

**THE COMMISSION ON HUMAN RIGHTS AND
ADMINISTRATIVE JUSTICE
(CHRAJ)**

**THE REPORT ON THE STATE OF HUMAN
RIGHTS IN GHANA
(ABRIDGED)**



**PUBLISHED ON THE OCCASION OF
INTERNATIONAL HUMAN RIGHTS DAY**

DECEMBER 10, 2010

HIGHLIGHTS OF THE REPORT ON THE STATE OF HUMAN RIGHTS IN GHANA
BY THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE
(CHRAJ)
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Introduction

Every year, the Commission is privileged to join the international human rights community in marking UN International Human Rights Day, which falls on 10th December. This year the theme for the celebration is "Speak Up ... Stop Discrimination", a fitting follow-up to that of last year that aimed to galvanise the global community to embrace diversity and end discrimination.

The UN has emphasised, in the past that human rights are what make us human; "Human rights are fundamental to our nature, without them we cannot live as human beings". More precisely, human rights are universal rights, which all people are entitled to, regardless of race, ethnic origin, gender, age, economic or social class, religious or political belief.

Discrimination on any of these grounds or in any other form is not only wrong in itself, but also creates and sustains conditions leading to societal vulnerability.

In Ghana, unfavourable cultural attitudes continue to hinder social progress. Discriminatory and sometimes very dehumanising customary practices and traditional norms seem to consign many vulnerable persons including women, children and persons with disabilities to subservient, dehumanising roles rather than allowing them to take their opportunities and compete with others on equal terms.

Over the years, CHRAJ has collaborated with other partners to implement programmes aimed at a wider societal appreciation and acceptance of fundamental human rights principles as a way of life.

One of the most important constitutional and statutory mandates of CHRAJ is the obligation to enhance public awareness with respect to fundamental human rights and freedoms.

This remains an area of potentially useful cooperation with Government, Human Rights NGOs and other Civil Society Organisations such as religious bodies, schools, trade unions and professional groups.

The Commission has institutionalised as an integral part of its monitoring role, studies of various communities to determine the scale of realisation of economic, social and cultural rights that in the Commission's view lag behind achievements made in the enjoyment of civil and political rights by members of the Ghanaian society. Every year since 2005, the Commission's ten Regional Offices together with the 98 District Offices, undertake surveys using quantitative methods and Focus Group Discussions (FGDs) in an effort to provide some evidentiary basis to determine the advancement made in the realisation of economic, social and cultural rights in communities across the country.

The State of Human Rights Report, issued annually by the Commission, based on primary and secondary data gathered and analysed by the Commission does not cover the entire gamut of human rights.

The exercise, however, aims at making relevant recommendations to entrench a culture of human rights and peace in the country.

In 2010, the focus has been on the following thematic areas:

- Right to Basic Education

- Right to Health
- Children's Rights
- Women's Rights
- Harmful Cultural Practices
- Extremely Deprived Communities (Slums)

Methodology

A combination of various research techniques or methods, including structured interviews, and Focus Group Discussions (FGDs) was used to conduct the study in 2010. Respondents included ordinary members of communities, students/pupils, traditional authorities and leadership of relevant institutions including DCEs.

Personal interviews were conducted with heads of institutions or authorities and key informants, while the FGDs of at most ten members comprising male and female (except peculiar instances where inapplicable) were conducted to solicit information from the general public.

Objectives

The general objective of the 2010 nationwide monitoring exercise is to gauge/ measure State compliance with its international human rights obligations.

The specific objectives include:

1. To ensure that State actors and other duty bearers meet fully their obligations under the law.
2. To assess progress made by Ghana in the effort at achieving the Millennium Development Goals (MDGs).
3. To prevent human rights abuse from occurring.
4. To serve as early warning signals for State actors.
5. Provide data and information for CHRAJ to play its oversight roles.

Focus and Scope

Education: Three hundred and two (302) public basic schools were targeted nationwide. School authorities, teachers and pupils of public basic schools were the main respondents. In addition, caterers who are involved in the school feeding programme and officials of the Ministries of Education and Finance were contacted.

Health: A total of 218 public health institutions, 2 from each regional capital and 2 each from 98 districts, were targeted nationwide. In each of the 98 district, one health facility at the district capital was selected and the other was selected from a rural community.

Identified NGOs working on health related issues in the communities of the established health institutions were also contacted.

Children's Rights: A total of 260 communities were targeted nationwide. Community members, NGOs, Government offices as well as children themselves were the key respondents.

Women's Rights: A total of 260 communities were targeted nationwide. Community members, NGOs, Government offices were the key respondents.

Extremely Deprived Communities (slum): Nineteen (19) extremely deprived communities were monitored with heads of households being the key informants.

Harmful Cultural Practices

Camps for People Suspected of Witchcraft: three camps for persons suspected of witchcraft in the Northern Region of Ghana were monitored. Owners of camps and some residents were the respondents.

Healing Camps: The Commission monitored 51 healing camps across the country. Owners of the camps and some clients who were at the camps at the time of visit were contacted. In addition, 50 offices of the Department of Social Welfare in the districts where the camps were located were contacted.

Response Rates & Challenges

The monitoring exercise was not without challenges. Obtaining the required information from the identified target groups was the major challenge. This affected the number of answered questionnaires retrieved, thereby affecting the sample sizes. The response rate for the exercise was between 75 and 80 percent.

