

Universal Periodic Review (42nd session)

Contribution of UNESCO

Ghana

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Not ratified	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 4 July 1975 Committee Member (1976-1980)			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 20 January 2016			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratification on 20 January 2016			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of Ghana of 1992, as amended in 1996¹, enshrines the “right to equal educational opportunities and facilities” (article 25.1). It stresses that only “basic education shall be free, compulsory and available to all” (article 25.1.a.) while

¹ https://www.constituteproject.org/constitution/Ghana_1996.pdf

secondary education “shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education” (article 25.1.b.) and higher education “shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular, by progressive introduction of free education” (article 25.1.c.). Article 17.2. of the Constitution contains a provision on non-discrimination on “grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status”.

2. The Children’s Act of 1998² provides every child with the right to education from their parents (article 6) and adds that every child has the right not to be deprived of access to education (article 8.1). It also contains a non-discrimination provision on the grounds of “gender, race, age, religion, disability, health status, custom, ethnic origin, rural or urban background, birth or other status, socio-economic status or because the child is a refugee” (article 3). According to article 2.1. of the Education Act of 2008³, “education at the basic level is free and compulsory”.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. The Constitution of Ghana provides for the right of freedom of expression and the independence of the media (Articles 21 and 162). Chapter 12 grants freedom and independence of the media, while providing for limitations of such rights and freedoms “in the interest of national security, public order, public morality and for the purpose of protecting the reputations, rights and freedoms of other persons” (Chapter 12, Article 164).⁴
4. Additionally, the Constitution, per its Articles 166-173, establishes the National Media Commission (NMC) (see further para 7 below),
5. There are enabling laws, such as the Right to Information Act, 2019 (Act 989)⁵ that enhance public access to

² <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/56216/101251/F514833765/GHA56216.pdf>

³ <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/83622/92463/F2061259086/GHA83622.pdf>

⁴ Ghana’s 1992 Constitution Chapter 12, https://www.constituteproject.org/constitution/Ghana_1996.pdf

⁵ Right to Information Act, 2019 (ACT 989) - [pages.gif \(jsg.gov.gh\)](#)

information. Act 989 also establishes the Right to Information Commission (see further para 9 below).

6. Defamation is considered a criminal offense in Ghana and can be penalized under sections of the criminal code (Sections 207 and 208).⁶

Implementation of the law:

7. The National Media Commission (NMC) is designated to promote and ensure the freedom of the media and to “insulate the media from government control” (Article 167:c). The NMC is to appoint chairpersons and members of governing bodies of cooperation that manage state-owned media, in consultation with the President of the country (Article 168). The government is directly involved in the selection of the members of the National Media Commission, as it appoints 2 persons and nominates 3 of the total of 5 members (Section 5c and 5d of the National Media Commission Act, 1993⁷).
8. The granting of broadcasting licenses lies with the National Communications Authority (NCA), an agency under the Ministry of Communications and Digitalisation⁸. The NCA was established by the National Communications Authority Act 769 (2008). The allocation of broadcasting licenses (referred to in Act 769 as “communication license”, Article 3c) is not open or transparent. This is further compounded by lack of legislation in the broadcasting space. The political economy of most media institutions is determined by political ownership and patronage. There is increasingly an imbalance between

⁶ Criminal Code (1960), see

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/88530/101255/F575989920/GHA88530.pdf>

⁷[https://bcp.gov.gh/acc/registry/docs/NATIONAL%20MEDIA%20COMMISSION%20ACT,%201993%20\(ACT%2049\).pdf](https://bcp.gov.gh/acc/registry/docs/NATIONAL%20MEDIA%20COMMISSION%20ACT,%201993%20(ACT%2049).pdf)

⁸ National Communication Authority Act 2008 <https://moc.gov.gh/sites/default/files/downloads/Ghana-National-Communications-Authority-Act-769.pdf>

private commercial ownership and community broadcasting. The current dispensation overwhelmingly favours private commercial broadcasting.

9. The Right to Information Commission is to act as an independent regulator and to, among other missions, promote “awareness on the right to information”, “consult and collaborate with civil society and interest groups”, provide (and monitor) related trainings of staff, ensure public institutions have clear obligations and processes which support awareness raising and education interventions at community level including disadvantaged groups; by virtue of article 45 of the same law.

Safety of journalists:

10. Since UNESCO began systematic monitoring of killings of journalists in 2006, 1 killing of a journalist has been recorded in Ghana, in 2019.⁹ This case remains unresolved. The Government of Ghana did not respond to the UNESCO Director-General’s 2021 request for information on the judicial follow-up to the case.

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework:

- The Pre-Tertiary Education Bill of 2019¹⁰ provides for “a decentralized pre-tertiary education system and an educational system to produce individuals with the requisite knowledge, skills and values to become functional and productive citizens for national development, to establish a Technical and Vocational Education and Training Service

⁹ <https://en.unesco.org/themes/safety-journalists/observatory/country/223713>

¹⁰ <http://ir.parliament.gh/bitstream/handle/123456789/1408/Pre-tertiary%20Education%20Bill%2C%202019%281%29.pdf?sequence=1&isAllowed=y>

and to provide for related matters” (Preamble).

