Ghana Scorecard on the Maputo Protocol
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ACKNOWLEDGEMENT

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The Gender Centre for Empowering Development (GenCED) also wishes to thank our partners in government whose collaboration and inputs helped in the production of this scorecard. These are the Ministry of Gender, Children & Social Protection, (MOGCSP), the gender department of the Ministry of Gender, Children & Social Protection, the Domestic Violence Secretariat, The Trades Union Congress, Attorney Generals Department and the Commission of Human Rights and Administrative Justice (CHRAJ).

We would also like to thank the Artisans Association of Ghana, (AAG), Songtaba (Securing Basic Rights for Women & Children), Rights and Responsibilities Initiatives Ghana (RRIG), Stand For Women Foundation, Upper West Rural Women Association, Resource Development Foundation, Resource Link Foundation and Mrs. Cathy Bob-Milliar (Former director of the Ministry of Gender) for helping in the validation of this scorecard.

Lastly, thanks to the entire GenCED (Gender Centre For Empowering Development) team for their tireless efforts, time and dedication which enabled the successful production of this scorecard.
SUBJECT OF THE SCORECARD

In line with its reporting obligations under the Maputo Protocol, Ghana is for the first time producing a scorecard to the Committee on Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. This scorecard will however provide responses to the specific articles of 4 and 13.

a) Article 4 : The Rights to Life, Integrity and Security of the Person
b) Article 13: Economic and Social Welfare Rights
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AAG</td>
<td>Artisans Association of Ghana</td>
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<tr>
<td>CHRAJ</td>
<td>Commission for Human Rights &amp; Administrative Justice</td>
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<td>DOVVSU</td>
<td>Domestic Violence and Victim Support Unit</td>
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<td>DV</td>
<td>Domestic Violence</td>
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<td>DSW</td>
<td>Department of Social Welfare</td>
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<td>GBV</td>
<td>Gender Based Violence</td>
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<td>GenCED</td>
<td>Gender Centre for Empowering Development</td>
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<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<tr>
<td>MASLOC</td>
<td>Microfinance &amp; Small Loans Centre</td>
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<tr>
<td>MOGCSP</td>
<td>Ministry of Gender, Children and Social Protection</td>
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<td>MOWAC</td>
<td>Ministry for Women and Children</td>
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<tr>
<td>NBSSI</td>
<td>National Board for Small Scale Industry</td>
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<td>NCPD</td>
<td>National Council for Persons with Disabilities</td>
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<tr>
<td>NLC</td>
<td>National Labour Commission</td>
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<tr>
<td>SSNIT</td>
<td>Social Security &amp; National Insurance Trust</td>
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</tbody>
</table>
# Table of Content

1. Acknowledgment - 3
2. Subject of the Scorecard - 4
3. Acronyms - 5
5. Article 4: The Rights to Life, Integrity and Security of the Person - 11
6. Article 13: Economic and Social Welfare Rights States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities - 27
A Score Card for the Evaluation of Maputo Protocol: Gender Based Violence and Economic Empowerment of Women
BACKGROUND

Although women form more than half of the world's population, to a very large extent, they are marginalized and denied many of the rights to which they are entitled. Born out of patriarchy; justified with tradition and culture and perpetuated through silence and inaction, women have been denied their rights as human beings in many countries of the world. In recognition of the socio-economic cost of the marginalization of women, African leaders put in place a number of legal provisions to promote and protect the rights of women in Africa. One of such instrument is the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, popularly known as the MAPUTO Protocol, which was promulgated in 2003. In February 2007 Ghana ratified this MAPUTO Protocol. The Articles 4, 6, 12 and 13 of the Protocol demand state parties work to eliminate Gender based violence (GBV) and promote economic empowerment of women.

Ghana has worked to domesticate some aspect of the protocol and implemented actions on these aforementioned articles. In 2017, the African Union appointed His Excellency Mr. Nana Akuffo-Addo the President of Ghana as the African Union Gender Equality Champion.

State parties have responsibilities to give periodic report on key actions and efforts towards achieving the targets set under the Protocol. In view of this, GenCED, is collaborating with the Ministry of Gender, Children and Social Protection and other Government stakeholders and civil society organizations, to produce a status report on the implementation of the protocol which the ministry will present at the next session of the African Union in 2019.

Constitutional, Legislative and Institutional Framework

The Constitution of Ghana dedicates a whole Chapter that is “Chapter 5” to Human Rights and Fundamental Freedoms of the People of Ghana and subsequently prohibits discriminations on grounds of race, place of origin, political opinion, colour, religion, creed or gender.

There is also an on-going law reforms to ensure that some of the key Articles which promote and address human rights of the Citizens of Africa are being addressed by the State Party. The State Party is working on amendments to the Intestate Succession Law, 1985 (PNDCL 111) to correct some flaws in the original law. A draft of the Property Rights of Spouses Bill is available to enhance property or estate distribution upon dissolution of marriage or death of a spouses. The Ministry of Gender, Children and Social Protection has sponsored an Affirmative Action Bill to be submitted to parliament.

The State Party has in place the following laws which are furthering the provisions of the Maputo Protocol in Ghana
i. Matrimonial Causes Act, 1971 (Act 367)
ii. Human Trafficking Act, 2005 (Act 694)
iii. Disability Act, 2006 (Act 715)
v. The Domestic Violence Act, 2007 (Act 732)
vi. The Labour Act, 2003 (Act 651)
vii. Female Genital Mutilation (FGM) Amendment Act, (Act 484)
viii. Children’s Act, 1998 (Act 560)
ix. Criminal Offences Act, 1960 (Act 30)
x. Chieftaincy Act, 2008 (Act 759)

National Machinery for the Advancement of Women

To further strengthen the realization of women’s rights and to better coordinate the provision of services to women, among others, the Ministry of Women and Children (MOWAC) established since 2001 was restructured in 2013 and re-designated as the Ministry of Gender, Children and Social Protection (MoGCSP). The new Ministry merges MOWAC, the Department of Social Welfare (DSW), the National Council of Persons with Disability (NCPD) and the Social
Protection Division of the Ministry of Employment and Labour Relations.

Objectives of the Report
The main objective of this scorecard is to analyse Articles 4 & 13 of the Maputo Protocol, show country assessment scores & outcomes, the gaps and the provide recommendations on areas that need strengthening.

Methodology Used in Producing the Report
Participatory approach was used to reach conclusions in producing the scorecard. Key stakeholders and agencies were contacted to seek their opinions and gather evidence towards the production of the scorecard. Among the key state institutions are the Ministry of Gender, Children and Social Protection, the Domestic Violence Secretariat, the Department of Gender, the Trades Union Congress of Ghana, the Attorney-General’s Department and Commission on Human Rights and Administrative Justice (CHRAJ), and Domestic Violence and Victim Support Unit (DOVVSU).

