

# FACTSHEET – UPR 2017, GHANA

3rd CYCLE UNIVERSAL PERIODIC REVIEW

## WOMEN'S RIGHT



### SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

During the 2<sup>nd</sup> UPR Cycle in 2012, key issues for which Ghana received recommendations included *domestic violence, witch camps* as well as *pending bills* due for passage namely *the Interstate Succession, Property Rights of Spouses and Affirmative Action*.

During the review, it was recommended that Ghana fully implements the Domestic Violence Act 2007, (Act 732) and ensure that the Domestic Violence and Victim Support Unit (DOVVSU), a special unit of the Ghana Police Service is equipped to function effectively in addressing domestic violence issues.

Women, often the aged, who are accused of practicing witchcraft are banished from their homes, forced to live in “witch camps” and not allowed to return to their communities. Ghana was tasked to close the witch camps, where an estimated 1,000 women reside, as soon as possible and take steps to abolish the practice.

Ghana received recommendations to accelerate the adoption of pending bills including the Property Rights of Spouses Bill and the Intestate Succession Bill, which are instruments created to address inequality of rights between sexes. In addition, Ghana was to take measures to provide a legal framework for the Affirmative Action Policy.

### NATIONAL FRAMEWORK

Ghana's legal foundation, the 1992 Constitution, promotes the protection of the human rights of the citizenry, including women. In 1989, Ghana ratified the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW) domesticating same in the Domestic Violence Act, 2007 (Act 732). The Criminal Offences (Amendment) Act, 1998 (Act 554) and Human Trafficking Act 2005, (Act 694) all give protection to women in Ghana.

Since the passage of the Domestic Violence Act, 2007 (Act 732) and a National Policy and Plan of Action (NPPOA) in 2008, the Ministry of Gender, Children and Social Protection (MoGSCP) set up a Secretariat for the DV Management Board, a Fund to support victims as mandated. A Legislative Instrument (LI) to the DV Act, 2007 (Act 732), was passed in 2016 after a long delay.

In Ghana, 33% of women suffer physical violence while 27% suffer sexual violence. Since the passage of the Domestic Violence Act, 2007 (Act 732) development partners have supported both state and non-state actors in the implementation of the Act. The Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service continues to receive thousands of reports of sexual and gender-based violence nationwide. According to DOVVSU, only 10.3% of reported cases of gender-based violence have resulted in successful convictions of perpetrators.

### CHALLENGES

### IMPACT

#### 1. Inadequate allocation to the DV Fund and lack of operational state-owned shelters for abused women

The Domestic Violence Act 2007, Act (732) set up a DV Fund with mandatory allocation of resources to the fund from the State. The DV Act further mandates the State to set up shelters in each district, to support the rehabilitation and reintegration of victims

1. Inadequate resource allocation to the Domestic Violence Fund and lack of shelters impedes support services to victims. Victims who should otherwise leave the abusive situation often remain in the abuse being economically dependent on the perpetrators and/or no choice of alternative accommodation due to lack of shelters.

Service providers who rescue victims from life threatening situations are sometimes saddled with the challenge of finding alternative lodging and cater for their daily upkeep. Some victims/survivors have had to spend the night at the Police Station.



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### 2. The Intestate Succession Bill has been pending adoption since 2009

The Intestate Succession Bill proposed to ensure a more responsive approach to the needs of nuclear families whose parents/spouses die intestate has been pending since 2009. The Bill also aims to provide uniform intestate succession to be applied throughout the country irrespective of the inheritance system of the intestate and the type of marriage contracted.

### 3. The Property Rights of Spouses Bill has been pending adoption since 2009

Property acquired in marriage is often registered in the name of the man. Women seldom make direct financial contribution to property acquisition and even where they do there is hardly ever appropriate documentation to attest to it. Women are often left with next to nothing upon the dissolution of the marriage

### 4. Affirmative Action Bill still pending adoption.

Women's representation since Ghana's 4<sup>th</sup> Parliament begun in 1993, has been just a little over 10 %. There is no evidence to suggest any practical measures on the part of government to increase women's representation in public office outside the provisions of the AA Bill.

### 5. Since 2014, little progress has been made in rehabilitation and reintegration services to former inhabitants of the disbanded witch camps in the Northern region

Belief in supernatural forces is deeply rooted in Ghana. There are cases, especially in rural areas, in which women are accused of practicing witchcraft to bring harm to members of their family and are often violently driven from their homes. Most of these women tend to be poor and elderly and are forced to live in "witch camps".

2. PNDC Law 111 which has been found to lack provisions for full protection of the rights of women and children to inheritance upon the demise of the husbands / fathers, who die intestate, is still in place. The Intestate Succession Bill has to be re-laid in this 7<sup>th</sup> Parliament as the last one failed to adopt it. In 2012, Ghana accepted to "accelerate the adoption of pending bills" as well as make efforts to adopt the "Intestate Succession Bill". Ghana has an obligation to pass this bill.

3. The Property Rights of Spouses Bill seeks to regulate how properties of spouses will be shared in the event of a break. The current mode of sharing properties contravenes Article 22 (3) of the 1992 Constitution which requires that spouses have equal access to property acquired during marriage and for matrimonial property to be equally distributed between the spouses upon termination of the marriage. The Property Rights of Spouses Bill has to be re-laid in this 7<sup>th</sup> Parliament as the last one failed to adopt it.

4. Women's low participation in governance impedes the full actualization of their rights. Women's representation in governance of a little over 10%, falls way below the UN recommendation of at least 30%. An Affirmative Action Bill (AA Bill) was drafted and introduced to Parliament. This bill was expected to have been passed before the end of the last Parliament in 2016.

5. It is estimated that about 1,000 women in northern Ghana live in these camps and are not allowed to return to their communities. In 2012, Ghana accepted to take steps to close these camps as soon as possible and put measures in place to abolish the practice of witch camps. In 2014, two of these camps were closed but without any rehabilitation, reintegration, alternative housing and livelihood options to the former inhabitants. This has left them with no safe place to live and little prospect for supporting themselves

## RECOMMENDATIONS

1. As a matter of urgency, Ghana should provide funds for the effective implementation of Section 8 (3) of the DV Act, 2007, (Act 732).
2. Ghana should take immediate steps to set up shelters for victims as stipulated by the DV Act.
3. Parliament should pass the Intestate Succession Bill into law by December 2018
4. Parliament should pass the Property Rights of Spouses Bill into law by December 2018
5. Pass the Affirmative Action Bill into law by March 8, 2018, International Women's Day.
6. Ghana should implement programs of rehabilitation and reintegration for former inhabitants of witch camps.

### ABOUT THIS FACT SHEET

This fact sheet was prepared under the auspices of the Ghana Human Rights NGOs Forum by the following organizations:

Women's Initiative for Self-Empowerment/ Legal Resources Centre/Commonwealth Human Rights Initiative Africa/Africa Centre for International Law and Accountability/ Restoration of Hope Foundation/ POS Foundation/ KASA Initiative Ghana/ Amnesty International/ IUCN Ghana/ Gender Violence Survivors Support Network Ghana/ Network of Women in Growth

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