



## **Joint Stakeholder Report on Ghana**

### **28th Session of the UPR**

**Submitted by:**

**Sisters of the Heart**

**&**

**Centre for Popular Education Human Rights in Ghana**

**&**

**Sexual Rights Initiative**

**[sexualrightsinitiative.com](http://sexualrightsinitiative.com)**

Sisters of the Heart- An all women group that promotes the wellbeing of women. We undertake activities that promotes women empowerment and human rights of all women

Centre for Popular Education Human Rights Ghana- a human rights and HIV/AIDS organisations that promotes the wellbeing of all persons in Ghana

The Sexual Rights Initiative (SRI) is a coalition of organizations from all regions of the world with an office in Geneva that has been advocating for the advancement of human rights in relation to gender and sexuality at the UN Human Rights Council since 2006.

## EXECUTIVE SUMMARY

1. Ghana's constitution and laws criminalize violence against women and prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, and language. However, deeply entrenched gender and social norms contribute to a the climate of impunity for crimes against women and the continuation of discrimination both in law and practice. Women and girls in Northern Ghana continue to be subject to female genital mutilation/cutting (FGM/C), the practice of banishing people to "witch camps" persists, rates of sexual and domestic violence remain high but reporting prosecution remains low, and women and girls' access to comprehensive and high quality sexual and reproductive health services, including safe abortion, is limited.
2. Although not explicitly criminalized, same sex conduct is considered to be illegal in Ghana under Chapter 6 Section 104 of Ghana's Criminal Code which refers to "unnatural carnal knowledge". Violence perpetrated on the basis of real or perceived sexual orientation is very common and is supported by a culture of homophobia that is endorsed by government and religious officials.
3. Pervasive stigma associated with HIV/AIDS continues to be a barrier to testing and treatment in Ghana. Moreover, discrimination against persons living with HIV combined with a lack of awareness among people living with HIV of their rights, has resulted in underreporting of cases of discrimination. The Commission on Human Rights and Administrative Justice has recently undertaken efforts to better monitor and track cases of discrimination through an online portal and with greater public awareness, the State will be able to more effectively target their strategies to protect persons living with HIV from discrimination.

## VIOLENCE AND DISCRIMINATION AGAINST WOMEN

### Rape and Domestic Violence:

4. Section 29 of the Criminal Offences Act (Act 29) of 1960 criminalises rape. Convicted rapists may be punished with prison sentences ranging from five to 25 years. Rape is significantly underreported and remained a serious problem. The Domestic Violence and Victim Support Unit (DOVVSU) of the Police Service works closely with the Department of Social Welfare,

the national chapter of the International Federation of Women Lawyers, the Legal Aid Board, and several other human rights NGOs to address domestic violence. In 2013, the latest year for which data was available, the DOVVSU received 312 reports of rape and reported 106 arrests and 78 prosecutions, resulting in six convictions; 231 cases remained under investigation at year's end.

5. Although domestic violence and violence against women is prohibited by the Domestic Violence Act (Act 732) of 2007, it continues to be a problem. The Domestic Violence Act stipulates that a person in a domestic relationship who engages in misdemeanour domestic violence is liable on summary conviction to a fine, a term of imprisonment not to exceed two years, or both. The court also may order the offender to pay compensation directly to the victim. Inadequate resources and logistical capacity in the DOVVSU and other agencies, however, hinder the full application of the law. Unless specifically called upon by the DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counselling skills, shelter facilities, and other resources to assist victims. In many cases victims are discouraged from reporting abuse and from cooperating with prosecutors because they are aware of long delays in bringing such cases to trial. Though regional GBV courts have been established over the past few years victims of GBV still have challenges accessing justice. A research conducted by the Ministry of Gender, Children and Social Protection found that though several institutions have been put in place to address DV there are challenges that limits their effectiveness. Challenges they identified include include the lack of initial and continuing training of staff, the slow pace of the courts and the lack of specific support services, such as counselling, emergency shelters, legal advice and medical services.<sup>1</sup>
6. Victims frequently do not complete their formal complaints due to fees associated with physicians' documentation for police medical forms. Victims also do not report domestic violence or rape because of fear of retaliation. According to the DOVVSU, of the 255 rape and domestic assault cases sent to court in 2013, only 16 resulted in convictions.