RIGHT TO BASIC EDUCATION

The main objective of this report is to assess the extent to which the Government of Ghana is fulfilling its obligations with respect to the right to basic education in Ghana.

Specifically, it seeks:

- To assess the extent to which Government is fulfilling its obligation in providing Free Compulsory Universal Basic Education (FCUBE); and
- To assess the extent to which educational facilities are available and adequate in basic schools.

FCUBE

The 1992 Constitution of Ghana recognizes the right to education. Article 25 (1) of the Constitution provides that:

"All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realisation of that right-

- (a) basic education shall be free, compulsory and available to all;
- (b) the development of a system of schools with adequate facilities at all levels shall be actively pursued."

Reports from the regions indicated that the combined effect of the capitation grant and school feeding programme have increased school enrolment and helped maintain healthy population of pupils' who continue to benefit from these interventions. Maintaining these policies and extending them to cover all Ghanaian children would help the country achieve the challenging MDG of universal education at the basic school level for all Ghanaian children by 2015.

Capitation Grant

The Commission interviewed 211 heads of basic public schools on the implementation of the capitation grant.

The Commission found that capitation grant has brought some relief to basic schools. However, 60% of schools monitored continue to charge fees to support the running of schools. The responses showed that the schools are charging PTA levies and printing levies because the capitation grant is not enough to run the schools.

Poverty is still widespread in this country. We also have the phenomenon of extremely vulnerable children who are still forced to work or engage in child labour to survive. If there is going to be hope and opportunities for these children, the Government would have to work to remove the levies in the schools so that these children and children of extremely poor parents can fully benefit from FCUBE.

The responses also showed that delays in the release in the grant are contributing to defeat the purpose of the grant. We also have the problem of mismanagement and poor controls on the management of these funds.

School Feeding Programme

To assess the impact of the School Feeding Programme, heads of 72 basic schools that benefit from the school feeding programme were

interviewed. In addition, 72 Focus Group Discussions were held for 724 pupils comprising 363 males and 361 females in the selected schools. 76 caterers were also interviewed to assess the impact of the feeding programme from their perspective.

The Commission found that the school feeding programme has had a positive impact on gross enrollment. Enrollment increased by approximately 6% from 2008/2009 to 2009/2010 academic year. In addition, the survey revealed that the programme has impacted positively on the feeding arrangement for poor schoolchildren and reduced the financial burden on poor parents.

The survey revealed that parents' finances on their children after the introduction of the school feeding programme have reduced by 15%. (Prior to the introduction of the school feeding programme, a sample of 724 pupils were on the average, given a sum total of 630.00 Ghana Cedis each school day, but this reduced to 537.00 Ghana Cedis after the school feeding programme was introduced).

Caterers under the school feeding programme encountered three major challenges including insufficient funds, delays in releasing funds and lack of storage facilities. Majority of the schools did not have kitchens or dining facilities. In some schools, it was found that the conditions under which food was prepared and served were poor and unhygienic.

Availability & Adequacy of Educational Facilities

The Commission paid monitoring visits to 238 basic schools. The Commission found that most of the schools were grappling with the problem of congestion because of increases in enrollment in basic schools. Approximately six out of every ten classrooms were found to be congested.

In some classrooms, a desk meant for two was shared by four. Approximately three (3) out of every ten (10) schools do not have adequate teachers. Approximately four (4) out of every 10 pupils do not have access to adequate teaching and learning materials. In some places, teachers and pupils had to share textbooks.

Potable water and toilet facilities in basic schools were found to be woefully inadequate. Approximately four (4) out of every ten (10) basic schools had no supply of potable water whereas three (3) out of every ten (10) had no toilet facility.

The Commission also found that some schools have poor accommodation, poor roofing and generally poor environment for teaching and learning.

With the annual rate of approximately 6% increase in gross enrollment into basic schools, Government and its agencies must take steps to increase logistical support to basic schools so that quality is not compromised; it is necessary to provide additional classrooms, teachers, textbooks and other teaching and learning materials. Ghanaian children, also, cannot wait!

Corporal Punishment, Bullying and Harassment

The Commission paid monitoring visits to two hundred and fifty (250) schools where Focus Group Discussions were held with 2,512 pupils on the issues of corporal punishment, bullying and harassment.

It was revealed that violations of the GES Corporal Punishment Policy and bullying continue to occur in Ghanaian basic schools, leading to injuries to some pupils.

66.8% of the respondents said they were victims of corporal punishment. The usual form is caning. 13.3% reported that they had

sustained various degrees of injuries as a result of corporal punishment meted out to them. Injuries included bruises and cuts on parts of the body such as palms, arms, legs and back sides.

628 pupils, representing 25% of the respondents claimed they had suffered from instances of bullying since the beginning of the year. Of this number, fifty eight (58) sustained injuries as a result of the bullying including nose bleeding and cuts on body parts such as the lips, knees and legs.

Nine hundred and fifty-two (952) pupils claimed they were humiliated and ridiculed by bullies. 275 said they had been threatened by other pupils.

Some of the pupils have come to accept harassment and bullying as normal treatment or incidents. They operated under the erroneous belief that their seniors could get away with such behavior and therefore, they were not prepared to report them to their school authorities.

