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COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)  
UNIVERSAL PERIODIC REVIEW (FOURTH CYCLE) ALTERNATE REPORT

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2022

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## **THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE** **(CHRAJ) AT A GLANCE**

The Commission on Human Rights and Administrative Justice (CHRAJ) was established by the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) in accordance with the 1992 Constitution of Ghana. It is a unique institution with three (3) core mandates; human rights, ombudsman, and anti-corruption. In accordance with the Paris Principles, and the accreditation criteria of GANHRI/OHCR Sub-Committee on Accreditation CHRAJ is an 'A status' National Human Rights Institution (NHRI) whose functions include the Promotion, Protection and Enforcement of Fundamental human rights and freedoms, ensuring administrative justice and investigating allegations of corruption and integrity breaches of the Constitutional Code of Conduct for Public Officers.

Pursuant to CHRAJ's mandate, paragraph 15(a) of the Human Rights Council Resolution 5/1, and recommendations arising out of the UPR third cycle review in 2017, CHRAJ submits this alternate report on the current situation of human rights in Ghana from 2018 to 2022.

The report was prepared based on desk review, information compiled from government agencies, interviews, monitoring, and observation of activities in relation to the implementation of the third cycle UPR recommendations. This report is structured in four (4) thematic areas: cross cutting issues, civil and political rights, economic, social, and cultural rights, and group rights.

## **CROSS CUTTING ISSUES**

### **1. PROMOTION OF HUMAN RIGHTS AND GOOD GOVERNANCE**

#### **a) Development of the National Human Rights Action**

The National Human Rights Action Plan (NHRAP) has not been implemented even though a Baseline Situation of Human Rights was prepared in 2016.

#### **b) Mainstreaming Human Rights Education in Ghana**

In accordance with Sustainable Development Goal (SDGs) Goal 4.7, CHRAJ and stakeholders in the education sector and with support of the Danish Institute for Human Rights developed a HRE content and a National Action Plan to mainstream Human Rights Education into the education curriculum from Pre-School to Senior High School. The curriculum is yet to be developed.

#### **c) Fight against Corruption**

The fight against corruption is a major challenge in Ghana. The enjoyment of human rights is linked to effective combating of corruption with the view to protecting public funds meant for development.

#### *Recommendations:*

- *Government should develop the NHRAP to incorporate the SDGs by December 2023.*
- *Government should strengthen financially Anti-graft bodies<sup>i</sup> to effectively combat corruption.*
- *The State should set up the Whistleblower reward fund as stipulated under Section 20 of Act 720.*
- *Government should ensure the speedy enactment of the Code of Conduct for Public Officers Bill by June 2023.*

### **2. INTERNATIONAL NORMS AND TREATY BODIES**

#### **a) Ratification of Treaties**

Most of the treaties recommended for ratification have not been ratified including ILO Convention on Domestic Workers. Meanwhile, the Labour (Domestic Workers) Regulations 2020 (L.I. 2408) has been enacted to protect domestic workers<sup>ii</sup>.

#### *Recommendation:*

- *Government should ratify the recommended treaties.*

#### **b) Cooperation with Treaty Bodies**

CHRAJ finds the State's submission of some reports to treaty bodies has been long overdue<sup>iii</sup>. The establishment of the Candidatures Unit in the Ministry of Foreign Affairs and Regional Integration to ensure transparency in advertising and filling vacancies within the United Nations systems is recognised.

#### *Recommendation:*

- *The State should endeavour to submit its outstanding reports<sup>iv</sup>.*

### **3. NATIONAL MECHANISMS FOR REPORTING AND FOLLOW-UP (NMRF)**

The Inter-Ministerial National Mechanism for Reporting and Follow-Ups as recommended has been established.

*Recommendations:*

- *Government should give legal backing to the NMRF by way subsidiary legislation pursuant to Article 40 of the 1992 Constitution*
- *The State should ensure mid-term reporting on all UPR cycle Recommendations*

## **CIVIL AND POLITICAL RIGHTS**

### **4. ABOLITION OF DEATH PENALTY**

The State has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. The death penalty is a claw back on the enjoyment of the inherent right to life and human dignity guaranteed under Articles 13 and 15 of the 1992 Constitution.