About GenCED
Gender Centre for Empowering Development (GenCED) is a Non-Governmental Organisation that seeks to empower women and youth for sustainable development in our communities. Established in May 2011 as an independent, not for profit, research and advocacy organisation. GenCED is currently focusing on the following key areas of development as enclosed in the 12 Critical Areas of Worry in the Beijing Platform for Action: Governance, Peace and Security, Social Interference and Entrepreneurship.
ARTICLE 4: THE RIGHTS TO LIFE, INTEGRITY AND SECURITY OF THE PERSON
<table>
<thead>
<tr>
<th>The Article Number</th>
<th>The Article Content</th>
<th>Assessment Questions</th>
<th>Situation / Reality Report</th>
<th>Score</th>
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<tr>
<td>4.1</td>
<td>Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited</td>
<td>Are the norms and practices in traditional, cultural, public and private space in alignment with these article? These practices must be identified and documented both at the rural and urban setting)</td>
<td>Some traditional and cultural practices place’s a limitation on the realization of rights for women and girls. FGM Trokosi(slave to a deity), young girls are sent to shrines to atone the sins of their ancestors) Early and forced Marriage Witch camps(widows and older women are accused of deaths in their families and are banished to camps)</td>
<td>0</td>
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<tr>
<td>4.2 (a)</td>
<td>Enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;</td>
<td>Are there laws enacted for this purpose or it is part of a larger body of law? Is the content adequate and respond to the demands of this article? How many articles? List them or identify thematic coverage.</td>
<td>Yes, Ghana has enacted laws that prohibit all forms of violence against women and girls. An L.I (Legislative instrument) known as Domestic Violence Regulation was passed in 2016. No The punishment in the DV Act is lesser than the Criminal and other Offences Act.</td>
<td>1</td>
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<tr>
<td>4.2 (b)</td>
<td>adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;</td>
<td>Are their GBV Policies, programmes, rehabilitation and recovery programme?</td>
<td>Yes Policies Available include; Child &amp; Family Welfare Policy Social Protection Policy National Gender Policy Justice for Children Policy</td>
<td>1</td>
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<tr>
<td>The Article Number</td>
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<td>4.2 (b)</td>
<td>How are the victims of GBV treated?</td>
<td>The Domestic Violence and Victims Support unit helps in: Provision of shelter Rehabilitative service - Not functioning &amp; under resourced. Counseling services - Basic counseling available Medical care available Psycho-social support (food &amp; clothing) Legal Aid Re-integration services</td>
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<tr>
<td>4.2 (c)</td>
<td>identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;</td>
<td>Are there state sponsored or private sponsored research that has been conducted to respond to this article? Are there measures, legal and other adequate means that have been taken to eliminate GBV? (Give examples of these measures)</td>
<td>Yes, The 2016 Domestic Violence Research by the Domestic Violence Secretariat Yes there are Legal and other measures Child-Friendly Policing Project since 2016. Establishment of response centers on GBV @ Mallam Atta, Abgoboshie markets located in the Greater Accra region of Ghana. Helpline of Hope established by DV (Domestic Violence) Secretariat &amp;</td>
<td>1</td>
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<tr>
<td>The Article Number</td>
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<td>4.2 (c) cont’d.</td>
<td></td>
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<td>DOVVSU (Domestic &amp; Victims Support Unit) (0800.800.800)</td>
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<td>Treating DV cases as violent crimes as a deterrent to offenders.</td>
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<td>The Legal Aid Scheme also provides pro bono services to victims.</td>
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<td>Advocacy and education on GBV by the Gender Ministry.</td>
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<td></td>
<td>Advocacy programs and events by CSO’s and NGO’s to end GBV.</td>
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<td>4.2 (d)</td>
<td>Actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women.</td>
<td>Is there evidence that education curricula contains items under this article? Is there a willingness or plan to do so? Where there are education curricula, does the content speak to the consequences of GBV? (Provide documents and examples to justify this)</td>
<td>Yes, education at the basic, junior high and senior high levels have courses such as citizenship education and social studies that teaches about peace, traditional and cultural practices which infringe on the rights of women. Yes, however documents are not available.</td>
<td>1</td>
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<tr>
<td>4.2 (e)</td>
<td>Punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;</td>
<td>Is there a special court to try GBV cases?</td>
<td>There is no special court for trying GBV cases. However the DV Act allows courts with original jurisdiction to try GBV cases.</td>
<td>0</td>
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<tr>
<td>The Article Number</td>
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| 4.2 (e) cont’d.    |                     | How many reported cases were prosecuted in the reporting year? | Number of cases prosecuted in reporting year (2016): Domestic Violence & Victims Support Unit (DOVVSU).  
977 cases reported  
140 convictions  
837 pending | 1 |
| 4.2 (f)            | Establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women; | How many rehab centers do you have in your country? | Two (2) rehab centers in Madina and Accra. These two are only in the nation’s capital and not in the other regions of Ghana. These two shelters are even inadequately resourced.  
One shelter for women victims. One shelter for children  
DOVVSU officers are trained to provide basic counseling to victims.  
Private institutions such as the Helpers Foundation also provide counseling and rehabilitation services. | 1 |
|                    |                     | What measures are being taken to ensure that victims speak out and are not stigmatize? | Yes, but just one centre at the police hospital which provides counseling to victims.  
DOVVSU now training officers at post to provide basic counseling to victims. | 1 |
<p>|                    | Are there service center for counseling, recovery and rehabilitation of GBV victims both in urban and rural communities? | | | 1 |</p>
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<thead>
<tr>
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<tr>
<td>4.2 (f) cont’d.</td>
<td></td>
<td>How many women have been rehabilitated in the last two years?</td>
<td>No available statistics.</td>
<td>0</td>
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<td>What proportion of these are from reported cases?</td>
<td>No statistics available on that.</td>
<td>0</td>
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<tr>
<td>4.2 (g)</td>
<td>Prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk</td>
<td>Is there a law that prevents human trafficking?</td>
<td>Yes, the Human Trafficking Act (2009) of Ghana. The Protection and Reintegration of Trafficked Persons Regulation (2015)</td>
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<td></td>
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<td>Are the provisions adequate with spelt out punitive measure?</td>
<td>The Laws spells out offences and punitive punishment for offenders.</td>
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<td></td>
<td>Are there institutions or agencies set up to deal with issues relating to human trafficking?</td>
<td>Institutions tasked to deal with trafficking issues in Ghana; • Ghana Immigration Service • Ghana Police Service (Anti Human Trafficking Unit) • The Human Trafficking Secretariat (An agency of the Ministry of Gender, Children and Social Protection)</td>
<td>1</td>
</tr>
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<td></td>
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<td>Are there awareness programmes both at national and sub-national level that prevent and dissuade young women from trafficking?</td>
<td>There are trafficking awareness programs by the Gender Ministry, local governments, immigration service, police service on reporting and punishments for offenders.</td>
<td>1</td>
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<tr>
<td>The Article Number</td>
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<td>4.2 (g) cont’d.</td>
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<td>Are there rehabilitation programmes and policy for victims of trafficking?</td>
<td>Yes there are rescue, rehabilitative programs and policies for victims</td>
<td>1</td>
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<td></td>
<td></td>
<td>Are there records of prosecution of perpetrators and victims recovered and rehabilitated?</td>
<td>Records not available as at time of reporting.</td>
<td>0</td>
</tr>
<tr>
<td>4.2 (h)</td>
<td>Prohibit all medical or scientific experiments on women without their informed consent</td>
<td>Are there medical ethics regulation and control that speaks to this article in relation to women?</td>
<td>Yes, there are general laws protecting this women’s right in relation to this article.</td>
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<td>There are the Protocols of various hospitals on scientific research.</td>
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<td></td>
<td></td>
<td>Is the medical authority aware of this clause?</td>
<td>Yes</td>
<td>1</td>
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<td></td>
<td></td>
<td>What means are taken to enlighten rural women about medical consent, particularly on drug intake?</td>
<td>Inadequate education for rural women about medical consent and on drug intake.</td>
<td>0</td>
</tr>
<tr>
<td>4.2 (i)</td>
<td>Provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;</td>
<td>Is there a monitoring mechanism within the government agency implementing laws and policies around GBV?</td>
<td>Yes, There is a monitoring mechanism which is the Domestic Violence Secretariat which implements laws and policies around GBV. The Domestic Violence Secretariat also monitors their own progress in the implementation of laws and policies.</td>
<td>1</td>
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<tr>
<td>The Article Number</td>
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<td>4.2 (i) cont’d.</td>
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<td>Is GBV a budget priority to government? What is the amount of budgetary allocation to GBV programmes and what proportion does this represent in agency budget?</td>
<td>No budget priority is given to Domestic Violence in the budget.</td>
<td>0</td>
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<td>Is the parliament aware of the importance of anti-GBV activities in the development of women and the society?</td>
<td>The awareness in parliament is relatively adequate about anti-GBV activities. The Parliament of Ghana passed the L.I (Legislative Instrument) for Domestic Violence in 2016 after a lot of advocacy by the Domestic Violence &amp; Victims Support Unit and Civil Society Organizations.</td>
<td>1</td>
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<tr>
<td>4.2 (j)</td>
<td>Ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women</td>
<td>Are there provisions within the criminal laws of the country that deals with this article?</td>
<td>Yes, Death Penalty still exists in the Criminal and other Offences Act. Even though death penalty exist in our law, no one has died by this sentence since 1986 (32 years now)</td>
<td>0</td>
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<td>What kind of advocacy initiatives will make this happen? What measures are in place to guarantee fair hearing for women in those countries where death penalty still exist?</td>
<td>There has been a Constitution Review on the need to eradicate death sentence from the penal system. The Ministry of Justice &amp; Attorney Generals Department has adopted the white paper pending approval.</td>
<td>1</td>
</tr>
<tr>
<td>4.2 (k)</td>
<td>Ensure that women and men enjoy equal rights</td>
<td>Is there a policy that have operationalized</td>
<td>There is no law internalized to this effect</td>
<td>0</td>
</tr>
<tr>
<td>The Article Number</td>
<td>The Article Content</td>
<td>Assessment Questions</td>
<td>Situation / Reality Report</td>
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<tr>
<td>4.2 (k) cont’d.</td>
<td>in terms of access to refugee status determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents.</td>
<td>or internalized this in case of IDPs? What measures are taken to guarantee the protection of women in the IDP camps?</td>
<td>but in cases of IDP’s, the National Disaster Management Organization (NADMO) provides temporal accommodation for victims of disaster plus other forms of relief to help them rebuild their homes.</td>
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</table>