The Commission also found that most of the schools were not complying with the GES rules on the administration of corporal punishment in basic schools. Five (5) out of every 100 teachers interviewed were not aware that there were rules that regulate corporal punishment.

The Commission reiterates its earlier call that the administration of corporal punishment in schools be looked at again and steps taken to discontinue it all together.

Until that has been done, the Commission urges the GES and school authorities to take steps to educate staff and students to discourage bullying, harassment, and abuses in the administration of corporal punishment. They should also educate them on channels of redress when they become victims of such abuses. This will make the school

compound safe, friendly and create the conducive environment for teaching and learning to achieve the objectives of the FCUBE.

Persons with Disabilities and the School Environment

The Commission paid monitoring visits to two hundred and thirty-six (236) schools. 55.3% of the basic schools monitored did not have facilities to support persons with disability.

Disability aids, for instance, were not provided for persons with physical disabilities. This made it difficult for persons with physical disabilities to access school facilities such as libraries, classrooms and washrooms. Absence of these facilities often times increases the sense of seclusion and discrimination for persons with disability.

With the coming into force of the Disability Act, it is imperative that steps are taken to implement the Act to ensure that persons with disability are able to participate fully in the FCUBE.

Human Rights Knowledge: Right to Education

Human rights education aims at developing an understanding of our common responsibility to make human rights a reality in every community and in society at large. In this sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and the enhancement of people's participation in decision-making processes within a democratic system, as stated in the Commission on Human Rights resolution 2004/71.

It is envisaged that the level of human rights violations would reduce considerably if more and more people become aware of their rights as well as duties.

The Commission organized 236 Focus Group Discussions were for 1,202 male and 1,209 female pupils. It also interviewed 1,044 teachers.

The survey showed that only three (3) out of every ten (10) basic schools have had programmes organized for teachers and heads of educational institutions on the right to education this year. The findings further revealed that many of the pupils do not appreciate their rights and duties owing to the fact that they have poor understanding of human rights.

RIGHT TO HEALTH

The main objective of the exercise was to monitor the State's compliance with its obligations regarding the health needs of the Ghanaian population.

Specifically, it seeks to:

- To assess the adequacy of healthcare in Ghana and the extent to which health needs are met; and
- To assess progress made in the promotion of health rights in Ghana in 2010.

Maternal and Infant Health

Evidence showed that there is increasing effort by Government and the health sector towards the promotion of maternal and infant health in Ghana. The key policies that the Commission identified were:

- The Implementation of High Impact Rapid Delivery (HIRD) interventions, which focus on:
 - Safe motherhood interventions
 - Child survival interventions
 - Malaria, HIV/AIDS control interventions
- Delivery of community based health interventions

- The continual implementation of the free maternal health care under the NHIS

Other strategies include the development of:

- Road Map for Accelerating the attainment of the MDGs related to Maternal and Newborn Health in Ghana
- Reproductive and Neonatal Health Strategic Plan
- National Reproductive Health Service Policy and Standards, 2003
- Ghana Strategic Plan on Health and Development of Adolescent and Young People 2009-2015
- Under 5 Children Health Strategy, and Policy 2007 - 2015
- Guidelines for the Provision of School Health Services

These efforts have been effective in improving public awareness on infant and maternal health, and antenatal and postnatal services. Health institutions across the country regularly embark on community based public education including daily interaction on health tips with patients at OPD of hospitals and polyclinics.

Although these interventions have made significant difference, the current levels of maternal and infant deaths in the country continue to be relatively high. NGOs, who focus on health issues, also continue to contribute immensely towards the promotion of maternal and infant health in the country.

The problems of inadequate health personnel and facilities, cultural barriers, and attitudes of health workers and Ghanaians on the whole remain a significant stumbling block in the promotion of infant and maternal health in the country.

Patient's Charter

Most Ghanaians (68.8%) are still ignorant of the Patient's Charter and the rights and obligations stipulated in it. There is no clear Government or institutional plans towards awareness creation and enforcement of the Charter. The only significant mode of accessing information on the charter is through posters and fliers in the health institutions. In most cases, health personnel who are supposed to inform patients of their rights as required by the charter do not do so. Inadequate staff strength coupled with increasing workload (hospital attendance), inadequate funds to carry out education programs, and lack of rooms to ensure clients' privacy and confidentiality are some of the major challenges in achieving the objectives of the Charter.

We must, however, commend the Cape Coast Central Hospital (Interberten) for the effort they put in to educate patients and members of the public who visit the hospital on their rights and obligations.

NHIS

The NHIS has brought significant financial relief to majority of Ghanaians in accessing health care in the country.

The Scheme has realized massive registration and patronage of medical services by Ghanaians. It has also brought about health consciousness among Ghanaians leading to an increase in hospital attendance. Reports showed that expectant mothers benefited immensely from the Scheme. Reports also showed that there are improvements in the payment of claims to service providers, an area that has had serious challenges over the years.

The Scheme has however brought about increased workload to service providers due to the increasing hospital attendance without a corresponding increase in the number of medical personnel and

facilities. The problems of no coverage of the Scheme on some ailments, geographical accessibility, and availability of drugs still remain.

There is also long waiting time by NHIS card holders due to difficulty in searching for records, and long queues as a result of high attendance. There was also evidence of preferential treatment given to cash paying patients in some of the health institutions as confirmed by 38.5% of the community members interviewed. Payment for drugs over the counter by registered NHIS card holders (which should not be the case) still occurs in many health institutions.