---

<sup>1</sup> Ministry of Ghana, Children and Social Protection, Institute of Development Studies (IDS), Ghana Statistical Services (GSS) and Associates (2016), *Domestic Violence in Ghana: Incidence, Attitudes, Determinants and Consequences*, Brighton: IDS.

### **Recommendations**

- a. Medical form for rape victims should be reviewed by removing fee to be paid off the form
- b. Sanction medical doctors who demand for money before conducting medical checks on survivors of domestic violence
- c. More education needs to be done to demystify the culture belief that makes women allow their husbands to beat them.

### **Female Genital Mutilation/Cutting (FGM/C)**

7. The Ghana law prohibits FGM/C. It is rarely performed on adult women, but the practice remains a serious problem for girls under 18 years of age. There has been heightened interest in FGM/C in Ghana since a law was passed in 1994 to criminalise it. The FGM/C law (Act 484) provides that "whoever exercises or mutilate the hole or any part of labia minor, labia majora and the clitoris of another person commits an offence and shall be guilty of a second degree felony and liable on conviction to imprisonment of not less than 3 years".
8. According to the 2011 Multiple Indicator Cluster Survey (MICS), 4.2 percent of women and girls were victims of some form of FGM/C. FGM/C was most prevalent in the Upper West and Upper East regions, where 41 percent and 28 percent, respectively, of girls and women between the ages of 15 and 49 had undergone the procedure. Type II FGM, defined by the World Health Organization (WHO) as the excision of the clitoris with partial or total excision of the labia minora, was most commonly practiced. According to the 2011 MICS, the vast majority of girls face this procedure prior to age five.
9. Where practiced, FGM/C is believed every female that under goes this process is sacred and conforms to the norms of the community. It is also believed that during puberty there is a higher urge for sex among girls and that genital cutting will curb their sexual desires, helping to avoid unwanted pregnancies, masturbation, same-sex relationships and abstention from sex. In some communities FGM/C is performed on women and girls who have multiple sexual partners. In northern communities, FGM is considered a rite of passage to adulthood

and thus under taken just before marriage. Refusal to undergo these acts is seen as a taboo and a curse to the land and the culture as a whole.

10. Long term consequences of FGM/C include urinary incontinence, painful sexual intercourse, sexual distinction, difficulties with child birth, maternal death, and spread of STIs due to repeat use of razor blades without sterilization. The high rate of FGM/C among females in the northern part of Ghana is associated with a higher proportion of still births. Victims of FGM also face stigmatization when attending colleges or educational institutions outside of communities where FGM/C is practiced, as their mates may see them as less of a woman because their clitoris had been amputated.
11. Intervention programs have been partially successful in reducing the prevalence of FGM/C, particularly in the northern regions. Local NGOs continued educational campaigns to encourage abandonment of FGM/C and to train practitioners for alternative employment. Although smuchwork has been done to curb FGM/C, there is still more room for improvement.

**Recommendations:**

- a. Continue education on the law against FGM/C at the community level where the practice is on going
- b. Encourage more people to report instances where the practice is undertaken
- c. Create an incentive or protection opportunity for people who report instances
- d. Work with traditional authorities to develop new ways of observing culture which will replace the practice of FGM/C

**Other Harmful Traditional Practices**

12. In the Northern, Upper East, and Upper West regions, where adherence to indigenous religious beliefs remained strong, rural women and men suspected of witchcraft are banished by their families or traditional village authorities to “witch camps.” At these villages in the north populated by suspected witches, some of those interned are accompanied by their families. Such camps are distinct from “prayer camps,” to which persons with mental illness are sometimes sent by their families. Most accused witches are older women, often widows, whom fellow villagers accused of being the cause of difficulties,

such as illness, crop failure, or financial misfortune. Some persons suspected of witchcraft are also killed. NGOs provide food, medical care, and other support to residents of the camps. The Ministry of Gender, Children, and Social Protection monitor witch camps. The CHRAJ had an office in the Northern Region that also monitored four of the seven witch camps and supported efforts to protect the rights of those accused of being witches. According to a September survey by the Anti-Witchcraft Campaign Coalition, six of the seven camps were active and contained 580 female residents, 273 male residents, and 267 children.

