



STATE OF HUMAN RIGHTS IN GHANA (2005)

**A report by the Commission on Human
Rights and Administrative Justice (CHRAJ)**

**On the Occasion of International Human Rights
Day**

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CORRUPTION

Corruption still constitutes a major problem in Ghana. Several cases of corruption involving public officials were reported in the media during the reporting year. The reports allege various types of corruption namely, bribery, fraud, nepotism and various acts of patronage, inflation of project costs, among others. The reports include the following:

- The Chronicle reported an allegation of extortion against the Berekum District Chief Executive (D.C.E) for taking money from contractors before contracts were awarded. [The Chronicle, 17th February 2005, page 8/9]
- In another development, the Bawku West District Assembly in the Upper East Region set up a five member investigation committee to look into an alleged award of a controversial contract for the rehabilitation of the Zebila town dam by the District Chief Executive, Mr. Moses Appiah Abaare and other senior staff of the Assembly. An earlier publication by the Chronicle (February 8,2005) accused the Assembly of executing the contract on their own without following due procedure as a result of which they had benefited unduly from the project.[The Chronicle, 23rd February 2005]
- Three personnel of the Ketu District Hospital at Aflao were cited for fraud, involving the impersonation of discharged patients whose excess deposits they allegedly claimed for themselves. (The Ghanaian Times, Nov., 17, 2005, p.9)
- Billions of Cedis that was paid into the account of the University of Cape Coast (UCC) by more than 1,000 Distance Education Students could not be traced. (Ghanaian Times, Nov., 24, 2005, p.17)

- In the Ghanaian Times of October 27,2005 it was reported that a former District Chief Executive had alleged that District Chief Executives connived with contractors to inflate projects cost after estimates for a project has been submitted by contractor
- The Enquirer reported that the Presidency was engaged in corrupt deals of receiving kickbacks from awards of government contracts

In the 2005 Corruption Perception Index released by Transparency International, Ghana was perceived to be the 63rd most corrupt country in the world.

A Ghana Integrity Initiative survey, "Voice of the People" an Urban Household Corruption Perception Survey (Southern Ghana), July 2005, revealed that corruption was prevalent in Ghana in many forms. Four hundred and forty three (443) respondents who had been victims of corrupt practices indicated that demanding money before rendering a service was one form and taking money without issuing out receipts was another. Sixty two per cent (66.2. %) of 900 respondents said that contracts were awarded to contractors on the basis of party membership, 53.9% said contracts were awarded on basis of nepotism, whilst 51.6% scored for ethnicity.¹

There is no doubt corruption is prevalent in Ghana and its consequence is great for a nation as ours, which is fighting poverty. Corruption constitutes a violation of the right to development as it diverts funds for projects into people's personal use, leads to execution of shoddy jobs and robs the people of its resources. Most importantly corruption impedes poverty reduction. The UN Secretary General has stated unequivocally that corruption hurts poor people and affects their daily lives seriously. He stated:

¹ Ghana Integrity Initiative survey "Voice of the People" (2005), Page 6

“Corruption hurts poor people in developing countries disproportionately. It affects their daily life in many different ways, and tends to make them even poorer, by denying them their rightful share of economic resources or life-saving aid. Corruption puts basic public services beyond the reach of those who cannot afford to pay bribes. By diverting scarce resources intended for development, corruption also makes it harder to meet fundamental needs such as those for food, health and education. It creates discrimination between the different groups in society, feeds inequality and injustice, discourages foreign investment and aid, and hinders growth. It is, therefore, a major obstacle to political stability and to successful social and economic development”.²

The Constitution requires that the President of the Republic takes steps to eradicate corrupt practices and abuse of power³. In the year under review, the government continued with its anticorruption measures.

In the middle of this year, the Government laid before Parliament a Whistleblower Bill, which provides for the manner in which individuals may in the public interest disclose information that relates to unlawful, corrupt or other illegal conduct or practices in the country. A Right to Information law is as relevant as the whistleblower law. Though Government indicated that it would have passed into law a Right to Information Bill, it has not yet done so. Government, having enacted the Financial Management laws, continued to educate stakeholders on the laws so as to contribute to a sound financial management base of stakeholders.

Ghana’s anti-corruption laws are scattered over in more than a dozen set of legislations. Some of the laws have become obsolete and are at variance with current strategies for fighting corruption more effectively. Yet, there does not

² Statement made by the UN Secretary-General , Kofi Annan at a High-Level Conference for the Signature of the UN Convention Against Corruption, the Merida Conference, December 9-11, 2003: <http://www.un.org/apps/sg/sgstats.asp>

³ The Constitution of the Republic of Ghana, 1992, Article 35(8)

seem to be a willingness to consolidate all the anti-corruption laws into one anti-corruption legislation for the country. In 2001, a policy of zero tolerance for corruption was announced. However, up to date there is no document elaborating the policy in detail. The minority in Parliament has complained of lack transparency in government, citing among others, the refusal of government to furnish it with the number of persons employed by Government as “special assistants”

Political will to fight corruption remains weak and anti-corruption agencies continue to be underfunded.

