
Deputy Regional Ministers	8	2	0	10	38%
Total	86	22	1	108	25.58%

Source: Drawn From Data on Members of Ghana's Parliament Available at www.ghana.gov.gh accessed on 27/08/2014)

40. A significant number of the positions above (Ministers of State, MMDCE and Ambassadors) are appointments made by the President in consultation with legally prescribed bodies. This means that there is opportunity to make significant strides to meet at least the 40% quota in the affirmative action policy guideline by appointing more females into executive positions¹⁹

41. The Local Government Fund by the State Party in 2006 did not receive adequate funds even from the State party to effectively support women in the district assembly elections. In the 2010 district assembly elections, the Fund was not revived. The next district elections are expected to come off in 2014 yet it is not clear whether the State will provide any financial support to women to compete in the elections.

42. It is expected that the affirmative action bill if it becomes law would undoubtedly enhance participation of women in public and political life. It is important to note that delays are usually associated with laws that seek to promote women's rights (the process towards the Domestic Violence Act took 7 years from its introduction to passage, the Property Rights and new Intestate Succession bills have been in and out of Parliament since 2010). Further, there is dissent to quotas to increase women in political positions by segments of the public and a lukewarm attitude of State agencies to comply with Cabinet or ministerial directives for quotas to appoint women into local assemblies.

ARTICLE 10: WOMEN AND EDUCATION

43. Despite gains made, many girls are unable to transition from junior high to senior high schools because of challenges relating to quality of education particularly in rural and deprived areas. Too many girls fail the basic certificate education examination each year.

¹⁹ Information obtained from different sources including a collation from newspapers and the Ghana Districts homepage which is available at <http://ghanadistricts.com/home>. Information on the number of ambassadors was obtained from an official of the Policy Planning Monitoring and Evaluation Bureau of the Ministry of Foreign Affairs.

Teenage pregnancy truncates girls' education though there is a policy to allow girls to continue education. Early and forced marriage also affects girls' education.

44. Weekly media coverage by TV3 supported by Star Ghana has shown significant infrastructural deficit in respect of water and toilet facilities. 27% of children aged 5-14 years are currently economically active. The proportion of the economically active children in rural areas (31%) is more than twice as high as their urban counterparts (13.5%). 14.3% of girls work in the urban areas within the age bracket compared to 12.6% for boys.²⁰ The large number of children out of school suggests that free compulsory universal basic education (FCUBE) as guaranteed in the 1992 Constitution is not working. More than one-third (35.6%) of the employed population have never attended school with a little over 22.7% attaining primary education. 43% females have never attended school compared to 27.7% employed males.²¹ 13% of boys compared to 3% of girls have access to secondary education resulting in just over 30% of secondary education in rural areas.

ARTICLE 12: HEALTHCARE AND FAMILY PLANNING

45. The HIV AIDs prevalence rate has continued to decline over the years. It declined from 2.9 in 2009 to 1.37 in 2012.²² It is worrying that out of the 225,478 HIV infected persons in 2012, women constituted 125,141.²³ It is reported that in Ghana, the risk of a woman living with HIV transmitting the disease to her child has reduced from 31% in 2009 to 9% (7% - 11%) in 2012.²⁴ Yet only 50% of women know that mother-to-child transmissions can be reduced if an infected mother takes special drugs.²⁵
46. Though HIV/AIDS prevalence rates are dropping, infections among girls and women is increasing. There are socio-cultural underpinnings which include (a) widow inheritance, (b) fear of being labelled 'barren' therefore women continue to have sexual relations with husbands even if they know the men are infected (c) poor negotiation skills for safe sex (d) lack of knowledge on sexual and reproductive rights among women and (e) acceptance of male promiscuity within the confines of marriage and polygamy.²⁶
47. According to the Ghana Shared Growth and Development Agenda Report (2010 - 2013) the doctor patient ratio in 2012 was 1: 10,452 patients and nurse patient ratio was 1:

20 Ghana Living Standards Survey (GLSS) 6, Ghana Statistical Service, 2012/13

21 GLSS 6

22 Ghana Country AIDS Progress Report, 2012

23 See UNAIDS Countries – Ghana. Available at <http://www.unaids.org/en/regionscountries/countries/ghana/>. (Last accessed on 28 August, 2014).

24 UNAIDS 2013 Global Aids Report

25 Ghana Statistical Service (GSS), Ghana Health Service (GHS), and ICF Macro. 2009. Ghana Demographic and Health Survey 2008, Accra, Ghana: GSS, GHS, and ICF Macro, p. 243

26 National Study on Gender Norms, Domestic Violence and Women's Vulnerability to HIV/AIDS, 2009, Gender Studies and Human Rights Documentation Centre. Published by Unik Image Publishers.

