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RAPPORTEUR ON EXTREME POVERTY
AND HUMAN RIGHTS TO GHANA**

SUBMITTED BY HUMAN RIGHTS ADVOCACY CENTRE

Profile

The Human Rights Advocacy Centre (HRAC) is a not-for-profit, independent, non-partisan, research and advocacy organization set up to advance and protect human rights in Ghana. It established the Human Rights Clinic in 2009 to complement the provision of legal services for the general public, especially for the poor, indigent and vulnerable populations. With an increasing number of vulnerable populations visiting the Clinic, the HRAC further took the initiative to increase accessibility of legal officers to these groups by setting up the Pro bono Lawyers Network (PBLN –Ghana) of 104 lawyers who provide free legal assistance on across the ten regions in Ghana.

Background

Ghana's poverty rate fell by more than half from 56.5 percent to 24.2 percent between 1992 and 2013, thereby attaining the Millennium Development Goal 1. Ghana further attained a lower middle income status in 2010. Statistics also show that extreme poverty within that period, specifically between 2006 and 2013 rapidly declined from 16.5 percent to 8.4 percent. These impressive economic gains notwithstanding, the inequality rate in Ghana doubled between the urban and rural areas during that period and is significantly delineated along regional lines with the Upper West Region being the most affected.

As part of measures to address the growth disparities in Ghana in accordance with domestic and international obligations, government is aided by policies, laws and institutional framework for delivering social protection to the poor and vulnerable. The National Social Protection Strategy developed in 2007 and revised in 2012, set the pace for delivering social protection programmes for an all-inclusive society.¹ The Social Protection Policy 2015 provides a policy framework for the delivery of social protection in Ghana².

In 2013, Government also restructured the Ministry of Women and Children into the Ministry of Gender, Children and Social Protection, creating for the first time, a State institution for coordinating all social protection programmes in Ghana. A rationalisation study revealed that the government of Ghana was implementing as many as forty four social protection programmes of which eleven were identified to have the core object of social protection.³ Although laudable, many challenges abound thus the inability to effectively implement such programmes.

The prevalence of poverty and the deepened inequality rate deprives many of their human rights. The family unit which is the fundamental unit of society continues to suffer hardship and breakdown in the absence of protection and support from the State. As a result of economic hardships, the extended family system which supported the nuclear family is breaking down. In the absence of support from the extended family, over-burdened nuclear families are also breaking down and failing to undertake their responsibilities, especially towards children. The Department of Social Welfare of the Ministry of Gender, Children and Social Protection is woefully resourced and is unable to fulfil its mandate for the care and protection of such children.

Social and Economic Exploitation of Children

¹ National Social Protection Policy, 2015 at 8

² It defines social protection for Ghana as 'a range of actions carried out by the state and other parties in response to vulnerability and poverty, which seek to guarantee relief for those sections of the population who for any reason are not able to provide for themselves'. It aims to deliver a well-coordinated inter-sectoral social protection system enabling the poor and vulnerable to live in dignity through income support, livelihoods empowerment and improved access to systems of basic services.

³ Report on Rationalising Social Protection Expenditure in Ghana-(Technical Notes), 2014 at 4

In the absence of State or family support, children are denied their right to education and the development of their full potential. Children engage in various forms of labour⁴ including hazardous forms of labour in order to survive although the Children's Act 1998 prohibits child labour. Children in regions with high poverty rates and inequality are even more affected as they are forced to migrate to other regions in search of better economic situations. While some work in the fishing industry and on farms, others are engaged in menial jobs for a small fee⁵ or begging for alms. Others are also engaged in carting goods in the markets (commonly called *kayaye*) and sex trade also at a small fee. In the case of the latter, it has been reported that girls in the Central Region of Ghana trade sex for fish⁶. The earnings made by these children do not only cater to their needs but sometimes also support their family income. Children from poor homes encounter other challenges including being trafficked with the support of their own families or given up for marriage. These are in violation of the child's right to be protected from social and economic exploitation.