A Private Member's Bill is before Parliament to amend Sections 46 and 49 of the Criminal Offences Act, 1960 (Act 29) aimed at repealing the death sentence.

*Recommendations:*

- *Government should implement the Constitutional Review Commission's Recommendations to expunge the death penalty from the Constitution by 2025.*
- *Government should ratify the Second Optional Protocol.*

### **5. PERSONS DEPRIVED OF LIBERTY**

#### **a) National Preventive Mechanism (NPM)**

In line with the OPCAT, a Bill aimed at designating CHRAJ as the NPM is at the Cabinet level for approval.

*Recommendation:*

- *Government should expedite action to amend CHRAJ Act, 1993 (Act 456) to enable CHRAJ function as the NPM.*

#### **b) Conditions of Detention**

A three-square meal feeding grant per prisoner is pegged at GH¢1.80 (\$0.23) since 2011, which does not guarantee the right to food of prisoners. As at June 2022, prison population in Ghana was overcrowded by 4,499 (45.24%) above the acceptable standard<sup>v</sup>, which undermines prisoners' right to human dignity.

*Recommendations:*

- *Government must increase the feeding grant per prisoner to GHC 8.20p (\$1.00) per day by June 2023.*
- *Government must take steps to expand and build more prison infrastructure.*
- *Government should intensify the “Justice for All Programme”.*

#### **c) Minor Offences**

The call for the introduction of alternative punishment for minor crimes has been partially implemented.

*Recommendations:*

- *Government must accelerate the process of laying and enacting the Community Sentencing Bill by December 2023.*
- *Minor/petty offences should be decriminalized or declassified.*

### **6. PROTECTION OF THE VULNERABLE**

#### **a) Domestic violence**

Domestic violence is prevalent in the country. The establishment of a one-stop well-equipped facility in Accra through the support of the Global Fund to provide a holistic response to domestic violence cases is laudable.

*Recommendation:*

- *The Government should spearhead and extend the construction of such facilities across the regions.*

### **7. RIGHT TO INFORMATION**

The Right to Information Act, 2019 (Act 989) has been enacted. However, there are operational challenges with the implementation of the Act due to lack of a corresponding Legislative Instrument (LI).

*Recommendation:*

- *The State is encouraged to pass the LI to give full effect to the constitutional right to information.*

### **8. FREEDOM OF OPINION AND EXPRESSION**

The Vigilantism and Related Offences Act, 2019 (Act 999) has been enacted. However, the 2020 general elections were marred by incidents of violence from clashes between civilians and security officials resulting in injuries and death of persons<sup>vi</sup>.

*Recommendations:*

- *The State should investigate all incidents and punish perpetrators before the 2024 general elections.*
- *The State should develop early warning systems before the 2024 general elections to avoid incidences of violence.*
- *The State should ensure strict enforcement of the Vigilantism Act*

## **9. ADMINISTRATION OF JUSTICE AND FAIR TRIAL**

### **a) Protocol of Actions for Security Services**

The integration of human rights component into the protocol of actions for security services has not been implemented. However there have been series of training programs for the security services on the human right principles and standards.

*Recommendation:*

- *The State should ensure the integration of human right component into all protocol of action for security services before 2024.*

### **b) Strengthen CHRAJ**

The budgetary allocation of CHRAJ saw a steady increase over the period. The government supported CHRAJ to establish a total of 81 new offices (6 regional and 75 districts offices). A total of 501 staff were recruited<sup>vii</sup>. Whilst the effort of government is duly recognised, CHRAJ as an NHRI is present in 173 out of 261 administrative districts in the country. The 1992 Constitution and the CHRAJ Act, 456, 1993 requires the Commission to have branches in all Districts. (See Annex 1).

