



**Human Rights Watch Submission
to the United Nations Committee on the Rights of the Child
Review of Ghana
100th Pre-Sessional Working Group
November 2024**

We write in advance of the 100th pre-session of the Committee on the Rights of the Child (the “Committee”) and its review of Ghana. This submission focuses on the rights of children with disabilities, barriers to the right to education of adolescent girls who are pregnant or parenting, the protection of education from attack, and child labor.

Rights of Children with Disabilities (article 23)

Human Rights Watch has documented abuses against persons with psychosocial disabilities, including children, in prayer camps and psychiatric hospitals in Ghana since 2012 and continues to monitor the situation.¹ We have found that, despite the ban on shackling and a positive shift in the attitudes and practices of some mental health professionals, children with psychosocial disabilities in Ghana continue to experience a range of human rights abuses in prayer camps and psychiatric hospitals, including stigmatization and discrimination, shackling, overcrowding and poor hygiene, solitary confinement and restraints, and denial of food. Children with psychosocial disabilities have been shackled for periods ranging from days and weeks, to months, and even years.²

Background

In Ghana, families often take people with real or perceived mental health conditions, or psychosocial disabilities, including children, to faith-based or traditional healers because of widely held beliefs that such disabilities are caused by a curse or evil spirits, and because their communities have limited, if any, mental health services. By December 2023, there were more than

¹ See, for example, Human Rights Watch, “*Like a Death Sentence*”: Abuses against Persons with Mental Disabilities in Ghana (New York: Human Rights Watch, 2012), <https://www.hrw.org/report/2012/10/02/death-sentence/abuses-against-persons-mental-disabilities-ghana>, and “Ghana: Chaining People with Mental Health Conditions Persists,” Human Rights Watch news release, December 1, 2022, <https://www.hrw.org/news/2022/12/01/ghana-chaining-people-mental-health-conditions-persists>.

² See, for example, Human Rights Watch, “Ghana: Submission to the UN Committee on the Rights of Persons with Disabilities,” March 2, 2022, <https://www.hrw.org/news/2022/03/02/ghana-submission-un-committee-rights-persons-disabilities>; and “Ghana: Chaining People with Mental Health Conditions Persists,” Human Rights Watch news release.

5,000 “prayer camps” and traditional healing centers across the country, according to the Ghana Mental Health Authority.³

Over the past decade, Human Rights Watch visited more than a dozen prayer camps and documented abuses against people with psychosocial disabilities, including children.⁴ For example, we visited in November 2022 five prayer camps and traditional healing centers in Eastern and Central region, and identified more than 60 people were chained or caged, including some children.⁵

Legal Framework and Governmental Response

Under Ghana’s 2012 Mental Health Act, people with psychosocial disabilities “shall not be subjected to torture, cruelty, forced labour and any other inhuman treatment,” including shackling.⁶ The act requires the establishment of Visiting Committees in all 16 regions to conduct inspections and ensure that the rights of people with mental health conditions are protected, and of a Mental Health Tribunal to offer recourse.

But by 2022, only five regions had committees; two of which had only each made a single monitoring visit. The government claimed that it had taken so long because of lack of funds, even though the act requires the finance minister to prescribe the appropriate levy or taxation for mental health care funding through Parliament.⁷

And despite the head of Ghana’s Mental Health Authority announcing in October 2017 that the government would enforce the 2012 Mental Health Act provision and stating that it was “illegal to put anyone in chains,” faith-based and traditional healing centers in Ghana continue to hold people with psychosocial disabilities, including children, in chains in inhumane conditions.⁸ The

³ “Ghana: Invest More in Mental Health Services,” Human Rights Watch news release, December 4, 2023, <https://www.hrw.org/news/2023/12/04/ghana-invest-more-mental-health-services>.

⁴ See, for example, Human Rights Watch, “*Like a Death Sentence*”; “Ghana: People with Disabilities Freed from Chains,” Human Rights Watch news release, July 7, 2017, <https://www.hrw.org/news/2017/07/07/ghana-people-disabilities-freed-chains>; “Ghana: Chaining People with Mental Health Conditions Persists,” Human Rights Watch news release; and “Ghana: End Chaining for Mental Health Conditions,” Human Rights Watch news release, October 30, 2023, <https://www.hrw.org/news/2023/10/30/ghana-end-chaining-mental-health-conditions>.