People Living With HIV/AIDS

Records indicated a low incidence (prevalence rate) of HIV/AIDS infection across the country. Government and other stakeholders' effort have been very effective in sensitizing the public on the phenomenon. However, the free counseling and testing services and the nationwide campaign to let Ghanaians know their status does not seem to be gaining much ground. Just as the Commission observed the previous year, stigmatization and discrimination against persons living with HIV/AIDS is still prevalent.

It is important that we redouble our efforts at sensitization and awareness in order to get Ghanaians to respond more positively to voluntary counseling and testing and also drive the prevalence rate in the country to the lowest level possible.

It is also important that more awareness is created to reduce discrimination and stigmatization against PLWHA.

Health Facilities

Evidence from all health facilities visited during the exercise revealed lack of adequate health professionals to man the facilities.

Facilities for ambulance services and treatment of long term or terminally ill patients continue to be lacking in most of the health institutions monitored. Health institutions continue to rely on public transport which is highly inappropriate.

The immunization programme has been expanded with more health institutions providing services. However, typhoid and hepatitis A and B are excluded from the programme as they are not specifically covered by the NHIS.

Accessibility to health institutions is still a challenge to a number of Ghanaians especially persons with disability. Most patients complain about long waiting time at hospitals before receiving healthcare, such as consulting a doctor.

Accra Psychiatric Hospital

In January 2010, the New Crusading Guide Newspaper filed a complaint with the Commission alleging violations of fundamental human rights, injustice and corruption, abuse of power and unfair treatment of inmates at the Accra Psychiatric Hospital.

An ace investigative reporter of the Newspaper, uncovered during seven months of under cover investigations, human rights abuses and violations such as physical abuse and neglect of patients by nurses at the hospital, cases of forced labour, pilfering and sale of patients' food by some hospital staff. The Newspaper also complained about the sale and use of narcotics among patients and some workers of the hospital. It had earlier produced a 30-minute documentary widely publicised on various television networks in the country in December, 2009.

The Commission in conducting an investigation into these allegations found, among others, that the Accra Psychiatric Hospital did not refute the allegations and had agreed to take measures to ensure that the violations do not recur in the future. The Hospital, however,

insisted some of the faults could be attributed to the deplorable conditions and the numerous challenges that it grappled with.

The Commission is satisfied with the initial sets taken by the Ministry of Health to deal with the issues raised by the documentary such as, improving the condition under which in-patients are housed, toilet facilities, and increasing the daily ration from 60 pesewas to 2 Ghana Cedis. The Commission hopes that the Ministry will implement in full the recommendations of the Committee that was set up that these abuses do not recur in any of the health facilities again, to ensure psychiatric patients in the country also live in dignity.

CHILDREN'S RIGHTS

The main objective for the exercise was to monitor the State's compliance with its obligations in respect of the rights of children in Ghana.

Specifically, it seeks:

1. To monitor the impact of interventions in promoting Children's rights in Ghana in 2010; and
2. To examine the progress made in promoting the rights of children in Ghana in 2010.

The Commission visited 260 communities and interviewed 642 State officials and 187 officials of NGOs, whose work impact on the right of children.

Child Sexual Abuse

The Commission interviewed 1450 community members in 121 communities, made up of 46.5% males and 53.5% females, on the subject of child abuse.

Responses from Adults: 38.5% of the respondents noted that there were reported cases of child sexual abuse in their communities while 61.5% said there were no such reports. 87.1% of the respondents said that they knew child sexual abuse was a crime. 58.3% of the respondents said they have not witnessed any education of child sexual abuse in their communities.

85.1% of the respondents from 89 Government offices noted that their institutions received reports of child sexual abuse with 92.4% providing protection for victims of sexual abuse.

The measures put in place to protect victims included prosecution of perpetrators, public education, protection of the identity of victims and counseling for victims. According to most of the officials, these measures have been successful in protecting the victim(s) from stigmatization, reducing the consequences of sexual abuse, and enlightening Ghanaians on adverse effects of child sexual abuse.

76.8% of interviewees noted that their institutions carried out public education activities on child sexual abuse using various methods. 88.9% of the interviewees stated that the impact of such education has been positive. 33.0% of the officials noted that their campaigns were funded by the Government while 18.0% said NGOs were the main financiers of their campaigns.

Responses from children in the communities: 80.0% of 941 children between ages 4 and 16 years said they knew that child sexual abuse was a crime. 77.0% knew where to report cases of sexual abuse. 81.2% of these children said they would report if they were sexually abused. On the other hand, 18.8% noted they would not report such an abuse because they were afraid that they will not be believed or their parents will punish them. Another reason for not reporting is the fear of stigmatization.

On the issue of treatment of victims of child sexual abuse by family and community members, some of the children noted that some parents do understand and send such issues to the Police. Others rather blamed the victims and sometimes beat them up for being the cause of the incident(s). 32.4% of the children noted that they knew Government institutions and NGOs that assisted victims of sexual abuse.

Child Trafficking

The survey indicated that child trafficking has not reduced significantly, and we need to step up efforts to tame it.

Responses from adults in the communities: The monitoring exercise on child trafficking engaged a total of 1858 respondents in 160 communities. 47.8% males and 52.2% females were involved in FGDs nationwide.