13. The law criminalizes harmful mourning rites, but such rites continue, and no perpetrators have been prosecuted. In the north, especially in the Upper West Region, widows are required to undergo certain indigenous rites to mourn or show devotion for their deceased spouse. The most prevalent widowhood rites included a one-year period of mourning, tying ropes and padlocks around the widow's waist, forced sitting by the deceased spouse until burial, solitary confinement, forced starvation, shaving the widow's hair, and smearing clay on the widow's body. If a widow engages in work or economic activity after the spouse's death, she may be regarded as adulterous, considered the cause of the spouse's death, or declared a witch. In these instances the widow may be forced to undergo purification rites or leave her home.

### **Recommendations**

- a. Continue education on ending harmful cultural practices
- b. Penalise persons who partake in undertaking a harmful cultural practice on another person

### **Reproductive Health**

14. Although rates are increasing, contraceptive prevalence remains comparatively low in Ghana. According to the 2014 Demographic and Health Survey (DHS), use of modern contraceptive methods by married and sexually active unmarried women rose from 17 percent in 2008 to 22 percent in 2014. Young people in particular lack access to quality sexual and reproductive health services, information and education.
15. As of 1985 Ghanaian law permit abortion in cases of rape, incest, of "defilement of a female idiot" if the life or health of the woman is in danger or if there is risk of fatal abnormality. To

ensure that legal abortions are provided safely, the Ghana health service and the ministry of health established protocols for the provision abortion services. These guidelines, adopted 2006, outline the components of comprehensive abortion care and call for expanding the base of health providers to perform first-trimester procedures. Ghana's liberal law notwithstanding, as of 2007 a mere 3% of pregnant women and 6% of those seeking an abortion were aware of the legal status of the abortion. Almost half (45%) of abortions in Ghana remain unsafe.

16. According to 2013 WHO estimates, there were between 210 and 720 maternal deaths per 100,000 live births. While more than 95 percent of women received some prenatal care, the quality of that care was widely perceived to be inadequate. The 2014 DHS found 74 percent of deliveries occurred with the assistance of a skilled health-care provider, likely due to free pregnancy, delivery and postpartum care being included in benefits under the National Health Insurance Scheme. Postpartum care indicators showed that 78 percent of women had a postnatal checkup in the first two days after birth. Health organizations, however, reported nearly 60 percent of all pregnant women were anemic, and both women and their developing fetuses frequently experienced increased susceptibility to malaria.

### **Recommendations**

- a. Develop and implement protocols to improve the quality of health care for pregnant women, particularly during labour
- b. Integrate comprehensive sexuality education into formal and informal education settings
- c. Guarantee available, accessible, acceptable and good quality sexual and reproductive health services to all citizens regardless of age or gender.
- d. Conduct a public awareness campaign on Ghana's abortion laws

### **Discrimination against Women**

17. The constitution and law provide for the same legal status and rights for women as for men under family, labor, property, nationality, and inheritance laws. Traditional practices and societal norms, however, often deny women their statutory entitlements to inheritance and property, a legally registered marriage with associated legal rights, and the right to adequate resources to maintain and exercise custody of children. Women typically do not have

property or assets to use as collateral for loans, thus effectively preventing them from gaining access to credit. Rural families often focused on educating male children at the expense of female children since females typically married into other families. Women also continued to experience discrimination in access to employment, pay, and housing

## **VIOLENCE AND ABUSE ON THE BASIS OF SEXUAL ORIENTATION**

18. Chapter 6 Section 104 of Ghana's Criminal Code contains provisions criminalizing "unnatural carnal knowledge" which has been interpreted to mean same sex conduct. There is no explicit provision criminalizing same sex conduct.
19. Individuals in Ghana are often arrested on the basis of conduct relating to their sexual orientation, even though their actions are not violating other Ghanaian laws. These arrests discriminate on the basis of sexual orientation and violate the prohibitions against arbitrary arrests and unlawful attacks upon privacy of the affected individuals.