⁵ “Ghana: Chaining People with Mental Health Conditions Persists,” Human Rights Watch news release.

⁶ Ghana: Act No. 846 of 2012, Mental Health Act, May 31, 2012, <https://www.refworld.org/legal/legislation/natlegbod/2012/en/97417> (accessed June 12, 2024).

⁷ “Ghana: End Chaining for Mental Health Conditions,” Human Rights Watch news release.

⁸ Shantha Rau Barriga, “Ghana Breaks The Chains On Mental Health,” Human Rights Watch dispatch, October 16, 2017, <https://www.hrw.org/news/2017/10/16/ghana-breaks-chains-mental-health>; “Ghana: Oversight Needed to Enforce Shackling Ban,” Human Rights Watch news release, October 9, 2018, <https://www.hrw.org/news/2018/10/09/ghana-oversight-needed-enforce-shackling-ban>; and “Ghana: Faith Healers Defy Ban on Chaining,” Human Rights Watch news release, November 27, 2019, <https://www.hrw.org/news/2019/11/27/ghana-faith-healers-defy-ban-chaining>.

head of the Mental Health Authority has repeatedly called for the prosecution of those who violate these provisions, but to date, there has been no accountability.⁹

In June 2017, in an effort to enforce the law, the Mental Health Authority freed 16 people, including two girls, at Nyankumasi Prayer Camp in central Ghana.¹⁰ Those freed, some of whom had psychosocial disabilities, were taken to nearby Ankaful Psychiatric Hospital. But in 2022 Human Rights Watch found a reversal of the practice, documenting the chaining of several people with psychosocial disabilities in Jesus Divine Temple Prayer Camp in Nyankumasi.¹¹

Human Rights Watch recommends that the Committee ask the government of Ghana:

- What steps has the government taken to establish Visiting Committees in all regions of Ghana, as per the 2012 Mental Health Act?
- What steps has the government taken to adopt a levy, as per the 2012 Mental Health Act, to fund mental health services across the country?

Human Rights Watch encourages the Committee to call on the government of Ghana to:

- Implement and enforce the existing ban on shackling, and ensure that children subject to shackling are freed and provided with access to child psychologists and specialist support services.
- Prosecute those responsible for torture, cruelty and other inhumane treatment, including shackling, against children with psychosocial disabilities.
- Comprehensively investigate state and private institutions where people with psychosocial disabilities, including children, live, such as prayer camps, with the goal of stopping chaining and ending other abuses.
- Adopt a levy, envisioned in the 2012 Mental Health Act, that would fund mental health services across the country, and invest in public education campaigns to fight the entrenched stigma and misinformation about mental health.
- Adequately resource the Visiting Committees and Mental Health Tribunal, mandated to monitor implementation of the law and investigate complaints. The findings of these visits, redacted to protect privacy rights, should be publicly reported.
- Provide training and awareness programs to educate government health workers, mental health professionals, personnel in faith-based and traditional healing institutions, as well as families, about the rights of children with psychosocial disabilities, with a particular emphasis on de-escalation techniques.

⁹ “Mental Health Authority to prosecute entities abusing patients,” *Modern Ghana*, August 30, 2017, <https://www.modernghana.com/news/799092/mental-health-authority-to-prosecute-entities-abus.html>; Shantha Rau Barriga, “Ghana Breaks The Chains On Mental Health.”

¹⁰ “Ghana: Oversight Needed to Enforce Shackling Ban,” Human Rights Watch news release.

¹¹ “Ghana: Chaining People with Mental Health Conditions Persists,” Human Rights Watch news release.

- Create and carry out a deinstitutionalization policy and a time-bound action plan, based on the values of equality, independence, and inclusion of persons with disabilities.