Although, many of the participants were aware of child trafficking, they had shallow understanding of the subject. Responses of the community members confirmed that child trafficking occurred in their communities. 26.3% of respondents confirmed that children are trafficked into and out of their communities.

Responses from Government Institutions: A total of 160 Government offices were contacted across the length and breadth of the country. The institutions included the Department of Social Welfare, the Ghana Police Service, Immigration Service and the Department of Labour. 50.4% of the respondents confirmed that they were aware that trafficking occurred in parts of the country.

Although the strategy to prevent child trafficking covers rescue, rehabilitation and reintegration, these institutions have focused primarily on rescuing of trafficked children. The responses showed that, reintegration and rehabilitation is only undertaken by a few offices of the Department of Social Welfare, and these interventions have been inadequate compared to the scale of demand.

Monitoring & Campaigns against Child Trafficking: 62.5% of Government offices contacted undertook campaigns against child trafficking in their communities. The campaigns took the form of community based public education and sensitization programmes. However, such campaigns were not on regular basis. Only 31.2% of the offices confirmed embarking on campaigns every three months. Most of the offices said that monitoring and campaigning is undertaken based on availability of resources. Nevertheless, the few campaigns and monitoring that have been undertaken were said to have impacted positively on the communities.

According to respondents, community members are becoming more aware of the negative effects of child trafficking. This has helped more people identify trafficked children and report to the appropriate agencies. In some communities, watchdog committees watch out for any suspicious movement involving children. Police officers at check points have widened their scope of operations, watching out for suspicious movement involving children.

Child Maintenance

The survey showed that child neglect, poor maintenance and lack of maintenance are still relatively high although there have been considerable improvement over the year.

Responses from Adults in the Communities: A total of 2158 respondents, were part of FGDs held in 178 communities across the

country. The respondents were made up of 1864 parents and 266 guardians.

97.9% of the respondents indicated that as parents/guardians they have a duty to support their children. Only 39.5% of the respondents have attended programmes on child maintenance.

78.3% of the respondents said they knew about organisations that handle child neglect cases whilst 22.3% of them indicated that they had either witnessed or taken up a child neglect case to these organisations.

Majority of those who had taken up child neglect cases indicated that they were satisfied with the outcome of the cases. Those who were not satisfied gave reasons of not following up on the case or the parties did not comply with the terms of agreement.

Responses from Children in the Communities: A total of 1918 children participated in various focus group discussions held in 139 communities across the country. 48% of the children were aged between 11-15 years. 56.6% of these children lived with their parents, 36.3% with their guardians and 7.2% lived on their own.

89.1% of the children interviewed said they were provided with the necessities of life including health care by their parents. 10.9% indicated that they did not have such support.

Some respondents of the latter group noted that they either lived on their own and fend for themselves or lived with their parents who did not have enough money to provide their basic needs. A few of them noted that some relatives sometimes intervened by providing them with some of their basic needs. Others had philanthropists and NGOs supporting them.

The children interviewed were divided over the issue of whether they knew of an institution that handle child neglect. 49.1% did not while 50.9% indicated that they did. Only 9.0% of respondents indicated that they have received some form of assistance from any of these institutions. Such assistance included provision of school items and financial support. 51.7% of those who have received such assistance indicated that the support from these institutions have helped improve their lives because their fathers have now taken full responsibility, and they are no longer sacked for not paying school fees.

48.3% of the respondents, however, noted that intervention from these institutions have not improved their lives since their fathers still refuse to look after them.

Responses from government institutions: 97.3% of 120 Government offices interviewed indicated that they educated parents to maintain their wards by organizing public education and monitoring child rights issues in the communities.

60.2% of them noted that the number of maintenance cases they handled in the year had reduced, while 23.7% claimed the opposite. However, 16.1% of them noted there was no change. According to the majority of these officials, the impact of their work in promoting the right of the child to maintenance has been positive.

90.8% of Government offices interviewed said they carried out campaigns at the community level. The campaigns were mainly funded from Government sources.

Responses from NGOs: 72.1% of 46 NGOs working on child rights issues said they assist victims of child neglect to have access to the law for redress. 92.3% of them held campaigns against child neglect. 86.6% said they monitor child rights including child neglect.

Reports showed that there have been an increase in the number of child neglect cases reported and parents have become more responsible towards their children.

Child Labour

The Commission held 138 Focus Group Discussions. The discussions attracted 753 males and 875 females. In all, 1628 people participated in the discussions.

50.2% of the respondents indicated that children in their community still engage in labour that deprived them of their health, education or development. Children between 11 and 16 years were said to form the bulk of children engaged in child labour in those communities.

Government Institutions in the Fight against Child Labour: Officials of 83 Government offices, whose functions included complaints handling, counseling, collaborating with NGOs and implementing government policies on the worst forms of child labour, were interviewed.

The worst forms of child labour identified in the communities by these institutions are: street hawking, fishing, portering, shepherding of cattle and quarrying.

According to the respondents, the number of reported cases fell from 1593 to 1065, presumably an indication that Government's effort in curbing child labour is yielding results. Field reports also indicate that in some communities, community members voluntarily report child labour cases enabling relevant authorities to intervene.

82% of the respondents claimed that the campaigns have positive impact and community members are becoming aware of the harmful effects of child labour leading to a reduction of its incidence.

