



COUNTRY OF ORIGIN INFORMATION REPORT

GHANA

DATE 30 SEPTEMBER 2010

COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

- i This Country of Origin Information (COI) Report has been produced by the COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 19 September 2010. The report was issued on 30 September 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links are provided. The Report is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents though COIS will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted

- text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 30 asylum intake countries. Reports on countries outside the top 30 countries may also be published if there is a particular operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to UKBA as below.

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI

material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>

- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to countries designated or proposed for designation to the Non-Suspensive Appeals (NSA) list. In such cases, the Group's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Latest news

USEFUL NEWS LINKS AND SOURCES

BBC News <http://news.bbc.co.uk/>
 UNHCR Refworld
<http://www.unhcr.org/refworld/publisher,UNHCR,COUNTRYPOS,,,0.html>
 ECOI.net <http://www.ecoi.net/>
 Canadian Immigration and Refugee Board, National Documentation Packages
http://www2.irb-cisr.gc.ca/en/research/ndp/index_e.htm?id=1140
 GhanaWeb <http://www.ghanaweb.com/>
 Afrol news www.afrol.com

EVENTS FROM 1 SEPTEMBER TO 19 SEPTEMBER 2010

19 September A truck carrying mourners to a funeral veered off a road and crashed in northern Ghana at the weekend, killing 25 people with another 103 having to be hospitalised, police said Sunday.

AFP, 25 mourners killed in Ghana road crash, 19 September 2010

<http://www.google.com/hostednews/afp/article/ALeqM5jdclvE4Lrnz3G83PmMAMro-Fc93g>

Date accessed 19 September 2010

See section on [Freedom of Movement within Ghana](#)

16 September Commissioner of the Commission on Human Rights and Administrative (CHRAJ), Justice Emile Short, says unhealthy signals picked from recent by-elections in the country pose a great threat to Ghana's fragile democracy.

Myjoyonline, Rwanda genocide can happen in Ghana, Emile Short warns, 16 September 2010

<http://news.myjoyonline.com/politics/201009/52293.asp>

Date accessed 21 September 2010

See sections on [Political Affiliation](#) and [Ethnic Groups](#)

13 September The U.S. government and the chocolate industry pledged \$17 million on Monday to help end child labor - some of it forced and dangerous - in two African countries (Ghana and Ivory Coast) where much of the world's cocoa is grown.

McClatchy Newspapers, U.S., industry pledge millions to end child labor in cocoa harvests, 13 September 2010

<http://www.kansascity.com/2010/09/13/2221137/us-industry-pledge-millions-to.html>

Date accessed 21 September 2010

See section on [Child Labour](#)

10 September Officials say 17 people in Ghana have died after neighboring Burkina Faso opened the spillways of a dam that was filling amid heavy rains.

Associated Press, Ghana: 17 dead after dam spills in neighbor nation, 10 September 2010

<http://www.google.com/hostednews/ap/article/ALeqM5ifG4w0POgOMaugadha4xq2MHCwoAD9I510001>

Date accessed 21 September 2010

See section on [Geography](#)

- 4 September The Ghana Media Advocacy Programme (G-MAP), a child rights non-governmental organization (NGO), has called on individuals, organisations and Government to consider children as the country's most valuable asset, and take concrete steps to ensure their safety, welfare and development.

Peacefm, NGO calls on Ghanaians to ensure safety and development of children, 4 september 2010

<http://news.peacefmonline.com/social/201009/78479.php>

Date accessed 21 September 2010

See section on [Children](#)

- 3 September Ghana is one of the few African countries likely to reduce poverty by half ahead of the Millennium Development target of 2015.

Joyonline, Ghana on course for MDGs, 3 September 2010

<http://news.myjoyonline.com/news/201009/51690.asp>

Date accessed 21 September 2010

See section on [Economy](#)

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Background information

1. GEOGRAPHY

- 1.01 Europa World Online, accessed 31 March 2010, noted in their Ghana Country Profile that “The Republic of Ghana lies on the west coast of Africa, with Côte d’Ivoire to the west and Togo to the east. It is bordered by Burkina Faso to the north...The capital is Accra.” [1a] (Location, Climate, Language, Religion, Flag, Capital) The same source noted that the area of Ghana covered 238,537 sq km. [1a] (Area and Population). Other prominent cities are “Kumasi, Tema and Sekondi-Takoradi.”(United States Department of State (USSD) Background Note, March 2010) [2a] (People)
- 1.02 The population was estimated to have been 24.9 million in 2009. (Central Intelligence Agency World Factbook, profile of Ghana, updated 21 March 2010) [2a] “Ghana’s population is concentrated along the coast and in the principal cities of Accra and Kumasi”. (USSD Background Note, March 2010) [2a] (Geography)
- 1.03 Europa World Online, accessed 31 March 2010, stated in their Ghana Country Profile, “English is the official language, but there are 10 major national languages (each with more than 250,000 speakers), the most widely spoken being Akan, Ewe, Mole-Dagomba and Ga. Many of the inhabitants follow traditional beliefs and customs. Christians comprise an estimated 69% of the population”. [1a] (Location, Climate, Language, Religion, Flag, Capital)
- 1.04 The Central Intelligence Agency World Factbook recorded the main religions “Christian 68.8% (Pentecostal/Charismatic 24.1%, Protestant 18.6%, Catholic 15.1%, other 11%), Muslim 15.9%, traditional 8.5%, other 0.7%, none 6.1% (2000 census)” [3a] (Religion)
- 1.05 A list of statutory holidays can be found on the Ghana Government’s official website, which can be accessed via the following link:

<http://www.ghana.gov.gh/index.php>

[48]

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1.06 Map UNHCR Cartographic Section, February 2005. [37a]

1.07 The Perry Castaneda library map collection contains a series of Ghanaian maps <http://www.lib.utexas.edu/maps/ghana.html>

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2. ECONOMY

- 2.01 The US Department of State *Background Note* (USSD Background Note) on Ghana, dated March 2010, observed that:

“GDP [Gross Domestic Product] (2008): US\$16.124 billion.

Real GDP growth rate (2008): 7.2%.

Per capita GDP (2008): US\$716.

Inflation rate (consumer prices, Government of Ghana data as of Aug. 15, 2009): 19.48%.” [2a] (Economy)

- 2.02 The Central Intelligence Agency (CIA) *World Factbook, profile of Ghana*, updated 24 March 2010, summarised the economy as follows:

“Well endowed with natural resources, Ghana has roughly twice the per capita output of the poorest countries in West Africa. Even so, Ghana remains heavily dependent on international financial and technical assistance. Gold and cocoa production, and individual remittances, are major sources of foreign exchange. Oil production is expected to expand in late 2010 or early 2011. The domestic economy continues to revolve around agriculture, which accounts for about 35% of GDP and employs about 55% of the work force, mainly small landholders...Sound macro-economic management along with high prices for gold and cocoa helped sustain GDP growth in 2008 and 2009.” [3a] (Economy)

- 2.03 The US Department of State *Country Report on Human Rights Practices 2009: Ghana*, published 11 March 2010, stated, “The daily minimum wage of 2.65 cedis (\$1.85) during the year did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law in the formal sector and there was no official minimum wage for the growing informal labour force. In most cases households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities.” [2b] (Acceptable Conditions of Work)

- 2.04 The World Bank, in their Ghana Overview, undated, (accessed 6 April 2010) stated:

“While all main income groups—from the poorest to the richest—have benefited from the economic expansion since the beginning of the 1990s, the gains by the poorest were much lower than those of the rest of society... Women continue to earn much less than men, and poor women are the most economically vulnerable. While all regions saw gains in incomes and a reduction in poverty, these gains and poverty reduction were much less pronounced in the North of Ghana.” [5a]

- 2.05 The same source also commented on foreign aid, “Ghana now receives annually approximately \$1 billion in various forms of aid, and aid is now more effective than in the past. A lot of aid went into some key sectors such as roads and as a result, the quality of roads in Ghana now is much better. Also, donors are now ‘harmonizing’ aid among themselves and are closely aligning it to Ghana’s social and economic priorities.” [5a]

- 2.06 XE.com (accessed 8 September 2010) stated that the exchange rate was £1 = 2.25 Ghana Cedis. [4a]

See also [Section 4.04 Recent Developments](#)

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3. HISTORY

This section provides a brief account of Ghana's recent history to provide context for users.

INDEPENDENCE (1957) TO 2000

- 3.01 Freedom House, *Freedom in the World 2010 Country Report on Ghana*, published on 24 June 2009, covering events in 2009, noted that:

"Ghana achieved independence from British rule in 1957. After the 1966 ouster of its charismatic independence leader, Kwame Nkrumah, the country was rocked for 15 years by a series of military coups. Successive military and civilian governments vied with one another in both incompetence and dishonesty.

"In 1979, air force officer Jerry Rawlings led a coup against the ruling military junta, and although he returned power to a civilian government after a purge of corrupt senior army officers, he seized power again in December 1981. Rawlings's new administration proved to be brutally repressive, banning political parties and quelling all dissent. In the face of a crumbling economy and political protests, he eventually agreed to legalize political parties and hold elections in the late 1980s. However, the elections were considered neither free nor fair, and Rawlings and his National Democratic Congress (NDC) party remained in power. The 1996 elections were generally respected at home and abroad, though Rawlings and the NDC again retained their positions.

"In 2000, free and fair presidential and parliamentary polls led to a peaceful transfer of power from Rawlings (who was forced to step down due to term limits) and the NDC to opposition leader John Kufuor and his New Patriotic Party (NPP)..." [6d]

ELECTIONS AND POLITICAL DEVELOPMENTS SINCE 2000

- 3.02 The US Department of State *Background Note* (USSD Background Note) on Ghana, dated March 2010, observed that:

"In December 2004, eight political parties contested parliamentary elections and four parties, including the NPP (National Patriotic Party) and NDC (National Democratic Congress), contested presidential elections...Despite a few incidents of intimidation and minor irregularities, domestic and international observers judged the elections generally free and fair...John Agyekum Kufuor was re-elected president with 52.45% of the vote against three other presidential candidates, including former Vice-President John Atta Mills of the NDC. Thirty constituencies were created in the period between the 2000 and 2004 elections, resulting in a 230-member Parliament." [2a] (**The Fourth Republic**)

- 3.03 The Freedom House *Freedom in the World 2009 Country Report on Ghana* published on 24 June 2009, noted that:

“Ghana’s presidential and parliamentary elections in December 2008 were widely praised as a successful democratic transfer of power. The opposition National Democratic Congress (NDC) candidate, John Atta Mills, narrowly defeated the candidate of the ruling National Patriotic Party (NPP), Nana Akufo-Addo, in a presidential runoff vote on December 28. Power similarly transferred hands in the parliament as the NDC secured 114 seats against the NPP’s 107. There were problems with voter registration early on, and both parties reported minor instances of electoral fraud, although all were eventually dismissed by the Electoral Commission. Nevertheless, sporadic violence erupted between supporters of the two main parties and rival ethnic groups in the north throughout the year.” [6a]

- 3.4 Europa World Online noted:

“In early January 2009 Mills temporarily appointed several ministers to key portfolios pending the nomination and approval of a full cabinet later that month. In mid-February an initial 11 ministers were sworn in to their roles in the new administration, including Dr Kwabena Dufuor as Minister of Finance and Economic Planning and Cletus Avoka as Minister of the Interior, while Betty Mould Iddrisu was named as the first female Attorney-General and Minister of Justice. Later that month a number of other ministers were inaugurated, including Lt-Gen. (retd) Joseph Henry Smith as Minister of Defence; 10 new regional ministers were also appointed. By mid-March several of those who had been proposed as ministers were still undergoing vetting procedures, and the total number of ministers and deputy ministers had reached 75, despite the abolition of the ministries of aviation, public sector reform, parliamentary affairs, fisheries and national security.

“The Minister of Health, Dr George Sepa Yankey, and the Minister of State at the Presidency, Seidu Amadu, resigned in early October 2009 following allegations that they had accepted bribes from a British construction company, which had the previous month been ordered by a British court to pay fines of more than US \$7m. for offering illegal payments to officials in Ghana in the 1990s. President Mills subsequently appointed Benjamin Kunbour and Joseph Nii Laryea Afotey Agbo as Minister of Health and Minister of State at the Presidency, respectively. An investigation into the conduct of the two former ministers was to be held.

“In January 2010 President Mills inaugurated a nine-member Constitution Review Commission, chaired by Prof. Albert K. Fiadjoe, which was charged with recommending changes to the 1992 Constitution for approval at a referendum proposed to be held in late 2011. Among changes believed to be under consideration were the abolition of the death penalty and the placing of a limit on the number of ministers the President was allowed to appoint. Later in January 2010 Mills carried out a reorganization of the Government. Most notably, Martin Amadu, a former Deputy Attorney-General, replaced Avoka as Minister of the Interior, while changes were also made to the information, tourism and employment and social welfare portfolios.” [1a]

INTER-TRIBAL CLASHES

- 3.05 The Freedom House *Freedom in the World 2009 Country Report on Ghana*, published on 16 July 2009, noted that:

“Intertribal clashes increased in the north during 2008. Rivalry between the Kusasi and Mamprusi tribes led to some 15 deaths and a curfew and weapons ban in the Bawku region for much of the year. In the northern Dagbon region, tension persisted between the Adani and Abudu tribes, both of which claimed to be the rightful heirs to the position of paramount chief in the region. Perceptions of allegiances between these ethnic groups and respective national political parties only served to aggravate the situation.” [6a]

- 3.06 The US Department of State *Country Report on Human Rights Practices 2009: Ghana*, published 11 March 2010, reporting on events in 2009 stated:

“As in previous years, chieftaincy disputes resulted in deaths, injuries, and destruction of property.

“On February 4, two persons were killed in the Northern Region in a land dispute between rival clans. In a separate incident in the same region, one person died and 69 houses were burned on February 6 in a dispute over ownership of a parcel of land. Police were called in to restore order. At year’s end there was no new information on these cases.

“On July 25, the Anloga chieftaincy dispute in the Volta Region became violent when a mob broke into the chief’s residence and burned his property. One arsonist died. The 18 policemen called to the scene were unable to prevent the riot.

“In Bawku, in the Upper East Region, an ongoing chieftaincy and ethnic dispute led to violent outbreaks in January, March, April, May, June, September, and November. The violence caused an estimated 15 deaths, including the Bawku district director of the Commission on Human Rights and Administrative Justice, and the destruction of property. The military and police were deployed to the region and the municipality was placed under curfew following the outbreaks. The curfew fluctuated and in December was daily from midnight until 5:00 a.m. Sixteen persons were arrested on violence-related charges. At year’s end there was no new information on the cases.

“In August two men were killed at the Kokomba Yam Market in the Agboghloshie section of Accra following clashes between rival ethnic groups that have been locked in a chieftaincy dispute in the Northern Region since 2002. In September an additional three persons were killed as a result of the same dispute. At year’s end there was no new information on these cases.”
[2b](Section 1a)

INTERNATIONAL STAGE

- 3.07 BBC News reported on 21 July 2009, in an article titled *Obama speaks of hope for Africa*, that:

“US President Barack Obama, on his first trip to sub-Saharan Africa since taking office, has said Africa must take charge of its own destiny in the world. Mr Obama told parliament in Ghana during a one-day stay that good governance was vital for development ... Ghana was chosen as the destination for the president’s visit because of its strong democratic record.

“[President Obama] ... praised Ghana's own progress, governance and economic growth, saying Ghana's achievements were less dramatic than the liberation struggles of the 20th Century but would ultimately be more significant.” [19e]

Further information on Ghana's history can be found by accessing the following links:

The Ghana government's website [48]

<http://www.ghana.gov.gh/index.php>

BBC Ghana Country Profile [19a]

http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1023355.stm

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4. RECENT DEVELOPMENTS IN 2010

Political Affiliation

- 4.1 PeaceFMonline noted on 23 July 2010, in a report called *Parliament ratifies the Africa Charter on democracy, election and governance*:

“Parliament on Thursday ratified the African Charter on Democracy, Elections and Governance which seeks to secure the gains of democratic governance in Africa.

“It seeks to entrench a culture of change of political power through the holding of regular free and transparent elections. The charter reflects these democratic traits by outlining the rights and responsibility of political parties including opposition parties.

“African Union members that accede to the charter will commit themselves to establishing and strengthening independent and impartial national electoral bodies responsible for management of elections and to ensure that there is a binding code of conduct during and after the election period.” [12c]

- 4.02 Bloomberg News reported on 8 August 2010, in an article called *Ghana's NPP chooses Akufo-Addo as its Presidential Candidate for 2012*, that, “Ghana's opposition New Patriotic Party chose Nanu Akufo-Addo, who narrowly lost the 2008 presidential election, as its candidate for 2012 yesterday.” [53a]

See also [Section 13 Political affiliation](#)

Child Labour

- 4.03 PeaceFMonline noted on 11 June 2010, in a report entitled *Ghana to eliminate child labour by 2015*, that:

“The government of Ghana has put together a National Plan of Action aimed at eliminating the worst forms of child labour in the country by 2015, a year before the stipulated deadline by UNICEF. The plan was outdoored as part of

activities marking the 2010 World Day Against Child Labour (WDACL) in Ghana.

“Leading in the implementation of the plan is the Ministry of Employment and Social Welfare (MESW) and the Ministry of Women and Children Affairs (MOWAC). Other Social Partners include the Ghana Journalist Association, International Labour Organization (ILO/IPEC).

“The plan identifies 9 activities as constituting the worst forms of child labour which ought to be eliminated within the shortest possible time. These include Child Trafficking, Fishing, Mining and Quarrying, Ritual Servitude and Commercial Sexual exploitation.” [12b]

See also [Section 23 Trafficking](#) and [Section 22.15 Child labour](#)

Economy

- 4.04 BBC News reported on 30 June 2010, in an article titled *Illegal Ghana gold mine owner arrested after collapse*:

“Police in Ghana have arrested the owner of an illegal gold mine which collapsed on Sunday after heavy rains, burying large numbers of miners. There are fears that an estimated 100 people have been killed in the accident in Dunkwa-on-Offin, central Ghana.

“[...] Multinationals operate in the country but villagers often dig their own pits or hope to strike it rich in abandoned mines. In such cases, there are few, if any, safety precautions.” [19f]

- 4.05 PeaceFMonline, in an article of 12 July 2010 called *Ghana Is Managing Economy Prudently – Says IMF Boss*, noted:

“Mr. Ishac Diwan, the Country Director of the World Bank has said Ghana is managing its economy prudently, hence the continued injection of donor funds.

“Mr Diwan, who was addressing Journalists at the Bank’s Accra Office over the weekend said the Board of Directors in June this year approved 728.7 million dollars for various programmes and projects because of the prudent and successful management of the economy.

“Already, Ghana’s economy he said is benefiting from 1, 113.8 million dollars approved by the World Bank to support her development efforts within the last 12 months.” [12d]

See also [Section 2 Economy](#)

Migration

- 4.06 GhanaWeb in an article of 10 August 2010 called *Ghana and IOM commit to address migration issues* noted:

“Ghana on Tuesday signed a cooperative agreement with International Organisation for Migration (IOM), to create a platform for IOM to address migration challenges in the country.

