

Women's rights protection instruments ratified by Ghana:

- **CEDAW**: ratified in 1986
- **CEDAW Protocol**: signed in 2000
- **Maputo Protocol**: ratified in 2007

Ratify! Ghana has ratified both the main international and regional instruments protecting women's rights; the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights of Women in Africa (Maputo Protocol), without reservations. Ghana has also ratified the Optional Protocol to CEDAW.

Respect! The Coalition of the Campaign remains particularly concerned by the following violations of women's rights in Ghana: the persistence of discriminatory laws; violence against women; unequal status in marriage, family, and inheritance matters; unequal access to employment, decision-making, and lack of access to quality health services.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the Human Trafficking Act 2005 which criminalises human trafficking and imposes a sentence of a minimum of 5 years imprisonment for offenders.
- The establishment of the Domestic Violence Victim Support Unit (DOVVSU) in 2005 within the police service to provide basic support to victims and assist in rehabilitation and reintegration into society. However, at present, the DOVVSU lacks necessary financial and human resources to provide effective services to victims.

/ But discrimination and violence persist

IN LAW

Ghana has a plural legal system consisting of statutory, customary, and religious laws, which creates contradictions and inconsistencies particularly in the areas of marriage and family laws and inheritance and property rights.

STATUTORY LAWS

Criminal Offences Act: Marital rape is not criminalised under this law on the basis that consent is implicit within a marriage and cannot be rescinded (s. 42(g)).

Citizenship: Article 7(6) of the Constitution and Section 10(7) of the Citizenship Act add an additional requirement for foreign spouses of Ghanaian women to acquire citizenship.

RELIGIOUS AND CUSTOMARY LAWS

Marriage: Although marriages under the Marriage Ordinance are required to be monogamous, polygamy is permitted under both the Marriage of Mohammedans Ordinance of 1907 and customary law. Nearly all marriages in Ghana are customary.

Custody: The Children's Act of 1998 grants parental authority and custody rights to both the mother and father equally. However, under customary law, children are deemed to belong to the father's extended family and upon dissolution of marriage, the husband usually acquires custody of the children.

Inheritance: Under Muslim law, women receive smaller shares of inheritance and family property than their male counterparts.

IN PRACTICE

• Discrimination in the family

Despite the Children's Act of 1998, which sets the minimum age of marriage at 18 years, customary practices of early marriages remain. An estimated 16% of women between 15-19 years of age are currently married, divorced or widowed.

About 22% of Ghanaian women are estimated to be in polygamous unions, and 40% of women in northern regions live in polygamous relationships.

• Violence

Despite the adoption of the Domestic Violence Act 2007, domestic violence remains extremely prevalent in Ghana. It is estimated that 1 in 3 women in Ghana experience it within the family. Statistics from the DOVVSU in 2008 showed that 12,245 cases were reported to the unit in that year. Problems include a general lack of public awareness of legal provisions and insufficient support for victims. Although the Domestic Violence Act prohibits doctors from charging fees for the medical reports required to bring complaints, in practice doctors continue to charge victims resulting in many abandoning their formal complaints.

Rape is criminalised under the Criminal Code but perpetrators are rarely prosecuted and convicted. As of September 2008, the DOVVSU noted few reports of rape, 110 arrests, and only 7 convictions.

Ghana was the first African country to criminalise female genital mutilation (FGM) under the Criminal Code Amendment Act of 1994, yet the practice continues. Its prevalence depends on the ethnic group and region and is difficult to evaluate since data is not available for all groups. In the Bawku area (upper east region), for example, it is estimated that 85% of girls undergo FGM. In Accra and Nsawam (south), FGM reportedly affects girls who have migrated from the north of Ghana and from neighbouring countries.

A new law has recently been adopted to amend Section 796A of the Criminal Code. The law redefines FGM and punishes those who aid and abet in the practice of FGM.

Slavery and involuntary servitude are criminalised under article 26 of the Constitution of Ghana. In 1998, parliament enacted an amendment prohibiting "ritual or customary servitude," and the Human Trafficking Act was adopted in 2005. Yet, the practice of ritual slavery (*trokosi*) continues in the Volta region. According to this practice, when

a relative commits a crime, the family must offer the local shrine a virgin daughter from 8-15 years of age to become a “slave of the gods.” The priest of the shrine exerts full ownership rights and is permitted to beat the girl, demand sex and labour from her, and deny her food, education, and basic health rights. To date, the government has not enforced any legal measures with regard to involuntary servitude.

In some of the poorest parts of the country (mainly the Northern, Upper East, Upper West), belief in witchcraft remains widespread. Many poor, often elderly women are accused of being witches and are confined in “witch camps”.

• **Obstacles to access to employment and under-representation in political and public life**

Although existing legislation provides for equal rights to employment, women continue to suffer discrimination, in large part due to a lack of monitoring and enforcement mechanisms. In 2007, it was estimated that 86% of working women were employed in the informal sector. Only 4% of working women were employed in the formal public sector and only 6% in the formal private sector. Women in urban areas who manage to obtain the necessary skills and training encounter resistance in entering non-traditional fields.

The Coalition of the Campaign calls on the authorities of Ghana to:

- **Reform or repeal all discriminatory statutory laws** in conformity with CEDAW and the Maputo Protocol.
- **Strengthen other measures to protect women from violence and support victims**, including by removing obstacles to victims’ access to justice; ensuring effective prosecution and punishment of offenders; implementing training for all law enforcement personnel, and increasing financial resources allocated to domestic violence programs and services.
- **Improve access, quality, and efficiency of public health care**, strengthen efforts to reduce the incidence of maternal and infant mortality, to increase knowledge of and access to affordable contraceptive methods, improve sex education and establish family planning services.
- **Adopt all necessary measures to reform or eliminate cultural practices and stereotypes that discriminate against women**, including through awareness-raising programmes targeting women and men, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in 2006.

Although the government developed a white paper on Affirmative Action in 1998, aimed at increasing women's representation in public life, no such policy has been adopted and women continue to be significantly under-represented in decision making positions.

Although there is a female speaker of parliament, female attorney general, and female chief justice, Ghana's parliament only has 19 women of a total of 230 members.

• **Obstacles to access to health**

The adoption of the Reproductive Health Policy and Strategic Plan for Abortion Care has resulted in many improvements to women's access to health services (more clinics established in districts across the country, traditional birth attendants provided with skills training, free pre-natal care for women). However certain significant challenges remain: application of customary practices, difficult access to hospitals etc. Ghana has a high mortality rate (560 per 100,000 births in 2005), resulting from unsafe abortions, low rates of contraceptive usage and lack of sex education.

PRINCIPAL SOURCES

- Focal Point: WILDAF-Ghana
- CEDAW Committee recommendations, August 2006
- Ghana WILDAF Shadow Report to the CEDAW Committee, 2006.
- Wikigender, www.wikigender.org

For more information on women's rights and the actions of the campaign in Ghana, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINT IN GHANA

WILDAF-Ghana



WILDAF-Ghana is a member of the pan African network WILDAF.
www.wildaf.org