WOMEN'S RIGHTS

The main objective of the monitoring exercise is to monitor the State's compliance with its obligations regarding fundamental rights and freedoms of women in Ghana.

Specifically, it seeks:

1. To monitor the impact of interventions in promoting women's rights in 2010; and
2. To assess the progress made by communities in the effort to combat abuse of, and discrimination against, women.

This year our monitoring of women's rights focused on domestic violence, gender-based discrimination, inheritance, and harmful cultural beliefs and practices that undermine women's rights.

A total of 2414 respondents, between age 18 and 54; i.e. 61.0% females and 38.9% males were part of various FGDs held in 200 communities across the country.

Even though the respondents were able to explain what human rights are, 15.4% of them did not know that women's rights are human rights. Some were totally ignorant of what constitute women's rights and did not accept gender equality. They claimed that women are physically weaker than men therefore they should not enjoy equal rights.

The responses showed that women's right to inheritance is still not fully recognised. Evidence also showed that there is unequal access to jointly acquired property and sharing of income from jointly owned businesses.

Some traditional practices still placed women in a disadvantageous position.

59.3% of the respondents interviewed indicated that interventions such as public education and sensitization on the rights of women by both State institutions and Civil Society Organisations; the formation of gender advocacy groups; the passage of bye-laws by chiefs and the provision of credit facilities are some of the positive interventions that have helped reduce discrimination against women in their communities.

64.4% of the respondents indicated that abuses against women continue in the communities. 47.6% revealed that verbal and psychological abuse was most common. 29.0% noted that restricting freedom of movement, restraining freedom of association and free expression of religious beliefs of women were common in their communities. 23.4% of the respondents indicated that women were still denied control over their own bodies in terms of their reproductive health.

51.0% of respondents indicated that they have either attended or heard of educational programmes on women's rights. 88.1% of the respondents said they are aware that they could seek redress at state institutions like the Police, CHRAJ, the Department of Social Welfare and the courts. However, only 18.2% had patronised these services. Of those who had previously sought help from the stated institutions, 90.9% indicated they were satisfied with the services provided. 1.7% was not satisfied with the remedies given by these institutions because they thought their remedies were not punitive enough.

Domestic Violence against Women

Focus Group Discussions were conducted in 116 communities in the country. These involved 1432 community members made up of 59.6% females and 40.4% males between 18 and 54 years.

75.3% of respondents knew about domestic violence, 71.2% knew the types of acts that constitute domestic violence. 30.3% indicated that they had either suffered physical, emotional or verbal abuse. Out of this number 51.0% said they have been affected mentally, emotionally or physically as a result of the violence. 20.4% of those who said they were victims said they sought medical help.

42.9% of the respondents knew about the Domestic Violence Act. 66.9% knew where to seek redress. Only 11.8% of the respondents had ever accessed services of the state institutions. 57.8% of those who patronized the services of these institutions were satisfied with the services provided.

44.1% of the respondents have ever attended or heard of an educational programme on domestic violence organized by both state institutions and NGOs. They indicated the programmes had increased their knowledge about domestic violence and prepared them to know how to seek redress whenever necessary.

Inheritance

A total of 2119 respondents were interviewed on women's rights to inheritance in 200 communities across the country. 39.7% of the respondents were between ages 29 and 39.

A small percentage of the respondents interviewed indicated that women and girls were not allowed to inherit their deceased parents in their communities although a majority of them said that the situation had improved in their communities.

42.6% of the respondents knew about the Intestate Succession Law (PNDC Law 111). Majority of the respondents said they got to know of the Law through public education programmes organized by CHRAJ, NCCE, DOVVSU, NGOs, and radio.

Whether the law has been able to address the issue of discrimination women face with regards to inheritance after the death of their spouses, 69.2% of respondents noted that it has now made it easy for widows to access their deceased spouses' estate.

Others were of the view that ignorance of the law; lack of enforcement as well as the cumbersome processes of obtaining letters of administration were hampering the realization of the objectives of the law.

60.0% of the respondents indicated that they knew the institutions from which to seek redress, although only 12.1% had ever patronized the services of these institutions. Of those who had reported cases to these state institutions, 75.7% of them were satisfied with the services provided.

HARMFUL CULTURAL PRACTICES

Camps for People Suspected of Witchcraft

Belief in witchcraft is still prevalent in the Ghanaian society. Often times men and women who are suspected to be witches and wizards suffer the fury of their communities, ranging from seclusion, banishment, physical molestation, to outright lynching. Although the evidence on the ground showed that women are primarily the victims.

The recent burning of an elderly woman in Tema after she had been accused of witchcraft typifies the type of discrimination and

vulnerability imposed on women and girl children by cultural beliefs and practices in Ghana.

The Commission monitored three camps for persons suspected of witchcraft in the Northern Region to assess the living conditions of the camps.

The camps which were monitored in 2009 were: the Kukuo Settlement, Tindaan Shayili-kpatinga Settlement and the Gnani Settlement.

The Kukuo Settlement had 123 inmates, all of them women. Tindaan had 32 inmates also all of them women, whilst Gnani had 8 men and 20 women.

Sanitation conditions at the camps were generally deplorable. There had been no improvement since the last inspection in 2009. The Kukuo Camp, for instance, has no access to potable water. Their main sources of water are stream and rain. There were no toilet facilities, and this had also compounded the sanitary condition in the camp.