*Recommendations:*

- *Government must increase and sustain CHRAJ's budgetary support to enhance its operations.*
- *Government should continue to strengthen CHRAJ financially to extend its services to the remaining 88 districts.*

### **c) Criminal Justice Sector Reforms**

The first Electronic Integrated Criminal Justice Case-Tracking System has been launched to collect, collate and harmonize statistical data for effective justice delivery with the support of the USAID. Nevertheless, it lacks publicity.

*Recommendation:*

- *The State should support key stakeholders to publicise the use of the system to ensure accountability of justice sector institutions in the value chain.*

## **10. RIGHT TO VOTE**

The State is yet to pass the Constitutional Instrument (CI) for the implementation of the Representation of the People's Amendment Act, 2006 (Act 699).

*Recommendation:*

- *Government should expedite action for the passage of the CI by June 2023 for implementation prior to the 2024 election.*

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

### **11. RIGHT TO EDUCATION**

#### **a) Free Education for All**

Education at both the basic and secondary levels is free for all without any discrimination. At the public tertiary level school fees are not free but highly subsidised.

The Free Senior High School (FSHS) educational program is however faced with challenges; infrastructural deficit, inadequate textbooks, low teacher- student ratio especially in the rural areas and low quality of food due to insufficient school feeding grant at GHC1.00 a plate per student<sup>viii</sup>.

Moreover, following the closure of schools due to COVID-19 pandemic, government employed online and television-based teaching and learning modules to support education. However, some learners were disadvantaged due to the lack of electricity in some rural areas, information, and communication technology tools and access to uninterrupted internet service.

#### *Recommendations:*

- *Government should fully implement the Education Strategic Plan (2018-2030)*<sup>ix</sup>
- *Government should prioritize school infrastructure and increase the school feeding grant to at least GHC3.00 per student.*

#### **b) Corporal Punishment**

The Ghana Education Service has issued a policy directive banning corporal punishment in schools. However, the practice is pervasive in Ghanaian society including schools and homes<sup>x</sup>.

#### *Recommendations:*

- *Government must ensure compliance of the policy directive*
- *Government should repeal Section 41 of the Criminal Offences Act and also criminalize the use of corporal punishment*<sup>xi</sup>.
- *The re-enactment of the Children's Act should be in tandem with the Convention on the Rights of the Child.*

### **12. HUMAN RIGHTS AND POVERTY**

Social protection is directly linked to the attainment of the SDGs. The government has put in place several social protection interventions including Nation Builders Corps (NABCO), the Livelihood Empowerment Against Poverty (LEAP), (FSHS) and COVID 19 Relief among others. Over the period there have been steady reduction in the income poverty levels in Ghana. However, the multidimensional poverty levels are still high, and COVID-19 pandemic has worsened the situation<sup>xii</sup>.

#### *Recommendations:*

- *Government should increase the stipend and expand the coverage of LEAP.*
- *Government should sustain social protection programs.*

### **13. RIGHT TO HEALTH – GENERAL**

#### **a) Mental Health**

The Mental Health Fund has been established, but there has not been any financial allocation into the Fund. Accessibility of mental health services remains a challenge. There are only three public mental health facilities, all in the southern part of Ghana<sup>xiii</sup>.

*Recommendations:*

- *The Mental Health Fund should be fully operationalized.*
- *Government should consider decentralizing mental health institutions.*

#### **b) HIV and AIDS**

The Ghana AIDS Commission is implementing its Strategic Plan for a Comprehensive Response to Human Rights-Related Barriers to HIV & TB Services in Ghana (2020-2024) and National Strategic Plan (NSP) (2021-2025).

*Recommendation:*

- *Government must focus on HIV/AIDs interventions despite COVID 19.*

### **14. EQUALITY & NON-DISCRIMINATION**

#### **a) Discrimination Reporting System**

The online discrimination reporting system is no longer limited to key population but expanded to cover all vulnerable persons.