## **Climate of Homophobia**

20. Homophobia is very common in Ghana. Disdain and resentment against the LGBT community have grown in recent years and often leads to violence. LGBT individuals are often targets for homophobic attacks ranging from inhuman treatment to physical brutalities. The prevalence of homophobia is extremely high in recent times and has permeated across the length and breadth of the country as well as among traditional leaders and religious authorities who see the practice of homosexuality as sacrilege and abominable. The situation is so alarming that, children and congregants are being expelled from homes and churches by their parents and pastors respectively.
21. The involvement of religious leaders in promoting homophobia within the society as well as in the media recently has also incited people to attack known LGBT people in their homes and meeting places.

### ***Examples of homophobia in Ghana***

22. Mariam Adams, a 22-year-old Ghanaian, did not dare tell anyone that she is lesbian even though she knew since she was in high school. When her mother found out from her

schoolmate that she was a lesbian, “she packed her bags and threw her out of the house, disowning her daughter for what she saw as an evil act.” His mother told her “because of what she chose to be, she was no longer her daughter.”

23. On September 28, 2016, the local radio station in Kumasi aired bitter and hate speech including that “Homosexuality is deviant behaviour and a devilish act hence people found practicing shouldn't be welcomed and entertained,”
24. Renowned author, Gombilla, has posted homophobic videos for the internet stating that gay people “are dirty and disgusting and need to be disgraced to shy away from the act”.
25. The leader of Jesus Power Ministries in Kumasi on 31st December 2016, passed a hate and homophobic speech during a joint church service. He said “Homosexuality is a devilish act and the devil is using them to win more souls and that must not be encouraged.” He urged and threatened homosexuals in his church to leave the church before the spirit of God reveals their true character. He continued to urge Ghanaians not to look to European or American tolerance of homosexuality and instead to consider homosexuality a “deviant behaviour.”
26. On July 18, the General Secretary of the Christian Council of Ghana (“CCG”), Reverend Fred Deegbe, directed churches to “treat homosexuality with the contempt it deserves.” The CCG also called on church members to “boldly condemn” any political party that would take a position supporting homosexuality. Reverend Deegbe, who believes that any group encouraging acts of homosexuality is violating the Christian doctrine, said “the council would protest any attempt by government to legalise the practice...and make sure the regime is removed from office.” Reverend Emmanuel Martey, also a member of the CCG, said the increase of sexually transmitted diseases was due to homosexuality and he urged the government to end it.

## **HIV/AIDS STIGMA AND DISCRIMINATION**

27. Discrimination against persons with HIV/AIDS remains a problem. In the 2008 Demographic and Health Survey for Ghana, 68 percent of women and 57 percent of men reported holding discriminatory attitudes towards persons with HIV. The 2014 national HIV Stigma Index

Study also identified cases of stigma and discrimination towards persons with HIV. One-fifth of the respondents in this study reported the abuse of their rights as persons with HIV, yet three quarters of them did not seek redress. The study attributed this mainly to a general lack of knowledge on the part of persons with HIV concerning their rights and favourable policies.

28. Fear of being stigmatized continued to discourage persons from being tested for HIV and those who test positive from seeking timely care. HIV-positive persons face discrimination in employment and often are forced to leave their jobs or houses. The government and NGOs subsidized many centres that provided free HIV testing to citizens, although high patient volume and the physical layout of many clinics often makes it difficult for the centres to respect confidentiality.
29. According to UNAIDS Ghana, continuing mandatory pre-employment HIV screening in security agencies impeded efforts to reduce stigma and discrimination. Security agencies, including the military and police service, used HIV status as a screening criterion in their recruitment processes and peacekeeping assignments.
30. The Commission on Human Rights and Administrative Justice (CHRAJ) adopted an online reporting platform with the view to improving reporting and tracking of stigma and discrimination associated with HIV/AIDS. As of September there were 40 cases reported during the year using the online platform.

### **Recommendations**

- a. Public education on HIV and anti-stigma campaigns must be intensified;
- b. Comprehensive anti-discrimination law and policies must be enacted to prohibit individuals and institutions from discriminating against persons on the basis of their HIV status;