**TOTAL SCORE = 33 POINTS (100%)**

**Outcome of Country Level Article Assessment**

The following were the key outcomes of the country level article assessment which indicates a mixed result. The section discusses the listed Articles, which are, Article 4&13 and provides responses in line with the scorecard and situational analysis of the State Party.

**Article 4. The Rights to Life, Integrity and Security of the Person**

Under this article a critical observation was made of the clauses 4.1, 4.2 and its sub-clauses from 4.2a to 4.2k.

**Article 4.1: Every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited**

This Article was assessed based on what norms and traditional practices that exists that might limit the enjoyment of provisions outlined. The specific question for assessment was “Are the norms and practices in traditional, cultural, public and private space in alignment with these article?” These practices were therefore identified and documented both at the rural and urban setting.

It emerged that Ghana’s laws and policies promote fundamental human rights and liberties of the citizens. However there is a concern as legal regime alone do not adequately promote the rights of the citizens and that despite laws criminalizing some traditional norms, culture and practices they are still prevalent and being practised. Some of the key norms, traditions and cultural practices which have been identified as inimical and outmoded including Trokosi (a traditional religious servitude), witches camps, female genital mutilation (FGM) but are still being practiced in Ghana despite existence of laws banning these inhuman practices.

**Trokosi (Trokasi)**, meaning a slave to the deity, which is a religious servitude of mainly sending
maidens (virgins) to shrine to attain for the sins of a family member or family members; atonement of sins. This is practice in South Eastern Ghana in the Volta Region, though it is also practiced in Togo and Benin. **Existence of Witches Camp:** In the northern part of Ghana people alleged to be witches and wizards are banished and often found themselves in camps, which have become known as Witches Camps. Five of such camps exit in Ghana but one have been dismantled since 2014 remaining four. Such persons, 95% of whom are women, faced harsh living conditions, dejection, and stigmatization; a scar that is never erased and extend to family members. **Female Genital Mutilation** continues to be practiced though it has been banned for over 20 years. Some parents crossed to Burkina and North of Togo to perform the act.

These traditional norms and culture have been a minus to Ghana’s progressive human rights regime. In all indications it is women who bear the blunt of these acts.

**Recommendations**

Given that these practices have been banned for over two years law enforcement is necessary to full eradicate them. Ghana needs to strengthen responsible institutions to perform their duties to totally end these inhumane practices. The Commission on Human Rights and Administrative Justice, the Domestic Violence and Victims Support Unit of the Police Service and Civil Society Groups working around access to justice must intensify their work and education to ending these practices. The Government through the Ministry of Interior and the Ministry of Gender, Children and Social Protection must undertake an assessment of the situation and engage traditional leaders and stakeholders to help address any challenges associated with ending the practices.

**Article 4.2(a):** Enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public.

This article tried to assess existence of laws that prohibits all forms of violence against women. It seeks to assess whether or not there are independent laws or parts of a larger body of laws exist to serve the purpose? And if the contents are adequate and respond to the demands of this article?

It was clear from responses from the assessment that Ghana has a number of laws, independently and embedded in larger laws, prohibiting all forms of violence against women. Such laws also prohibit unwanted or forced sex which also proscribed forced sex in public or private places. Though marital rape is not covered the amendment of Section 42(g) of the Criminal Offences Act was a turning point for addressing a colonial issue of marital rape.

Specifically there are laws which independently prohibit any forms of violence against women and girls. Chapter 5 (Articles 12-33) of the Constitution of Ghana (supreme law of the land) prohibits all forms of violence against women. The Domestic Violence Act, Act 713, (2007) of Ghana also defines and prohibit violence against women and girls and have provisions for punishments for perpetrators. The Criminal and other Offences Act of Ghana also prohibit the use of all forms of violence against women and girls.

By amending Section 42(g) of the Criminal Offences Act (Criminal Code) marital rape has been criminalized.

The Will’s Act makes room and provides process for the individuals to prepare their own Wills in order to promote non-violence means of transfer of estate and properties to beneficiaries of a spouses. Many women have suffered consequences of death of their husbands in the sharing of estate. To strengthen the distribution of property upon the death of spouse or any family member intestate the PNDC Law 111 has been in existence since 1985 which have leverage acrimonies associated with property and estate distribution. This has promoted the welfare of women whose lose their husband and by extension beneficiary to children who might have
suffered denial of parents’ property particularly when the children were young.

**Gap:** The challenge is that the punishment in the DV Act is lesser than the Criminal and other Offences Act.

**Recommendations**

1. There is a need for the State Party to take a second look at the DV Act and take steps to amend and strengthen the provision on punishment to offenders of the act.