In spite of efforts by the Commission and other CSOs including SONGTABA, GRAMEEN and Action Aid to end discrimination, stigmatization and banishment of persons suspected of witchcraft, the practice still persists.

Harmful Widowhood rites

Article 39 (2) of the 1992 Constitution provides that:

"The state shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of society as a whole; and in particular that traditional practices which are injurious to the health and well-being of the person are abolished".

Although harmful cultural practices are prohibited, practices of dehumanizing widowhood rites are still prevalent in Ghana today. These rites involve rituals, ranging from seclusion and general isolation of the widow to actual causing of physical harm to the widow.

Women who refused to undergo widowhood rites suffer many abuses.

According to some of the respondents, these women were accused of being responsible for the death of their spouse while others are verbally abused and denied some of the property of their deceased spouse.

A total of 789 community members comprising 281 (35.6%) males and 508 (64.4%) females participated in Focus Group Discussion nationwide. Out of this number, 406 (51.5%) stated that such customs and practices are still practiced in their communities. 48.5% on the other hand indicated that the practice was on the decline.

Campaign activities against harmful widowhood practices in the various communities seem to have reduced compared with previous years. Only 27.8% of the participants confirmed that there has been some campaign or talk against harmful widowhood practice(s) in their communities. Almost all the participants confirmed the absence of any organization coming to the community to conduct education on widowhood rites this year. A few, however, mentioned organizations mainly churches, the media and a few community based NGOs implementing projects during the reporting year.

In the view of the Commission, women's empowerment and sustained public education and advocacy in our communities will help us eradicate obnoxious cultural practice. We must intensify such interventions to protect the dignity and rights of widows.

EXTREMELY DEPRIVED COMMUNITIES (SLUMS)

Nineteen (19) extremely deprived communities were monitored across the country; six each from Western and Greater Accra Regions, five in the Volta Region and one each in Brong Ahafo and Upper East Regions.

The evidence showed that most of the communities surveyed lived under sub-human conditions. Many of the communities lacked adequate housing, good water sources, good sanitation and secure tenure, making slum dwellers very much afraid of forcible eviction(s). 61.1% of the households had no toilet facility.

The common sources of livelihood were petty trading, hairdressing, driving and other artisanal work; fishing, fish mongering and other agricultural activities.

Households were extremely congested and extremely vulnerable to fire outbreak and theft. 88.9% of the residents lived in their own structures while 11.1% lived in rented places. The monthly rents ranged between 5 Ghana Cedis and 15 Ghana Cedis.

47.4% of the respondents indicated that they had no hospitals or clinics within their communities. However, accessing medical facilities nearby was not difficult. About 44.4% had registered under the NHIS.

Prisons and Prison Camps Monitoring

Introduction

Everywhere in the world, prisons are meant to be places to reform detainees to become useful to society however, considering the recidivism rate of 5.7% in the country, (as at last year), one would wonder whether the detention centres are serving this purpose.

Standards such as the UN Standard Minimum Rules for the Treatment of Prisoners and the International Covenant on Civil and Political Rights have provisions governing the treatment of prisoners.

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child also safeguard the rights of women and children, and in many cases are applicable to women and children in prison¹.

This year, twenty-eight (28) prisons and Prison Camps out of the total of forty-two (42) were monitored across the length and breath of the country. The monitoring showed that although some areas of the prison condition has improved the general living conditions have not improved much compared to that of the previous year.

Generally, congestion was still a major problem in the country's prisons and ought to receive serious attention. For instance, at the **Sekondi Male Prisons** in the Western Region, inmates had almost doubled with six hundred and thirty seven convicts and eighty-eight remand prisoners.

Health and Nutrition

The Government daily stipend of Gh¢0.60p per inmate is woefully adequate. Inmates at the prison are usually compelled to supplement the meager stipend themselves.

With respect to health, not all the Prisons had a health post or an infirmary and those privileged to have it, were poorly stocked. Except for a few sicknesses, common ailments in the prisons and police cells could be linked to low ventilation, overcrowding, and poor nutrition.

¹ <http://www.quaker.org/qcea/prison/Executive%20Summary%20with%20cover.pdf>

Sanitation

The sanitary condition in the **prisons and prison camps** has not improved compared to the previous year. The major problem seemed to be the **inadequate number of toilet facilities**. A lot more of the facilities visited had flush toilets and shower baths either in an enclosed or open space for inmates and these were in fairly good sanitary conditions.

Welfare, Vocation and Recreation

Prisons and prison camps are primarily supposed to be reformatory centres and as part of this people without vocational skills get the chance to be trained in one so they come out better people with employable skills. However, the types of vocational workshops that are operated are poorly equipped and cannot meet these objectives.

Almost all prisons that had vocational workshops had people trained in tailoring and dressmaking, bakery, masonry, and weaving.

Police Cells Monitoring

Introduction

In the year under review, the Commission monitored 469 police cells out of the total of 672.

Generally, the conditions in the police cells visited had not changed much compared to the previous years.

Though a number of new ones have been added, sanitary conditions were not up to standard. Some stations still use buckets in the cell rooms for inmates' to use as toilet facilities. Ventilation and lightening in most of the police cells were generally poor. Beddings were woefully inadequate and many inmates slept on the floor or wooden boards.