1,251 patients with geographical variations. In the Upper East Region the doctor patient ratio was 1: 39,697 and Upper West Region was 1:40,502. The Report further states that the total number of midwives in the country declined marginally from 4,034 in 2011 to 3,863 which has implications for maternal mortality. Ratio of pharmacists is 1:12,500 people above the World Health Organisation accepted rate of 1 pharmacist to 2000 people.

48. On maternal health, the Government of Ghana has put in place several policies and programs to promote safe pregnancies and deliveries. Lack of access to health facilities and the paucity of qualified trained personnel in the country contribute to the high maternal mortality rates in the country. The situation is worse outside of the capital cities of Ghana where geographical differences in the availability of services mean that those in the periphery receive less information and care. For instance, in the Northern region, only 25% of children are likely to be delivered in a health facility whilst in Greater Accra, 80% are likely to be delivered in such facilities. Again, the lack of access to basic laboratory services especially in the Northern and Upper West Regions has negative implications on the overall quality of antenatal health available to women in the regions.²⁷
49. Despite the efforts being made, several challenges still exist in the area of maternal health. It is estimated that 8% of all hospital admissions of pregnant women are for cases of malaria infection. Whilst there was an increase in the number of pregnant women using Insecticide Treated Nets (ITN) from 46.3% in 2006 to 52.5% in 2007, there was a significant decrease to 30.2% in 2008.²⁸ Other preventive measures such as ensuring proper waste disposal and construction of drainage systems need to be scaled up to eliminate the collection of stagnant water which provides breeding places for mosquitoes.
50. Post-partum haemorrhage is the largest single cause of maternal mortality in Ghana. However only 10% of hospitals have a blood bank which meets the minimum standards and it is estimated that due to the lack of funds for the implementation of the strategic plan to enhance blood availability through the establishment of an effective National Blood Agency, it may take years to correct or improve this position.²⁹
51. The 2008 Demographic and Health Survey³⁰ indicates that knowledge of some form of contraceptive method is universal in the country. It is also noted that knowledge of contraceptive use is much lower among women in the rural areas than in the urban areas.

27 Ghana Millennium Development Goals Report, 2010, p 35

28 Economic Commission of Africa, "MDGs Based Planning in Africa: Lesson, Experiences and Challenges A case Study for Ghana; Millennium Development Goals Report", 2010

29 Ministry of Health, "Pulling Together, Achieving More", Independent Review Health Sector Programme of Work 2008" Draf, 2009 p. 26

30 Ghana Statistical Service (GSS), Ghana Health Service (GHS), and ICF Macro. 2009. Ghana Demographic and Health Survey 2008. Accra, Ghana: GSS, GHS, and ICF Macro p. 79

Myths and death are some reasons preventing women from using contraceptives in some rural areas.

52. Teenage pregnancy remains a major problem in Ghana. The Ghana Health Service Report in 2012 indicated that 750,000 teenagers between the ages of 15 and 19 became pregnant while a World Bank survey showed that 10 per cent of maternal deaths in the country were as result of unsafe abortion with 13.8 per cent of pregnant women being teenagers.³¹ In addition, thousands of girls, mainly from the three poorest regions of Ghana migrate to commercial cities as ‘*kayayei*’ (female porters). These girls have never been to school or are out of school; they live in slums or sleep on the streets where they face health risks including malaria, sexually transmitted diseases, sexual abuse and teenage pregnancy. The Ghana Police Service reports show defilement as one of the highest reported cases yet there are few convictions of perpetrators. Victims are not able to access post-exposure prophylaxis in public health facilities which has to be taken within 72 hours after the sexual abuse.

Table 6: Reported cases on defilement and early marriage to DOVVSU

	2010	2011	2012	2013
Defilement	981	1,168	1,111	1,228
Forced marriage	21	16	11	21

Source: DOVVSU, 2014

Table 7: Cases of Defilement

Year	Number of Cases	Convictions
2009	235	11
2010	981	48
2011	1,168	87
2012	1,111	29

Source: DOVVSU, 2014

53. Although there is a policy on Adolescent Reproductive Health, programmes on reproductive health education is not reaching many schools across the country. The high

³¹ www.modernghana.com/news/483353/1/civil-society-calls-for-removal-of-taxes-on-condoms.html accessed on 7/9/14.

teenage pregnancy rate is indicative that adolescents are not receiving information that focuses on life skills in addition to reproductive health education.

54. Victims of abuse require counselling in addition to medical help yet there are very few clinical psychologists in the country. Doctors are not referring victims of abuse to clinical psychologists even within the hospitals which have such specialists. In addition, social workers are not been used in hospitals. Changes in attitudes of health workers could contribute to reducing maternal mortality.
55. In 2013, Ghana introduced a policy to put taxes on condoms which according to segments of the populations is a disincentive to the prevention of HIV/AIDS, early and multiple pregnancies and reduction of maternal mortality.
56. Persons with disability have major challenges accessing health. Health facilities do not have sign language interpreters to assist persons with hearing difficulties.