2. Government must accelerate the processes towards amendment of the Intestate Succession, Law PNDC Law 111 and passing the Property Rights of Spouses Bill into Law. The Ministry of Gender must intensify its advocacy actions by engaging Parliament to speed up the process of amending and or passing these gender and human interest laws.

**Article 4.2(b): Adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women**

The article was assessed based on the condition that GBV Policies, programmes, rehabilitation and recovery programme exist in addition to how the victims of GBV are treated?

The assessment reveals the existence of a number of Policies in the State Party aimed at preventing, punishing and eradicating all forms of violence against women. These The assessment reveals the existence of a number of Policies in the State Party aimed at preventing, punishing and eradicating all forms of violence against women.

These policies include

i. Child & Family Welfare Policy
ii. Social Protection Policy
iii. National Gender Policy
iv. Justice for Children Policy

There are equally the existence of programs for rehabilitation of victims of gender based violence (GBV).

For instance shelters exist for abuse or victims of GBV and especially domestic violence victims. However government has only one shelter and two other private ones owned and operated by NGOs. All shelters are located in Greater Accra Region leaving the 9 out of 10 Regions without any shelter for rescued and abused victims. This is definitely not effective enough. Rehabilitative service have not been functioning & under resourced. There is no permanent clinical psychologists who might provide professional service to victims. Again counselling services are just basic and have been not effective. Medical care available; victims are to access pro-bono services at health facilities however they are challenged by demand by hospital authorities for payment. This means there is no effective collaboration between service providers who may jeopardise the evidence and subsequently prosecution which might adversely affect the outcome of the case. Again though there exist state owned Legal Aid Scheme, mandated to support on free bases victims of GBV in accessing justice, it seems the institutions is ineffective due to weakness and inadequate resources (personnel and logistics). Rehabilitation and Re-integration services have been a major concern since there are inadequate personnel to undertake such service and worse of all facilities are either inadequate or non-existence. The State Party also has a National Strategy to End Adolescent Pregnancy; which aims at complementing efforts at retention of girls in schools.

**Recommendations**

1. Expand shelters beyond the Capital Region to all regions of Ghana and if possible to big cities to provide adequate service that is accessible to the citizens.

2. The Domestic Violence Management Board must collaborate with health providers to ensure victims are treated upon request and any associated cost re-imbursed. This will also enable the victim to access medical services as early as possible without jeopardizing evidence.

i. Train and make available counselling services at all shelters, hospitals and
rehabilitation care homes to support GBV victims in their rehabilitation and recovery process.

ii. Involve traditional leaders, particularly Queen mothers in the campaign and the fight against GBV.

Article 4.2c. Identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence

Under this Article the assessment was aimed at finding out if there were state sponsored or private sponsored research that has been conducted to respond to this article. And he measures, legal and other adequate means that have been taken to eliminate GBV

The state party had undertaken a comprehensive research around gender based violence and domestic violence in 2016 and which is published. The research aimed at determining the extent of GBV prevalence in Ghana, work over the years and effectiveness of state established institutions and how responsible they are in addressing the GBV problems in Ghana. This research was undertaking by the Domestic Violence Secretariat under the Ministry of Gender, Children and Social Protection.

Efforts at addressing GBV have been multifaceted with the establishment of a full Domestic Violence Secretariat and a unit under the Ghana Police Service known as Domestic Violence and Victims Support Unit (DOVVSU). There had been Child-Friendly Policing Project since 2016 to sensitize children and the general public on the rights of the children; this is support by the Department of Children established purposely to deal with Children issues. A full Department of Gender, dedicated to work around gender equality and women empowerment exist in the state party. Equally there is a Department of Social Welfare responsible for addressing social welfare issues within the State. There is a Children Welfare Policy in place to deal with children issues.

Domestic Violence is prohibited under the Domestic Violence Act and the Criminal and other Offences Act, both laws treat Domestic Violence and GBV as violence crimes. Adjudication on Domestic Violence cases have been strengthened over the years by the Judicial Service with introduction of designated courts in all Regions which deal with Domestic Violence cases. Further to this a Response Centre on GBV has been established in two Markets in the Greater Accra Region – the Mallam Atta and Agbogbloshie Markets. A shelter is also established and serving as temporary accommodation for some victims of GBV; purposed to prevent further harm and provide safe haven for GBV victims.

To strengthen GBV / DV cases reporting, the MoGCS has established a toll-free helpline known as Helpline of Hope which is under the control of the DV Secretariat & DOVVSU. The line is 0800800800. The MoGCS has over the years embarked on series of education, sensitization and advocacy among the Ghanaian population on behavior change to curb GBV / DV in Ghana. This advocacy and sensitization actions have been seriously supported by Civil Society Organizations and Non-Governmental Organizations through regular public activities and advocacy for law reforms and stringent actions against perpetuators.

Gaps: One big challenge is the limited shelter located only in Accra the nation’s capital, leaving the 9 other regions in Ghana without shelters. The second major concern is the under resourced institutions working on GBV in Ghana; limiting their potency and effectiveness.

Recommendations:
1. State party must endeavor to expand shelters for GBV victims to all regional capitals
2. The State Party must prioritize and ensure annual subvention allocation through the national budget to the Domestic Violence Management Board, the DV Secretariat, DOVVSU and any other State institutions working around GBV
3. Ensure continuous and effective functioning of the DV / GBV Victims’ hotline throughout the year.

Article 4.2 (d) Actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women.

Under this article the report seeks to assess if education curricula talks about GBV and its consequences. Is there evidence that education curricula contains items listed under this article? Is there a willingness or plan to do so? Where there are education curricula, does the content speak to the consequences of GBV? (Provide documents and examples to justify this).

According to officials from the Ministry of education, educational curricula from upper primary school levels to secondary school in courses such as citizenship education and social studies discusses harmful traditional practices, peace education and GBV issues such as teenage pregnancy and child marriage. The Ministry of Gender also does peace education and advocacy on violence against women but this has come to a halt because of lack of donor funding.

Gap: Inadequate education on GBV issues and peace education beyond schools due to lack of donor funding.

Recommendations

1. Education on GBV issues and peace education must go beyond the classroom.

2. Government must provide adequate funding to the Ministry of Gender, Children & Social Protection to be able to take part in peace education and education on GBV issues.

Article 4.2(e): Punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims

Under Article the report seeks to assess if there exists a special court to try GBV cases. How many reported cases were prosecuted in the reporting year? And how many rehabilitation centers in the country? What measures are being taken to ensure that victims speak out and are not stigmatize?

Ghana has passed the Domestic Violence Act since 2007 (Act 713) which spells out details on what constitute violence, domestic violence, and types of violence. The Act also provides for protection through Protection Order and punishment in line with the gravity of the offence. A Legal Instrument (LI) to operationalize the Domestic Violence Act has been passed since July 2016; which in effect will help in smooth administration of the Domestic Violence Act. This is further supported by an established Domestic Violence Management Board. Further to this there are over 130 special designated courts purposely for trial of Domestic Violence Cases across the country.

Records indicate that in 2016 alone the number of cases reported to DOVVSU were 977 out of which there were 140 convictions and 837 cases pending. There are two Rehabilitation Centres located in Madina and Accra both in the Greater Accra Region. The staff of DOVVSU are trained to provide basic counseling to victims; though complemented by private Institutions the Counselling Centers are woefully inadequate.