GENERAL STATUS OF CASES: GREATER ACCRA

The Greater Accra regional office has received, over the past three (3) years, 1276 cases and resolved 1384 cases. Apart from the regional office, where male complainants outnumber female complainants, family related cases constituted the most frequently filed complaints with all the other district offices in the region and complainants who filed such cases were predominantly female.

Monitoring Report on cases referred to court for enforcement by the Dangme East District.

In line with the Commission's monitoring role, the Dangme East District Office of the Commission during the year under review monitored the cases it referred to the District Magistrate court for enforcement. The aim of this exercise was to gain first hand information on how expeditiously these cases were dealt with and the challenges faced by the parties concerned.

On the whole, about thirty-seven (37) cases were referred between the year 2000 and 2005. Out of this number, 24.3% were processed and dealt with, and 13.5% were processed but not dealt with, while the remaining 62.2% were not processed at all for non-payment of filing fees which ranged from ₵10,000 to ₵25,000.

It was interesting to note that if an accused person was found guilty and fined to pay damages and he/she failed to pay, the person was sentenced to a period of imprisonment, during which the complainant was expected to feed him/her while in detention. This situation compounds the already existing financial problems of complainants and thus deters them from further pursuing their cases, which results in some people resorting to out-of-court settlement. In some cases, complainants are also persuaded by respondents to seek out-of-court settlement.

EASTERN REGION

Over the past three (3) years, the total numbers of cases received and closed were 7546 and 4684 respectively. Family-related cases account for the highest number of cases filed with the Commission. There were 5689 female complainants, 1684 male complainants, and 163 child complainants.

WESTERN REGION

Table 1: Number of cases received and closed over the past three (3) years:

Year	Cases Received	Cases Closed
2002	1307	1293
2003	1724	1655
2004	1502	1703
Mid-year 2005	781	780
TOTAL FOR PAST 3 YEARS	5314	5431

The need has not arisen for the Region to enforce any of its decisions in court. This is because the rate of level of compliance of the Commission's decision is very good. Whenever the Commission gives a decision, parties comply. There have been few instances where parties did not comply with the decision of the Commission especially in respect of child maintenance cases.

Table 2: Type and Number of Cases frequently filed with the Commission

Year	2002	2003	2004	Mid-Year 2005	TOTAL
Status of Cases					
Family Related	568	1265	855	405	3093
Property Related	406	563	408	242	1619
Labour related	106	102	69	24	301

Table 3: Breakdown of cases

Year	2002	2003	2004	Mid-Year 2005	TOTAL
Status of Cases					
<u>Family Related</u>					
Child Maintenance	456	596	408	219	1679
Custody/Access	41	48	58	28	175
Paternity	28	49	36	19	132
<u>Property Related</u>					
Inheritance	238	376	262	108	984
Share of Joint Pro.	-	72	96	77	245
Destruction	25	29	22	7	83
<u>Labour related</u>					
Salary Arrears	25	27	12	4	68
Dismissal	24	16	16	2	58
Termination	18	18	6	5	47

General Profile of Complainants

Complainants were mostly female and constitute about 70% of total complainant population. About 90% of the complainants are employed in the informal sector and engaged in various kinds of commercial activities. Majority of complainants fall between

the ages of 25 to 45 years. Few minors and aged people file complainant with the office.

General Profile of Respondents

Table 4: Respondents against whom complaints are most frequently filed:

Year	2002	2003	2004	Mid-Year 2005	TOTAL
Respondents					
Private Individual	1173	1592	1394	749	4908
Companies	90	65	56	20	231
Ghana Police Service	12	9	13	4	38
Private Organization	4	16	6	1	27
Ghana Education Service	6	4	5	-	15

An average of 92% of respondents was private individuals, with more than 95% being male between the ages of 30-50 years. About 30% of them are employed in the formal sector with secondary level educational background. Complaints filed against the Ghana Police Service for the past three (3) years form 1% of total respondents and it constituted the highest of all cases against any public institution.

BRONG AHAFO

The total number of cases received and closed over the past three (3) years is 10,833 and 10,702 respectively. Family-related cases account for the highest number of cases filed with the Commission.

NORTHERN REGION

The Northern region office received a total number of 1,962 cases over the past three (3) years.

Table 5: Annual receipt of cases over the past 3 years

Year	Number
2003	525
2004	727
2005	710
Total	1,962

Cases closed

Over the past three (3) years, a total number of 1,222 cases has been settled/resolved amicably and closed.

Types of cases that are frequently filed with the Commission include family-related complaints(maintenance of spouse/child, paternity, medicare, intestate succession, child custody and deprivation of education), human rights, labour/administrative justice cases (dismissal, termination of appointment, non-payment of end of year service benefits and social security benefit, abuse of office), property related (tenancy, inheritance, land title, confiscation of property, destruction of property) and other miscellaneous cases.

Table 6: Type and number of cases

Type of cases	Number
Family	732
Human Rights	501
Property	279
Labour (Administrative Justice)	210
Miscellaneous	240
Total	1,962

Over the past three (3) years, a total of 25 cases have been referred to other fora for settlement. These include the family tribunal or courts, Police Service /WAJU and the Department of Social Welfare.