“Under the agreement, IOM would efficiently and effectively prosecute its agenda of offering support to migrants to and from Ghana to ensure legal migration conforms to objectives of government to secure and protect the rights of citizens.

“Alhaji Muhammad Mumuni, Minister of Foreign Affairs and Regional Integration, who initialled for Ghana, said although migration of workers, students and professionals was recognised as the current defining feature of the world, migrants of all categories, were susceptible to the abuse of their rights and privileges due to their status as non-nationals.” [22i]

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5. CONSTITUTION

- 5.01 Europa World Online, accessed 7 April 2010, noted in their *Ghana Country Profile*:

“Under the terms of the Constitution of the Fourth Republic, which was approved by national referendum on 28 April 1992, Ghana has a multi-party political system. Executive power is vested in the President, who is Head of State and Commander-in-Chief of the Armed Forces. The President is elected by universal adult suffrage for a term of four years, and designates a Vice-President (prior to election). The duration of the President’s tenure of office is limited to two four-year terms. It is also stipulated that, in the event that no presidential candidate receives more than 50% of votes cast, a new election between the two candidates with the highest number of votes is to take place within 21 days. Legislative power is vested in a 230-member unicameral Parliament, which is elected by direct adult suffrage for a four-year term. (This number was increased from 200 at the general election of December 2004.) The Council of Ministers is appointed by the President, subject to approval by the Parliament. The Constitution also provides for a 25-member Council of State, principally comprising presidential nominees and regional representatives, and a 20-member National Security Council (chaired by the Vice-President), both of which act as advisory bodies to the President.” [1a] (Constitution)

- 5.02 The Immigration and Refugee Board of Canada in their *Update on the Fourth Republic*, published 1 September 1994, gave details of the human rights provisions within the constitution:

“The constitution contains several human rights provisions, most of which are found in chapter 5 under the heading ‘Fundamental Human Rights and Freedoms’. Chapter 5 includes civil and political guarantees such as protection of the right to life and liberty, protection from slavery and discrimination, freedom of expression and assembly, and economic guarantees such as the right to ‘equal pay for equal work,’ equal access to education and the protection of cultural practices within the limits of the constitution. Chapter 5 also provides guarantees in the administration of justice, such as a 48-hour limit on detention without arraignment, provisions for habeas corpus and conditions the executive must satisfy in order to declare or maintain a state of emergency.” [7a]

- 5.03 The Constitution of the Republic of Ghana (1992) can be accessed via the following link:
<http://www.judicial.gov.gh/constitution/home.htm>
[29]

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6. POLITICAL SYSTEM

- 6.01 Europa World Online, undated, accessed 7 April 2010, noted in their Ghana Country Profile:

“Under the terms of the Constitution, which was approved by national referendum on 28 April 1992, Ghana has a multi-party political system. Executive power is vested in the President, who is the Head of State and Commander-in-Chief of the Armed Forces. The President is elected by direct universal suffrage for a maximum of two four-year terms of office. Legislative power is vested in a 230-member unicameral Parliament, which is elected by direct universal suffrage for a four-year term. The President appoints a Vice-President, and nominates a Council of Ministers, subject to approval by the Parliament. The Constitution also provides for a 25-member Council of State, principally comprising regional representatives and presidential nominees, and a 20-member National Security Council, chaired by the Vice-President, which act as advisory bodies to the President.

“Ghana has 10 regions, each headed by a Regional Minister, who is assisted by a regional co-ordinating council. The regions constitute 110 administrative districts, each with a District Assembly, which is headed by a District Chief Executive. Regional colleges, which comprise representatives selected by the District Assemblies and by regional Houses of Chiefs, elect a number of representatives to the Council of State.” [1a] (Government)

See also [Section 13 Political Affiliation](#)

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Human Rights

7. INTRODUCTION

7.01 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009) summarised 2009:

“There were deaths resulting from the excessive use of force by police; vigilante violence; harsh and life-threatening prison conditions; police corruption and impunity; prolonged pre-trial detention; forcible dispersal of demonstrations; corruption in all branches of government; violence against women and children, including female genital mutilation (FGM); societal discrimination against women, persons with disabilities, homosexual persons, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically and ethnically motivated violence; and child labour, including forced child labour.” [2b](introduction)

7.02 After the election of Professor John Evans as President in 2009, Amnesty International presented to him a list of areas of concern that it believed Ghana needed to address to boost the “human rights advances that Ghana has made over the past decades”. The list, produced on Amnesty USA’s website, identified the following human rights issues of concern:

- “Abolition of the death penalty;
 - Significant reductions in the severe level of over-crowding in Ghana's prisons and other places of detention;
 - Eradicating the widespread violence against women and legislative reforms to ensure equal rights for men and women;
 - Stopping and preventing the practice of forced evictions that have deprived hundreds of men, women and children of their homes and, in most cases, livelihoods;
 - Ending illegal detention and ensuring prompt and fair trials for the thousands of prisoners awaiting trial — often for periods longer than the maximum sentence prescribed for their alleged offence;
 - Putting an end to mob violence, which has led to the killings of dozens of people in recent times;
 - Full compliance with Ghana's international and regional human rights obligations and commitments, as explicitly set out in the treaties it has ratified.” [17d]

7.03 Jane’s Sentinel Country Risk Assessment of Ghana, Executive Summary; National Overview, updated 8 September 2009, observed that “the country [is] increasingly seen internationally as a bastion of stability in one of the world’s most volatile regions.” [8c]

For information about specific human rights issues see sections following.

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8. SECURITY FORCES

OVERVIEW

8.01 The security forces included the police service, the Bureau of National Investigations (BNI) (Jane's, *Security and Foreign Forces*, updated 4 December 2008) [8a] and the armed forces, comprised of the army, air force and navy. (Jane's, *Armed Forces*, updated 30 July 2010). [8b] The US State Department *Country Report on Human Rights Practices 2009*, Ghana, released on 11 March 2010, noted in its introductory section that "While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities". It further observed that:

"The police, under the jurisdiction of a 10-member Police Council, were responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. The Ghana Police Service is within the Ministry of Interior. A separate entity, the BNI, handled cases considered critical to state security and answered directly to the Ministry of National Security." [2b] (Section 1d)

ARMED FORCES

8.02 Jane's, *Sentinel Security Assessment - Ghana*, updated 21 August 2009, noted that the armed forces consisted of 5,800 personnel in the army with 1,000 in the navy and 2,100 in the air force. [8b] (Armed forces). The armed forces are to recruit an additional 1,200 people for training this year. (Peace FM online 4 February 2010) [12a]

8.03 The CIA World Factbook recorded on its *Military Service and Obligation* page, accessed 9 August 2010, that Ghana, as at 2010, has "18 years of age for voluntary military service, with basic education certificate; no conscription". [3b]

8.04 Jane's, *Sentinel Security Assessment - Ghana*, updated 21 August 2009, observed:

"Although Ghana's former record of military involvement in government gave rise to some concern about future political intervention, the West African country appears to have successfully reigned in its military. The Ghana Armed Forces (GAF) are now considered among the most professional in the West Africa region and have specialised in peacekeeping operations with the UN and Economic Community of West African States (ECOWAS)." [8b]

8.05 The USSD Report 2009, stated, "The military continued to participate in law enforcement activities during the year." [2b] (Section 1d)

POLICE

8.06 The Ghana Police Service (GPS) official website, undated, accessed 27 April 2010, noted that:

"The Ghana Police Service is divided into twelve administrative regions namely: Accra, Tema, Ashanti, Brong Ahafo, Eastern, Volta, Western, Central, Northern, Railways, Ports and Harbour, Upper East and Upper West Regions.

“Below the regions, there are;

“51 Police Divisions, Commanded by Divisional Commanders, 179 Police Districts Commanded by District Commanders, and 651 Police Stations and posts supervised by station officers.

“The service has manpower strength of a little over twenty-three thousand 23,000 personnel with a male to female ratio of about 7:3 and police civilian ratio of about 1:1200 ... the Ghana Police Service has undergone major transformation over the years.

“The focus is now on forming strategic partnership with the public in the fight against crime. Community Policing is now being encouraged to involve local communities in identifying potential crime problems and together with the police map out strategies to check them.” [14b] (Broad information)

For further information see the Ghana Police Service official website:
http://www.ghanapolice.info/broad_formation.htm [14b]

- 8.07 Jane’s, Sentinel Security Assessment, updated 6 March 2009, observed that “Ghana’s Customs and Excise Service operates as part of the Police Service” and that “Ghana has no border guard as such. Border checkpoints are manned by the Immigration Service and the Customs and Excise Service. The army conducts limited border security patrols against smuggling of cocoa and petroleum but has limited capacity to monitor Ghana’s long borders.” [8a] (Security and Foreign Services)
- 8.08 The USSD Report 2009, published 11 March 2010, noted, “The police maintained specialized units in Accra for homicide, forensics, domestic violence, trafficking in persons, visa fraud, narcotics, and cyber crimes. However, there were significant barriers to extending such services nationwide, including a lack of office accommodation, police vehicles, and equipment outside of the capital.” [2b]
- 8.09 The United States Department of State, *Country Reports on Terrorism 2008 - Ghana*, published 30 April 2009, noted that “Ghana’s parliament passed a Counterterrorism Act that allows, with a court order, police to intercept communications.” [2d]

Domestic Violence and Victim Support Unit

- 8.10 The GPS official website, undated, accessed on 27 April 2010, stated that “The service is also paying special attention to the needs of women and children and other victims of domestic violence. The Domestic Violence and Victim Support Unit [DOVVSU] has offices throughout the regions to handle such cases.” [14b] (Broad information) The United States Department of State, Bureau of Consular Affairs, International Travel, *Ghana Country Specific Information*, updated 23 July 2009, stated, “Ghana maintains a specialized Domestic Violence Victim Support Unit (DOVVSU) within the Ghana Police Service to assist victims of domestic violence, especially women and children. In addition to its law enforcement responsibilities, the Unit can refer victims to medical providers and counsellors, as well as to community support services.” [2c]

See also [Section 21 Women](#)

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HUMAN RIGHTS VIOLATIONS BY THE POLICE

8.11 The USSD Report 2009 stated:

“The police service was criticized repeatedly for incidents of police brutality, corruption, and negligence. Impunity remained a problem. Delays in prosecuting suspects, rumours of police collaboration with criminals, and a widespread perception of police ineptitude contributed to an increase in vigilante violence during the year. There were also credible reports that police extorted money by acting as private debt collectors, by setting up illegal checkpoints, and by arresting citizens in exchange for bribes from the arrested persons' disgruntled business associates.

“Government officials stated that the policy of zero tolerance for corruption applied to police and other security officials; however, low salaries, which were sometimes not paid on time, contributed to the tendency of individual law enforcement officials to demand bribes.” [2b] (Section 1d)

Brutality and ill-treatment of detainees

8.12 The USSD Report 2009 noted, in its section covering torture and other cruel, inhuman or degrading treatment or punishment, that:

“The constitution and law prohibit such practices; however, there were credible reports that police beat and abused suspects, prisoners, demonstrators, and other citizens. Severe beatings of suspects in police custody reportedly occurred throughout the country but largely went unreported in official channels. In many cases, police denied allegations or claimed that force was justified by the circumstances.

“The many cases of police brutality leading to deaths during the year led several NGOs, lawyers, and civil society organizations to publicly denounce the tendency of police to use excessive force and to call for the Inspector General of Police (IGP) to take action against those responsible.” [2b] (Section 1c)

8.13 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, observed, “Though there are constitutional prohibitions on torture and physical abuse, there have been cases in which detainees suspected of violent crimes have reportedly been assaulted in police custody. This has increased in recent years, and the perpetrators are rarely held accountable.” [6b] (Civil Liberties)

Violations of arrest and detention rights

8.14 The USSD Report 2009 observed that “The constitution and law provide for protection against arbitrary arrest and detention; however, the government did not always observe these prohibitions.” The same source further stated that:

“The constitution provides that a detained individual should be informed immediately, in a language that the detainee understands, of the reasons for

the detention and of his or her right to a lawyer and an interpreter at state expense. In most cases, lawyers were assigned promptly, although there were instances of delays. The law requires judicial warrants for arrest and provides for arraignment within 48 hours. The law requires that a detainee who has not been tried within a 'reasonable time' as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person will appear in court at a later date. The law also provides for bail. In practice, however, many abuses of these rights occurred, including detention without charge for periods longer than 48 hours, failure to obtain a warrant for arrest, and detention of prisoners for indefinite periods by renewing warrants or by simply allowing them to lapse while an investigation was conducted." [2b] (Section 1d)

8.15 The same source noted that lengthy pre-trial detention remained a serious problem. According to the Prisons Service's 2008 Annual Report, 30.5 percent of the prison population was in pre-trial status. Detainees sometimes served more time in detention awaiting trial than the sentence for the crime required. [2b] (Section 1d)

8.16 The Commonwealth Human Rights Initiative report *The Police, The People, The Politics: Police Accountability in Ghana 2007*, published 7 December 2007, stated:

"The Centre for Public Interest Law, a Ghana based civil society organisation, has been running a programme that looks at remand prisoners and suspects and their access to justice. The project has revealed that detainees are not routinely brought before a court within 48 hours – and in some instances, police officers deliberately circumvent the rule by making arrests on Friday night, which means that they can keep suspects in prison over the weekend. The same project found that arrest is used as an investigative tool, rather than as a conclusion based on the results of an investigation – when multiple suspects are identified, police often arrest them all." [10a] (Corruption)

See also [Section 11 Prison conditions](#)

8.17 In an article, *NGO to offer Free Legal Services*, dated 10 March 2009, from the *Chronicle*, posted on the website Allafrica.com, Charles Talyi-Boadu wrote:

"An independent Non-Governmental Organisation (NGO), the Centre for Human Rights and Civil Liberties (CHURCIL), has offered to provide free legal services to remand prisoners whose warrants have expired but continue to be held in the country's prisons without any justifiable cause.

"This is in view of the fact that most of these remand prisoners cannot afford to engage the services of lawyers to defend them in court during their trial." [11a]

Corruption

8.18 The Business Anti-Corruption Portal in its Ghana Country Profile, updated October 2009, stated:

"According to several surveys and reports Ghanaians consider the Ghana Police Service to be one of the most corrupt and dishonest agencies in Ghana. The traffic police are known to extract unofficial fees directly from

drivers...Although the police are widely perceived as one of the most corrupt institutions in the country, no effective mechanism to handle complaints of corruption against the police is in place. This means that police officers are rarely prosecuted, disciplined or dismissed. People rarely report corruption to the police through the criminal justice mechanism due to long bureaucratic procedures and a lack of legal protection for prosecution witnesses. Consequently, no cases of corruption have been prosecuted in the past 10 years through the criminal justice mechanism (prosecution is handled by the Commission on Human Rights and Administrative Justice and the Serious Fraud Office).” [9a] (Police)

- 8.19 The Commonwealth Human Rights Initiative report *The Police, The People, The Politics: Police Accountability in Ghana 2007*, published 7 December 2007, stated:

“Ninety two per cent of Ghanaians have paid a bribe to the police at some point. Every rank of the police service – from junior officers on traffic duty, to mid-ranking officers demanding extra cash from complainants, to senior officers skimming bags of cocaine off drug bust hauls – has been accused of rampant corruption...

“In the junior ranks of the police, bribes are used to turn a blind eye or to grease the proper and efficient functioning of the police. Traffic management is a particular problem. In an opinion piece in Ghana’s *Chronicle* newspaper, Augustina Akwei lamented that, ‘it is regrettable and a pity to see our police personnel who patrol our highways extorting money from drivers in the full glare of the public without shame instead of checking that traffic regulations are effectively observed by motorists.’” [10a] (Corruption)

- 8.20 The same report included another article, dated 20 July 2006, from the *Chronicle* newspaper, “When cases are reported at police stations, it often becomes an opportunity to collect bribes. They create the impression that they cannot help much; sometimes advising victims to go home and let sleeping dogs lie. But immediately some few thousand cedis change hands they come alive with enthusiasm to attend to the work for which they are paid with taxpayers’ money.” [10a] (Corruption)

See also [Section 16 - Corruption](#)

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AVENUES OF COMPLAINT

Commission on Human Rights and Administrative Justice

- 8.21 The USSD Report 2009 noted that “The Commission on Human Rights and Administrative Justice (CHRAJ) is an independent government commission that investigates human rights abuses, corruption and abuse of power.” [2b] (Section 1c). The Commission’s own website, undated, accessed on 27 April 2010, stated that its mission was “...to enhance the scale of good governance, democracy, integrity, peace and social development by promoting, protecting and enforcing fundamental human rights and freedoms and administrative justice for all persons in Ghana.” [13a]

8.22 The USSD Report 2009 stated:

“The CHRAJ mediated and settled cases brought by individuals with grievances against government agencies or private companies.

“The CHRAJ operated with no overt interference from the government; however, some critics questioned its ability to independently investigate high-level corruption. Its biggest obstacle was a lack of adequate resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and non-government agencies. However, public confidence in CHRAJ was high, resulting in an increased workload for its staff, whose salaries were often delayed due to a chronic lack of resources and administrative issues.” [2b](Section 5)

For more details about the Commission go to [Section 15: Commission on Human Rights and Administrative Justice](#)

Police Intelligence and Professional Standards Bureau

8.23 The Ghana Police Service Official Website, undated, accessed on 27 April 2010, gave details of its own investigation service: “The Police Intelligence and Professional Standards Bureau (PIPS) formerly Monitoring and Inspection Unit (MIU) of the Ghana Police Service is a unit set up to receive and investigate complaints from the public about the conducts of police personnel...It’s headed by an Assistant Commissioner of Police.” [14a]

8.24 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, stated that:

“In cases of security sector human rights abuses, impunity remains a problem. The Police Intelligence and Professional Standards Unit (PIPS) receives and investigates complaints of abuses. While the PIPS is considered to be more effective than previous police accountability mechanisms, collusion between police and judges has hindered the justice process, frequently resulting in the prolonged adjournment of cases.... While corruption is common within the police force, investigation by the CHRAJ or the Serious Fraud Office remains unlikely... Military abuses may also go unpunished or languish in the attorney general's office for months or years before going to trial. A high-profile case in which three soldiers allegedly killed 21-year old Evans Kusi after he disobeyed their orders in March 2007 was eventually ordered to court after media efforts to raise public awareness about the case thwarted attempts to quietly settle the case out of court. Nevertheless, two of the soldiers were released on bail, and the attorney general continued to delay the trial throughout 2008.” [6b] (Rule of law)

8.25 The USSD Report 2009 noted that:

“The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. From January through September [2009] PIPS received 883 new cases, compared with a total of 491 in 2008. The investigation of 468 cases were completed, and 415 cases remained under investigation. At year's end, PIPS was investigating 83 complaints of harassment, unlawful arrest, and detention with human rights violations, compared with 134 in 2008 and 149 in 2007.” [2b] (Section 1d)

- 8.26 The same source provided an example of police officials being prosecuted for improper conduct:

“Officials of the Ghana Highway Authority (GHA) were accused of extorting money from drivers to allow them to cross a major bridge with overloaded vehicles endangering the structural security of the bridge. In June six policemen including a deputy superintendent of police and a chief inspector went on trial for robbing a businessman of 76,000.00 cedis (\$53,000). In November the six policemen were found guilty and each received a 20-year jail sentence. The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. From January through September PIPS received 883 new cases, compared with a total of 491 in 2008. The investigation of 468 cases were completed, and 415 cases remained under investigation. At year's end, PIPS was investigating 83 complaints of harassment, unlawful arrest, and detention with human rights violations, compared with 134 in 2008 and 149 in 2007.” [2b] (Section 1d)

BUREAU OF NATIONAL INVESTIGATIONS

- 8.27 The USSD Report 2009, stated, “A separate entity, the Bureau of National Investigations, (BNI), handled cases considered critical to state security and answered directly to the Ministry of National Security” [2b] (Section 1d)

[See also Section 9 Judiciary](#)

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9. JUDICIARY

ORGANISATION

- 9.01 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, noted:

“The law establishes two basic levels of courts: the lower courts and the superior courts. The lower courts consist of the circuit and district courts, which also serve as juvenile courts and family tribunals. These courts try civil cases involving 5,000 cedis (\$3,500) or less; and criminal cases for offences punishable by a fine not exceeding 1,000 cedis (\$700), imprisonment for a term not exceeding two years, or both. The superior courts consist of the Supreme Court, the Appeals court, the High court, the Commercial court, regional tribunals, and fast-track courts. Fast-track courts hear cases to conclusion within six months. The majority of cases filed before the fast track courts involved banking and commercial matters, human rights, and defamation.