ARTICLE 14: RURAL WOMEN

57. Rural women in many communities do not have access to basic amenities such as electricity, potable water, and health care. Many are illiterate and so are ignorant of policies and laws made by the State party to protect their rights.
58. Although the system of government has been decentralised, due to illiteracy, lack of confidence and lack of financial support, many rural women are unable to participate in the local government elections. Despite the informal social security system, many rural women are not part of the Scheme.
59. There is a wide difference in rural and urban communities regarding access to improved sanitation. While urban population without access to improved sanitation has decreased by 50%, the rural population without access to improved sanitation has increased by about 6%.³²
60. In rural areas, only 29% of women are literate compared to 52% of men. Vocational training which is popular among the rural self-employed of which 81% are women yet this training for women often consists of domestic activities in agricultural processing and not in an increased access to agricultural extension or other initiatives that increase their literacy and marketing skills. Survey.³³ This trend is a reflection of the low participation of women in decision making as it was not even captured in the Survey.

32 NDPC/UNDP, Achieving the MDGs with Equity in Ghana: Unmasking the issues behind the averages, A technical paper, 2012

33 FAO, Gender Inequalities in Rural Employment in Ghana – An Overview, prepared by the Gender, Equity and Rural Employment Division of FAO, 2012

61. The agricultural sector is the main employer for rural women, however, the ratio of women farmers to agriculture extension officers is 1:1500 compared to the ideal ratio of 1:600.

ARTICLE 15: EQUALITY BEFORE THE LAW

62. Despite efforts by the state to ensure women and men access justice, there are many challenges confronting women in accessing justice. Recent upward revision of filing fees by the Judicial Service and current legal fees pose a challenge to women using the court system. For instance the maximum legal fee for a matrimonial matter in the Circuit and High Courts is between GH¢5,000 and GH¢15,000 (US\$1,298 – 3,947) and for probate and letters of administration is GH¢5,000 for estates of up to GH¢100,000 (USD.26,316).³⁴ However, a greater number of litigation is conducted in the lower courts by the relatively weaker and financially disadvantaged, a category which most women fall within.³³ The challenge would arise where a woman is dissatisfied with a lower court decision and would have to live with that decision because appealing the decision would move her to a higher court where the legal fees are quite restrictive. The high legal fees in the superior courts have negatively impacted on the development of women's rights as women's cases hardly travel to the Supreme Court. Further, the only Human Rights Court, a division of the High Court, are situated in the national capital.

63. Cyber-based gender violence or publication of obscene material under the Criminal Offences Act is now being perpetrated against women. Recently, there have been circulation and posting of videos and pictures of women in sexual acts on the internet and other means of communication including WhatsApp platforms without their consent. In July, 2014, sex videos of 30 women living in Tamale in the Northern Region were posted on the internet. A similar incident was reported a few years ago in Aburi in the Eastern Region which resulted in some of the women who were married allegedly committing suicide. In the incident in Tamale, the chief is reported to have declared that the ladies should be banished from the town, and two of them who are employed should be dismissed.³⁵

ARTICLE 16: MARRIAGE AND FAMILY LIFE

64. The plural legal system creates contradictions in the enjoyment of some rights in the private arena such as property rights during marriage, at divorce and at death. This situation is exacerbated by challenges posed by high levels of illiteracy among women as well as the interpretation and application of laws under the plural legal system in Ghana.

³⁴ Scale of Fees of Ghana Bar Association adopted in 2011

³³ Chief Justice address to twenty-eight (28) newly sworn in district magistrates on May, 15, 2014, see www.judicial.gov.gh/index.php/news-updates/77-2014-05-15-10

³⁵ "Banish girls in Tamale sex tape" reported at <http://www.ghanaweb.com> accessed on 15th August, 2014

65. Despite a gender neutral law (Intestate Succession Law) which allows children to inherit property, in some communities women (widows and daughters) are not allowed to inherit land. So, while they may have use rights, they may not have control and transfer rights which mean they cannot decide how the land should be used and cannot sell or lease the land. The inability to inherit land affects their ownership and access to title which is needed for accessing credit facilities. It is therefore unsurprising that in some community's women remain subsistence farmers, engaged mainly in food crop rather than cash crop farming.
66. Although cohabitation is not recognised under the laws of Ghana, several people are in such unions and are recognised by their families and communities. Although the law recognises the children of such unions and makes provisions for them to benefit from their father's property, the woman would usually not be allowed to inherit the man even if they had jointly acquired property.
67. In 2012 the Supreme Court decided that spouses were entitled to equal share of property acquired during the subsistence of the marriage. The equality principle in the groundbreaking case of *Mensah v. Mensah*³⁶ was re-affirmed in the 2013 case of *Arthur v. Arthur*³⁷. In both cases, women's reproductive work was acknowledged which entitled them to half of whatever was acquired during the marriage irrespective of their financial contribution. This feat was achieved under the leadership of the first female Chief Justice, buttressing the point that when women are put in leadership positions, they better the lives of fellow women. The Supreme Court in pronouncing judgment made reference to CEDAW stating that