Adolescent Pregnancy as a Barrier to Realizing the Right to Education (articles 2 and 28)

In Ghana, nearly 17 percent of adolescent girls give birth before age 18.¹²

In 2018, Ghana adopted the Guidelines for Prevention of Pregnancy Among School Girls and Facilitation of Re-Entry into School After Childbirth.¹³ The guidelines prescribe that any girl who is pregnant stays in school to continue her studies during the pregnancy period unless her condition does not permit her to do so, or she goes on maternity leave lasting three months (six weeks before and after childbirth). The guidelines outline girls' right to return school after maternity leave, and encourage girls to return immediately after the end of maternity leave.¹⁴

The guidelines further prescribe that a student who is pregnant should, along with her parents/guardians, present a formal confirmation note of pregnancy from a recognized health facility. Once schools have registered the pregnancy, school officials must inform parents/guardians of the guidelines to ensure they are aware of the procedures, including the need for girls to return to school following maternity leave. Among other measures, schools should also ensure pregnant girls have access to counselling; teachers and other school staff should support the student to catch-up academically, and tackle negative stereotyping.

In 2022, four years after the adoption of these guidelines, reviews by civil society groups of the implementation of Ghana's re-entry policy reported that only a fraction of girls who drop out due to pregnancy return to school, including due to the lack of practical support for girls who are parents, and prevailing stigma and conservative attitudes that serve to exclude adolescent girls who are pregnant outside of wedlock.¹⁵

Human Rights Watch research in various African countries shows that adolescent girls who are parents often struggle to return to school post-pregnancy due to the lack of financial support to cope with the additional costs associated with childrearing, as well as the payment of school fees,

¹² United Nations Population Fund, "Adolescent pregnancy – Ghana" (webpage), 2024, <https://www.unfpa.org/data/adolescent-youth/GH> (accessed October 17, 2024).

¹³ Guidelines and further information available at Human Rights Watch, "Ghana," in *A Brighter Future: Empowering Pregnant Girls and Adolescent Mothers to Stay in School*, HRW Interactive Index, 2022, <https://www.hrw.org/video-photos/interactive/2022/08/29/brighter-future-empowering-pregnant-girls-and-adolescent>.

¹⁴ *Ibid.*, see, "3.1.6 Return of girl to school after Maternity Leave."

¹⁵ Action Aid Ghana, "Policy Vs Practice: Assessing School Re-entry Policy in Ghana," October 14, 2022, <https://ghana.actionaid.org/opinions/2022/policy-vs-practice-assessing-school-re-entry-policy-ghana> (accessed October 18, 2024); Africa Education Watch, *Re-Entry of Pregnant Girls and Teenage Mothers to School* (East Legon: Africa Education Watch, 2022), <https://africaeducationwatch.org/alert/reentry-of-pregnant-girls-and-teenage-mothers-to-school-11-03-2022> (accessed October 18, 2024).

indirect school costs, and transportation to school. Girls also struggle to accommodate schooling with caring duties, due to the lack of childcare and early childhood programs for their own children.¹⁶

Human Rights Watch research has found that “re-entry” policy frameworks, such as Ghana’s, aim to protect a girl’s right to return to school, but can present additional barriers for many students, who have to adjust to being parents and assume new caring responsibilities, whilst juggling schooling. Policies that set a series of requirements to process a girls’ return to school may negatively affect her chances of ever returning. For example, Human Rights Watch has found that prescriptive (short or long) mandatory periods of maternity leave and bureaucratic or complicated conditions or requirements for readmission, such as requiring students to transfer to a different school or to present letters from various education and health officials, may be problematic for girls, especially when girls or families have to incur additional costs.¹⁷

Human Rights Watch recommends that the Committee call on the government of Ghana to:

- Adopt a national policy to enshrine the Guidelines for Prevention of Pregnancy Among School Girls and Facilitation of Re-Entry into School After Childbirth in a legally binding framework, and ensure all provisions are human rights compliant.
- Address social, financial, and systemic barriers that inhibit adolescent girls or women who are pregnant or are parents from continuing their education, including by ensuring that facilities, materials, and services necessary for their enjoyment of the right to education are fully available and accessible.
- Prevent unwanted adolescent pregnancies by guaranteeing access to sexual and reproductive health rights, including comprehensive sexuality education at school and in the community.
- Continue to build upon its system of free pre-primary education—which, by offering two years free, is already among the leaders in Africa—by further expanding access to early childhood education and childcare support, including prioritizing measures to better link state-administered early childhood care and education centers, including community- and state-managed crèches or nurseries, to primary and secondary schools.