“Members of the military were tried separately under the criminal code in a military court. There were no military tribunals separate from the military court system. Military courts were not permitted to try civilians. Military courts provide the same rights as civil courts.

“The Judicial Service has made efforts to mainstream alternate dispute resolution (ADR) procedures in order to decongest the courts and to address judicial inefficiency. Mediators have been trained throughout the country to implement ADR and mediation desks have been established in some district courts. An ADR secretariat was established within the Judicial Service.

“The Chieftaincy Act gives village and other traditional chiefs the power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, the authority of traditional rulers has steadily eroded because of a commensurate increase in the power of civil institutions, such as courts and district assemblies.

“A judicial complaints unit, headed by a retired Supreme Court justice, addressed public complaints. During 2008 the unit received 416 complaints, of which 109 were resolved and 300 were under investigation at year's end.” [2b] (Section 1e)

- 9.02 The Judicial Service of Ghana has its own website:
<http://www.judicial.gov.gh/> [15]

INDEPENDENCE

- 9.03 All Africa.com, in an article of 7 April 2010, called *Chief Justice Tasks the Judiciary to Soar above Reproach*, stated:

“The Chief Justice, Mrs Justice Georgina Theodora Wood, has tasked members of the Judiciary to appreciate the immense powers entrusted in them by the State and discharge their duties as expected of them.

“She said the global acclamation of Ghana's track record in sustaining democratic governance and the painstaking efforts and sacrifice from Ghanaians to make that possible was not likely without the legal profession.” [11b]

- 9.04 The USSD Report 2009 stated, “The constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to influence and corruption.” [2b] (Section 1e) “Corruption in the executive, legislative, and judicial branches continued to be a problem. The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices.” [2b] (Section 4)

- 9.05 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, observed:

“The president is influential in the appointment of all the superior court judges, including the chief justice, whom the president names in consultation with the Council of State (also largely appointed by the president) and with the approval of Parliament (where the president's party typically has a majority). Supreme Court judges are appointed by the president on the advice of the Judicial Council and in consultation with the Council of State. Also, because the constitution stipulates the minimum but not the maximum number of Supreme Court judges, the president could theoretically ‘pack’ the court with as many judges as he wished, though this has not occurred in practice.

More troubling is the fact that a panel of the Supreme Court to hear a given case is 'duly constituted for its work by not less than five Supreme Court Justices' out of the constitutional minimum of nine. The constitution is silent on who selects the judges for each case, and by convention it has become the exclusive preserve of the chief justice. It is therefore possible in theory for a chief justice to determine the outcome of a particular case by selecting a panel based on the political and judicial leanings of the other justices, and indeed for a president to do so indirectly by appointing a sympathetic chief justice. There have been unconfirmed reports of executive interference in cases via pressure exerted through executive-friendly judges and of the chief justice influencing the decisions of trial court judges.

"In the 2008 *Afrobarometer* survey, 79 percent of Ghanaians expressed the opinion that the judiciary was corrupt." [6b] (Rule of law)

- 9.06 The USSD Report 2009 noted with regard to civil judicial procedures and remedies that:

"There is an independent and impartial judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

"Fast-track courts and automated commercial courts continued to try to improve access to justice and to streamline resolution of disputes. A growing number of automated courts, whose proceedings were expedited through electronic data management, were established across the country." [2b] (Section 1f)

FAIR TRIAL

- 9.07 The USSD Report 2009 noted:

"The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases and have a right to appeal. Defendants have the right also to present witnesses and evidence. Juries are used in murder trials. The law extends the above rights to all citizens. In practice, authorities generally respected these safeguards. The constitution provides for the right to a fair trial, and the judiciary generally enforced this right." [2b] (Section 1e)

- 9.08 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, observed, "The right to counsel is guaranteed by the constitution. However, its effect is muted by the cost of hiring an attorney, the limited capacity and resources of Ghana's legal aid system, inadequate information about the availability of legal aid, and a shortage of lawyers in many districts." [6b] (Rule of law)

- 9.09 The Ghana Criminal Code, published 12 January 1961, can be accessed by the following link:
<http://www.unhcr.org/refworld/country.LEGAL..LEGISLATION.GHA..44bf823a4,0.html> [38]

See also [Section 16: Corruption](#)

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10. ARREST AND DETENTION – LEGAL RIGHTS

- 10.01 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, noted:

“The constitution provides that a detained individual should be informed immediately, in a language that the detainee understands, of the reasons for the detention and of his or her right to a lawyer and an interpreter at state expense... The law requires judicial warrants for arrest and provides for arraignment within 48 hours. The law requires that a detainee who has not been tried within a ‘reasonable time’ as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person will appear in court at a later date.” [2b] (Section 1d)

See also [Section 8 Security Forces](#) and [Section 11 Prison conditions](#)

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11. PRISON CONDITIONS

- 11.01 Kings’ College, London’s *World Prison Brief*, last updated 17 June 2010, provided detailed information about the number of prisoners held in Ghana: http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=22
 [39a]

- 11.02 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated:

“Prison conditions generally were harsh and sometimes life-threatening. Much of the prison population was held in buildings that were originally colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, substandard construction, and limited space. Many prisoners had to sleep on bare floors or take turns using beds. According to the 2008 Prisons Service Annual Report, 14,128 prisoners (average daily lockup) were held in prisons designed to hold approximately one-third that number. There were 276 female prisoners and 118 juveniles. It was common for as many as 55 inmates to share a cell intended for 12. Overcrowding contributed to the prevalence of communicable diseases, medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organizations for additional food, medicine, and other necessities. Shortages of food, bedding, clean water, and clothing for prisoners persisted.” [2b] (Section1c)

- 11.03 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010 observed:

“Ghana’s prisons are severely overcrowded. In 2008, the country’s prisons had an official capacity of some 8,000 inmates but actually housed over 14,000. Ghana’s Commission on Human Rights and Administrative Justice

(CHRAJ) reported that prisoners' rights in terms of bedding and medical care were being violated. Few steps have been taken to address the overcrowding issue beyond occasional blanket pardons of prisoners; one of the last acts of the Kufuor government was to grant pardons to 500 inmates. The sentencing of juvenile offenders to long prison sentences is commonplace, and while judges often have the option of imposing noncustodial sentences, they rarely do so. Another reason for the overcrowding is the large number of pre-trial detainees, who often remain in remand for several years despite a rule requiring that they be tried within a 'reasonable time.' Pre-trial detainees made up approximately 29.7 percent of the prison population as of October 2008, an increase from an estimated 22 percent in 2003." [6b](Civil Liberties)

- 11.04 Ghanadistricts.com, a website promoting local governance in Ghana, in a news article of 7 May 2010 called *Ankaful (Cape Coast): Minister appeals to contractors*, reported:

"The Minister of Interior, Hon. Martin Hamidu has urged contractors working on the Ankaful Maximum Security Prisons to complete work by the end of June this year. This he said will enable the Ghana Prisons Service transfer prisoners from some of the congested prisons across the country to the facility...Hon. Martin Hamidu noted that Government was not considering putting up more female prisons since there were very few female criminals across the country compared to male criminals." [16a]

- 11.05 Amnesty International's *Report 2009 – Ghana*, published 28 May 2009, noted, "During a visit to Ghana in March 2008, the government refused Amnesty International's request to visit prisons." [17a]

See also [Section 19 LGBT – Treatment by, and attitudes of, state authorities](#)

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12. DEATH PENALTY

- 12.01 Hands Off Cain, in its database, accessed 17 May 2010, stated, "Ghana still retains the death penalty for armed robbery, treason and first-degree murder...No executions have taken place since July 1993." [18a]

- 12.2 Amnesty International, in an article called *Death Sentences Commuted in Ghana – Time for Abolition*, dated 9 January 2009, stated:

"The outgoing President of Ghana, John Kufuor, commuted all death sentences in the country. Amnesty International welcomed the action and urged the new President of Ghana, John Atta Mills, to seize the moment and take immediate steps to abolish the death penalty in law.

"Several influential figures in Ghana have, in recent years, voiced their opposition to the death penalty, including the former Minister of Justice and Attorney General who is reported to have said in 2007 that the death penalty has no deterrent effect...While no death row prisoner has been executed since 1993, the death penalty continues to be in the statute books and death sentences continue to be imposed." [17b]

- 12.03 The Amnesty International report, *Death Sentences and Executions 2009*, published in March 2010, noted that in 2009 at least seven death sentences were issued and that “In Ghana, a constitutional Review Commission was established in 2010: It will hold public consultations, including on the abolition of the death penalty, present recommendations to the government and draft a bill for the amendment of the constitution.” [17e]

See [Section 3.02 History – Elections and political developments since 2000](#)

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13. POLITICAL AFFILIATION

This section should be read in conjunction with [Freedom of speech and media](#), and [Human rights institutions, organisations and activists](#) for an understanding of freedom of expression generally.

FREEDOM OF POLITICAL EXPRESSION

- 13.01 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated, “The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage.” [2b] (Section 3)
- 13.02 The Freedom House report, *Freedom in the World 2010, Ghana*, released in May 2010, covering events in 2009, noted that:

“Ghana is an electoral democracy. The December 2008 presidential and parliamentary elections were considered fair and competitive. The president and vice president are directly elected on the same ticket for up to two four-year terms. Members of the unicameral, 230-seat Parliament are also elected for four-year terms.

“The political system is dominated by two rival parties, the NPP and the NDC, which won 114 and 107 Parliament seats, respectively, in the latest elections. Smaller parties and independents hold the remainder.” [6d]

See also [Section 4.01 Recent Developments in 2010](#)

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 13.03 The USSD Report 2009 noted, “The constitution and law provide for freedom of peaceful assembly; however, at times the government restricted this right. The government does not require permits for demonstrations, but police can deny use of a particular route.” [2b] (Section 2b)
- 13.04 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, observed:

“The right to protest is protected by the constitution. The Public Order Act stipulates that persons wishing to demonstrate must first inform the police, but the police cannot stop a demonstration without going to court for an injunction. This is rarely necessary, as protests are still rare and the police typically raise

no objection or negotiate demonstration times with protest organizers. Political parties have attempted to circumvent the Public Order Act by giving innocuous labels, such as 'fitness marches', to campaign activities that are essentially demonstrations. The treatment of large, spontaneous political gatherings is not uniform. During the 2008 election campaign, presidential candidates attracted such assemblies as they arrived in or passed through towns, eliciting varied responses from the police." [6b] (Civil Liberties)

- 13.05 The Freedom House report, *Freedom in the World 2010, Ghana*, released in May 2010, covering events in 2009, noted that:

"The rights to peaceful assembly and association are constitutionally guaranteed, and permits are not required for meetings or demonstrations. With the election season over, there were fewer demonstrations in 2009 and no attempts by the government to prevent public gatherings. Nonetheless, disgruntled NDC supporters seeking greater rewards for their electoral work staged a number of protests, with some even attacking government buildings and demanding jobs." [6d]

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 13.06 Jane's observed in its *Sentinel Country Risk Assessment (SCRA) - Ghana*, Internal Affairs section, updated 6 March 2010, that:

"Although Ghana has numerous political parties, the National Democratic Congress (NDC) and the New Patriotic Party (NPP) remain dominant ... The NDC secured the lead in the 2008 polls, taking the presidency and gaining the most seats in parliament. The Convention People's Party (CPP), the People's National Convention (PNC), the Democratic Freedom Party (DFP), the Democratic Popular Party (DPP) and the Reformed Patriotic Democrats (RPD) also participated in the 2008 presidential election, but none of their respective candidates secured more than two per cent of the vote in the first round on 7 December." [8d] (Political Parties)

- 13.07 The Freedom House report, *Freedom in the World 2010, Ghana*, released May 2010, covering events in 2009, reported:

"In advance of the December 2008 presidential election, the NPP faced internal division as over 20 candidates vied for the party's nomination. Ultimately, Nana Akufo-Addo, most recently the foreign minister, was chosen over Kufuor's preferred candidate, Alan Kyerematen. The fact that Akufo-Addo and many of his supporters belonged to the Akyem tribe while Kufuor and Kyerematen were Ashanti meant that ethnic rifts often complicated the political ones. Meanwhile, the NDC easily chose John Atta Mills as its candidate for the third time, though it too experienced some internal conflict as Atta Mills and Rawlings continued to clash.

"While problems with voter registration and fighting between NDC and NPP supporters were reported before and during the vote, the election was ultimately viewed as a success by both domestic and international observers. Akufo-Addo won the first round with 49 percent, while Atta Mills took 48 percent. However, Atta Mills won the runoff with just 50.23 percent. His inauguration in January 2009 marked the second-ever peaceful, democratic

transfer of power in Ghana. The NDC also won concurrent parliamentary elections, taking 114 seats as the NPP secured 107.” [6d]

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14. FREEDOM OF SPEECH AND MEDIA

This section should be read in conjunction with [Political affiliation](#) and [Human rights institutions, organisations and activists](#) for an appreciation of freedom of expression generally.

- 14.01 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated, “The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. Individuals criticized the government publicly without reprisal. The independent media were active and expressed a wide variety of views without restriction.” [2b] (Section 2a)
- 14.02 Freedom House, in their *Map of Press Freedom 2010*, published May 2010, classified Ghana as “free”. Freedom House stated, “The ratings system is designed to capture the varied ways in which pressure can be placed on the flow of information and the ability of print, broadcast, and internet-based news outlets to operate freely and without fear of repercussions.” [6c]
- 14.03 The BBC Country Profile of Ghana, updated 9 February 2010, noted, “Ghana enjoys a high degree of media freedom and the private press and broadcasters operate without significant restrictions. The Commonwealth Press Union has described Ghana’s media as ‘one of the most unfettered’ on the continent.” [19a] (Media)

RADIO, TV, INTERNET AND PRINT MEDIA

- 14.04 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, observed:
- “The state does not hinder access to the internet. State broadcasters have made some effort to be neutral and routinely provide for a representation of different viewpoints. However, the state television station tends to favour the ruling party. Inequity in coverage by state media is mitigated by the large number of independent private broadcasters ... Though the media are generally free, many newspapers and radio stations are openly partisan ... Despite this polarization, there are some outlets, such as the Joy FM radio station and the Public Agenda newspaper, that attempt to report more objectively.” [6b] (Accountability and Public Voice)
- 14.05 The USSD Report 2009 added, “There were an estimated 70 newspapers and almost 200 FM radio stations across the country. The most wide-reaching print, radio, and television outlets were state-owned.” [2b] (Section 2a)
- 14.06 The BBC Country Profile of Ghana, updated 9 February 2010, stated, “The private press is lively, and often carries criticism of government policy. Animated phone-in programmes are staple fare on many radio stations.” [19a] (Media)

14.07 The same source listed the major newspapers published in Ghana:

“*The Ghanaian Chronicle* - private daily
Daily Graphic - state-owned
Daily Guide - private
Ghanaian Times - state-owned daily
The Mail - private, bi-weekly
The Mirror - weekly, sister paper of the Daily Graphic
The Independent - weekly
Ghana Palaver - weekly
Sunday Herald – weekly” [19a] (Media)

JOURNALISTS

14.08 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted:

“The state does not routinely intimidate journalists, nor does it attempt to overtly censor the media... but there have been some abuses.... In 2009, the director general of the state television broadcaster abruptly halted a talk-show program because the government view was insufficiently represented, eliciting shock and universal condemnation. There is also some self-censorship by the media on political and corruption issues, and the government favours some media houses with greater access (particularly during presidential trips abroad) and state-sponsored advertising.” [6b] (Accountability and Public Voice)

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15. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

15.01 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated:

“A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

“Major local human rights NGOs [Non-Governmental Organisations] acted independently of the government and political parties. The government does not apply any restrictions on domestic NGOs, although all must be registered with the State. The registration process is the same for all organizations.

“The government did not refuse visas to international human rights observers or otherwise restrict access to the country.

“The government cooperated fully with a range of United Nations organizations in country.” [2b] (Section 5)

15.02 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted:

“NGOs in Ghana are largely free from state pressures and play a major role in highlighting and providing technical support on gender, disability, and other social, governance, and economic issues. Some NGOs have become such fixtures that the government relies on their services to fulfil its mandates. For example, the police's Domestic Violence and Victim Support Unit (DOVVSU) relies on the Women's Initiative for Self-Empowerment (WISE) to provide psychiatric counselling, the International Federation of Women Lawyers (FIDA) to provide legal advice, and various other NGOs to provide victims with shelter and medical attention. NGOs have also helped to draft key pieces of legislation, such as the Whistleblower's Act.” [6b](Accountability and Public Voice)

COMMISSION ON HUMAN RIGHTS AND JUSTICE (CHRAJ)

15.03 The Commission's official website, accessed 18 May 2010, stated, “The Commission was established in 1993 under the 1992 Constitution of Ghana by Act 456” and “We investigate complaints of violations of fundamental rights and freedoms in both public and private sectors.” [20a]

15.04 The USSD Report 2009 noted:

“CHRAJ mediated and settled cases brought by individuals with grievances against government agencies or private companies. [It] operated with no overt interference from the government; however, some critics questioned its ability to independently investigate high-level corruption. Its biggest obstacle was a lack of adequate resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and non-government agencies. However, public confidence in CHRAJ was high, resulting in an increased workload for its staff, whose salaries were often delayed due to a chronic lack of resources and administrative issues.” [2b] (Section 5)

15.05 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted:

“The High Court has original jurisdiction in human rights matters, but the CHRAJ is the primary organ for redress of human rights violations in Ghana. The commission, whose leaders are appointed by the president, is authorized by Article 218 of the constitution to investigate complaints but not to prosecute offenders. Instead, it refers cases to the Attorney General's Department for prosecution, and because the attorney general is part of the executive branch and typically a leading member of the ruling party, there is a risk of conflict when the CHRAJ looks into abuses linked to the executive...