“Ghana is also a signatory to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). For example, article 1 of CEDAW, provides a definition of discrimination as follows:-“*For the purposes of the present convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*”

Furthermore, Article 5 of CEDAW adds a key concept to international equal protection analysis; the need to eradicate customary and all other practices which are based on the idea of the inferiority or the superiority of the sexes or on stereotyped roles for men and women.

36 *Mensah v. Mensah*, S.Ct, Civil Appeal No. J4/20/2011
37 Civil Appeal - J.4/19/2013

On the basis of the above conventions and treaties and drawing a linkage between them and the Constitution of 1992, it is our considered view that the time has indeed come for the integration of this principle of “*Jurisprudence of Equality*” into our rules of interpretation such that meaning will be given to the contents of the Constitution of 1992, especially on the devolution of property to spouses after divorce.

Using this principle as a guide we are of the view that it is unconstitutional for the courts in Ghana to discriminate against women in particular whenever issues pertaining to distribution of property acquired during marriage come up during divorce. There should in all appropriate cases be sharing of property on equality basis”.

68. Regrettably, outside the courts, property sharing at divorce under customary law before the family has not advanced beyond the fact that the responsibility of the man is to provide for his family, and the responsibility of the woman is to support the work of the man by taking care of the household and the children. As such, since the property being acquired by the family throughout the marriage is being acquired for the ultimate benefit of the children of the marriage, there is no reason for the woman to expect to obtain any right to the property upon the termination of the marriage.
69. In a recent survey conducted by WiLDAF Ghana from four regions in Ghana, all of the interviewees indicated that there is a great deal of flexibility and subjectivity to the decisions made by the traditional leaders when it comes to the property rights of spouses. There are no set rules or precedents and certainly no reference is made to the rights of the parties under the Constitution. Rather, every situation is weighed on its own merits and will, sometimes, take into consideration whether either party has a good or bad relationship with the family of the husband, and also whether the woman is thought to be of good or bad character. Essentially, the idea conveyed was that if the woman brought the divorce on herself by her poor or disrespectful behaviour, there was a far lesser chance she would be awarded any particular share in the marital property. However, if the woman was of good reputation and was not seen as having brought the divorce on herself through her behaviour; then there may be cause to compensate her for her contribution to the marriage.
70. Despite the Children’s Act prohibiting early marriage, the prevalence rates are worrying. Ghana Demographic Health Survey in 2008 indicated that about 25% of the women aged 20-24 were married or were in unions before age 18. Currently, the statistics show that the following percentages of girls are married before the age of 18 (by Region): Upper East (39.2%), followed by Western Region (36.7%), Upper West (36.3%), Central

(31.2%), Ashanti (30.5%), Volta (29.3%), Brong Ahafo (29.1%), Northern (27.4%), the Eastern Region (27.2%), and the lowest in Greater Accra (12.2%).³⁸

71. The property rights of spouses bill contains provisions that distribute property in polygamous relations meaning that despite CEDAW Recommendation 21, and the Constitutional provision on non-discrimination on the basis of gender as well as Ghana's ratification of the Maputo Protocol on Women, the State is not demonstrating that it is taking measures to address polygamy in line with CEDAW.

CONCLUSION

This Shadow Report has highlighted the gains made as well as the challenges in ensuring that the rights of women are enhanced. In spite of legislation, programmes as well as administrative structures put in place by the State Party to ensure realization of women's rights, it is very evident that the gains made have not done much in altering in positive or fundamental terms the lot of women in Ghana.

The report identifies a number of reasons for the current state of affairs including the lack of political will, the plural legal system, inadequate funds for State agencies to operate, human resource constrains and the insufficient sustained education on women's rights. The challenges outlined notwithstanding, it is important to commend the State Party for collaboration with civil society organisations in its efforts at meeting its commitments under CEDAW.

In terms of next steps, it is important to continue the active coordination and collaboration amongst various actors working directly or indirectly on enhancing women's rights with the overall aim of harnessing resources as well as avoiding duplication and wastage of scarce resources. The report refers to a few laws that retard the progress of promoting women's rights and bills that must be passed into law. There is therefore the need to act with dispatch to repeal and or amend such legislation, and to pass those in the offing.

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