*Recommendation:*

- *Government should ensure sustainability of the discrimination reporting system.*

#### **b) Ensure that persons with albinism are protected against discrimination**

Recent complaint from the Ghana Association of Persons with Albinism indicate that they face varied forms of discrimination arising out of certain traditional and customary practices among some communities in Ghana.

*Recommendations:*

- *Government should seriously consider implementing the AU Plan of Action (2021-2023) on Ending Attacks and Other Human Rights Violations Targeting Persons with Albinism in Africa.*



## **15. BUSINESS & HUMAN RIGHTS**

With support from the DIHR, the National Baseline Assessment (NBA) on Business and Human Rights was conducted and has been launched with a Steering Committee inaugurated by the government to develop the National Action Plan (NAP) on Business and Human Rights with support from OXFAM<sup>xiv</sup>.

The Ghana Voluntary Principles Initiative Working Group has completed the first phase National Baseline Assessment on the Voluntary Principles on Security and Human Rights (VPs).

### *Recommendations:*

- *Government should undertake the development and implementation of the NAP.*
- *Government should provide funds to complete the second and third phase assessment of the VPs by 2023.*

## **GROUP RIGHTS**

## **16. WOMEN’S RIGHTS**

### **a) Violence against Women**

Harmful cultural and traditional practices are proscribed under Article 15 of the 1992 Constitution and it is a crime to engage in trokosi, child, early and forced marriages. A “baseline study on access to justice and gender-based violence against elderly women alleged as witches in Ghana”<sup>xv</sup> has been launched.

There is a Private Member’s Bill before Parliament seeking to criminalize witchcraft accusation.

### *Recommendations:*

- *Government should ensure the enactment of the Bill by December 2022.*
- *Government should support the reintegration of alleged victims with their families and communities.*

### **b) Participation of Women in Political and Public Life**

The Affirmative Action Bill has not been enacted. Currently, out of the 275 Parliamentarians, only 40 are female representing approximately 14.5%.

### *Recommendation:*

- *Government should prioritize the enactment of the Bill and ensure its implementation by 2023*

### **c) Discrimination against Women**

The Land Act, 2020 (Act 1036) addressed the gender inequality in holding and conveying interest in land among spouses. An all-inclusive Strategic Plan for Gender Statistics (2018-2022) was developed to improve gender statistical data production and promote gender equality for sustainable development.

### *Recommendations:*

- *The Property Rights of Spouses Bill and the Intestate Succession (Amendment) Bill before Parliament should be passed latest by June 2023.*
- *Government should initiate gender responsive plans and programs to promote gender equality.*

## **17. CHILDREN’S RIGHTS**

### **a) Rights to Name, Identity, Nationality**

Government’s efforts to automate the infant birth registration system is partially implemented because it has limited coverage. Despite support from Government and UNICEF, the Births and Deaths Registry has less than 350 staff nationally and limited infrastructure.<sup>xvi</sup> Consequently the registration of births between 200,000 to 300,000 children each year remain unregistered<sup>xvii</sup>.

*Recommendation:*

- *Government should strengthen financially the Births and Deaths Registry to achieve the universal coverage of birth registration.*

### **b) Protection against Exploitation**

#### **i) Child Labour**

Ghana has developed various strategies and programmes to address child labour and child trafficking<sup>xviii</sup>. CHRAJ has conducted a qualitative study on child labour in Ghana’s fishing communities along the Volta Lake<sup>xix</sup>.

*Recommendations:*

- *Government is urged to bring alleged perpetrators of child labour to justice and ensure that all victims are protected, assisted, rehabilitated and compensated.*
- *Government should adequately fund Child Protection Institutions to investigate human traffickers and protect victims.*

#### **ii) Child Marriage**

Child marriage persists in Ghana and hinders the attainment of Goal Five of the SDGs. Several interventions by the State and other stakeholders to address the menace has not yielded the desired results.

The Child Marriage Unit of the Domestic Violence Secretariat of the Ministry of Gender, Children, and Social Protection (MoGCSP) launched the first National Strategic Framework on Ending Child Marriage in Ghana (2017-2026)<sup>xx</sup>.