“It is generally agreed that the CHRAJ has vigorously investigated corruption and human rights abuses, but there is also universal acknowledgment that the commission's work is hampered by sometimes serious financial and logistical constraints. Its multiple mandates—anticorruption, human rights protection, and administrative justice—tend to overstretch its limited capacity. In addition, there is some doubt about the commission's legal authority to launch investigations on its own initiative...Despite these constraints; the CHRAJ has acquired a reputation for investigative independence, especially in comparison with other anticorruption agencies such as the Serious Fraud Office and the police's Criminal Investigation Department. The commission has brought actions that have led to the reinstatement of workers in both the

public and the private sectors, investigated the president on conflict of interest charges in connection the multimillion-dollar hotel acquired by his son, and published groundbreaking reports on the human rights abuses in the mining sector.” [6b] (Civil Liberties)

See also [Section 16: Corruption](#) and [Section 21: Women](#)

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16. CORRUPTION

- 16.01 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated:

“President Mills has stressed the need to combat corruption. Soon after taking office, the minister of youth and sports, Alhaji Mohammed Muntaka Mubarak, was forced to resign after being accused of misuse of public funds. In October [2009] two ministers were forced to resign following allegations that they had accepted bribes from a British company during the 1990s. Also in October the former minister of foreign affairs and former chief executive of the National Investment Bank were indicted on corruption charges for activities that occurred during the previous government. There were reports that government officials pressured businesses to steer contracts toward favoured companies and individuals.” [2b] (Section 4)

- 16.02 The Freedom House *Freedom in the World, 2009 Country Report on Ghana*, published 16 July 2009, observed:

“The government of outgoing president John Kufuor made efforts to improve transparency and reduce corruption, including the 2008 establishment of a task force to fight corruption and smuggling in the cocoa industry, and an anticorruption unit in the attorney general's office to study the findings of a parliamentary committee on public accounts. However, the opposition criticized the year's moves as insufficient, and many of Kufuor's past anticorruption measures have shown few results, despite his zero tolerance policy on corruption. In fact, prosecutions have often focused on former NDC officials, creating the appearance of politicization.” [6a] (Political Rights and Civil Liberties)

- 16.03 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted:

“Anticorruption enforcement efforts are conducted primarily by the Serious Fraud Office (SFO) and the CHRAJ. Both organizations face challenges in the performance of their functions. CHRAJ, as noted above, cannot prosecute offenders and must refer investigations to the attorney general for prosecution. In addition, it is poorly funded and has to contend with a high rate of staff attrition. The work of the SFO, established by statute to fight corruption and prevent ‘serious financial or economic loss to the state,’ is hampered by structural and logistical constraints. It may also be subjected to political pressure, as its director and much of its board are appointed by the executive and report to the attorney general. A similar situation can be found, to varying degrees, at the Internal Audit Agency, which is charged with auditing ministries, departments, and agencies as well as local government bodies; the

Public Procurement Authority (PPA), entrusted with ensuring transparency and competition in the awarding of government contracts; and the CHRAJ. The boards and executives of all these entities are essentially appointed by executive. The practice of creating such watchdog agencies and then giving the executive unfettered discretion to appoint their leaders and control their funding has been criticized by civil society as perverse and self-defeating.” [6b] (Anti-corruption and transparency)

16.4 The same report went on to say:

“Politicization is often alleged in the corruption prosecutions that do occur. During the Kufuor administration, former officials from the NDC were prosecuted, while corruption scandals that implicated Kufuor administration officials generally led to resignations rather than prosecutions. Thus far, no member of former president Kufuor's government has been prosecuted under the Atta Mills administration.

“While the constitution created the position of an ‘independent’ auditor general, the office nevertheless became a political tool during the recent transition when the auditor complied with a government directive to investigate certain activities of the outgoing NPP government.

“Victims of corruption can pursue their rights by submitting complaints to the CHRAJ, the SFO, and the police, though the quality of the investigations varies widely. The police have established an internal anticorruption unit called the Police Intelligence and Professional Standards Bureau (PIPS). In addition, a Whistleblowers Act was recently passed, but it has some significant operational limitations.

“[...] Stories of corruption are widely discussed in Ghana's news media... There is a significant amount of investigative reporting by the media, but it is rarely thorough, and in some cases it is abused for partisan political purposes.” [6b] (Anti-corruption and transparency)

16.05 Transparency International's Corruption Perceptions Index (CPI) 2009 ranks Ghana 69th out of 180 countries. (The CPI score indicates the perceived level of public-sector corruption based on independent surveys). [49]

See also [Section 8: Human Rights Violations by the Police](#)
[Section 9: Judiciary - Independence](#)
[Section 14: Journalists](#)
[Section 15: CHRAJ](#)

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17. FREEDOM OF RELIGION

OVERVIEW

17.01 The United States Department of State *International Religious Freedom Report 2009*, published 26 October 2009, covering 1 July 2008 to 30 June 2009, noted, “The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all

levels protects this right in full against abuse, either by governmental or private actors.” [2e]

17.02 The report went on to state:

“The Government often took steps to promote interfaith understanding. At government meetings and receptions Christian and Muslim prayers are used; occasionally there are indigenous invocations. Throughout the reporting period, the President and Vice-President made public remarks about the importance of peaceful religious coexistence. President Mills received delegations of Christian and Muslim leaders soon after assuming office in January 2009 and called for the creation of national days of prayer for both Christians and Muslims.” [2e]

17.03 The Freedom House report, *Freedom in the World 2010 Ghana*, published in May 2010, noted, “Religious freedom is protected by law and generally respected. While relations between Ghana’s Christian majority and Muslim minority are generally peaceful, Muslims often report feeling politically and socially excluded, and there are few Muslims in the top levels of government. Both domestic and international human rights observers have reported a high incidence of exorcism-related physical abuse at Pentecostal prayer camps.” [6d]

Religious demography

17.04 The same report stated:

“According to the 2000 government census, approximately 69 percent of the population is Christian, 15.6 percent is Muslim, 8.5 percent adheres to indigenous religious beliefs, and 6.9 percent is classified as other religious groups, which includes those who profess no religious beliefs. The Muslim community disputed these figures, asserting that the Muslim population is substantially larger.” [2e]

See also [Section 21.29 Women - witchcraft](#)
[Section 24 Medical Issues – HIV](#)

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TROKOSI

17.05 The USSD Report 2009 stated:

“Trokosi, a practice indigenous to the southern Volta region, involves pledging family members, most commonly female teenagers, to a period of service from a few months to three years at a local shrine. Trokosis helped with the upkeep of these shrines and poured libations during prayers. Government agencies, such as the governmental Commission on Human Rights and Justice (CHRAJ), and some NGOs have at times actively campaigned against Trokosi, although local officials portrayed it as a traditional practice that was not abusive. Supporters of traditional African religions, such as the Afrikania Renaissance Mission regarded these campaigns against Trokosi as religious persecution.” [2b] (Section 2c)

17.06 The United States Department of Labour, in its report, *2008 Findings on the Worst Forms of Child Labor – Ghana*, published 10 September 2009, stated, “The period of atonement for trokosis can last from a few months to 3 years. According to the Government of Ghana, Trokosi constitutes forced or ritual servitude, which is banned under the law.” [23a]

17.07 The United Nations Human Rights Council, in its *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Erturk: addendum: mission to Ghana*, published 21 February 2008, stated:

“The custom requires a family to offer a virgin daughter as a trokosi to a traditional fetish shrine to ward off the punishment of the gods for crimes or moral wrongdoings committed by a family member. The misdeeds for which atonement is sought may often date back generations...A girl designated to become a trokosi is usually committed at a very young age (6 to 10 years old) to the shrine, where an initiation ritual betrothing the girl to the gods is performed. The ritual establishes a relationship of spiritual bondage between the girl and the shrine. From the moment of her betrothal, the trokosi must wear special insignia indicating her status and outsiders are prohibited from having any sexual contact with the girl. If a man sleeps with a trokosi, his family is believed to have incurred the wrath of the gods, therefore, must also offer a virgin daughter to the shrine. Meanwhile, the girl with whom the man had sexual relations is ritually ‘purified’ and remains a trokosi at the shrine.

“In addition to performing ritual duties and domestic chores at the shrine, a trokosi is usually also expected to work long hours on farmland belonging to the shrine. She does not receive anything in return for her labour and her family is required to provide her with food and all other necessities. Once a trokosi reaches puberty, the shrine’s fetish priest (tronua) is entitled to sleep with the girl to consummate the marriage between her and the gods. Groomed from a very young age into accepting their servitude at the shrine, the girls are not in a position to refuse. Daughters born from such sexual relations also have certain obligations to the shrine.

“After serving several years at the shrine, a trokosi may be released from servitude if her family pays for a special ceremony, but she will retain a relationship with the shrine and continue to perform certain rituals there. Released trokosi are allowed to marry, but are often unable to find a husband. If a trokosi dies, her family is expected to replace her with another girl and the cycle of ritual servitude and exploitation recommences.

“In 1998, the Government passed a law against ritual servitude (among other things), criminalizing the practice of trokosi, although there have been no prosecutions under the law. Government officials were under the impression that the practice had since almost vanished. Information obtained from other sources indicates that the practice continues to thrive. Reportedly, there are at least 23 shrines in the Volta Region and 3 in the Greater Accra Region which still accept trokosi.

“In many districts, the local authorities are reluctant to enforce the law against ritual servitude, fearing a popular backlash. Some also seem to fear adverse spiritual consequences for themselves. While a number of national authorities, including the Commission on Human Rights and Administrative Justice and the Ministry for Women and Children’s Affairs have taken a strong stance

against the practice of trokosi, there are many other elected politicians who fail to publicly denounce it in order not to alienate key constituencies.

“[...] International Needs Ghana (ING) and other non-governmental organizations have led efforts to liberate trokosi and put an end to the practice. According to ING’s own estimates 3,500 girls have so far been liberated and 50 shrines have stopped accepting trokosi. ING seeks to liberate trokosi with the cooperation and consent of affected communities. Communities willing to cooperate are provided with much needed development infrastructure such as schools and boreholes. Fetish priests and shrine owners are encouraged to accept livestock or monetary donations, instead of girls, from families seeking to appease the gods. Once liberation is agreed, a ritual will be performed to break the spiritual bondage tying the trokosi to the shrine. Liberated trokosi are provided with the skills to reintegrate into ordinary life at the ING Vocational Training Centre, which is also open to other girls and women from affected communities.” [24a] (Paras 42-50)

- 17.08 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted, “There is little evidence that legal and constitutional protections against the exploitation of children’s labour are being enforced, including with respect to forms of ritual servitude such as trokosi, in which female children are sent to live in ‘voodoo’ shrines.” [6b] (Civil liberties)

See also [Section 21 Women](#) and [Section 22.15 Child Labour](#)

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18. ETHNIC GROUPS

Ethnic demography

- 18.01 The Central Intelligence Agency (CIA) *World Factbook, profile of Ghana*, updated 24 March 2010, listed the six main ethnic groups as “Akan (45 per cent), Mole-Dagbon (15 per cent), Ewe (12 per cent), Guan (4 per cent) and Gurma (4 per cent).” [3a] The United States Department of State *Country Report on Human Rights 2009: Ghana* recorded, “According to the 2000 Population Census, Ghana has more than 80 ethnic groups, each of whom constitutes a minority.” [2b] (Section 3)

- 18.2 The website *AfricaGuide.com* gave more details of the ethnic groups:

“Akan: Ashanti and Fanti

“Ashanti – The largest tribe in Ghana and one of the new matrilineal societies in West Africa.

“Fanti – Mainly located in the coastal areas of Ghana.

“Ewe – Occupy south-eastern Ghana.

“Ga-Adangbe – Inhabit the Accra Plains. The Adangbe are found to the east, the Ga groups, to the west of the Accra coastlands.

“Gaun – Created settlements along the Black Volta, the Afram Plains, the Volta Gorge, the Akwapim Hills and coastal plains.” [27a]

STATE AND SOCIETAL ATTITUDES AND ACTIONS

18.03 The Freedom House report, *Countries at the Crossroads 2010*, published 7 April 2010, stated, “Despite being a multiethnic country, Ghana features almost no instances of discrimination based solely on ethnicity. However... local disputes over land use and chieftaincy sometimes lead to ethnically tinged violence, and the political exploitation of ethnicity has given some election-related clashes an ethnic character.” [6b] (Civil liberties) The Freedom House report, *Freedom in the World 2010*, Ghana, released in May 2010, covering events in 2009, observed, “While communal and ethnic violence occasionally flares in Ghana, often due to tribal rivalries in the north, no such violence was reported in 2009.” [6d]

18.04 The USSD Report 2009 observed, “The government has deemphasized the relevance of ethnic differences. President Mills and some of his ministers and close advisors are Fanti, but the vice president and many ministers are of other ethnic origins. There were numerous small-scale conflicts within ethnic groups during the year, most of which related to chieftaincy and land use issues. Efforts by NGOs to encourage reconciliation continued during the year.” [2b] (Section 6)

18.05 BBC News reported on 25 May 2010, in an article called *Ghanaians Flee Violence for Northern Togo*:

“Some 3,500 refugees have crossed into northern Togo from Ghana, Togo's security minister says. They are victims of ethnic conflict and land disputes in the northern part of Ghana, he said.

“The refugees started arriving last week and consist mainly of women, children and young people.

“A BBC reporter in Togo says Ghanaian refugees fleeing into northern Togo to escape unrest at home have become a regular occurrence in recent years. However, Ghana's Information Minister John Tia sought to downplay the trouble. He told the BBC's Focus on Africa programme that the violence occurred two weeks ago and that far fewer than 3,500 had fled their homes. He said some people were taking advantage of the offer of assistance from the UN in Togo.

“Temporary shelter camps have been set up in Tandjouare in northern Togo.” [19b]

18.6 The Integrated Reform Information Network (IRIN), in a report of 28 May 2010, stated:

“The Ghanaian government will set up shelters for 1,000 returning refugees who fled to neighbouring Togo to escape violence in Bawku in Upper East region following land disputes that have been mounting since late April.

“The Togolese authorities had set up temporary camps in Tandjouare, in the north near the Ghanaian border.

“It's an emergency situation and the sooner a coordinated response can be taken, the better,’ UN Refugee Agency (UNHCR) spokesperson in Ghana, Awurabena Hutchful, told IRIN.

“Bawku has frequently experienced clashes between residents and migrants who came to the area decades ago to trade and put down roots. The violence often falls along ethnic lines, with the Kusasi and Manprusi pitted against one another... A Ghana government team is being set up to rebuild all the houses that were destroyed in Bawku. Three trucks loaded with roofing sheets have already been dispatched. In the interim, ‘the government will have the refugee camp in Togo relocated here [Ghana] even if the rebuilding will be too long. We are of the view that it is better for them to be in Ghana instead of Togo,’ said Deputy Information Minister, Samuel Okudjato Ablakwa.” [26a]

See also section [3.05 History – Inter-tribal clashes](#)

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19. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

LEGAL RIGHTS

19.01 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated, “The constitution protects human rights but does not specifically mention sexual orientation in its list of protected classes. The law makes consenting homosexual acts a misdemeanour, and strong socio-cultural beliefs discriminated against and stigmatized same gender sex. The law does not differentiate between male-male and female-female sex.” [2b](Section 6)

19.02 The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) report, *State-sponsored Homophobia: A world survey of laws prohibiting same sex activity between consenting adults*, dated May 2010, stated that same-sex activity between men were illegal but, in contrast to the USSD Report 2009, legal for women. The report also quoted the relevant laws that criminalise same-sex sex between men:

“Criminal Code, 1960 (Act 29), as amended to 2003 17

“Section 104—Unnatural Carnal Knowledge.

‘(1) Whoever has unnatural carnal knowledge—

(a) of any person of the age of sixteen years or over without his consent shall be guilty of a first degree felony and shall be liable on conviction to imprisonment for a term of not less than five years and not more than twenty-five years; or

(b) of any person of sixteen years or over with his consent is guilty of a misdemeanour; or

(c) of any animal is guilty of a misdemeanour.

(2) Unnatural carnal knowledge is sexual intercourse with a person in an unnatural manner or with an animal.” [54a]

19.03 GhanaWeb in an article called, *Laws do not prohibit homosexuality – law lecturer*, dated 14 May 2010, stated:

“A Law Lecturer at the Kwame Nkrumah University of Science and Technology (KNUST) Ernest Kofi Abochie has stated categorically that the criminal code of the 1992 constitution does not clearly interpret what homosexuality means. This he believes makes it almost impossible for the act of homosexuality to be considered criminal... [and] said it would be difficult to interpret what homosexuality means in the criminal Code Amendment Act of the 1992 constitution, since the expression is not mentioned.

“The debate on homosexuality has been renewed following a call by a Health Professional [Dr. Roland Sowah] for a national debate on the subject since it is gaining roots in the country.” [22b]

TREATMENT BY, AND ATTITUDES OF, STATE AUTHORITIES

19.4 The USSD Report 2009 noted, “There are no registered Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations. LGBT persons faced widespread discrimination, as well as police harassment and extortion attempts. Gay men in prison often were subjected to sexual and other physical abuse.” [2b] (Section 6)

19.05 A paper by Kwame Essien and Saheed Aderinto of the University of Texas, published as part of the African Study Monographs in September 2009, called *‘Cutting The Head of the Roaring Monster’: Homosexuality and Repression in Africa*, stated:

“This paper examines how a proposed conference of gays and lesbians in 2006 in Ghana created tensions and repercussions from the social, cultural, religious and political factors, which worked to repress same-sex discourse in the country. The new wave of homophobic expression that ensued is partly a product of the new globalization and also a manifestation of the clash between what is considered ‘African’ and ‘un-African’ social and sexual behaviour. This study shows that the government of Ghana and religious institutions did not view homosexuality as a human rights issue as in the case of South Africa, but a form of ‘sexual colonialism’ or Western imposition on Ghanaians. Africanists working on West Africa have yet to seriously place homosexuality on academic agenda.” [50a]

19.06 The BBC, in a report dated 1 September 2006, called *Ghanaian Gay Conference Banned*, stated:

“Ghana's government has banned a conference for gay men and lesbians due to take place there later this month.

“Information Minister Kwamena Bartels said as homosexuality was illegal in Ghana the gathering was not permitted.

“Government does not condone any such activity which violently offends the culture, morality and heritage of the entire people of Ghana,” he said.

“He warned that disciplinary action would be taken if anyone was found to have contravened the law.

“...in an unequivocal statement, Mr Bartels laid out the government's position.

"Government would like to make it absolutely clear that it shall not permit the proposed conference anywhere in Ghana.