- The Education Regulatory Bodies Act of 2020¹¹ establishes “the Ghana Tertiary Education Commission, the Commission for TVET, the National Teaching Council, the National School Inspectorate, Authority, the National Council for Curriculum and Assessment and to provide for related matters” (Preamble).
- The Education Strategic Plan (ESP) for 2018-2030¹² sets out the vision and policies for realizing the ambition of transforming Ghana into a ‘learning nation’. The ESP 2018-2030 aims to improve the quality of education for all in Ghana through the following strategic goals: to improve equitable access to and participation in inclusive education at all levels, to improve the quality of teaching and learning and science, technology, engineering and mathematics (STEM) at all levels and, finally, to achieve sustainable and efficient management, financing and accountability of education service delivery.
- The Education Sector Medium-Development Plan for 2018– 2021¹³ identifies and prioritizes three policies objectives: enhance inclusive and equitable access to, and participation in, quality education for all, strengthen schools' management systems and ensure sustainable sources of financing for education (the last objective being in line with recommendation 146.114 of the previous UPR cycle). It also draws strategic goals, action plans and financial strategies.

Free and compulsory education

- The Education 2030 Framework for Action requires all states to guarantee at least twelve years of free primary and secondary education, of which at least nine are compulsory. In Ghana, according to the Education Act, the basic level of education consists of 2 years of kindergarten education, 6 years of primary education and 3 years of early secondary education (article 1.2.). Article 2.2 provides that basic education is compulsory and free, which corresponds to 9 years of primary and early secondary education. However, beyond basic education, education is to be made progressively free (according to article 25.1 of the Constitution). Therefore, Ghana

¹¹ https://www.nasia.gov.gh/wp-content/uploads/EDUCATION-REGULATORY-BODIES-ACT-2020-ACT-1023_26AUG2020.pdf

¹² <https://planipolis.iiep.unesco.org/sites/default/files/ressources/ghana-education-strategic-plan-2018-2030.pdf>

¹³ https://planipolis.iiep.unesco.org/sites/default/files/ressources/ghana-education-sector-medium-term-development-plan_2018-2021.pdf

does not meet the requirement of 12 years of free primary and secondary education. The recommendations n°146.120, n°146.124 and n°146.126 of the previous UPR cycle had already put emphasis on the necessity to continue efforts to deliver free education.

Pregnant and parenting girls

- Following school closures due to the COVID-19 pandemic, in March 2020, some studies have shown an increase in teenage pregnancy.¹⁴ While it is positive to note that a ‘Five-year strategic plan to address adolescent pregnancy in Ghana 2018-2022’¹⁵ has been adopted which addresses measures to ensure girls and women pursue education, Ghana could consider introducing in its legislation the explicit right to education of pregnant and parenting girls.

Corporal punishment

- No legal provision has been identified prohibiting corporal punishment. Moreover, according to the section 42 of the Criminal Code of 1960 (as amended in 2003)¹⁶, corporal punishment can be considered “justifiable” where it is reasonable. Article 13.2. of the Children’s Act of 1998 only provides 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”.

Curriculum

In line with the previous UPR Recommendations N°146.125 and N°146.127, the Ministry of Education completed in 2018 the review of the curriculum for Kindergarten and Primary

¹⁴[https://www.unicef.org/media/96571/file/Sparking%20adolescent%20girls%E2%80%99%20participation%20and%20interest%20in%20STEM%20\(Ghana\).pdf](https://www.unicef.org/media/96571/file/Sparking%20adolescent%20girls%E2%80%99%20participation%20and%20interest%20in%20STEM%20(Ghana).pdf)

¹⁵ <https://ghana.unfpa.org/sites/default/files/pub-pdf/Adolescent%20Pregnancy%20Strategic%20Plan%202018.pdf>

¹⁶ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/88530/101255/F575989920/GHA88530.pdf>

(from year 1 to 6), as well as for the basic education (JHS) and the second cycle education (SHS) curriculum.¹⁷ The revised curriculum emphasizes the acquisition of basic literacy and numeracy skills at the early grade levels.¹⁸ The curriculum and its related teachers' manual promote the use of inclusive and gender responsive pedagogy, in line with the previous UPR recommendation N°147.2, within the context of play and learning-centered teaching methods. It encourages the use of information communication technologies for teaching and learning as teaching and learning material at the KG level.¹⁹

COVID-19 pandemic and digital education

- UNESCO's Initiative on the [Evolving Right to Education](#) emphasizes the needs for ensuring digital inclusion. The government worked with the Ghana Broadcasting Corporation (GBC) to provide basic education lessons for learners at the kindergarten to senior secondary school levels through the new channel Ghana Learning TV, which provided the content at no cost.²⁰ In addition, the programme provided ways for learners without access to live television and learners with disabilities to have access content through audio recordings of televised lessons which were broadcasted over the radio, as well as television shows with subtitles and sign language.
- Prior to the pandemic, the Center for National Distance Learning and Open Schooling (CENDLOS), an agency of the Education Ministry of Ghana, created digital educational content for secondary schools, in core subjects such as English, social studies, science and mathematics, as well as some complementary subjects, including French.²¹ This work on resources have been accompanied by actions in terms of connectivity: they have deployed "e-box" (micro-computer servers) to allow off-line access to these resources, in about 148 colleges and schools.

