

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
36TH SESSION (NEW YORK, 7 TO 25 AUGUST 2006)**

GHANA (COMBINED 3RD, 4TH AND 5TH PERIODIC REPORTS)

Information submitted to the Committee

The delegation was headed by Honourable Alima Maham, Minister for Women and Children's Rights, and included an ambassador, experts on women's rights and members of various ministries.¹

On 9 August 2006, Ghana submitted its combined 3rd, 4th and 5th periodic reports² under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention) along with responses³ to the Committee on the Elimination of Discrimination against Women's (the Committee) issues and questions.⁴ The report outlines progress and limitations with regard to women's rights in Ghana and provides an overview of measures taken by the Ghanaian Government with regard to each article of the Convention and the Committee's previous recommendations. The report asserts that political stability, democratic elections and some economic growth allowed for progress in the advancement of women's rights. It highlights programmes and legislation that helped strengthen women's rights and narrow the opportunity gaps between genders in employment, education and in the private sphere. The report included some statistical data, but the State party stressed that the limited infrastructure and lack of financial resources hindered the Government's ability to carry out proper research and include adequate disaggregated data.

In its list of issues and questions, the Committee remained concerned with the implementation of the Convention into domestic legislation and the Government's efforts to create equal opportunities for women in the areas of education, employment and decision-making. The Committee recognised the important legal steps the Parliament has undertaken, but noted that the inconsistency between the law and practice hindered efforts to achieve equality.

A consortium of 11 non-governmental organisations (NGOs) presented a shadow report⁵ in which they highlighted four areas of concern, namely domestic violence, property rights, the existence of witches' camps and the limited capacity of agencies dealing with women's rights.⁶ They called on the Government to amend laws to prevent domestic violence more effectively and to repeal Section 42 of the *Criminal Code* that justifies marital rape and domestic violence in marriage on the basis of consent given at the marriage ceremony. NGOs emphasised the importance of passing a law that would regulate property division between spouses both during marriage and divorce. They also claimed that due to the high number of polygamous marriages, the State Party should consider adopting legislation to protect property rights of women in polygamous marriages. Furthermore, they asked the Government to pass a law that would be compatible with Article 16 (c) of the CEDAW, which states

¹ For a full list of Ghanaian delegation see: http://www.un.org/womenwatch/daw/cedaw/cedaw36/delegation_ghana.pdf.

² For a full report see <http://daccessdds.un.org/doc/UNDOC/GEN/N05/317/55/PDF/N0531755.pdf?OpenElement>.

³ See <http://daccessdds.un.org/doc/UNDOC/GEN/N06/314/80/PDF/N0631480.pdf?OpenElement>.

⁴ See <http://daccessdds.un.org/doc/UNDOC/GEN/N06/314/80/PDF/N0631480.pdf?OpenElement>.

⁵ For full shadow report see http://www.iwraw-ap.org/resources/pdf/Ghana_SR.pdf.

⁶ The four elements were presented as a statement to the Committee, for full text see <http://www.iwraw-ap.org/resources/ghana.htm>.

that men and women should enjoy the same rights and responsibilities during marriage and at its dissolution.⁷ The NGOs, similarly to the Committee, urged the State Party to allocate more resources, both financial and human, to governmental agencies and departments dealing with women's rights.

Themes and Issues⁸

Women's Participation

Women remain underrepresented in political processes at both local and national levels. The Government cooperated with civil society organisations to educate women about their civil rights and duties and encourage them to run for office and in 1998 adopted an Affirmative Action Policy. Despite these measures, the number of women seeking an elected office has increased only slightly and fell short of the 40 per cent target set by the Government's National Plan of Action. The Committee therefore urged the Government to do more to enhance women's political participation.

Violence against Women

The Committee raised questions about the continuing violence against women, focusing notably on the status of the *Domestic Violence Bill*. According to the State party report, the Parliament has been discussing the *Domestic Violence Bill*, which is expected to become a law in 2006. However, the bill fails to address the controversy about section 42 (g) of the Criminal Code, which bars married women from pursuing prosecution of their spouse for marital rape. In light of these developments, the Committee urged Ghana to ensure the adoption of the *Domestic Violence Bill*, repeal section 42(g) of the Criminal Code and increase awareness about domestic abuse.