Gaps: The challenge with DV Act implementation is inadequate shelters as there are only two of such shelters, one each for children and women victims, and situated only in the National Capital, leaving the rest 9 administrative regions without any shelters in a country of about 30 million population.

Recommendations

1. Expansion of Shelters to all Regional Capitals and some cities will strengthen delivery of service to victims of Domestic Violence.

2. Police personnel trained to handle domestic violence post should be at post for at least ten years before transfer since new officers are not familiar with the cases.
Article 4.2(f): Establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women

This article is assessed on the following condition: Are there service centers for counseling, recovery and rehabilitation of GBV victims both in urban and rural communities? How many women have been rehabilitated in the last two years? What proportion of these are from reported cases?

Counselling services to GBV / DV victims are available but limited to only one Centre at the Police Hospital. Over the years as many as 977 victims of GBV/DV have been rehabilitated at the facility. However no adequate data exists on counselling nationwide. However the Officers at DOVVSU are now receiving training to enable them provide basic counseling to victims.

Gaps: Only few Counsellors to provide psychological support to DV Victims; limited mainly to the national capital.

Recommendations

1. The state party trains more counsellors and distribute them across all the Regions and key designated hospitals.

2. The state party must establish centers that serve as one-stop action center providing all the necessary and comprehensive care that the victim needs.

Article 4.2(g): Prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk

This article assesses the existence of law that prevents human trafficking. The key question of the adequacy of provisions spelling out punitive measures and institutions or agencies set up to deal with issues relating to human trafficking.

Ghana has a law on human trafficking, the Human Trafficking Act, Act 694 (2009) of Ghana. This is supported by the Protection and Reintegration of Trafficked Persons Regulation (2015). In terms of the provisions on punitive measures the law is very clear and adequate. This is supported by established institutions mandated by law to check trafficking which include the Ghana Immigration Service and Anti-Human Trafficking Unit of the Ghana Police Service and the Human Trafficking Secretariat under the Ministry of Gender, Children and Social Protection.

There are state institutions-Ministry of Gender, Children and Social Protection (MOGCS), Ministry of Local Government and Rural Development, the Ghana Police Service, and the Ghana Immigration Service and some private organizations like International Organization for Migration – who undertake various forms of anti-trafficking awareness programmes on preventing, reporting and punishments for offenders. There is an established Anti-Human Trafficking Secretariat at the MoGCS responsible for all issues managing and controlling affairs of the human trafficking issues in the State Party.

There are equally rescue actions, rehabilitation programmes and rescued victims centers that provide temporary shelters for the victims. There is one national Shelter for rescued victims. Records not available as at time of reporting.

Gaps: Most of these state institutions are under resourced in areas of personnel, logistics and materials. Data on the sector is also a problem and even if they are available are not well disaggregated.

Recommendations

1. Adequate resourcing of the institutions will strengthen and embolden rescue operations and increase public sensitization on human trafficking.

Article 4.2(h): Prohibit all medical or scientific experiments on women without their informed consent.

The Article was assessed based on the following questions -Are there medical ethics regulation and control that speaks to this article in relation to women? Is the medical authority aware of this clause?
There is affirmation that there are general laws protecting women’s right in relation to this article. There are existing Protocols at various hospitals on scientific research. This is also well catered for in the Patient’s Charter which provides for disclosure to patients of whatever a facility might take on the patient, and the patient can also obtain the necessary information. Consent is critical under the Charter.

**Gap:** Often in the rural areas there is inadequate education for rural women about medical consent and on drug intake or medical experiment.

**Recommendations**

1. The State Party must initiative an effective sensitization programme to be carried out in rural and urban areas to raise awareness among general population on use of women and girls for medical research.

**Article 4.2(i): Provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women;**

The following were the key assessment questions- Is there a monitoring mechanism within the government agency implementing laws and policies around GBV? Is GBV a budget priority to government? What is the amount of budgetary allocation to GBV programmes and what proportion does this represent in agency budget? Is parliament aware of the importance of anti-GBV activities in the development of women and the society?

There were mixed responses the questions. Positively there is a monitoring mechanism by government agencies implementing laws on GBV. The DOVVSU compiles and shares with the government and the public reported cases of DV annually indicating progress made, trends and changes both positive and negative. There is no records indicating budget priority to Domestic Violence in the budget. The Domestic Violence Fund is often under resourced and has not been prioritized. This has attracted public dissent leading to private legal action in 2017 by an individual to order the Ministry of Gender, Children and Social Protection to put money into the funds. The awareness in national Parliament is very low on anti-GBV activities; issues have been raised much in the national parliament to warrant evidence based questions and responses on the floor of Parliament.

**Recommendations**

1. The state party must prioritise DV / GBV issues and provide adequate resources through the national budget to all agencies working around DV / GBV.

**Article 4.2(i): Ensure that, in those countries where the death penalty still exists, not to carry out death sentences on pregnant or nursing women**

The Article was assessed based on the following questions: Are there provisions within the criminal laws of the country that deals with this article? What kind of advocacy initiatives will make this happen? What measures are in place to guarantee fair hearing for women in those countries where death penalty still exist?

Yes, Death Penalty still exists in the Criminal and other Offences Act. However no one has been executed since 1986, meaning no one is gone through to the conclusion of the death penalty sentence for 32 years in Ghana. Amnesty International Ghana is advocating for the abolishing of the death penalty. The Constitution Review report (2011) recommends the need to eradicate death sentence from the penal system. Government has accepted the recommendation and have issued a white paper on it pending approval. The Constitution amendment is yet to materialize; the final amendments must be put through a Referendum.

**Gap:** Awareness on the death penalty is very low among population of the State Party.

**Recommendation**

1. Intensify awareness among the Ghanaian population on the negative effect of death penalty and alternative punitive actions to replace it.
2. Government must fast track the process for total elimination of the death penalty from the statute books.

**Article 4.2(j)**: Ensure that women and men enjoy equal rights in terms of access to refugee status determination procedures and that women refugees are accorded the full protection and benefits guaranteed under international refugee law, including their own identity and other documents.

Is there a policy that have operationalized or internalized this in case of Internal Displaced Persons (IDPs)? What measure are taken to guarantee the protection of women in the IDP camps?

There is no law internalized to this effect but in cases of IDP’s, the National Disaster Management Organization (NADMO) is body responsible for managing disasters and which provides temporal accommodation for victims of disaster plus other forms of relief support to help victims rebuild their homes and life. Individuals and corporate organizations and NGOs support NADMO with materials, food and funds where and when necessary to take care of such victims of IDP. However the operation of the NADMO and any related IDPs issues are regulated by UN Conventions on Refugees as Ghana has ratified the conventions.

**Recommendations**

The State Party must take immediate step put in place a comprehensive legal regime that ensures women and children are catered for adequately and that is gender responsive.