Access to Healthcare

Children engaged in hazardous work risk having health complications with no guarantee of access to health care also as a result of poverty. The National Health Insurance Scheme which provides some form of exemption for children with enrolled parents is facing challenges as a result of which patients are forced to make out of pocket payments in order to access health care.⁷

The Right to Work

Apart from children, many adults also find themselves in vulnerable employment. 88 percent of the 75.4 percent employed population find themselves in the informal sector with 68.7percent engaged in vulnerable employment⁸. Many people therefore find themselves trapped in poverty with no secured jobs and adequate earnings, compromising their right to work and to pursue economic and social development. While many persons ply the busy streets to sell their wares, others are engaged without contracts or secured terms of employment. For others, securing these vulnerable jobs is even difficult considering the high rate of youth unemployment⁹.

Marginalisation of Persons with Disabilities

⁴ Ghana Statistical Service, Ghana Living Standard Survey Round 6: Child Labour Report, 2014 at 37 (21.8 percent of children aged 5 to 17 years sampled were engaged in child labour)

⁵ For example, cleaning windscreens of cars and hawking of a variety of items on the busy roads or streets of major cities.

⁶ Central Region: Teenage girls exchanging sex for fish. <https://www.graphic.com.gh/news/general-news/central-region-teenage-girls-exchanging-sex-for-fish.html> (Accessed 4th March, 2018).

⁷ This equally affects other groups of people including pregnant women who as a result of their inability to make out of pocket payments, are unable to meet the WHO minimum requirement of four antenatal clinic visits.

⁸ Ghana Statistical Service, 'Ghana Living Standard Survey Round 6: Labour Force Report, 2014', 22

⁹ Id at 38 (General unemployment rate is 5.2%; persons aged 15-24years have highest rate of unemployment at 10.9%; unemployment rate in the urban areas is higher at 16.3%)

The absence of comprehensive State policies for Persons with Disabilities (PWDs), entrenches poverty among this group of people in Ghana. The provisions of the Persons with Disabilities Act, 2005 are inadequate and in addition, lack Regulations for its implementation. A child born with disabilities into a poor home is therefore likely to be deprived of quality education, if at all, as public education institutions for children with disabilities, are neglected and poorly resourced by government and private institutions are highly priced. A similar challenge is faced by PWDs in accessing healthcare not only in terms of cost but also the absence of protocols to cater to their health needs, particularly in accessing trained personnel with the needed communication skills to help identify PWDs' health needs. Access to health care for persons with mental disabilities is equally a challenge for poor families who cannot afford private psychiatric health care as the State facilities are poorly resourced and inadequate in terms of number of such facilities. These challenges are not peculiar to only the health care and education sectors but almost all facets of society thus affecting their inclusion, economic and social development.

Housing

The right to adequate standard of living with respect to shelter is also compromised for the poor. The State has inadequate regulation and control over renting of housing facilities as a result of which many property owners charge exorbitant rents. Persons who are unable to afford such rents settle for houses with less decent facilities like inadequate toilet facilities and resort to defecating in open spaces. Ghana is ranked 9th on the list of countries with inadequate toilet facilities as a recorded 86 percent of persons lack basic sanitation facilities and 19 percent of the total population engage in open defecation.¹⁰

Access to Justice

All these violations are suffered with impunity as the poor are unable to have access to remedy through the law courts. Pursuing an action in court as well as legal representation in Ghana are expensive. Clients have to pay processing fees at almost every point of litigation in addition to high fees for legal representation. Meanwhile, accessing the law courts without representation is nearly impossible as the court processes are very formalised and technical. Persons accused of an offence, including children in conflict with the law often have no representation where their families do not have the resources to secure legal representation. Children who may be taken into correctional centres after possible miscarriage of justice as a result of absence of legal representation are further disadvantaged as a result of lack of opportunities to reform. This is because there is no structured form of treatment for their reformation. The Ghana Legal Aid Scheme which has the mandate to provide legal representation for the poor is woefully resourced and unable to deliver on its mandate. In view of this, the Human Rights Advocacy Centre, through its Human Rights Clinic and its Network of Pro bono lawyers, provide free legal services for the poor and indigent.

¹⁰ WaterAid, 'Out of Order: The State of the Worlds Toilet, 2017'