¹⁶ See Human Rights Watch, *A Brighter Future: Empowering Pregnant Girls and Adolescent Mothers to Stay in School; “Girls Shouldn’t Give Up on Their Studies”: Pregnant Girls’ and Adolescent Mothers’ Struggle to Stay in School in Mozambique* (New York: Human Rights Watch, 2024), <https://www.hrw.org/report/2024/02/13/girls-shouldnt-give-their-studies/pregnant-girls-and-adolescent-mothers-struggles>.

¹⁷ See Human Rights Watch, “Across Africa, Many Young Mothers Face Education Barriers,” August 30, 2022, <https://www.hrw.org/news/2022/08/30/across-africa-many-young-mothers-face-education-barriers>.

Protection of Education from Attack (article 28)

As of July 2024, Ghana was contributing 2,193 troops to United Nations peace operations,¹⁸ including in South Sudan and Abyei area, where attacks on education have been documented as a problem.¹⁹ These troops are required to comply with the UN Department of Peace Operations' UN Infantry Battalion Manual (2012), which includes the provision that "schools shall not be used by the military in their operations."²⁰

The Safe Schools Declaration²¹ is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict; the importance of the continuation of education during armed conflict; and the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.²² Ghana endorsed the declaration in 2020.²³

Human Rights Watch encourages the Committee to:

- Congratulate Ghana for endorsing the Safe Schools Declaration.
- Ask the government of Ghana whether protections for schools from military use are included in any policies, rules, or trainings for Ghana's armed forces, and in particular, whether pre-deployment training for Ghanaian peacekeepers includes the ban on using schools in military operations.
- Recommend that the government incorporate the declaration's standards in domestic policy, military operational frameworks, and legislation, and share any good practices with other countries in the region and elsewhere.

Child Labor (article 32)

In 2021, Human Rights Watch and Friends of the Nation investigated how the unprecedented economic impact of the Covid-19 pandemic, together with prolonged school closures and

¹⁸ UN Peacekeeping, "Troop and Police Contributors" (webpage) [n.d.], <https://peacekeeping.un.org/en/troop-and-police-contributors> (accessed September 16, 2024).

¹⁹ See for example Global Coalition to Protect Education from Attack (GCPEA), *Education Under Attack 2022* (New York: GCPEA, 2022), https://protectingeducation.org/wp-content/uploads/eua_2022.pdf (accessed September 12, 2024); and *Education Under Attack 2024* (New York: GCPEA, 2022), https://protectingeducation.org/wp-content/uploads/eua_2024.pdf (accessed September 12, 2024).

²⁰ UN Infantry Battalion Manual, 2012, section 2.13.

²¹ Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed May 12, 2023).

²² Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed May 12, 2023).

²³ GCPEA, "Safe Schools Declaration Endorsements" (webpage), 2024, <https://ssd.protectingeducation.org/endorsement/> (accessed September 11, 2024).

inadequate government assistance, pushed children into exploitative and dangerous child labor.²⁴ The research included interviews with 24 children (18 boys and 6 girls) in the towns of Prestea and Kpando-Torkor and the Bolgatanga district.

Nearly all of the 24 children interviewed said that their family's income was affected during the pandemic and resulting lockdown, and that they began to work to support their families. Some of the children had been working before the pandemic but increased their hours after schools closed and pandemic-related restrictions began. Some also said they worked to earn money for their schooling. Although primary and lower secondary schools are tuition-free, families we interviewed declared typically paying up to 700 cedi (US\$121) for books, uniforms, and other expenses.²⁵

The children interviewed worked in carpentry, gold mining, fishing, and transporting and selling goods. Many of them worked very long hours carrying heavy loads and reported exhaustion and bodily pain. Some handled highly toxic substances and reported respiratory difficulties or headaches from breathing dust and fumes.