It must however be stated that most police stations were adhering to the 48-hour rule; suspects were usually not detained for longer hours.

Pregnant women and nursing mothers were also found in some of the cells under conditions that were not generally conducive.

Health and Nutrition

Feeding of suspects in police cells continued to be mainly the responsibility of family and friends. In a few cases the police personnel assist the detainees.

Sanitation

Generally, the sanitary conditions of the police stations are not good although some police stations have kept good facilities for detainees. Some the police stations have decent toilet facilities and relatively acceptable ventilation and lightening for inmates. However, in many of the police stations because of the buckets used the stench that greets us is overpowering and very dehumanizing.

CIVIL AND POLITICAL RIGHTS

The nation continues to enjoy relatively high respect and recognition of civil and political rights. The courts, the Commission and other institutions have enforced these rights quiet commendably.

However, the Commission is gravely concerned about the spate of mob "justice" in the country.

These barbaric acts, such as beating, stoning, lynching, and burning of suspected criminals, constitute a gross violation of the 1992 Constitution Ghana and the fundamental human rights of the victims.

Article 15 of the 1992 Constitution provides:

- (1) The dignity of all persons is inviolable.
- (2) No person shall, whether or not he is arrested, restricted or detained, be subject to-
 - (a) torture or other cruel, inhuman or degrading treatment or punishment....

Furthermore, under the Constitution of Ghana, suspects are presumed to be innocent until proved guilty; a principle that is well recognised in all civilised and democratic countries.

Yet in Ghana lawless mobs perform extra judicial killings, under the pretext of losing faith in law enforcement and judiciary, and also fear of violent crime.

In the view of the Commission, no society can resort to primitive self help and guarantee safety and security of persons. We may all be at risk if we endorse such uncivilised acts in our society.

For instance, the June 17, 2010 edition of the Today Newspaper reported that a 24 year old unemployed, Ato Kodjo, was lynched by irate students of Cape Coast University for allegedly stealing items and properties belonging to some of the students.

Whilst we do not approve of theft or any crime of whatsoever nature, we cannot also condone such barbaric acts such as mob justice in our society. Instead, we must all cooperate with lawful agencies in the maintenance of law and order in the country, which is one of the duties of the Ghanaian citizen underscored in article 41 of the 1992 Constitution of Ghana.

The Commission admonishes all Ghanaians to desist from such barbaric acts. The Commission further calls on the Police Service to actively pursue and prosecute all those who participate in any mob killings or other barbaric acts in the country.

ALLEGED POLICE BRUTALITIES AT NANKPANDURI, NORTHERN REGION

Following a report by Peace FM in Accra on the 29th of October, 2010 of an alleged police brutality on the Nakpanduri community, officers of

the Commission in the Northern Region were dispatched to the community to ascertain the facts.

The general situation at Nankpanduri, though calm, showed that the police had caused fear and panic in the community. To the extent that people, had deserted the village.

Authenticity of the report:

The Commission confirmed that twenty-two (22) houses were burnt down and a number of the people in the community were physically assaulted. Apart from the houses which were burnt, other belongings such as food stuffs and personal clothing's were also vandalized. It was also established that cruel, degrading and unlawful acts were perpetrated by the police personnel who went to the community. There was overwhelming evidence that some individuals had been physically molested by police personnel with injuries to show.

Evidence also showed that the police personnel who went to the community engaged in indiscriminate shooting with bullet marks on walls and other properties to show.

This was in the wake of police effort to arrest a convict who had escaped from jail, and was said to have killed two police officers. The police went there believing that the fugitive was taking refuge in the community.

Whiles the Commission recognizes the Police Service as a very difficult work to ensure law and order, and peace and security in the country, the Commission finds it totally unacceptable that Peace Officers should engage in the type of human rights abuses that took place at Nankpanduri. Evidence showed that residents of Nankpanduri were unarmed, and did not oppose the police from undertaking their law activities in the community.

In particular, the Commission recalls the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the UN in 1990.

In particular the Commission recalls the 4th principle which says that:

"Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if the other means remain ineffective or without any promise of achieving the intended result"

In applying such principles, the Commission believes that the Police service will garner effective public support and public confidence in the police which in-turn will make the police more successful to the admiration of the citizens.

Pending the completion of investigations to determine the culpability of individual police personnel who were involved in this unfortunate carnage, we urge government to alleviate the victims of the Nankpanduri incident.

In this brief report the Commission has tried to present to you an overview of human rights promotion in Ghana, The commission is happy to acknowledge that some progress has been made in the reviewing period. The Commission commends Government, Government Agencies, Independent Governance institutions, Civil Society Organisations, Development Partners and the entire Ghanaian community for their contribution in making this difference.

We must note, however, that the progress made does not cut across all sectors of the country. Persons with disability, poor children, and poor women continue to be exposed to high vulnerability in society.

In the coming year, we hope that Government and all stakeholders will show greater interest in the human rights work and ensure that all persons are given equal opportunity to enjoy their rights.

We believe that the National Human Rights Action Plan (NAHRAP) can make a significant difference. We encourage Government and other stakeholders to ensure the Plan is completed next year and implementation begins.

We take this opportunity to thank Government, our Development Partners in particular DANIDA and all stakeholders who have joined us to commemorate this day.

God bless our homeland Ghana and make our nation great and strong.