"Unnatural carnal knowledge is illegal under our criminal code. Homosexuality, lesbianism and bestiality are therefore offences under the laws of Ghana,' he said." [19g]

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SOCIETAL TREATMENT AND ATTITUDES

19.07 The American think tank, Pew, in its *Global Attitudes Project*, released 4 October 2007 noted that "94% of Ghanaians surveyed believe that homosexuality should be rejected." [51a]

19.08 The BBC, in a report of 14 March 2007, entitled *Ghana's Secret Gay Community*, noted, "In deeply religious Ghana, homosexuality is seen as an imported foreign lifestyle choice and a moral aberration. There are gay bars in Accra and some organisations do work with the gay community, raising awareness about HIV/Aids, but mostly their work is underground." [19d]

19.09 The same source noted that:

"Such is the opprobrium that homosexuality attracts that even normally vociferous Ghanaian human rights organisations are subdued in their support for gay rights.

"In the first place, I do not know if I want to promote homosexuality in Ghana,' said Richard Quayson, deputy commissioner of the Commission on Human Rights and Administrative Justice, the country's leading human rights organisation.

"As a human rights organisation, if someone comes forward and says their rights are violated, it is my duty to protect them. As a Ghanaian, I don't think I can openly go out and promote it in the country,' he said." [19d]

19.10 The Immigration and Refugee Board of Canada, in a report called *Ghana: Treatment of homosexuals by society and authorities and availability of state protection; names and activities of groups or associations promoting homosexual rights*, published 2 October 2006, stated:

"Information regarding groups or associations promoting homosexual rights was limited among the sources consulted by the Research Directorate. However, the following information refers to two such organizations. The Gays and Lesbian Association of Ghana (GALAG) was founded in 1998 as a non-profit organization that seeks to promote awareness on issues affecting gays and lesbians. The objectives of GALAG include promoting various opportunities for gays and lesbians (i.e., educational, civil, social, political), representing and acting on behalf of homosexuals, gathering resources and materials in view of establishing a resource centre in collaboration with other organizations with similar objectives and making such resources accessible to homosexuals. GALAG attempts to accomplish these objectives through counselling, education, training, research, lobbying and advocacy.

“The Centre for Popular Education and Human Rights Ghana (CEPEHRG), based in Accra, was established in March 2003 to ‘strive for the attainment of full, equal rights and the removal of all forms of discrimination in all aspects of life for young people, gay, lesbian, bisexual, and transsexual men and women in Ghana’. Similarly to GALAG, CEPEHRG's objectives include promoting awareness of human rights and sexual health needs of homosexuals, supporting and advancing the rights of gays, lesbians, bisexuals and transsexuals (GLBTs), encouraging various opportunities for GLBTs and collecting resources and materials in view of establishing a resource centre in collaboration with other organizations with similar objectives and making such resources accessible. Among other activities, CEPEHRG focuses on the following: advocacy, gender sensitization, research, training, education, civil activism, counselling and dissemination of information.” [7b]

- 19.11 GhanaWeb reported in an article, dated 21 May 2010, called *Gays and Lesbians invade Takoradi*:

“It was a spectacle of disbelief when a group of gays and lesbians congregated on the soil of East Tanokrom, a suburb of Takoradi, specifically Royal Gem Gardens apparently to socialize and take stock of their illicit affairs. This weird function, which took place last Saturday, had in attendance a total of about 60 gays and lesbians who had travelled from three regions to join their counterparts in Takoradi for the reunion. The group, according to sources, came from the Eastern, Ashanti and Central regions. The occasion also saw the presence of the President, Vice President and Chief of the gay association.” [22d]

- 19.12 GhanaWeb followed up with another report, dated 4 June 2010, called *Thousands Attend First Anti-gay Protests in Ghana*:

“Thousands of angry youth in the Sekondi Takoradi Metropolis have staged a massive demonstration against recent reports of gay and lesbian parties in the oil city. The demonstration on Friday June 4 is the first ever anti-gay protests in Ghana. The over a thousand protesters defied a downpour to register their displeasure as they went through the principal streets of the metropolis wielding placards.

“The demonstration was organised by the Muslim community in Takoradi with support from other religious groups and concerned citizens. It follows recent reports of alleged gay marriages and parties in Tanokrom and other suburbs of the city.” [22c]

- 19.13 Joyonline, in a report posted 10 September 2009 by Natasha Lewis of the Daily Graphic, called *Comment: Ghana's challenges with homosexuality* stated:

“Speaking to a range of people about their opinions, it amazed me how dogmatic most people were about their views on homosexuality.

“There seemed unwillingness for considered thought in response to questions and the answers that came back resembled regurgitated propaganda. Perhaps this is due to a fear that too much reflection would reveal new and unwelcome opinions.

“Chris, a pastor from Tema, agreed: ‘Most Ghanaians are hypocritical and not open-minded. Instead of trying to understand something, they will brand it so that no further discussion is needed. This does not just apply to homosexuality but anything sex-based and it stems from a lack of education.’

“Ghana’s discomfort about discussing homosexuality extends upwards to the media and the government.

“Newspapers and broadcasting companies are competing to make money and so shy away from challenging their consumers. Instead of presenting balanced and critical assessments of homosexuality, there is sensationalism and reconfirmation of stereotypes.

“The President of the Gay and Lesbian Association of Ghana (GALAG), Prince Kweku Macdonald, has had experience of this unfair stance: ‘The media is not objective so they don’t give objective representation. They want to sell papers so the media also promotes homophobia because if I speak and it is presented the way I said it, they will know what I think and why I do what I do and what the challenges I face are.

“But they change it every time. Even on radio because they have me speaking to someone and then they change the story and it’s very horrible for us.” [52a]

LESBIANS

- 19.14 The Immigration and Refugee Board of Canada, in a report called *Ghana: Treatment of homosexuals by society and authorities and availability of state protection; names and activities of groups or associations promoting homosexual rights*, published 2 October 2006, stated:

“*Behind the Mask*, an online magazine dedicated to reporting on homosexual issues in Africa, reported in August 2005 that a lesbian obtained bail after having been arrested in Accra for ‘luring an 18-year old girl into lesbianism’ and was charged with ‘practicing unnatural sex with the victim’.

“*Behind the Mask* reports that the current practice for lesbians in Ghana is to hide their sexual orientation to avoid harassment and being ostracized by society; they will even get married and have children to avoid suspicion.” [7b]

TRANSGENDER PERSONS

- 19.15 No information could be found on transgender persons.

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20. DISABILITY

- 20.01 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted, “Both the NPP and NDC administrations have shown some commitment to addressing disability issues. The NPP government passed the Persons with Disabilities Act (Act 715) in 2006, though it was sluggish in implementing some of the law’s key provisions, such

as staffing and finding an appropriate site for the secretariat of the National Disability Council. The NDC government subsequently inaugurated the council.” [6b](Civil Liberties)

- 20.02 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated:

“The law provides for the rights of persons with disabilities, including protection against exploitation and discrimination in employment, health care, and other domains ... While the government did not systematically or overtly discriminate against persons with disabilities, such persons often experienced societal discrimination. The law provides persons with disabilities access to public buildings ‘as far as is practical.’ Activists supporting the rights of persons with disabilities complained of the slow implementation of the Persons with Disability Act, especially the lack of legislative instruments to implement the new law. Despite the legal protection provided in the law, discrimination against disabled persons in employment and the inaccessibility of public buildings continued to be problems.” [2b] (Section 6)

Mental disability

- 20.3 The USSD Report 2009 noted:

“Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance.

[...] Some religious groups believed that persons with mental disabilities were afflicted by demons that should be exorcised. The abuse of children with disabilities was common. In previous years there were reports that children with disabilities were tied to trees or under market stalls and caned regularly and of family members killing children with disabilities.

“Human rights activists expressed concerns about camps in which individuals believed to be possessed by evil spirits were chained up for weeks, physically assaulted, and denied food and water. The camps targeted persons with mental illnesses. Camp supervisors diagnosed mental illness as a ‘demonic affliction’ and prevented patients from consuming food or water, often for seven consecutive days, to cleanse victims of their evil spirits. Some victims were estimated to be as young as six years old. Families sent these victims to be exorcised of evil spirits or cured of their physical or mental illnesses. Victims were held at the camps until they were considered to be healed. Reports indicated that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong Ahafo regions. The Commonwealth Human Rights Initiative (CHRI) released a report in May on prayer camps based on interviews with current and former inmates. The report found that insufficient financial resources was a burden faced by many families caring for mentally ill members, and that prayer camps were an available option. The CHRI called for regulation of prayer camps.” [2b] (Section 6)

See also [Section 24 Medical Issues](#)

Government agencies and NGOs

- 20.04 The USSD Report 2009 added, “There are several government agencies and NGOs involved in addressing discrimination against persons with disabilities,

including the Ministry of Health, the Department of Social Welfare in the MESW [Ministry of Employment and Social Welfare], the Ministry of Education, and the Center for Democratic Development.” [2b] (Section 5)

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21. WOMEN

OVERVIEW

21.01 Ghana was a signatory to (17 May 1980) and ratified (2 January 1986) the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). [28a]

21.02 The concluding comments of the last CEDAW review, Ghana: 25 August 2006, can be accessed via the following link:
[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CEDAW.C.GHA.CO.5.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CEDAW.C.GHA.CO.5.En?Opendocument)
 [28b]

21.03 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted:

“Recently, Ghana has shown increasing sensitivity toward gender issues. The NPP government in 2001 established a Ministry for Women and Children’s Affairs (MOWAC), which assumed jurisdiction over two existing government agencies, the National Council on Women and Development and the National Commission on Children. The new Atta Mills government has also demonstrated an awareness of the importance of gender issues, and has committed itself to appointing women to 40 per cent of government positions. However, it is highly doubtful that this target will be met. Moreover, the number of women in Parliament dropped from 23 to 20 after the 2008 elections.

“The constitution protects... women and children’s rights.” [6b] (Civil Liberties)

21.04 The Integrated Regional Information Networks (IRIN), in a report of 25 February 2009 called *Ghana: Women in Power – trickle down?*, stated:

“The arrival of women at top positions in Ghana’s government and security forces has highlighted the question of whether such milestones will translate into concrete benefits in women’s lives.

“For many, the greatest boost not only for women but for all Ghanaians would come from empowering women economically. For the first time women hold the posts of speaker, police inspector general and attorney general...

“While gender parity is better in Ghana than in much of sub-Saharan Africa, women still lag behind. Forty-five percent of women are illiterate, compared to 28 percent of men, according to the USAID Women in Development project. Gross primary school enrolment is at 78 percent for girls, 85 percent for boys. The enrolment rate is relatively high for sub-Saharan Africa, where according to UNESCO girls make up 54 percent of primary school students.” [26b]

- 21.05 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“Women in Law and Development in Africa (WiLDAF) informed that the Constitution of Ghana prohibits discrimination on the basis of gender. Discrimination against women manifests itself in different ways, according to CHRAJ, including low participation in governance and decision making; poor access to resources; harmful and discriminatory social practices against women often justified in the name of culture; and violence against women.” [24b] (Para 7)

- 21.06 The following sources give detailed statistical information on women in Ghana:

The Global Gender Gap Report 2009 – *Ghana country profile*

<http://www.weforum.org/pdf/gendergap2009/Ghana.pdf> [42a]

The Convention on the Rights of the Child, *The State of the World's Children 2009-Women*

http://www.unicef.org/rightsite/sowc/pdfs/statistics/SOWC%20Table%208%20Women_111109.xls [43a]

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LEGAL RIGHTS

- 21.07 The Constitution of the Republic of Ghana (1992), in *Chapter Five (Fundamental Human Rights and Freedoms)*, stated:

“12 (2) Every person in Ghana, whatever his... gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest.

“17. (1) All persons shall be equal before the law

(2) A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.” [29a]

- 21.08 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated, “The constitution prohibits discrimination on the basis ... gender ... however, enforcement by authorities was generally inadequate. Limited financial resources and a generally permissive societal attitude toward such discrimination contributed to its perpetuation. The courts were empowered to specifically order enforcement of these prohibitions.” [2b](Section 6)

See [Section 25.03 Freedom of movement](#)

POLITICAL RIGHTS

- 21.09 The USSD Report 2009 noted, “There are no laws preventing women from voting or participating in political life on the same basis as men, but traditionally, women have much less access to leadership positions than men. There were 20 women in the 230 seat parliament, and 38 ministers of whom

eight were women. There were four women in the cabinet, and five women on the Supreme Court.” [2b](Section 3)

SOCIAL AND ECONOMIC RIGHTS

- 21.10 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“While women in Ghana represent a large part of the workforce, they are still unable to secure land and housing due to economic and gender-based inequalities, as reported by COHRE [Centre on Housing Rights and Evictions]. Women make up roughly 85 percent of the wholesale and retail trading industries and about two-thirds of manufacturing in the informal sector but do not make sufficient income to pay increasing rent costs and advanced rent payments required by landlords. Without affordable options, women are often forced into inadequate living situations, often in slums and without access to water and proper sanitation facilities. COHRE urged the Government to utilize a gender perspective and rights-based approach in every possible stage of the implementation of the Rent Act and other policies.” [24b] (Para 39)

- 21.11 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana*, published 21 February 2008, noted:

“The male head of household model prevails, which makes all domestic chores the exclusive responsibility of women and girls. Although women are more often than not the family’s main source of income, men are perceived as the ‘provider’. This sexual division of labour corresponds to the obedience of women to male authority and their conformity to differential sexual norms upheld in society. In this respect, infidelity is tolerated for men, but constitutes a social taboo for women. Children - girls and boys - are groomed from an early age to internalize these stereotypical gender roles.” [24a] (Para 19)

Education

- 21.12 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana*, published 21 February 2008, noted:

“Ghana still has a considerable way to go to fulfil the second and third Millennium Development Goals, which call for the achievement of universal primary education and gender equality, including at all levels of education. In 2005, the net enrolment in primary education stood at only 65 per cent for boys and girls alike. A wide gender gap emerges from the early stages of the schooling cycle, because far more girls than boys drop out of primary school. In 2005, only 69 per cent of girls who enrolled completed the full course of primary education (compared to 75 per cent of boys). The trend continues in secondary school, where the 2005 net enrolment rate was 37 per cent for boys and 30 per cent for girls.

“High levels of extreme poverty continue to be a major obstacle to achieving universal education for all children, but particularly for girls...

“Poverty is only one aspect of the problem. High dropout rates among girls are also rooted in differential values attached to the education of girls and boys. Many families take their daughters out of school, because they see education as a mere distraction from a girl’s domestic responsibilities. Donors have launched innovative programmes to create incentives for families to keep girls in school. The WFP launched a pilot project in 2006, which provides girls in the late stages of primary school and in junior secondary school (i.e. girls with a high dropout risk) with take-home food rations if they achieve at least 85 per cent attendance. The United Nations Children’s Fund (UNICEF) has provided girls in remote areas with bicycles so that they can complete their morning household chores and still get to school in time. Such programmes are helpful, but cannot replace sustained efforts on the part of the Government, civil society and the international community to change the underlying discriminatory mentalities themselves.” [24a] (Education)

See also [Section 22.07 Children – Education](#)

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Employment

- 21.13 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana*, published 21 February 2008, stated:

“The labour market participation among Ghanaian women, including married women and women with children, is very high and practically at the same level as that of men. According to the 2003 Demographic and Health Survey, 75.1 per cent of women and 75.6 per cent of men in Ghana were employed. It is also noteworthy that women seem to have considerable autonomy over the use of their earnings. Nearly three in four women surveyed (73 per cent) stated that they are solely responsible for decisions on the use of their earnings, which they generally contribute to family sustenance and the care of their children. Remarkably, more rural women than urban women reported to have full control over their earnings.

“The labour market, however, remains strongly segregated by gender. Whereas women work mainly in sales and services, including as self-employed traders, men are primarily employed in agriculture and public sector jobs. The gender segregation also works vertically; women are underrepresented in better paying skilled posts. Three times as many men as women work as professional, technical or managerial staff (10 per cent v. 3 per cent), while 23 per cent of employed men and 16 per cent of employed women undertake skilled manual labour.

“All of the above results in a large wage gap, where women earn about 29 per cent less than men.” [24a] (Employment)

Prostitution

- 21.14 The USSD Report 2009 noted, “Prostitution is illegal and is subject to criminal prosecution. Prostitution was prevalent in the major towns and transportation centres.” [2b](Section 6)

Reproductive rights

21.15 With regard to reproductive rights, the USSD Report 2009 noted, “Policy allows couples and individuals to freely decide on the number, spacing and timing of pregnancies. In 2008 98 per cent of all women surveyed were able to cite at least one birth control method. According to a foreign aid agency, 17 percent of married women of reproductive age using a modern contraceptive method. The fertility rate averaged four children per woman.” [2b](Section 6)

21.16 The report went on to add about pregnancy:

“The use of antenatal care for pregnancy and delivery was high, with more than 75 per cent of pregnant women having four or more antenatal visits. Approximately 60 percent of women delivered with a skilled attendant. Maternal mortality was estimated in a recent study at 451 per 100,000 live births, with the most common causes of death being haemorrhage and infection. More than two thirds of women reported receiving medical care within two days of delivery.” [2b](Section 6)

Abortion

21.17 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“Regarding the issue of abortion, Ipas Ghana (Ipas) [an organisation advancing women’s health and reproductive rights] noted that section 58 of the Criminal Code of 1960 was amended in 1985 to provide for abortion where the pregnancy is a result of rape, defilement of a ‘female idiot’ or incest, where continuation of the pregnancy would involve risk to the life of the pregnant woman or injury to her physical or mental health, or where there is a substantial risk that when the child is born, it may suffer from or later develop a serious physical abnormality or disease. Unsafe abortion is the highest single contributor to maternal mortality in Ghana, as reported by Ipas. Despite the liberalization of the abortion law in Ghana in 1985, many abortions continue to be induced illegally under unhygienic conditions by providers who are either untrained or inadequately trained to do them. Ghana has a national maternal mortality ratio of 540 maternal deaths per 100,000 live births; abortion-related deaths represent 22 to 30 percent of maternal deaths.

“Ipas took note that Ghana has made major strides in making safe abortion available, though abortion care is not yet available to all women in Ghana. A significant step was taken in 2003 when the Ghana Health Service (GHS) developed a strategic plan for the provision of comprehensive abortion care services, with a goal of reducing maternal mortality and morbidity due to unsafe abortion. According to Ipas, safe abortion remains inaccessible due to stigma and to lack of knowledge of the law and of the problem of unsafe abortion among law enforcement and health care personnel. Cultural, religious and traditional stigma against abortion is prevalent in Ghana.” [24b] (Paras 30, 31)

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Marriage

- 21.18 The Social Institutions and Gender Index report, *Gender Equality and Social Institutions in Ghana*, compiled in 2009, stated:

“The Marriage Ordinance states that marriages are to be monogamous and prohibits men from marrying again (unless they legally divorce). This contradicts customary law and Islamic Sharia law, both of which allow polygamy (in the case of Sharia, a man may register up to four wives). The Marriage Ordinance makes no allowance for a second marriage under customary or Sharia law. Similarly, men who have a first wife by customary law cannot contract a subsequent marriage under the Marriage Ordinance. Despite these legislations, a considerable number of men married under classical law are in bigamous marriages (or have been at some point in their lives). An estimated 22 per cent of women in Ghana are in polygamous relationships.” [30a]

- 21.19 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana*, published 21 February 2008, noted:

“Unequal gender relations are sustained by discriminatory marriage practices and marital relations. Marriage entailing the transfer of the bride from one family to the other is perceived as a contract binding two families. In all ethnic groups, the groom’s family pays a dowry (money, goods or livestock) to the bride’s family, which leads some men to believe that they own their wife.