**AREAS FOR FUTURE ADVOCACY**

- Advocacy for the amendment of the DV Act so that punitive measures can be strengthened.
- Provision of shelters nationwide for the rehabilitation of victims of domestic violence.
- Provision of psychologists nationwide to cater for domestic violence victims.
- Advocacy for adequate funding of the Domestic Violence Fund.
- Elimination of the death penalty in the statute books.
- Advocacy for more budget allocation to the Ministry of Gender, Child and Social Protection.
ARTICLE 13: ECONOMIC AND SOCIAL WELFARE RIGHTS

States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:
<table>
<thead>
<tr>
<th>The Article Number</th>
<th>The Article Content</th>
<th>Assessment Questions</th>
<th>Situation / Reality Report</th>
<th>Score</th>
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<tbody>
<tr>
<td>13 (a)</td>
<td>Promote equality of access to employment;</td>
<td>Are there laws in place promoting and protecting women’s access to employment?</td>
<td>Yes</td>
<td>1</td>
</tr>
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</table>
|                    | | Does the labour law recognized gender equality or is it gender blind or gender neutral? | The Labour law is gender neutral even though:  
- Part 6 addresses women related issues in the areas of:  
  - Employment:  
    - Pregnancy  
    - overtime work  
    - seeking redress in the event of violation  
    - transfer  
  - Maternity:  
    - leave  
    - Cash benefits  
    - breast feeding  
    - Protection of employment | 1 |
|                    | | Does the labour law recognize equal pay package for women and men in employment | All the parts of the Labour Law is SUPPOSED to PROTECT all categories of work including equal pay for equal work | 1 |
| 13 (b)             | Promote the right to equal remuneration for jobs of equal value for women and men; | Are there labour practices that work against these article in private and public institutions? | Forms of employment – casual and contract work which normally does not guarantee security of jobs and entitlements for women.  
Lack of knowledge of the law on equal remuneration for jobs always put women at a disadvantaged position. | 0 |
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<td>13 (b) cont’d</td>
<td>Women are mostly at bottom of the employment structure as such do not always receive same amount of money as their male counterparts.</td>
<td>Does the Public service Career management system contain all the elements of this article? How is Sexual harassment handled in public institutions? Is there a complaint and redress mechanism in place?</td>
<td></td>
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<tr>
<td>13 (c)</td>
<td>Ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace;</td>
<td>Does the Public service Career management system contain all the elements of this article? How is Sexual harassment handled in public institutions? Is there a complaint and redress mechanism in place?</td>
<td>There is no specific law on ways of handling cases of sexual harassment at the workplace in the Labour Law, however the labour law ensures that organizations must address sexual harassment at the workplace. The DV Act, 2007 provides the DOVVSU to address cases of sexual violence at work. The National Labour Commission (NLC) and the Commission on Human Rights &amp; Administrative Justice are also mechanisms established to seek redress.</td>
<td>1</td>
</tr>
<tr>
<td>13 (d)</td>
<td>Guarantee women the freedom to choose their own occupations and protect them from exploitation from their employers violating and exploiting their</td>
<td>Are there professional practices or associations that discriminate against?</td>
<td>Yes, there are professional practices that discriminate against women.</td>
<td>0</td>
</tr>
<tr>
<td>The Article Number</td>
<td>The Article Content</td>
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| 13 (d) cont’d      | fundamental human rights as recognized and guaranteed by conventions, laws and regulations in force. | Are there profession or career entry barriers targeted at women?  
Are there labour practices that prevent women from exercising their rights?  
Is there any agency in place set up to review unethical practices? | Some company laws require that women do not give birth during their first three years of employment.  
Yes. Some public and private organizations curtail women’s reproductive rights within a certain number of years.  
The Commission on Human Rights and Administrative Justice (CHRAJ) has been set up to address unethical practices and administrative human rights abuses. The National Labour Commission is the main agency set up to review unethical practices at the workplace. | 0  
0  
1 |
| 13 (e)             | Create conditions to promote and support the occupations and economic activities of women in particular, within the informal sector; | Are there initiatives, programmes and policies targeted at women in business especially informal sector such as women credit support programmes, training in entrepreneurship development, women cooperative societies?  
Are women able to access these services with ease? | Yes, there are programmes such as the NBSSI (National Board for Small Scale Industry) and MASLOC (Micro finance and Small Loans Centre). Organizations such as the Artisans Association of Ghana also equip women in the informal sector with entrepreneurship skills.  
Yes | 1  
1 |
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<tr>
<td>13 (e) cont’d</td>
<td></td>
<td>Are there special programmes for the women in the rural areas?</td>
<td>Yes, these programmes and initiatives target women in the rural areas as well.</td>
<td>1</td>
</tr>
<tr>
<td>13 (f)</td>
<td>Establish a system of protection and social insurance for women working in the informal sector and sensitize them to adhere to it;</td>
<td>Is there a social insurance scheme for women working in the informal sector?</td>
<td>There is a social insurance scheme that covers all workers in the informal sector. This is known as SSNIT(Social Security &amp; National Insurance Trust) Informal Sector Fund</td>
<td>1</td>
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<tr>
<td></td>
<td></td>
<td>Are women aware of its existence? Is there any evidence to prove this?</td>
<td>A lot of women and the general public are not aware of its existence due to a lack of sensitization</td>
<td>0</td>
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<tr>
<td></td>
<td></td>
<td>What is the percentage coverage?</td>
<td>Data not available</td>
<td>0</td>
</tr>
<tr>
<td>13 (g)</td>
<td>Introduce a minimum age for work and prohibit the employment of children below that age and prohibit, combat and punish all forms of exploitation of children, especially the girl-child.</td>
<td>Is there a Child Right law or has the country signed the optional protocol on the right of the child?</td>
<td>Ghana has a Children’s Act (1998). Ghana ratified the UN convention on the rights of the child in 1990. Ghana has ratified the optional protocol on the right of the child on the involvement of children in armed conflict.(2014) Ghana is yet to ratify the optional protocol on the rights of the child on the sale of children, child prostitution and child pornography.</td>
<td>1</td>
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<td></td>
<td></td>
<td>Are the provisions of this article adequately reflected in the law?</td>
<td>Yes</td>
<td>1</td>
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<tr>
<td>13 (g) cont’d</td>
<td>Does the labour law recognize and contain the provisions of this article?</td>
<td>The labour law makes this provision but fails to establish the age range of people of young people who should not work.</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>13 (h)</td>
<td>Take the necessary measures to recognize the economic value of the work of women in the home.</td>
<td>Is there a policy on unpaid care work?</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Does the National Accounting System recognize economic value of women’s work at home?</td>
<td>No</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>13 (i)</td>
<td>Guarantee adequate paid pre and post natal maternity leave in both the private and public sectors.</td>
<td>Does the labour law and practices adequately respond to this article?</td>
<td>Yes, the labour law makes provisions for paid pre natal and post maternity leave for women in both the public and private sectors.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Are there provisions to sanction establishments that have not adopted this principle?</td>
<td>Yes</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>13 (j)</td>
<td>Ensure the equal application of taxation laws to women and men.</td>
<td>Is there a discriminatory tax regime in your country?</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>If yes, is it against or in favour of women?</td>
<td>Even though, Ghana’s tax regime is not discriminatory, taxes charged women in the informal sector by district assemblies is often times discriminatory,</td>
<td>0</td>
<td></td>
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<td>13 (k)</td>
<td>Recognize and enforce the right of salaried women to the same allowances</td>
<td>Does the labour law recognize and practice the provisions of this article?</td>
<td>Yes, article 68 of the labour law makes provision for all workers to receive equal pay for equal work without discrimination. But this is not practiced in some establishments</td>
<td>0</td>
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<td></td>
<td></td>
<td>Can this be verified from women leaders?</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Are there glaring cases of discrimination against women on this issue?</td>
<td>Statistics are not available</td>
<td>0</td>
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<tr>
<td>13 (L)</td>
<td>Recognize that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the state and private sector have secondary responsibility.</td>
<td>Are there laws or mechanisms that deals with abdication of family roles and responsibilities?</td>
<td>There is a Child and Family Welfare Policy developed in 2015. The Children’s Act of 1998 also makes this provision for the prosecution of parents who abdicate their roles.</td>
<td>1</td>
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<tr>
<td></td>
<td></td>
<td>Is the law effective?</td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Are there cases of prosecution?</td>
<td>Yes</td>
<td>1</td>
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<td></td>
<td></td>
<td>How does this law deal with traditional patriarchal culture of male domination?</td>
<td>The law allows for men to be prosecuted as well despite the culture of male domination and patriarchy</td>
<td>1</td>
</tr>
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<tr>
<td>13 (m)</td>
<td>Take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.</td>
<td>Does the law regulating advertisement recognize the provision of the article? Is this reflected in the content of advertisement in the country?</td>
<td>There is no law regulating advertising. The advertising bill is still waiting to be passed by parliament.</td>
<td>0</td>
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<tr>
<td>TOTAL SCORE 35 POINTS (100)%</td>
<td></td>
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<td>24 POINTS</td>
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**OUTCOME OF COUNTRY LEVEL ASSESSMENT**