Employment and Health

Despite some improvement, women struggle to gain access to employment opportunities in the formal sector, as both the Committee and the State party report noted that child rearing continues to be the primary responsibility of women. The Government undertook a number of measures to improve the situation, such as passing the *Ghana Labour Act* in 2003, which provides paid holidays, sick leave and maternity leave in all employment sectors and launching an Early Childhood Care Development Policy in September 2004. However, the lack of childcare facilities and the absence of provisions allowing men to take paternal leave continue to limit women's employment options and career choices. The majority of women are employed in informal sectors, where wages remain low and access to social services is restricted. The Ministry of Manpower, Youth and Employment is concerned with the high level of poverty among women and other vulnerable groups and is creating a comprehensive social protection framework providing cash transfers, access to micro-credit and other support for workers while they seek new employment. The Committee called on the Government to provide educational opportunities for women and teach them skills in order for them to become competitive and seek employment in the private sector, as well as to enforce the 2003 *Ghana Labour Act*, which ensures equal opportunities for both sexes.

⁷ See <http://www.iwraw-ap.org/resources/ghana.htm>.

⁸ For summary records of the meeting see <http://daccessdds.un.org/doc/UNDOC/GEN/N06/459/98/PDF/N0645998.pdf?OpenElement> and <http://daccessdds.un.org/doc/UNDOC/GEN/N06/459/76/PDF/N0645976.pdf?OpenElement>.

The Committee noted that a high percentage of women die due to unsafe abortions and only a limited number of women practice family planning. Restricted access to health care and harmful cultural beliefs also prevents some women from seeking professional medical help. The Committee acknowledged that women, particularly in rural areas, do not have access to information and often fail to make an informed decision with regard to reproductive rights, method of contraceptives and whether to seek professional medical help.

Marriage and family

The practice of polygamy remains one of the main sources of discrimination against women. The report stated that the issue of marriage is very complex and poses serious challenges to lawmakers. Various forms of marriage exist in Ghana: marriage under *Mohammedan Ordinance*, marriage under the *Marriage Ordinance* and marriage under *Customary Law*. Under the *Marriage Ordinance Law*, a man can only marry one woman and cannot take on another wife unless he divorces the previous one, but this law is scarcely enforced. The practice of polygamous marriage is clearly in conflict with the Convention and the Committee called on the State party to step up its efforts to eradicate this phenomenon, which prevents women from achieving equality and fully enjoying their rights.

Conclusions and Next Steps

The Committee praised the Government for its efforts to eliminate discrimination and promote women's rights and their equal status in society.⁹ In 2001, the Government established the Ministry of Women and Children's Affairs, passed the *Trafficking Bill* and the *Ghana Labour Act* of 2003 and expanded women's access to education and information.

In their statements, both the Committee and NGOs referred to the same issues, calling on the Ghanaian Government to take action in those areas of concern. The Committee recommended strengthening current laws, notably by banning female genital mutilation, ritual slavery practice and underage marriage, and intensify their enforcement. The Committee also advised the Government to allocate more resources to raise awareness about women's rights and help combat strong traditional biases. The Committee's concerns parallel the issues highlighted by the Committee on the Rights of Child and the Committee on the Elimination of Racial Discrimination. These Committees praised Ghana for its efforts to pass laws to combat discrimination and address inequality among various groups. However, they noted the continuing gap between the law and practice and called on the Government to eradicate negative traditional practices. Calls to increase awareness of human rights and strengthen human rights education across Ghana were the underlying theme in the conclusions of all the Committees.

The Ghanaian delegation was forthcoming in its answers to most of the questions raised, although in some cases they were unable to provide concrete answers or supply data to support their claim that programmes had a positive impact on women's rights. The State Party acknowledged its shortcomings regarding lack of data, limited enforcement and low funding for the ministries dealing with women's rights and promised to continue the reforms necessary to implement the gender equality.

⁹ For the Committee's Concluding Comments see <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Ghana/0648072E.pdf>.