“In some cases, particularly in the three northern regions, young women and girls are exchanged between families to offset dowry payments. Almost by definition, this practice involves a forced marriage for both the bride and the groom; therefore, from the start, seeds of conflict and potential violence are sown into the matrimonial union.

“Polygamy is another practice that entrenches women’s subordinate position. According to the 2006 Ghana Multiple Indicator Cluster Survey (MICS Survey), more than one in five women (21.6 per cent) aged 15-49 years lived in a polygamous union. Polygamy is particularly prevalent in the three northern regions, where close to 40 per cent of women live in polygamy.

“The Children’s Act of 1998 sets 18 as the minimum age for marriage and criminalizes child marriages. However, child and early marriages continue to be performed, because the law is not adequately enforced.” [24a] (Paras 19-20)

- 21.20 The Marriage and Family Encyclopaedia on its *Ghana - Marital Processes and Types of Marriage* page, accessed 13 July 2010, stated:

“The marriage process itself varies among ethnic groups. Also, the type of marriage consummated by a couple often depends on a host of factors, including their socioeconomic status (e.g., formal education, occupation, income, wealth, place of residence), and their family, religious, and ethnic backgrounds. Ghanaian family law recognizes a plurality of marital forms. Throughout the country, customary law marriages, consensual unions, marriages contracted under Islamic rules, and those contracted under the ordinance (civil or church) are all recognized as legal. Of these four types of marriages, marriage under customary or traditional law accounts for most marriage contracts in the country.” [31a]

See also [Section 18 Ethnic groups](#) and [Section 17 Freedom of religion](#)

Divorce

- 21.21 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences*, Yakin Erturk, *Addendum, Mission to Ghana*, published 21 February 2008, noted:

“Women who are going through a divorce find themselves in an even weaker legal position than widows, because of the discrepancy between customary law and statutory law. The Matrimonial Causes Act 1971 (Act 367) foresees a separation of property between the spouses. Since customary law presumes that all property acquired during marriage is the sole property of the husband, women are often deprived of an equitable share of the marital property, when they divorce. An exception applies if a woman can prove that she made a ‘substantial contribution’ to the acquisition or maintenance of the property. However, the Government clarified in writing that the provisions of Act 367 apply to either party in the marriage. Accordingly, as per section 20 (1) of the Act, the Court ‘may order either party to the marriage to pay to the other party a sum of money or convey to the other party movable or immovable property as settlement of property rights or in lieu thereof or as part of financial provisions that the Court thinks just and equitable’. The Government noted that the shortcoming of the Act is that it applies principally to monogamous marriages. Therefore, while section 41 (2) of the Act makes the Act applicable to non-monogamous marriages including customary law marriage, the Act allows customary law to be applied.” [24a] (Para 13)

Widows

- 21.22 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences*, Yakin Erturk, *Addendum, Mission to Ghana*, published 21 February 2008, stated:

“While the customary law denies women a right to inherit, it obliges the heirs of the deceased to maintain his widow and children. In many cases, however, not even this obligation is respected and widows are evicted from their homes by those invoking customary inheritance rights. The Intestate Succession Law seeks to protect widows against eviction by making it a criminal offence to evict a widow or her children from the family home within the first six months of the husband’s death. Unfortunately, this protective norm is often wrongly interpreted as permitting evictions after six months have passed.

“Several communities also still practise levirate marriage/widow inheritance, requiring the widow to marry (formally or informally) her late husband’s brother. In other communities, the woman is ‘inherited’ by one of the sons born to another wife of the deceased husband. These marriages are more than a social support arrangement for the widow, since the man is permitted to have sexual relations with the widow. Nevertheless, women are in no position to refuse. If they do they may be violently ejected from their homes and left destitute.” [24a] (Paras 71-73)

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VIOLENCE AGAINST WOMEN

- 21.23 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“Amnesty International reported that violence against women continues to be widespread in Ghana. After years of debate and discussions the Domestic Violence Act finally became law in 2007, allowing prosecution of marital rape. Despite this positive development, further legislative reforms are needed to ensure equal rights between women and men. Furthermore, the Domestic Violence and Victims Support Units established in the police service remains under resourced and thus suffer serious short-comings in ensuring protection and services to victims of violence. The Centre on Housing Rights and Evictions (COHRE) added that the Government should put structures and adequate resources in place to ensure proper implementation of the Domestic Violence Act.” [24b] (Para 14)

- 21.24 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, added, “The constitution protects... women and children’s rights... The criminal code addresses rape, defilement, incest, abduction, and forced marriage. However, the Domestic Violence Act is still not properly enforced, and DOVVSU (Domestic Violence and Victim Support Unit) does not receive adequate resources.” [6b] (Civil Liberties)

Domestic violence

- 21.25 The USSD Report 2009 noted, “Unless specifically called upon by DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counselling skills, shelter, and other resources to assist victims. Statistics were not available on the number of abusers who were prosecuted or convicted during the year.” [2b] (Section 6)

- 21.26 The same source also noted:

“During the year the police service’s Domestic Violence and Victim Support Unit (DOVVSU) worked closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers (FIDA), the Legal Aid Board, and several other human rights NGOs to combat domestic violence. From January through September, DOVVSU noted 283 reports of rape, with 136 reported arrests leading to 57 prosecutions resulting in five convictions, and 217 un-investigated cases. Convicted rapists may be punished with jail sentences ranging from five to 25 years. There were also 858 defilement cases. DOVVSU investigated 5,458 cases of non-maintenance.

“Although the law prohibits domestic violence, it continues to be a problem. The law stipulates that a person in a domestic relationship who engages in misdemeanor domestic violence is liable on summary conviction to a fine, a term of imprisonment of not more than two years, or both. In addition to imposing a fine or a prison term, the court may order the offender to pay compensation directly to the victim. Aggravated assault is tried under a separate law. However, prosecution of domestic violence cases remained difficult. Despite growing public awareness that domestic violence was a

crime, government officials and NGOs did not have evidence that the new law had increased victims' willingness to report abuse or affected the number of arrests. Inadequate resources and logistical capacity in DOVVSU and other agencies, as well as only partial implementation of the Domestic Violence Act, hindered the full application of the law during the year. In many cases, victims were discouraged from reporting abuse and from cooperating with prosecutors because of long delays in bringing such cases to trial. Victims frequently did not complete their formal complaints because they could not afford the fees that doctors charged to document the abuse in police medical forms. Although the law waived these medical fees, doctors continued to require them in exchange for signing medical reports. There were credible reports that doctors sometimes charged more than the rate set by hospital administration to sign medical forms." [2b] (Section 6)

Societal violence

- 21.27 The Amnesty International *Report 2010 – Ghana*, published 28 May 2010, added, "Violence against women and girls continued to be widespread, with violence in the family thought to affect one in three women. According to the police's Domestic Violence and Victim Support Unit, reported cases of violence against women and girls increased in 2009." [17c]
- 21.28 The USSD Report 2009 noted, "There were no laws to specifically protect women from sexual harassment; however, some sexual harassment cases were prosecuted under the existing criminal code. Women's advocacy groups reported that sexual harassment remained a problem." [2b] (Section 6)

See also [Section 22.10 Violence against children](#) and [Section 17.05 - Trokosi](#)

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Witchcraft

- 21.29 The United Nations Human Rights Council, in its *Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences, Yakin Erturk: addendum: mission to Ghana*, published 21 February 2008, stated:

"There are many cases, in which women - and occasionally men - are accused of practising witchcraft to bring harm to members of their family or community. Belief in supernatural forces is deeply rooted in Ghanaian culture and still widely held, especially in rural areas and among the less educated. Being accused of practising witchcraft is therefore a very serious charge that can have grave consequences. Accused women are often driven violently from their homes and communities, physically assaulted and, in extreme cases, also murdered.

"Despite its serious ramifications, an accusation of witchcraft can be easily triggered. A community member may dream that a certain woman is a witch or an adverse event occurs in the community that cannot be explained, such as a suspicious or unexpected death of a community member. Negative human sentiments such as jealousy or the desire to find a scapegoat are also at the base of witchcraft allegations. In some cases, witchcraft allegations seem to be deliberately directed at women who are successful and are seen

as a threat to the patriarchal order. Therefore, while any woman can potentially be accused of being a witch, the victims of those accusations who suffer the most serious consequences are almost always elderly women, who lack family protection and do not have the power to defend themselves against their accusers.” [24a] (Paras 62-65)

21.30 The USSD Report 2009, published 11 March 2010, stated:

“In the Northern, Upper East, and Upper West regions of the country, where belief in witchcraft remained strong, rural women were banished by their families or traditional village authorities for suspected witchcraft. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. The banished women went to live in ‘witch camps’, villages in the north of the country populated by suspected witches, some of whom were accompanied by their families. Catholic Relief Services and other NGOs provided food, medical care, and other support to residents of the camps. Government officials and the regional office of CHRAJ claimed that the number of women in the witch camps in the Northern Region had decreased slightly in recent years.” [2b] (Section 6)

21.31 The United States Department of State *International Religious Freedom Report 2009*, published 26 October 2009, noted, “The women [those believed to be witches] did not face formal legal sanction if they returned home; however, most feared that they would be beaten or killed if they returned to their village or attempted to pursue legal action to challenge the charges against them.” [2e]

21.32 Afrolnews, in an article dated 24 March 2010, called *Witchcraft Meets Modern Medicine in Ghana*, reported:

“Death, suffering and diseases are often attributed to witchcraft. Over thirty percent of Ghanaians believe such evil forces could be responsible for the spread of HIV/AIDS, according to research data... To Ghanaians in general, witchcraft is a fact of life. Women who have been declared witches are often expelled, and forced to live in special villages. People may feel sorry for them, but this does not seem to alter their belief in witchcraft as a brutal reality.” [21a]

22.33 GhanaWeb reported on 6 May 2010, in an article called *Women Accused of Witchcraft Cry for Help*:

“Some 1,020 members of the Kukuo alleged witches camp have passionately appealed to NADMO [National Disaster Management Organisation] and the Nanumba North District assembly to assist them rebuild their households numbering about 75 which were destroyed by heavy storm recently.

“In sharing their experience with northernghana.com, Mma Abukari Mariama Nakpanzoo, leader of a network for the six alleged witch camps in the Northern region complained that several appeals have been made to the district assembly and NADMO but nothing fruitful has been realized.

“The about 1,020 alleged witches accommodated at the Kukuo camp have 171 grandchildren and only 64 attending school at the basic level and there is only a school block in the community which was built by Action-Aid Ghana. Due to lack of educational infrastructure, Junior High pupils sit under tress

(sic) for lectures and the whole farming community with a total household of 226 can boast of only three boreholes.” [22a]

See also [Section 17 Freedom of religion](#)

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Female Genital Mutilation

21.34 The USSD Report 2009 noted:

“The law prohibits female genital mutilation (FGM), but it remains a serious problem in the Upper West region of the country, and to a lesser extent in Upper East and Northern regions. Type II FGM--defined by the World Health Organization as the excision of the clitoris with partial or total excision of the labia minora--was more commonly performed than any other type. A girl was typically excised between 4 and 14 years of age. According to a 2008 study conducted by the Ghana Statistical Service with support from the UN Children's Fund, approximately 49 percent of women age 15-49 in Upper West had experienced some form of FGM, compared to 20 percent of women in this age group in Upper East and 5 percent of this group in Northern Region.

“Sylvester Kyei-Gyundi, head of the Information Research Advocacy Division of the Department of Children, said that national efforts focused on negative cultural practices (including FGM) have yielded positive results. Intervention programs were somewhat successful in reducing the prevalence of FGM, particularly in the northern regions. Officials at all levels, including traditional chiefs, continued to speak out against the practice, and local NGOs continued educational campaigns to encourage abandonment of FGM and to train practitioners in new skills so they could seek alternate sources of income.

“Among women 15-49 surveyed in Upper West where the practice was most common, 85 percent stated that the practice should be discontinued, 10 percent were unsure and only 5 percent supported its continuation. Lower prevalence of FGM among women in Upper East was highly correlated with increased education. There were no prosecutions of practitioners during the year.” [2b] (Section 6)

21.35 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted, “While FGM has been criminalized and is not as widespread thanks to a multiyear campaign to end the practice, it is still a part of the culture in some communities in northern Ghana.” [6b] (Civil liberties)

21.36 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana*, published 21 February 2008, stated:

“Female genital mutilation (FGM) has been traditionally practised by several ethnic groups from northern Ghana. Victims can also be found among immigrants from neighbouring countries, where FGM is highly prevalent. UNICEF has estimated that 5.4 per cent of all women in Ghana aged 15-49 have been subjected to FGM.

“In 1994, Ghana criminalized the practice. Since then, successful prosecutions of those performing FGM have been reported from the Upper West and Upper East Regions. In 2007, Parliament further strengthened the law against FGM by increasing the maximum penalty to 10 years of imprisonment and extending the range of persons who can be prosecuted for involvement in an act of FGM. Officials at all levels of Government, including the President, have also publicly condemned FGM.

“While there are indications that the practice of FGM in Ghana may be declining, new cases continue to be reported. Civil society organizations and medical practitioners note that FGM is increasingly performed on younger girls, who are less likely to resist or report the crime. Some families apparently also send their daughters abroad to have the procedure carried out. The fact that in some neighbouring countries FGM is not criminalized or the legislation against it is not enforced, and since Ghanaian law does not apply extraterritorially, makes it difficult for the Ghanaian authorities to take action, even if they find out about such cases.” [24a] (Paras 51-53)

- 21.37 The Integrated Regional Information Network’s report, *West Africa: Cross border FGM on the rise*, published 17 October 2008, reported:

“If all countries legislate or review their laws to cover cross-border practices, I am sure it will eventually eliminate FGM,’ Marian Tackie of Ghana’s Ministry of Women and Children Affairs told IRIN.

“Among West African countries, only Ghana has reviewed its legislation to prosecute all perpetrators of FGM/C including those who perform outside the country, she said. In Ghana even the women who participate in the circumcision ceremony by shouting to drown out the screaming of the girls are subject to prosecution.” [26c]

- 21.38 Ghanaweb reported in an article, dated 25 February 2009, called *Schools urged to form anti-FGM clubs*:

“Mrs Florence Ali, President of the Ghana Association for Women Welfare (GAWW), has called for the formation of anti-Female Genital Mutilation (FGM) clubs in all schools at the Sawla-Tuna-Kalba District to help stop the practice. She said if teachers allow the formation of these clubs in their schools, children would be better informed on the dangers associated with FGM and the information would subsequently be well disseminated to their parents.” [22e]

[See also Section 22 Children](#)

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GOVERNMENT AND NGO ASSISTANCE AVAILABLE

- 21.39 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“Access to justice for victims of gender-based crimes is another challenge, as stated by CHRI. Trokosi is still practiced in the Volta region and yet not a

single person has been convicted of this offence. Sexual offenders remain undeterred in spite of amendments made to the Criminal Code Act in 1998. In most cases, the victims are denied justice simply because they cannot afford to pay for a medical report. Long delays in attending to cases are a significant problem, according to CHRI. It takes an average of two years for a sexual-crime case to be brought to trial, after the investigation stage. Perpetrators continue to be released pursuant to Article 14 (4) of the Constitution which provides that a person who is not tried within a reasonable time must be released without prejudice to the offence in question; in some cases, court delays present therefore a serious risk to the victims. CHRI mentioned that bribery and corruption among police forces and the judiciary are also major impediments for the prosecution of gender crimes. AI indicated that effective and prompt investigations must be carried out into all allegations of domestic violence and FGM, and those responsible must be brought to justice.” [24b] (Para 21)

See also [Section 15.03 Commission on Human Rights and Justice](#)

- 21.40 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences*, Yakin Erturk, *Addendum, Mission to Ghana*, published 21 February 2008, stated:

“Section 7 of the Domestic Violence Act requires the police to provide victims of domestic violence with the protection the circumstances of each case requires. Yet, there are almost no facilities to physically protect women at risk of violence. In the whole country, there is only one women’s shelter, which is operated by the non-governmental Ark Foundation and relies exclusively on donor funds. Police often have no choice but to keep women, who have to flee from their home but have nowhere else to go, overnight in the police station, before sending them back to the abusive environment the next day.

“Under section 8 (4) of the Act, victims are legally entitled to free medical treatment provided by the State in case of emergency or a life-threatening situation, but this norm is not implemented. Instead, State hospitals and doctors charge a fee of 15-30 new cedis (about US\$ 15-30) to issue a medical certificate confirming the abuse. Victims, who are not covered by the Ghana National Health Insurance, have to pay this fee themselves. Unless they find a sympathetic medical doctor who provides the certificate free of charge, poor, uninsured women have to drop their criminal complaint, because they cannot afford to obtain the medical evidence necessary to secure a successful prosecution.

“Many of my interlocutors also made the criticism that victims do not receive enough follow-up and counselling, because the Ministry of Manpower, Youth and Employment, which is the responsible body, employs too few social workers to deal with domestic violence cases. Such assistance is often left to dedicated non-governmental organizations.” [24a] (Paras 85-87)

- 21.41 With regard to the capacity of the police and the justice sector, the same report stated:

“In 2005, the Ghana police service transformed its Women and Juvenile Unit (WAJU) into a Domestic Violence Victims Support Unit (DoVVSU) tasked to investigate all crimes involving domestic and gender-based violence. DoVVSU is seriously under-resourced. At the time of my visit, it had only 66

desks and offices and 320 staff. Large parts of rural Ghana were not adequately covered. Moreover, it lacked the basic equipment to effectively investigate crimes; for instance, it only had 5 cars and 10 motor bikes at its disposal in the entire country. In practice, this often meant that a victim of domestic violence has to hire a taxi, at her own expense, to take police to arrest an alleged perpetrator.

“Police also require more training to fully understand the dynamics and gender dimensions of domestic violence and the needs of the traumatized victim. Many police officers are said to attempt on-the-spot settlements between perpetrator and victim, even though the Domestic Violence Act gives such powers only to courts, subject to specific safeguards.

“Many of my interlocutors also criticized the length of judicial proceedings. Domestic violence cases are often adjourned several times, until victims run out of courage or funds to pursue their case. In our discussions, the Chief Justice acknowledged this problem. Apart from additional efforts to reform the overburdened justice system, she suggested that courts reserve special days to swiftly deal with cases involving domestic violence in a comprehensive manner.