**Article 13: Economic and Social Welfare Rights**

*States Parties shall adopt and enforce legislative and other measures to guarantee women equal opportunities in work and career advancement and other economic opportunities. In this respect, they shall:*

**48. Article 13(a). Promote equality of access to employment**

The article is assessed premised on the following questions:

(i) Are there laws in place promoting and protecting women’s access to employment?

(ii) Does the labour law recognize gender equality or is it gender blind or gender neutral?

(iii) Does the labour law recognize equal pay package for women and men in employment?

Ghana has a labour law, the Labour Act, Act 651 (2003) supported by a legislative instruments, LI 1883 (2007), that provides the framework for effective operation of the law. In addition to this Ghana has ratified the ILO core conventions promoting equality within the labour market and workplaces. There is a Tripartite Committee made up of Labour Unions, the Government and Private Employers Federation which determines the Minimum Wage through Collective Bargaining and Agreement.

The Labour Act is gender responsive and protects both men and women though there are specific parts addressing, particularly Part 6, which addresses women related issues in the areas of maternity. This provides for secured maternity leave with pay in addition to annual leave, casual leave, and concessional leaves. There is specific provision for avoiding hazardous tasks during pregnancy which includes reassigning that pregnant female employee when necessary. Overtime work and night duties are prohibited for pregnant women. The Labour Act also encourages employers to designate venues for lactating mothers to breastfeed their babies in addition to lesser hours of work six months post maternity leave.

The Labour Commission is established for employees to seek redress in the event of
violation, including unwarranted transfers and dismissals. All the parts of the Labour Law are supposed to protect all categories of work including equal pay for equal work and ensures non-discrimination on basis of sex.

**Gap:** Most organizations are ignoring the labour law and committing human rights violations against women especially in the cases of pregnancy.

Secondly, most women are not aware of their rights and the labour law.

**Recommendation**

1. Organizations must establish child bases for women to be able to breastfeed their babies since the labour law gives lactating mothers the right to breastfeed.

2. Heads of departments should make female staff aware of the policies and regulations regarding child birth in the public and civil service.

**Article 13(b): Promote the right to equal remuneration for jobs of equal value for women and men**

Are there labour practices that work against these article in private and public institutions?

The labour law in principles protects both female and male employees however in practice there are variations. The form of employment is key ensuring or undermining the provisions in the Law relating to the Article under discussions. Private employers are adopting the casual and contract work practice which normally do not guarantee security of jobs and entitlements for women.

**Gap:** The general lack of knowledge of the law on equal remuneration for jobs always put women at a disadvantaged position. Further to this women are mostly at bottom of the employment structure as such do not always receive same amount of money as their male counterparts.

**Recommendation**

1. There must be proactive programme to strategically educate women targeting young women job seekers and those immediately out of school.

2. Organizations that violate the provisions of the labour act to ensure equal pay for equal work must be sanctioned.

**Article 13(c): Ensure transparency in recruitment, promotion and dismissal of women and combat and punish sexual harassment in the workplace**

Does the Public service Career management system contains all the elements of this article? How is Sexual harassment handled in public institutions? Is there a complaint and redress mechanism in place?

There is no specific law on ways of handling cases of sexual harassment at the work place in the Labour Law except in the Domestic Violence Act of 2007. It is inadequate to address all cases of sexual harassment against women at the work place as it may lead to adversity on the employment of women. The labour act addresses sexual harassment but does not show how it should be handled. Organizations are required to address sexual harassment. However any case of administrative and work related discomfort including sexual harassment could be dealt with at the Commission on Human Rights and Administrative Justice, the National Labour Commission or at Court.

**Gap:** Absence of unions in some work places may not help in addressing issues pertaining to women. The Labour Centre is well under resourced to carry out its under resourced to carry out its responsibilities effectively.

**Recommendation**

1. Law alone is not enough to regulate the employment, resourcing the labour regulating agencies will enhance the labour and employment sector.
2. Organizations must implement and bring out laws to handle and address sexual harassment at the workplace.


Article 13(d) Guarantee women the freedom to choose their own occupations and protect them from exploitation from their employers violating and exploiting their fundamental human rights as recognized and guaranteed by conventions, laws and regulations in force.

Are there professional practices or associations that discriminate against women? Are there profession or career entry barriers targeted at women? Is there any agency in place set up to review unethical practices?

The Labour law in article 127 makes provision for unfair labour practices, however this provision does not necessarily include issues that affect women. In several organizations both in the private sector and public sector, there are unwritten rules that require women not to get pregnant during the first two or three years when they are employed. The Commission for Human Rights and Administrative Justice (CHRAJ) is the agency set up by the government to address unethical administrative and labour practices.

Gap: A lack of uniformity between the national labour law and laws of public and private organizations and failure of the labour law to address career entry barriers targeted at women.

Recommendation
The labour law must be amended to provide laws that address the career entry barriers targeted at women.

13 (e) Create conditions to promote and support the occupations and economic activities of women in particular, within the informal sector;

Are there initiatives, programmes and policies targeted at women in business especially informal sector such as women credit support programmes, training in entrepreneurship development, women cooperative societies? Are women able to access these services with ease? Are there special programmes for the women in the rural areas?

Ghana’s informal sector is largely made up of women. More than 80% of the Ghanaian population can be found in the informal sector. The informal sector is characterized by irregular income, job insecurity, lack of capital and there are no access to basic protections and services of the state mostly because they do not contribute to the national tax revenue. Some private financial institutions have credit support programmes for these women to have access to. Unfortunately, some of these financial institutions have no legal backing and abscend with the hard earned monies of these women. However, government has initiatives such as MASLOC (Micro and Small Loans Centre) and NBSSI (National Board for Small Scale Industries)

Gaps: A lack of knowledge and awareness of these initiatives by government for informal sector women.

Recommendations
1. A strengthening of the council of informal workers association in order to advocate for the rights of its members.
2. Expand sensitization on government programmes so that they can reach more informal sector women.