*Recommendations:*

- *Government must strengthen its approach to the fight against child marriage.*
- *Government should use human rights-based approach to address the menace.*

## **18. LGBTI**

The State has provided avenues for LGBTI persons to report cases of all forms of discrimination against them. Nevertheless, CHRAJ is aware of Private Member’s Bill pending before Parliament known as “The Promotion of Proper Human Sexual Rights and Ghanaian Family Values Bill, 2021” and has submitted a memorandum in respect of the Bill to protect the rights of LGBTI persons<sup>xxi</sup>.

*Recommendations:*

- *The State is encouraged to strengthen efforts to protect the rights of LGBTI persons since they are considered a vulnerable group which must not be left behind.*
- *The State is advised to employ human rights-based approach in addressing issues regarding LGBTI.*

## **19. PERSONS WITH DISABILITIES (PWDs)**

### **a) Legal and Normative Framework:**

Government is in the process of re-enacting the Persons with Disability Act, 2006 (Act 715) in line with the Convention on the Rights of Persons with Disabilities (CRPD), the 2030 Agenda on SDGs and the African Agenda 2063.

The proposed action plan to strengthen the promotion and protection of the rights of persons with disabilities has not been implemented.

### **b) Right to Work**

The National Employment Policy has been partially implemented to include persons with disabilities.

The 3% disability share of the District Assembly Common fund to support the welfare of PWDs is not timely released.

### **c) Right to Health**

CHRAJ observed that during the outbreak of COVID-19, government interventions towards the PWDs had limited coverage.

*Recommendations:*

- *Government should ensure speedy passage of the Act and its full implementation.*
- *Government should ensure timely release of the disability share of the District Assembly Common Fund by 2023.*

## **ENDNOTE**

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<sup>i</sup> Anti-graft bodies include CHRAJ, EOCO, Office of the Special Prosecutor, Audit Service, Ghana Police, Office of the Attorney General and Ministry of Justice.

<sup>ii</sup>

- Second Optional Protocol to the ICCPR Aiming at the Abolition of the Death Penalty.
- International Convention for the Protection of All Persons from Enforced Disappearance.
- Optional Protocol to CRC on the Communication Procedure.
- Optional Protocol on the CRC on the Sale of Children, Child Prostitution and Child Pornography.

- African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa
  - ILO Domestic Workers Convention, 2011(No.189).
  - The 1954 convention relating to the status of stateless persons and the 1961 convention on the reduction of statelessness in accordance to the commitment made during the ministerial conference held in Abidjan 23 February 2015.
- iii <https://www.graphic.com.gh/news/general-news/ghana-news-human-rights-situation-report-ghana-defaults-for-20-years.html>
- iv [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=GHA&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=GHA&Lang=EN)
- v [Statistics – Ghana Prisons Service](#)
- vi <https://www.graphic.com.gh/news/politics/election-2020-electoral-violence-will-not-be-swept-under-carpet-kan-dapaah.html>
- vii Staff recruitment: 20,28,53,220 and 180; offices established;1,1,1,37 and 35 in the years 2018 – 2022 respectively
- viii <https://thebftonline.com/2021/12/16/school-feeding-grant-still-gh%c2%a21-per-plate/>
- ix <https://www.globalpartnership.org/sites/default/files/2019-05-education-strategic-plan-2018-2030.pdf>
- x <https://www.unicef.org/ghana/reports/corporal-punishment-ghana>
- xi Section 41: Use of Force for Misconduct. “A blow or other force may be justified for the purpose of correction, where (a) a father or mother may correct his or her child, 14 (14) who is under sixteen years of age, or a guardian, or a person acting as a guardian, the ward, who is under sixteen years of age, for misconduct or disobedience to a lawful command; (b) a master may correct the servant or the apprentice, who is under sixteen years of age, for misconduct or default in the discharge of a duty as a servant or apprentice”.
- xii [VNR report, 2022 p. 12]
- xiii <https://docs.google.com/viewerng/viewer?url=https://mha.samdoelimited.com/wp-content/uploads/2021/09/Latest-M-H-POLICY-18-Aug-2019-last-copy-edited-3-from-publishers-march-19-2021-ppme-team-Edited-with-Cover.pdf>
- xiv <https://chraj.gov.gh/chraj-special-report/>
- xv <https://chraj.gov.gh/wp-content/uploads/2022/05/Baseline-Study-Report-Access-to-Justice-Project.pdf>
- xvi [Fulfilling the Commitment to Child Protection in Ghana.pdf](#)
- xvii [Fulfilling the Commitment to Child Protection in Ghana.pdf](#)
- xviii [https://www.forest-trends.org/wp-content/uploads/2020/06/Ghana\\_Cocoa\\_Child\\_Labor\\_web\\_REV.pdf](https://www.forest-trends.org/wp-content/uploads/2020/06/Ghana_Cocoa_Child_Labor_web_REV.pdf)
- xix <https://chraj.gov.gh/wp-content/uploads/2021/11/Child-Labour-REPORT.pdf>
- xx <https://www.unicef.org/ghana/media/1001/file/National%20Strategic%20Framework%20on%20Ending%20Child%20Marriage.pdf>
- xxi <https://chraj.gov.gh/wp-content/uploads/2021/12/MEMORANDUM-LGBTI-BILL.pdf>