“There are also problems with the data compiled by law enforcement authorities. For instance, statistics kept by DoVVSU reflect only the types of reported crimes, without indicating the victim’s sex and her/his relationship to the perpetrator. Such data is virtually meaningless, especially considering the gender neutral definition of domestic violence in the Domestic Violence Act.”
[24a] (Paras 80-84)

21.42 The USSD Report 2009 noted, “Women’s rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The government was involved in educational programs, and many officials were advocates of women’s rights.”
[2b] (Women)

21.43 FIDA (International Federation of women Lawyers) - Ghana stated on its website, accessed 6 September 2010, “FIDA-Ghana [is] a non profit, non partisan organization committed to addressing discriminatory practices in the society and promoting and protecting the rights of women and children in Ghana.” The site went on to say, “FIDA-Ghana in January 1985 established the first free Legal Aid Service in the country.” [40a]

21.44 The following links provide lists of the local and foreign NGOs in Ghana:

Ghanaweb *Ghana Related Websites: NGOs – Local*

<http://www.ghanaweb.com/GhanaHomePage/directory/cat32.html>

[22f]

Ghanaweb *Ghana Related Websites: NGOs – Foreign*

<http://www.ghanaweb.com/GhanaHomePage/directory/cat32.html>

[22g]

See also [Section 15 – Human Rights Institutions, Organisations and Activists](#),
[Section 22 - Children](#), [Section 23 Trafficking](#) and [Section 8.06 Police](#)

21.45 The Ministry of Women and Children’s Affairs states on its website that its aim is, “To enhance it’s contribution to the development of Ghana by achieving equal status for women, enforcing the rights of children and women, and

promoting the survival, development, protection and increased participation of both women and children in the development process.” [44]

This link provides further information of the ministry and further links to relevant acts and legislative instruments:

<http://www.mowacghana.net/>

[44]

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22. CHILDREN

OVERVIEW

- 22.01 The UN Treaty Collection database noted that Ghana signed the Convention on the Rights of the Child on 29 January 1990 and ratified it on 5 February 1990. [55a]
- 22.02 The United States Department of State *Country Report on Human Rights 2009: Ghana* (USSD Report 2009), published 11 March 2010, stated, “The government was committed to protecting the rights and welfare of children, although its efforts were constrained by limited financial and logistical resources.” [2b] (Section 6)
- 22.03 UNICEF, on its Ghana page, accessed 7 September, gives basic statistics relating to children:
http://www.unicef.org/infobycountry/ghana_statistics.html
 [45a]
- 22.04 UNICEF, in its *Global Study on Child Poverty and Disparities 2007-2008 – Ghana*, published July 2009, introduced the report by stating, “The current study undertook further analysis of the Demographic and Health Survey, Multiple Indicator Cluster Survey and Ghana Living Standards Survey datasets to critically explicate child poverty in Ghana. It further examined policies and laws that have been adopted to promote child wellbeing in the country.” The report can be accessed in full via the following link:
http://www.unicef.org/socialpolicy/files/Child_Poverty_and_Disparities_in_Ghana.pdf
 [45b]

LEGAL RIGHTS

- 22.05 The Children’s Act of 30 December 1998 defines a child as “a person below the age of eighteen years.” The full act can be accessed via the following link:
 The Ministry of Women and Children’s Affairs, *The Children’s Act of 30 December 1998*
http://www.mowacghana.net/files/childrens_act.pdf
 [44b]
- 22.06 The UN Convention on the Rights of the Child, in its report, *Concluding Observations: Ghana*, published 17 March 2006, noted that the age of criminal responsibility is 12 years. The full report can be accessed via the following link:

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/ba9c
cae3e901b5f4c125716200435cea/\\$FILE/G0640957.DOC](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/ba9ccae3e901b5f4c125716200435cea/$FILE/G0640957.DOC)

[43b]

EDUCATION

22.07 The USSD Report 2009 observed:

“Not all births were registered with the government. Citizenship is derived by birth within the country or parentage. Although a birth certificate was not a legal precondition to attend school, in practice some children were reportedly denied education because their births were not registered.

“Education is compulsory from pre-primary through junior secondary school. Despite the constitutional provision for ‘free compulsory and universal basic education,’ parents were required to purchase uniforms and writing materials. Uniforms are mandatory in all government-supported schools. Students may be asked to leave school if they do not wear their uniform. The government provided textbooks.

“According to the Ministry of Education, the enrolment rate during the 2008-09 school year was 94.9 percent at the primary level; 48.6 percent of those students are girls and 51.4 percent are boys. At the junior secondary school (JSS) level, 80.6 percent of eligible children were enrolled; 46.7 percent of the total enrolment was girls and 53.3 percent were boys. Some children did not attend school because they worked to supplement their family’s income or lived far from the closest school. Many schools, particularly in rural areas, had insufficient teachers and were inadequately resourced. The indirect economic cost associated with enrolment, including lost wages from children not in the labour force, was a significant obstacle for many children’s families. In addition, authorities did not regularly enforce attendance, and parents were rarely sanctioned for keeping their children out of school.

“The government continued its Capitation Grant program, paying schools approximately three cedis (\$2.08) per school year per child to cover cultural, sports, and other school fees. The National School Feeding Programme also helped alleviate the incidental costs associated with school attendance. During the year 645,000 children were enrolled in the program nationwide with a target of one million by 2010. The number of children in Accra participating in the school lunch program doubled during the year to an estimated 6,000.” [2b] (Section 6)

22.08 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“The CHRAJ reported that the constitutional guarantee for basic education in Ghana has not yet been realized 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 program.” [24b]

22.09 The same report also stated:

“The Global Initiative to End All Corporal Punishment of Children (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 at 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.” [24b]

See also [Section 22.10 Violence against children](#).

For information about education for girls see [Women Section 21.12](#)

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VIOLENCE AGAINST CHILDREN

22.10 The USSD Report 2009 stated that:

“The law prohibits defilement, incest, and sexual abuse of minors, but such abuse remained a serious problem. There were frequent reports that male teachers sexually assaulted and harassed female students. Girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. During the year there continued to be press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems....During the year DOVVSU (Domestic Violence and Victim Support Unit) received 858 cases of suspected child defilement and 10 cases of attempted defilement.” [2b] (Section 6)

See Section 21.32 Domestic Violence and Victim Support Unit...

22.11 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana*, published 21 February 2008, stated, “Reports also indicate that rape of underage girls committed by men within the family circle, including brothers, fathers, stepfathers and other ‘fatherly figures’, is a big problem, although there is no reliable data on the exact size of the problem.” [24a] (Para 39)

22.12 The USSD Report 2009 also noted:

“The migration of children to urban areas increased due to economic hardship in rural areas. Children were often forced to support themselves to survive, increasing both the occurrence of child labour and the school dropout rate. Girls under 18 were among the most vulnerable child labourers, as many also engaged in prostitution or were sexually exploited in exchange for protection

while living on the streets. The girls were exploited by both their protectors and their customers.” [2b] (Section 6)

- 22.13 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“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.’” [24b]

See also [Section 21.25 Women – domestic violence](#)

Kayaye Street Girls

- 22.14 The UN *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, Addendum, Mission to Ghana*, published 21 February 2008, stated:

“Girls migrate on their own from impoverished areas in the north to the big urban centres in the south, where they work in the markets and streets as head load carriers (kayaye), informal petty traders or in other menial jobs. Most of the girls are only 10-14 years old when they first migrate and some are even younger. The girls, an estimated 90 per cent of whom are illiterate, typically migrate to escape extreme poverty and a lack of opportunities. Many girls also see the kayaye experience as an opportunity to acquire the items they will need in order to get married later on in life.

“Family problems, including exploitation and abuse, are often additional factors pushing girls to leave their homes. In accordance with local culture, some children are sent to live with paternal or maternal relatives, who were traditionally meant to foster family solidarity and kinship ties. However, with the erosion of social convention, today these children are often exploited and abused by their relatives ... The girls seem mostly to migrate on their own, encouraged by their peers and often with the knowledge of their family. Some reports indicate that organized networks increasingly approach impoverished families to recruit girls.

“Once they arrive in the urban centres, the kayaye work and live under dangerous and miserable conditions. They usually live on the streets, having to pay owners of wooden market stalls for a place with a roof to spend the night. Being vulnerable to exploitation and abuse, they often have to seek the ‘protection’ of older street boys in exchange for sex. As a result many end up getting pregnant outside marriage and are often ostracized when they return to the north as single mothers. Some girls occasionally prostitute themselves to add to their earnings, which increases the prejudices they encounter once they return home.

“Girls Growth and Development (GIGDEV) in Tamale is a civil society organization that helps former kayaye integrate back into society, by providing them with vocational training and basic education...

“Some girls abandon kayaye work altogether and are fully drawn into Ghana’s growing child prostitution sector, which increasingly also seems to cater to foreign child sex tourists. Girls have reportedly also been trafficked and subjected to commercial sexual exploitation in other West African countries and Western Europe. While the Government has reacted by adopting a comprehensive Human Trafficking Act in 2005, still more needs to be done to enforce the Act and strengthen Ghana’s anti-trafficking cooperation with other countries.” [24a] (Paras 56-61)

See also [Section 17.10 Freedom of Religion -Trokosi](#)
[Section 21.34 Women -FGM](#)

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Child labour

22.15 The USSD Report 2009 stated:

“The law sets the minimum employment age at 15 years and 13 years for light work that was not likely to be harmful to the child and does not affect the child’s attendance at or capacity to benefit from school. The law prohibits night work and certain types of hazardous labour for those under 18, and provides for fines and imprisonment for violators; however, child labour remained a serious problem in the informal sector. The law allows for children age 15 and above to have an apprenticeship under which craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. However, child labour laws were not always enforced effectively or consistently, and law enforcement officials, including judges, police, and labour officials, were sometimes unfamiliar with the provisions of the law that protected children. During the year the MOWAC [Ministry of Women and Children’s Affairs] conducted seminars on child labour to educate the media, police, civil servants, and the general public. However, local custom and poverty encouraged children to work to help support their families and eroded societal observance of child labour laws.” [2b] (Section 7d)

22.16 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“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 (International Labour Organisation) 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.” [24b] (Para 17)

22.17 The USSD Report 2009 observed:

“Children as young as seven worked in agriculture and as domestic labourers, porters, hawkers, miners, quarry workers, and fare collectors. Children also engaged in herding livestock, fetching firewood, and bricklaying.

“The fishing industry in the Lake Volta region had a particularly high number of child labourers engaged in potentially hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. Girls in the region also engaged in work as domestic servants, cooks, servers, and porters.

“Child labourers were poorly paid and physically abused; they received little or no health care and generally did not attend school.

“According to government labour officials and the Ghana Employers Association, child labour problems were infrequent in the formal labour sector.

“The law prohibits forced and compulsory labour by children; however, during the year children were forced to work or were reportedly sold, leased, or given away by parents to work in fishing villages, shops, or homes. It was difficult to determine the extent to which forced and bonded labour by children was practiced.

“There were newspaper reports of children being sold into involuntary servitude for either sexual exploitation or labour, such as 10- to 12-year-old boys working for fishermen in exchange for a yearly remittance to their families. The practice often involved the consent of their generally impoverished parents. The media runs regular stories about children being used in involuntary servitude, particularly as street hawkers and porters.

“Inspectors from the Ministry of Employment and Social Welfare are responsible for enforcement of child labour regulations, and district labour officers and the social services subcommittees of district assemblies are charged with seeing that the relevant provisions of the law are observed by annually visiting each workplace and making spot checks whenever they receive allegations of violations. Inspectors are required to provide employers with information about child labour violations and effective means to comply with provisions of the Labour Act. However, the government did not provide sufficient resources to law enforcement and judicial authorities to conduct these efforts.

“During the year the government continued its five-year national Program for the Elimination of Child Labour in the Cocoa Sector, which included awareness-raising initiatives regarding child labour practices in cocoa farming. The government worked closely with NGOs, labour unions, and the cocoa industry to better understand the role of children in the cocoa sector and to encourage changes, through the program to eliminate the worst forms of child labour in the cocoa industry.

“The government continued to implement its National Plan of Action for the Elimination of Child Labour and collaborated with ILO/IPEC through June on a \$4.75 million project to support this plan. This project withdrew 5,326 children

from exploitative child labour and kept another 5,753 children from exploitative child labour.

“ILO/IPEC, (International Labour Organisation/International Programme on the Elimination of Child Labour) government representatives, the Trade Union Congress, media, international organizations, and NGOs continued to build upon the National Plan of Action for the Elimination of Child Labour in Ghana by increasing institutional capacity to combat child labour. With the support of the government, NGOs and foreign governments funded more recent programs to combat child labour. Education and sensitization workshops were conducted with police, labour inspectors, local governments, and communities.” [2b] (Section 7d)

Trafficking

- 22.18 The UN Human Rights Council, in its *Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 - Ghana*, published 2 April 2008, noted:

“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.” [24b] (Para 16)

See also [Section 23 Trafficking](#)

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CHILD PROTECTION AND SUPPORT

- 22.19 Ghanaweb, in a report of 6 September 2010 called *MOWAC Intensifies Efforts to Enforce Laws on Child Protection*, stated:

“The Ministry of Women and Children's Affairs (MOWAC) has intensified efforts to monitor and ensure strict enforcement of existing laws on child protection. It has pledged its commitment to deal with parents and guardians who failed in their responsibilities towards their children and wards. Hajia Hawawu Boya Gariba, Deputy Minister of MOWAC, who announced this therefore, charged the media to endeavour to monitor and expose people who abused the rights of children urging the media to operate without fear or favour. She was addressing the opening session of a two-day workshop on child rights issues for journalists in Accra.

“...Hajia Gariba said parents had roles to play to ensure the survival, growth and development of children, and noted that the situation of most children still remained critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances. She said the increasing incidence of children fending for themselves and living on the streets, child

abandonment, the plight of disabled children were indications of lack of adequate care and guidance for children in Ghana.

"These demonstrate that the duty-bearer of children, you and I are unable, or are simply refusing to fulfil our legal and moral obligation towards the Ghanaian child,' she added. The Deputy Minister noted that children continued to suffer because of lack of commitment on the part of relevant stakeholders to complement government's efforts towards the holistic development of children.

"... 'We would propose legislation to the effect that every children's home or orphanage in Ghana must have a CCTV to be supervised by the GJA,' she added.

"Mr Bright Appiah, Executive Director of Child's Right International, observed that Ghana had many laws on children but implementing those laws had become a problem. He said children who came into conflict with the law should not be branded as criminals and appealed to magistrates to be moderate and creative in how they judged juveniles. Mr Appiah deplored the current practice of putting youth and adults together in the country's overcrowded prisons noting that made them hardened juveniles. He indicated that between 1993 and 2003, 10,488 juveniles were detained in police cells and 2,164 imprisoned with adults, and in the absence of remand homes for children under 18 years, in some regions 377 children under 12 years were detained in police cells. 'This is against the law and must be condemned by all,' Mr Appiah added. Mr Ransford Tetteh, GJA President, challenged the media to acquire copies of the various legislations in order to become well vexed with issues when reporting on issues concerning children." [22h]

Orphanages

22.20 IRIN, in an article dated 27 May 2009, titled *West Africa: Protecting Children from Orphan Dealers*, reported:

"The recent rape of an eight-month-old boy in an orphanage in the Ghanaian capital Accra revealed conditions that child rights advocates say are rampant across West African orphanages. When the authorities investigated the incident they discovered 27 of the 32 children living in the home were not orphans.

"A January 2009 study by the Social Welfare Department – responsible for children's welfare and supervising orphanages – showed that up to 90 percent of the estimated 4,500 children in orphanages in Ghana are not orphans and 140 of the 148 orphanages around the country are un-licensed, said the department's assistant director Helena Obeng Asamoah.

"We are alarmed at the extent to which the orphanages have abused the country's child protection laws,' she told IRIN.

"Accra-based child protection specialist with the UN Children's Fund (UNICEF) Eric Okrah told IRIN: 'Running an orphanage in Ghana has become a business enterprise, a highly lucrative and profitable venture.'

"He added: 'Children's welfare at these orphanages has become secondary to the profit motive.'" [26e]

- 22.21 The UN Committee on the Rights of the Child (CRC), in its *Concluding Observations, Ghana*, published 17 March 2006, noted, “The Committee welcomes the National Policy Guidelines on Orphans and Other Children made Vulnerable by HIV/AIDS but remains concerned that these Guidelines are not effectively implemented. It is further concerned by the more than 200,000 children orphaned by HIV/AIDS in the State party. The Committee is also alarmed at the information about the increasing number of orphanages.” [43b] (Para 40)

See [Section 24.05 Medical Issues - HIV](#)

NGOs

- 22.22 The Directory of Development Organisations, 2010 edition, lists a number of NGOs currently operating in Ghana, many of which support children in Ghana. The directory can be accessed via the following link:
<http://www.devdir.org/files/Ghana.PDF>
[46a]
- 22.23 The Child Rights Information Network (CRIN) lists organisations that assist women and children in Ghana. The website can be accessed via the following link:
<http://www.crin.org/reg/country.asp?ctryID=80&subregID=5#LatestRes>
[56a]

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23. TRAFFICKING

- 23.01 The United States Department of State *Trafficking in Persons Report, 2010, Ghana*, published 14 June 2010, stated:

“Ghana is a country of origin, transit, and destination for women and children subjected to trafficking in persons, specifically forced labour and forced prostitution. The non-consensual exploitation of Ghanaian citizens, particularly children, is more common than the trafficking of foreign migrants. The movement of internally trafficked children is either from rural to urban areas or from one rural area to another, as from farming to fishing communities. Ghanaian boys and girls are subjected to conditions of forced labour within the country in fishing, domestic servitude, street hawking, begging, portering, and agriculture. Ghanaian girls, and to a lesser extent boys, are subjected to commercial sexual exploitation within Ghana. Internal labour traffickers are commonly freelance operators, and may be known to members of the source community. Uninformed parents may not understand that by cooperating with trafficking offenders, they may expose their children to bonded placement, coercion, or outright sale. Media reports during the year cited 50 Ghanaian women recruited for work in Russia and subsequently forced into prostitution. Women and girls from China, Nigeria, Cote d'Ivoire, and Burkina Faso are subjected to forced prostitution after arriving in Ghana. Citizens from other West African countries are subjected to forced labour in Ghana in agriculture or involuntary domestic servitude. Trafficking victims endure extremes of harsh treatment, including long hours, debt bondage, lack of pay, physical risks, and sexual abuse.