13(f) Establish a system of protection and social insurance for women working in the informal sector and sensitise them to adhere to it;

Is there a social insurance scheme for women working in the informal sector? Are women aware of its existence? Is there any evidence to prove this? What is the percentage coverage?

The Social Security and National Insurance Trust (SSNIT) in 2009 introduced the Informal Sector
Fund to cater and provide social protection to workers in the informal sector. The SSNIT formerly did not cover these workers because their patterns of income were irregular and unpredictable. Most women are not aware of the existence of this policy due to a lack of sensitization and public awareness. Due to this about 56.3% of informal workers do not contribute to the informal sector fund The Fund itself was inactive for four years. In 2017, the Minister of Finance promised to ensure the reactivation of the SSNIT Informal sector pension scheme.

Gaps: 1. Lack of government commitment towards reactivation of the fund.
2. A lack of public awareness and sensitization about the existence of the Informal Sector Fund.

Recommendations
1. Government must commit to the reactivation of the fund.
2. Government must create public awareness and sensitization about the Informal sector fund. This sensitization must vigorously target women since they make up a large percentage of the informal sector.

13(g) Introduce a minimum age for work and prohibit the employment of children below that age and prohibit, combat and punish all forms of exploitation of children, especially the girl-child.
Is there a Child Right law or has the country signed the optional protocol on the right of the child? Are the provisions of this article adequately reflected in the law? Does the labour law recognize and contain the provisions of this article?

Ghana has a Children’s Act (1998). Ghana ratified the UN convention on the rights of the child in 1990. Ghana has ratified the optional protocol on the right of the child on the involvement of children in armed conflict. Ghana is yet to ratify the optional protocol on the rights of the child on the sale of children, child prostitution and child pornography. The Children’s Act minimum age for working children is 15 years. The maximum age is 18. Employers are not allowed to engage children in exploitative labour which deprives children of education, health care and development. The labour law recognizes this but does not state clearly the age groups referred to as young persons. Though such laws exist, children are still exploited and used for hazardous work in industries like domestic work, mining, fishing and agriculture.

Gaps: A lack of implementation of the Children’s Act.

Recommendations
1. Punitive measures must be taken against persons who exploit young children for labour.
2. Labour law must be amended so that the issue of young persons is made clear.

13(h) Take the necessary measures to recognize the economic value of the work of women in the home.
Is there a policy on unpaid care work? Does the National Accounting System recognize economic value of women’s work at home?

Ghana has no policy on unpaid care work and it is not recognized. Women’s work at home such as child rearing, cooking, shopping amongst others are not recognized as economic contributions.

Gaps: Women’s unpaid care work is not recognized as an economic activity.

Recommendations
1. CSOs must sensitize government agencies in charge of women’s issues about unpaid care work.
2. Introduction of policies to recognize unpaid care work.

13(i) Guarantee adequate paid pre and post natal maternity leave in both the private and public sectors.
Does the labour law and practices adequately respond to this article? Are there provisions to
sanction establishments that have not adopted this principle?

In the Labour law a woman worker on production of a medical certificate issued by a doctor or midwife indicating the expected date of her confinement is entitled to a period of maternity leave of at least 12 weeks in addition to any period of annual leave she is entitled after her period of confinement. During this period of confinement she is entitled to her pay.

Likewise a woman on maternity leave is entitled to be paid her full remuneration and other benefits to which she is entitled. There are provisions to sanction establishments once a formal complaint is made to the Labour Commission.

**Gaps:**
1. Termination of appointments of nursing mothers in some private establishments.
2. Affected women fail to report to the Labour Commission due to a lack of sensitization.

**Recommendations**
1. The Labour Commission must give stiffer punishments to offending organizations.
2. The Commission must also be adequately resourced in order to fulfil its mandate.

13 (j) **Ensure the equal application of taxation laws to women and men.**

Is there a discriminatory tax regime in your country? If yes, is it against or in favour of women?

Ghana’s tax laws are not discriminatory, however district assemblies are given the responsibility to tax market women and other informal sector women in the various districts and municipal assemblies. These local government agencies on occasion charge these women illegal taxes.

13 (k) **Recognize and enforce the right of salaried women to the same allowances**

Does the labour law recognize and practice the provisions of this article? Can this be verified from women leaders? Are there glaring cases of discrimination against women on this issue?

Article 68 of the labour law makes provision for all workers to receive equal pay for equal work without discrimination. The Single Spine Salary structure also ensures equal pay for all workers both male and female in the government sector. Ghana has also ratified the ILO convention that promotes equality. The private sector does not have this and that makes the system unequal. Women are not paid equally to men in some establishments even though they have the same qualifications.

**Gaps:**
1. Unequal pay gaps between men and women in the private sector.
2. Lack of knowledge on economic rights puts women at a disadvantaged position.
3. Negotiation for equal pay may put women at a disadvantage.

**Recommendations**
1. Advocacy for the creation of an equal salary structure in the private sector.
2. The National Labour Commission must be equipped with the resources to address this issue.

13 (L) **Recognize that both parents bear the primary responsibility for the upbringing and development of children and that this is a social function for which the state and private sector have secondary responsibility.**

Are there laws or mechanisms that deals with abdication of family roles and responsibilities? Is the law effective? Are there cases of prosecution? How does this law deal with traditional patriarchal culture of male domination?

There is a Child and Family Welfare Policy developed in 2015. The Children’s Act of 1998 also makes this provision for the prosecution of parents who abdicate their roles. According to an official from the Ministry of Gender says this law has been effective. The Domestic Violence Act However, there are no records available to show if this has been done. The law allows for men to be prosecuted despite cultural norms that allows patriarchy and male domination.
13(m) Take effective legislative and administrative measures to prevent the exploitation and abuse of women in advertising and pornography.
Does the law regulating advertisement recognize the provision of the article? Is this reflected in the content of advertisement in the country?

Currently, Ghana has no existing laws regulating advertising even though there is an association of advertisers in Ghana. The advertising bill was laid before the previous parliament but could not be passed because the last Parliament was dissolved. The advertisers association is pushing for the bill to be laid in the current parliament.

Gaps: Advertising bill is yet to be laid in the current parliament.

Recommendations
Parliament must pass the Advertising bill to ensure regulation and sanity in the advertising space.

POSSIBLE AREAS FOR FUTURE ADVOCACY.
• Recognition of unpaid care work

• Advocacy for the reactivation of the informal sector fund.

• Advocacy for the passage of the advertising bill.

• Advocate for fair taxes for informal women in the various districts.

• Advocacy for equal pay for equal work in the private sector.

• Amendment of the labour law to cater for barriers to women’s entry.

• Labour laws should be made available in local languages for illiterate women to have access.

• Expand sensitization on government projects for women in the informal sector.

• Provision of child care centers in organizations for women to able to breast feed and have access to their kids.

CONCLUSIONS
The Maputo Protocol score card is an effective monitoring system for national governments to honour their human rights responsibilities to women and girls who are some of the most vulnerable groups in our populations.

Through this score system, we have been able to identify areas that must be strengthened by the Ghanaian government. Unfortunately, government cannot do this alone and CSOs must come on board to help government implement the human rights articles in the protocol to ensure the welfare of women and girls in our countries. Without ensuring the rights of this fundamental groups of people, development on our continent will continue to lag behind.