Of the 24 Ghanaian children interviewed, 15 worked in gold mining. Although national law prohibits the work as hazardous for children, thousands of children work in Ghana's artisanal and small-scale gold mines. Most of the children interviewed described hazardous working conditions at the mine sites. They said they carried heavy loads, crushed ore with hammers, breathed dust from processing machines, and handled toxic mercury. Nine of the 12 boys interviewed who worked at gold mining sites reported that they used mercury to extract gold from the ore. Mercury is highly toxic. It attacks the central nervous system and can cause lifelong and irreversible disability, including brain damage. Higher levels of mercury exposure may result in kidney failure, respiratory failure, and death.²⁶

After schools fully reopened in January 2021, the majority of the children interviewed returned, but continued to work before or after school. Some reported that their school attendance suffered due to demands of work.

²⁴ Human Rights Watch and the Initiative for Social and Economic Rights, *"I Must Work to Eat": Covid-19, Poverty, and Child Labor in Ghana, Nepal, and Uganda* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/05/26/i-must-work-eat/covid-19-poverty-and-child-labor-ghana-nepal-and-uganda>.

²⁵ Interviews with respondents, February 2021.

²⁶ Herman Gibb and Keri Grace O'Leary, "Mercury Exposure and Health Impacts among Individuals in the Artisanal and Small-Scale Gold Mining Community: A Comprehensive Review," *Environmental Health Perspectives*, vol. 122 (7), pp. 667-672, 2014, doi:10.1289/ehp.1307864 (accessed October 21, 2024); Stephan Böse-O'Reilly et al., "Mercury as Serious Health Hazard for Children in Gold Mining Areas," *Environmental Research*, vol. 107 (1), pp.89-97, 2008, doi: 10.1016/j.envres.2008.01.009 (accessed October 21, 2024); Stephan Böse-O'Reilly et al., "Mercury Exposure and Children's Health," *Current Problems in Pediatric and Adolescent Health Care*, vol. 40, (8), pp.186-215, 2010, <https://doi.org/10.1016/j.cppeds.2010.07.002> (accessed October 21, 2024).

According to the UN Children’s Fund (UNICEF), nearly 28 percent of Ghanaian children aged 5-17 were engaged in child labor in 2023, with around 21 percent in hazardous working conditions.²⁷ Prior to the Covid-19 pandemic, an estimated 30 percent of Ghanaian children aged five to 17 were engaged in child labor in 2018.²⁸ Under the Ghana Children’s Act of 1998, the minimum age of employment is 15, although children may do “light work” beginning at age 13. The minimum age for performing hazardous work is 18.²⁹ In 2023, the government launched the Ghana Accelerated Action Plan Against Child Labour for the period 2023-2027, focused on combating the worst forms of child labor in all sectors.³⁰

Human Rights Watch encourages the Committee to call on the government of Ghana to:

- Enforce child labor standards, including through vigorous monitoring, investigations, and appropriate penalties for violations.
- Introduce universal child benefits as part of the right to social security, to help ensure children and their families can enjoy their rights without resorting to child labor.

²⁷ UN Children’s Fund (UNICEF), “The New Ghana Accelerated Action Plan Against Child Labour 2023-2027 is launched,” June 12, 2023, <https://www.unicef.org/ghana/press-releases/new-ghana-accelerated-action-plan-against-child-labour-2023-2027-launched> (accessed October 9, 2024).

²⁸ UNICEF Ghana and the Social Policy Research Institute, *Primary and Secondary Impacts of the Covid-19 Pandemic on Children in Ghana* (Accra: UNICEF, 2021), [https://www.unicef.org/ghana/media/3486/file/Effects%20of%20COVID19%20on%20Women%20and%20Children%20in%20Ghana%20\(II\).pdf](https://www.unicef.org/ghana/media/3486/file/Effects%20of%20COVID19%20on%20Women%20and%20Children%20in%20Ghana%20(II).pdf), p. iv.

²⁹ Government of the Republic of Ghana, The Children’s Act, Act 560, sections 89 and 91, enacted September 24, 1998.

³⁰ Republic of Ghana, “Ghana Accelerated Action Plan Against Child Labour 2023-2027” [n.d.], https://melr.gov.gh/files/publications/Ghana_Accelerated_Action_Plan_Against_Child_Labour.pdf (accessed October 9, 2024).