## ANNEX 1

### **FINANCIAL RELEASES TO CHRAJ FOR THE PERIOD** **2018- 2021**

| <b>2018</b>                        | <b>GHS</b>                  | <b>USD</b>                 |
|------------------------------------|-----------------------------|----------------------------|
| <b>COMPENSATION</b>                | 18,121,642.33               | 2,249,942.25               |
| <b>GOODS AND SERVICES</b>          | 2,719,870.24                | 337,692.96                 |
| <b>CAPITAL EXPENDITURE (CAPEX)</b> | <u>3,083,821.17</u>         | <u>382,880.28</u>          |
| <b>TOTAL</b>                       | <u><b>23,925,333.74</b></u> | <u><b>2,970,515.48</b></u> |

|                                    |                             |                            |
|------------------------------------|-----------------------------|----------------------------|
| <b><u>2019</u></b>                 |                             |                            |
| <b>COMPENSATION</b>                | 22,212,985.22               | 2,757,914.15               |
| <b>GOODS AND SERVICES</b>          | 4,332,468.11                | 537,909.47                 |
| <b>CAPITAL EXPENDITURE (CAPEX)</b> | <u>1,258,958.10</u>         | <u>156,309.40</u>          |
| <b>TOTAL</b>                       | <u><b>27,804,411.43</b></u> | <u><b>3,452,133.02</b></u> |

|                                    |                             |                            |
|------------------------------------|-----------------------------|----------------------------|
| <b><u>2020</u></b>                 |                             |                            |
| <b>COMPENSATION</b>                | 25,286,776.10               | 3,139,549.10               |
| <b>GOODS AND SERVICES</b>          | 9,688,870.85                | 1,202,948.36               |
| <b>CAPITAL EXPENDITURE (CAPEX)</b> | <u>3,326,959.95</u>         | <u>413,067.84</u>          |
| <b>TOTAL</b>                       | <u><b>38,302,606.90</b></u> | <u><b>4,755,565.30</b></u> |

|                                    |                             |                            |
|------------------------------------|-----------------------------|----------------------------|
| <b><u>2021</u></b>                 |                             |                            |
| <b>COMPENSATION</b>                | 31,208,134.40               | 3,874,731.59               |
| <b>GOODS AND SERVICES</b>          | 9,564,988.10                | 1,187,567.35               |
| <b>CAPITAL EXPENDITURE (CAPEX)</b> | <u>4,568,936.68</u>         | <u>567,268.87</u>          |
| <b>TOTAL</b>                       | <u><b>45,342,059.18</b></u> | <u><b>5,629,567.82</b></u> |