“The Government of Ghana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so, despite limited resources. Ghana increased its law enforcement efforts by prosecuting and convicting an increased number of traffickers, including the first convictions relating to forced child labour in the Lake Volta fishing industry. The Ghanaian Police partnered with Interpol to host regional training for law enforcement officials from Anglophone Africa, and the government took steps to establish four regional anti-trafficking units to manage cases more effectively at the regional level. In August 2009, the president appointed new members to the Human Trafficking Management Board, which had been disbanded when the previous government left office in January 2009. However, the government did not demonstrate increased efforts to ensure that victims receive adequate protection, such as funding a shelter for trafficking victims, or increasing assistance to NGOs or international organizations to provide trafficking victim care.” [2f] (Page 157)

23.02 With regard to prosecution the report continued:

“The Government of Ghana demonstrated improved antihuman trafficking law enforcement efforts during the last year. Ghana prohibits all forms of trafficking through its 2005 Human Trafficking Act (HTA), which prescribes a minimum penalty of five years' imprisonment for all forms of trafficking. This penalty is sufficiently stringent and commensurate with penalties prescribed for other serious offences, such as rape. In July 2009, the Ghanaian parliament passed a law amending the definition of trafficking to give the HTA uniformity with the language of the 2000 UN TIP Protocol. The Ghana Police Service (GPS) maintains an Anti-Human Trafficking Unit (AHTU) in its Criminal Investigation Division, which opened 31 trafficking investigations in 2009.” [2f] (Page 157)

23.03 The report analysed the protection offered by the government:

“The government demonstrated overall improved victim protection efforts during the year. The government did not employ formal procedures for the identification of victims among vulnerable groups, such as women in prostitution or children at work sites, though it did show increased efforts at ad hoc identification of such victims. The government continued to operate dedicated trafficking shelters for victims of forced labour – in Osu and Medina in the greater Accra region and in the Atebubu Amant District Assembly in the Brong Ahafo region – but lacked shelter facilities for victims of sex trafficking. The government provided an unknown amount of funding for these shelters. Ghanaian authorities referred most identified victims to shelters operated by NGOs. According to the AHTU, victims received protective support during and after trials, and prosecutors took their statements behind closed doors to ensure their safety and conceal their identity. With the Interior Minister's approval, a trafficking victim may remain permanently in Ghana if deemed to be in the victim's best interest, though no victims were given such residency during the last year. There was no formal referral process to transfer victims in protective custody to other facilities. The government provided some training to law enforcement officials on identification of trafficking victims. The government encouraged victims to assist in the investigation and prosecution of traffickers, though many victims were children afraid to provide testimony. The government provided assistance to its nationals who may have been trafficked, with an eye to rehabilitation and reintegration into the life of the country. Some victims were given capital to start businesses and others were

supported to continue schooling or learn a trade. The government sustained partnerships with local and international NGOs to rescue and rehabilitate forced child labourers in fishing or mining during the reporting period.” [2f] (Page 157)

23.04 The report added, with regard to prevention:

“The Government of Ghana demonstrated renewed efforts to prevent trafficking over the last year [2009]. It conducted anti-trafficking education campaigns and workshops to prevent trafficking during the reporting period. Counter-trafficking officials spoke regularly with anti-trafficking messages on radio talk shows and on television. The Ghana Immigration Service maintained a task force responsible for patrolling the borders and ports to expose crimes related to human trafficking. The government developed a draft for a national plan of action covering human trafficking. The Accra Metropolitan Assembly demolished Soldier Bar, a brothel in Accra known to have employed children in prostitution. Ghana is not a party to the 2000 UN TIP (Trafficking in Persons) Protocol.” [2f] (Page 157)

23.05 The Freedom House report, *Countries at the Crossroads 2010 – Ghana*, published 7 April 2010, noted:

“The International Labour Organisation (ILO) and its International Programme on the Elimination of Child Labour (IPEC) have raised concerns about human trafficking, particularly child trafficking, in some farming and fishing communities in Ghana. The government has responded by setting up a human trafficking task force to coordinate anti-trafficking efforts, and the Human Trafficking Act (Act 694) was promulgated in 2005 to help combat the problem. Current initiatives include an effort by the Ministry of Justice to create a registry of children who live with relatives other than their parents, and designating the offence of ‘causing or encouraging the seduction or prostitution of a child under the age of sixteen’ as a second-degree felony rather than a misdemeanour.” [6b](Civil liberties)

23.6 The following link provides further useful information on the above topic:

Danish Immigration Service, *Protection of victims of trafficking in Ghana*, 17 June 2008

<http://www.unhcr.org/refworld/country,,DIS,,GHA,,485f6ae32,0.html>

[41a]

See also [Section 21.14 - Prostitution](#)
[Section 22.01 – Child Labour](#)

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24. MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

24.01 The WHO Country Cooperation Strategy (2008 -11), Ghana page, stated:

“The private and the NGO sectors including the Christian Health Association of Ghana provide over 40 percent of health care in Ghana, especially in the

rural areas. In 2005, Ghana introduced the National Health Insurance Scheme (NHIS) to improve financial accessibility to healthcare. The NHIS is administered peripherally through District Wide Health Mutual Insurance Schemes (DWHIS). The Scheme is tax-based and covers most services offered at the district hospital level. Despite a number of constraints, it has registered over 50% of Ghana's population. In 2008 free maternal care was included in the range of service covered by the NHIS." [32a]

- 24.02 The IOM report, *Returning to Ghana – Country Information*, updated 7 April 2010, noted:

"At the moment, Ghana has 1,433 state-owned hospitals and other medical institutions. In addition there are 1,299 private and quasi-government facilities. Private hospitals range from general hospitals to specialised facilities, offering services like assisted reproductive techniques and general obstetrics and gynaecology. Public and private medical facilities have a total bed capacity of 20,126.

"In spite of the medical infrastructure and personnel that has been established in Ghana, access to health services in geographical and financial terms continues to be a major hurdle for a large part of the population. Most of the medical facilities are located in the urban centres and district capitals. Many health workers refuse appointments to the few facilities that are in the rural areas. Another factor contributing to the inadequate and unbalanced access to health care is the exodus of doctors and nurses to developed countries." [47a]

- 24.03 More information can be found in the Austrian Red Cross and Accord Report, *Health Care in Ghana*, published March 2009, which can be accessed via the following link:
http://www.ecoi.net/file_upload/90_1236873017_accord-health-care-in-ghana-20090312.pdf
 [57a]

- 24.04 The website of the National Drug Information Resource Centre for Ghana recorded:

"[The] Essential Medicines List (EML) for Ghana is part of the Ministry of Health's continual effort to rationalise the use and management of drugs in the country. The Essential Medicines are those that satisfy the priority health care needs of the population and are selected with due regard to public health relevance, evidence on efficacy and safety, and comparative cost-effectiveness." [33a]

The list can be accessed via the following link:

<http://www.ghanadruginformation.org/GHANA%20ESSENTIAL%20MEDICINES%20LIST%202004.pdf> [33b]

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 24.05 UNAIDS, in its country situation analysis of Ghana, dated July 2008, stated:

"The national HIV prevalence of Ghana is 1.9% (2007) and there are approximately 260 000 men, women and children living with HIV in Ghana.

The second Annual Programme of Work of the National Strategic Framework II (2006-2010) was implemented in 2007. Women and young people were among the priorities for the year. In 2007, the number of sites that provided Anti Retroviral Treatment (ART) increased from 46 in December 2006 to 91 in September 2007. Despite this significant increase in the number of sites, PLHIV (people living with HIV) provided with ART only increased from 7338 in December 2006 to 11 534 during the same period (total PLHIV in need of ART is 69 599). A stigma and discrimination reduction campaign is underway in a bid to increase uptake of ART.” [34a]

- 24.06 IRIN, in its Global HIV/AIDS news and analysis, Ghana country profile, stated regarding the National Strategic Framework 2006-2010:

“Guidelines for managing sexually transmitted infections and opportunistic infections have been developed, and guidelines for the provision of antiretroviral therapy are being developed. On 1 December 2004, the President announced a commitment to provide highly subsidized antiretroviral therapy to everyone in need and to expand voluntary counselling and testing sites.

“Human resource capacity is the major bottleneck for scaling up the national HIV/AIDS response, both the numbers of health care workers and technical capacity. Ghana suffers from high turnover of highly skilled personnel, as the emigration rate is high.” [26d]

- 24.07 The WHO, in its *Summary Country Profile for HIV/AIDS Treatment, Ghana page, December 2005*, gave details of the antiretroviral therapy provided, “The first-line drug regimen is zidovudine + lamivudine + nevirapine (or efavirenz) or stavudine + lamivudine + nevirapine (or efavirenz). The second-line treatment regimen is abacavir + didanosine + nelfinavir; or abacavir + didanosine + lopinavir boosted with ritonavir; or stavudine + didanosine + lopinavir boosted with ritonavir.” [32b]

CANCER TREATMENT

- 24.08 The Africa Oxford Cancer Foundation (Afrox), on its current webpage, accessed 20 July 2010, *Improving Cancer Care in Africa – Where we work*, noted, “At present, Ghana has only two oncology centres, one in the capital Accra and one in Kumasi. There are only 4 oncologists in the country and no specialist cancer nurses.” [36a]

KIDNEY DIALYSIS

- 24.09 In January 2008 the British High Commission in Accra, Ghana, advised on the availability of treatment for end stage renal failure in Ghana; as part of that consideration, reference was given to dialysis treatment. The British High Commission stated, “[...] there is kidney dialysis treatment available in Ghana; this can be accessed at a cost. There are adequate facilities for dialysis and no waiting lists”. [35a]
- 24.10 In October 2009, the FCO was requested to provide a further update on the level of care provided in Ghana. In response the High Commission responded:

“I have today [15 October 2009] sought further clarification from a medical practitioner in Accra who confirms the position remains largely as outlined last year. However, they observed that the only facility offering dialysis is Korle-Bu Teaching Hospital in Accra, costs are significant, must be paid in advance and as such beyond the reach of the vast majority of the population. It is these factors rather than extensive availability of equipment that allow access.” [35a]

MENTAL HEALTH

- 24.11 The World Health Organisation (WHO) reported in its *Country Summary Series: Ghana* in October 2007, “Mental health services in Ghana are available at most levels of care. However, the majority of care is provided through specialized psychiatric hospitals (close to the capital and servicing only small proportion of the population), with relatively less government provision and funding for general hospital and primary health care based services. The few community based services being provided are private.” [32c]

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25. FREEDOM OF MOVEMENT WITHIN GHANA

See [Exit and return](#) for details of travel to and from Ghana

- 25.01 The USSD Report 2009 stated, “The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The law prohibits forced exile, and the government did not use it.” [2b] (Section 2d)

- 25.02 The Freedom House *Freedom in the World 2010 Country Report on Ghana*, published 24 June 2010, noted:

“Ghanaians are generally free to travel throughout the country despite occasional police-imposed curfews and roadblocks erected by security forces or civilians seeking payments from motorists. Road conditions are dismal, and car accidents are one of the leading causes of death in the country. According to the United Nations’ Integrated Regional Information Networks (IRIN), 602 people died in road accidents between January and March 2009, up from 399 in the same period in 2008.” [6d]

- 25.03 The Social Institutions and Gender Index, on its Ghana page, accessed 13 July 2010, noted, “There is no indication that women in Ghana face any legal restrictions in relation to freedom of movement.” [30a]

See also [Section 21 Women](#)

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26. CITIZENSHIP AND NATIONALITY

- 26.01 Chapter three of the Constitution of Ghana (1992), accessed 20 July 2010, stated:

“6(1) Every person who, on the coming into force of this Constitution, is a citizen of Ghana by law shall continue to be a citizen of Ghana.

“(2) Subject to the provisions of this Constitution, a person born in or outside Ghana after the coming into force of this Constitution, shall become a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was a citizen of Ghana.

“(3) A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth.

“(4) A child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, be virtue of the adoption, be a citizen of Ghana.”

“7(1) A woman married to a man who is a citizen of Ghana or a man married to a woman who is a citizen of Ghana may, upon making an application in the manner prescribed by Parliament, be registered as a citizen of Ghana.

“(2) Clause (1) of this article applies also to a person who was married to a person who, but for his or her death, would have continued to be a citizen of Ghana under clause (1) of article 6 of this Constitution.

“(3) Where the marriage of a woman is annulled after she has been registered as a citizen of Ghana under clause (1) of this article, she shall, unless she renounces that citizenship, continue to be a citizen of Ghana.

“(4) Any child of a marriage of a woman registered as a citizen of Ghana under clause (1) of this article to which clause (3) of this article applies, shall continue to be a citizen of Ghana unless he renounces that citizenship.

“(5) Where upon an application by a man for registration under clause (1) of this article, it appears to the authority responsible for the registration that a marriage has been entered into primarily with a view to obtaining the registration, the authority may request the applicant to satisfy him that the marriage was entered into in good faith; and the authority may only effect the registration upon being so satisfied.

“(6) In the case of a man seeking registration, clause (1) of this article applies only if the applicant permanently resides in Ghana.

“8(1) Subject to this article, a citizen of Ghana shall cease forthwith to be a citizen of Ghana if, on attaining the age of twenty-one years, he, by a voluntary act, other than marriage, acquired or retains the citizenship of a country other than Ghana.

“(2) A person who becomes a citizen of Ghana by registration and immediately after the day on which he becomes a citizen of Ghana is also a citizen of some other country, shall cease to be a citizen of Ghana unless he has renounced his citizenship of that other country, taken the oath of allegiance specified in the Second Schedule to this Constitution and made and registered such declaration of his intentions concerning residence as may

be prescribed by law, or unless he has obtained an extension of time for taking those steps and the extended period has not expired.

“(3) A Ghanaian citizen who loses his Ghanaian citizenship as a result of the acquisition or possession of the citizenship of a country other than Ghana shall, on the renunciation of his citizenship of that other country, become a citizen of Ghana.

“(4) Where the law of a country, other than Ghana, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, if he thereby loses his citizenship acquired by that marriage, become a citizen of Ghana.

“9(1) Parliamentary may make provision for the acquisition of citizenship of Ghana by persons who are not eligible to become citizens of Ghana under the provision of this Constitution.

“(2) Except as otherwise provided in article 7 of this Constitution, a person shall not be registered as a citizen of Ghana unless at the time of his application for registration he is able to speak and understand an indigenous language of Ghana.

“(3) The High Court may, on an application made for the purpose by the Attorney-General, deprive a person who is a citizen of Ghana, otherwise than by birth, of that citizenship on the ground.

“(a) that the activities of that person are inimical of the security of the State or prejudicial to public morality or the public interest; or

“(b) that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

“(4) There shall be published in the Gazette by the appropriate authority and within three months after the application or the registration, as the case may be, the name, particulars and other details of a person who, under this article applies to be registered as a citizen of Ghana or has been registered as a citizen of Ghana.

“(5) Parliament may make provision for the renunciation by any person of his citizenship of Ghana.

“10(1) A reference in this Chapter to the citizenship of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship of the parent at the time of the parent's death.

“(2) For the purposes of clause (1) of this article, where the death occurred before the coming into force of this Constitution, the citizenship that the parent would have had if he or she had died on the coming into force of this Constitution shall be deemed to be his or her citizenship at the time of his or her death.” [29b]

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27. EXIT AND RETURN

- 27.01 The Constitution of Ghana, Chapter Five: *Fundamental Human Rights and Freedoms*, paragraph 21(1)(g), stated, “[All persons shall have the right to] freedom of movement which means the right to move freely in Ghana, the right to leave and to enter Ghana and immunity from expulsion from Ghana.”
[29a]

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Annex A: Chronology of major events

The following is taken from the BBC Timeline: Ghana, updated 20 July 2010. [19c]

- 1957** **March:** Ghana becomes independent with Kwame Nkrumah as prime minister.
- 1960** Ghana proclaimed a republic; Nkrumah elected president.
- 1964** Ghana becomes a one-party state.
- 1966** Nkrumah overthrown in military coup; Russian and Chinese technicians expelled.
- 1969** New constitution facilitates transfer of power to civilian government led by Kofi Busia.
- 1972** Busia ousted in military coup led by Colonel Ignatius Acheampong.
- 1978** Acheampong forced to resign; General Frederick Akuffo takes over.
- 1979** Akuffo deposed in coup led by Flight Lieutenant Jerry Rawlings. Acheampong and Akuffo tried and executed on charges of corruption.
- 1979** **September:** Rawlings hands over power to an elected president, Hilla Limann.
- 1981** Limann ousted in military coup led by Rawlings after two years of weak government and economic stagnation.
- 1983** Rawlings adopts conservative economic policies, abolishing subsidies and price controls, privatising many state enterprises and devaluing the currency.
- 1992** Referendum approves new constitution introducing a multiparty system. Rawlings elected president.
- 1994** One thousand people are killed and a further 150,000 are displaced in the Northern Region following ethnic clashes between the Konkomba and the Nanumba over land ownership.
- 1994** **June:** Seven ethnic groups involved in violence in Northern Region sign peace agreement.
- 1995** Government imposes curfew in Northern Region as renewed ethnic violence results in a further 100 deaths.
- 1996** Jerry Rawlings re-elected president.
- 2000** **December:** John Kufuor beats Vice-President John Atta Mills in the presidential election.
- 2001** **February:** Petrol prices rise by 60% following the government's decision to remove fuel subsidies.

- 2001 April:** Ghana accepts debt relief under a scheme designed by the World Bank and the IMF.
- 2001 May:** National day of mourning after football stadium stampede leaves 126 dead. Inquiry blames police for overreacting to crowd trouble.
- 2001 June:** Government scraps public holiday celebrating Rawling's military coup in an effort to wipe out the legacy of his rule.
- 2001 June:** Floods hit Accra, causing 10 deaths and forcing 100,000 to flee their homes.
- 2002 April:** State of emergency is declared in the north after a tribal chief and more than 30 others are killed in clan violence. State of emergency is lifted in August 2004.
- 2002 May:** President Kufuor inaugurates reconciliation commission to look into human rights violations during military rule.
- 2003 October:** Government approves merger of two gold-mining firms, creating new gold-mining giant.
- 2004 February:** Former President Jerry Rawlings testifies at commission investigating human rights offences during the early years of his rule.
- 2004 October:** Group of current and former military personnel detained on suspicion of planning to destabilise government ahead of elections.
- 2004 December:** Presidential poll: Incumbent John Kufuor wins a second term.
- 2005 April-May:** Thousands of Togolese refugees arrive, fleeing political violence in their home country.
- 2006 April:** A boat capsizes on Lake Volta reservoir; more than 100 passengers are feared drowned.
- 2006 June:** Visiting Chinese Premier Wen Jiabao promises to lend Ghana about \$66m to fund development projects. He is on an African tour aimed at opening new export markets for China's booming economy and at securing energy and mineral supplies.
- 2007 March:** Ghana celebrates 50 years of independence from Britain.
- 2007 June:** Major off-shore oil discovery announced. President Kufuor says oil will turn Ghana into an "African tiger".
- 2007 September:** The worst floods for more than 30 years cause widespread devastation, destroying much of the annual harvest.
- 2007 December:** President Kufuor says off-shore oil reserves total 3 billion barrels.
- 2008 December:** John Atta Mills elected president.
- 2009 July:** US President Barack Obama visits.

Ghana secures a \$600m three-year loan from the International Monetary Fund (IMF).

2009 **October:** Controversy over sale of national communications network Ghana Telecom, allegedly for less than it was worth.

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Annex B: List of abbreviations

AI	Amnesty International
ART	Anti retroviral treatment
BNI	Bureau of National Investigations
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CHRAJ	Commission on Human Rights and Justice
CHRI	Commonwealth Human Rights Initiative
COHRE	Centre on Housing Rights and Evictions
DOVVSU	Domestic Violence and Victim Support Unit
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IDP	Internally Displaced Person
ILO	International Labour Organisation
IMF	International Monetary Fund
IOM	International Organisation for Migration
MESW	Ministry of Employment and Social Welfare
MOWAC	Ministry of Women and Children's Affairs
NDC	National Democratic Congress party
NGO	Non Governmental Organisation
NPP	New Patriotic Party
OCHA	Office for the Coordination of Humanitarian Affairs
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
PLHIV	People Living with HIV
RSF	Reporteurs sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
TIP	Trafficking in Persons
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USSD	United States State Department
WHO	World Health Organization
WILDAF	Women in Law and Development in Africa

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