Specific recommendations:

11. Ghana should be encouraged to:

¹⁷ <https://nacca.gov.gh/wp-content/uploads/2019/04/National-Pre-tertiary-Education-Curriculum-Framework-final.pdf>

¹⁸ <https://planipolis.iiep.unesco.org/sites/default/files/ressources/2019-pbb-moe.pdf>

¹⁹ https://planipolis.iiep.unesco.org/sites/default/files/ressources/ghana_guidelines_for_implementation_of_ece_policy_0.pdf

²⁰ <https://unesdoc.unesco.org/ark:/48223/pf0000379270>

²¹ https://etats-generaux-du-numerique.education.gouv.fr/uploads/decidim/attachment/file/381/EGN_Entretien-Ghana_Mallet_FEI_v2.pdf

- i. Ratify the Convention against Discrimination in Education.
- ii. Extend free primary and secondary education to at least twelve years.
- iii. Prohibit corporal punishment in education settings in the law.
- iv. Protect expressly the right to education of pregnant girls and teenage mothers in the legal framework.
- v. Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- vi. Share with UNESCO any relevant information to update its country profile on online monitoring tools: UNESCO's Observatory on the Right to Education²² and HerAtlas: Monitoring the right to education for girls and women.²³

B. Freedom of opinion and expression

- 12. Ghana is recommended to decriminalize defamation and adopt relevant legislation that is in line with international standards.
- 13. Ghana is recommended to put in place a legislation that regulates fairly the allocation of broadcasting licenses, including for community broadcasters, and which ensures media pluralism.
- 14. Ghana is recommended to respond to the UNESCO Director-General's annual request for information on the judicial follow-up of killings of journalists.
- 15. Ghana is encouraged to co-operate with UNESCO's annual survey instrument to measure global progress on access to information (SDG 16.10.2), and to consider including relevant information in their Voluntary National Reviews under the Sustainable Development Goals.

C. Cultural Rights

- 16. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the

²² <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

²³ <https://en.unesco.org/education/girls-women-rightsv>

Diversity of Cultural Expressions (2005), Ghana is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Ghana is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations as well as groups in vulnerable situations (i.e. minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities, etc.), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

17. Ghana submitted its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020, the aim of which is to record implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications; the principle of non-discrimination, requiring in this case active promotion of women and girls entering scientific careers; protection for the rights of human subjects of research; and promotion of the science society interface. The report indicates the following:

- The Council for Scientific and Industrial Research (CSIR) in Ghana has established 13 research institutes in seven thematic areas guided by the sustainable development goals to ensure that the responsibility of science is addressed towards the UN's ideals.

- The STI4SDGs Roadmap of Ghana has a dedicated Communication Plan which aims to raise awareness through both social media and the mainstream media, develop strategies for further promotion and engage with partners and donors internationally.
- The Presidential Advisory Council on Science, Technology and Innovation (PACSTI) enhances governance system and structures for research and development activities and technology transfer. The report indicates a need to strengthen the accountability of scientists who give advice to policy-makers to prevent conflicts of interest.
- Public funding of research and development is considered as a form of public investment and in most cases characterized with long-term returns. Research and development institutions and academia as well as universities have institutionalized mechanisms and policies to encourage and facilitate technology transfer and publication of research findings. However, improvement is still needed for the provision and access to the data, methods, software as well as for the development of virtual universities systems for promotion of sharing of data and educational resources electronically.
- Ghana has achieved significant improvement in the provision of access to basic education for all. Yet, female participation in science, technology, education and mathematics (STEM) subjects remains consistently low.
- Ghana participates in a number of regional and international programmes for cooperation. In addition, Ghana has also developed bilateral agreements for science and technology cooperation. For instance, the governments of Ghana and Switzerland signed a bilateral agreement in 2020 which will enable the adoption of green and low carbon technology solutions across the country resulting in a plethora of social and environmental benefits.
- The ethical conduct of research in Ghana is guided by various national laws, Acts, and national institutions. In terms of infrastructure for ensuring that the ethical standards are followed, there are administrative units in the specific organizations that have Standard Operating Procedures for the ethical conduct of research.
- Funding remains inadequate and a main obstacle preventing the broader, systematic application of science, technology and innovation (STI) for national development. Government funding of STI in Ghana still remains

lower than the 1% of gross domestic product agreed to in the Lagos Plan of Action in the 1980s, and which has also been re-established in the STISA 2024.

18. Furthermore, Ghana is encouraged to expand input on issues covered by the 2017 Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Ghana is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.