The Commission over the past three (3) years has not enforced any case filed with it in any court or family tribunal. This is as a result of full/high compliance with the Commission's decisions.

UPPER EAST

Over the past three (3) years, the total number of cases received and closed were 1002 and 768 respectively. Family-related cases account for the highest number of cases filed with the Commission. Complainants to the Commission were predominantly female with low educational background and usually not in formal employment.

VOLTA REGION

Over the past three (3) years, the total numbers of cases received and closed were 4323 and 3481 respectively. During the period under consideration, Child Maintenance cases (531) accounted for the highest number of cases filed with the Commission. Complainants to the Commission have been predominantly female. Over the period,

complainants to the Commission have been mostly women, comprising the unemployed and self-employed, but both averagely educated up to the basic level.

DEHUMANIZING CULTURAL PRACTICES

Female Genital Mutilation

The Constitution forbids any act that dehumanises any person, nevertheless women have over the years fallen victims to such practices.

The following information was gathered from the Ministry of Women and Children Affairs (MOWAC) and the Ghana Association of Women's Welfare (GAWW) in response to a questionnaire administered by the Research Unit of the Public Education Department of the CHRAJ:

Female Genital Mutilation also known as Female Circumcision or Female Genital Cutting is a traditional practice involving the cutting of parts of the female external organs or vulva of girls and women. This practice is prevalent in many African countries including Ghana.

Estimates by the World Health Organization (WHO) and other reliable sources advance the figure of 120 million children as having been subjected to the practice of Female Genital Mutilation (FGM) in Africa. Every year 2 million girls are at risk of being genetically mutilated. Data, actual statistics on FGM prevalence rate, is hard to come by in view of the law criminalizing the practice in Ghana (The Criminal Code (Amendment) Act, 1994 section 69A). The Ministry of Health has trained nurses and midwives on FGM and signs of FGM. The prevention and management of complications arising out of FGM have been incorporated into the national reproductive health service protocols and also into the curricula of the medical schools and that of the nursing and midwifery schools. FGM has also been incorporated into the basic school curriculum.

In Ghana FGM is prevalent in the following areas: Upper East Region – Bawku East and Bawku West; Kasena-Nankana District. eg. Mangoro, Natuguia, Yua etc; Bolgatanga – remote villages; Builsa District; Northern Region – Mamprusi West and Mamprusi East, migrant of Grunshi, Moshi, Kanjarga and Kusasis extractions; Bole District – Lobis; Zabzugu Tatale District – Kotokoli; Upper West – all districts; Volta Region – Jasikan

Worawora, Kadjebi; Nkwanta by settlers Basare, Kotoli; Brong Ahafo - Banda Ahenkro and the Bruyani Settler Communities e.g. Wangaras.

A research conducted by Navrongo Health Research Institute in 1998, for instance, indicated a prevalence of 77% in the Kassena – Nankana District of the Upper East region.

Due to migration, some of these people have carried along their customs and practices. The practice is said to have assumed a national character and has become a nationwide issue. It is believed to be carried out in communities where there are large concentrations of people from the Northern sector. In big cities like Accra, Kumasi etc., this custom is being practiced in the Zongo areas where a great number of migrants from the above mentioned regions are occupants.

Visit by the Deputy Director (Public Education & Research) to the Gambaga Witch Camp and to other organizations involved in the anti-witchcraft campaign.

Gambaga camp

The Deputy Director, Public Education & Research, CHRAJ, visited the Gambaga Witch Camp to assess the conditions under which alleged witches live in camps and then based on findings, prepare a standard format for monitoring and reporting on the general human rights situation both in the camps and the communities. An Administrative Officer and a Principal Investigator of the Regional office of the Commission at Tamale accompanied her on her tour.

The coordinator of the Presbyterian Go Home Project (an organization that seeks to re-integrate as many women as possible into their communities and to reduce the incidence of banishment) led the team to visit both the Gambaga-naa and the camp.

The camp, which was not situated at the outskirts of Gambaga but located within the Community, looked more like a village and the surroundings were very neat and tidy. The women were cheerful and engaged actively in conversation with the team.

Generally, the women are provided with some support by the 'Go Home Project' and other organizations to meet their basic needs of food, education (of their dependants) and health. They are also provided with some micro credit to undertake income generating activities such as selling of firewood. Water is supplied to the camp by means of a bore hole.

Interactions with the suspected witches indicate that they do not suffer any maltreatment and are quite happy living in the camp. Nevertheless, they expressed the willingness to return home provided relations were ready to accept them. One of the women who spoke with the team said she was brought to the camp in 1997 from Karaga, following the outbreak of CSM and had been there since then. She mentioned that she would have been dead by now if she had not come to the camp. She and the other women were full of praise for the Gambaga-naa and the 'Go Home Project' who provided them with food, clothing and supported them in the payment of their medical bills.

The visit revealed that most of the houses which were hitherto, occupied by the alleged witches were now desolate as occupants have been re-integrated into their communities. Very remarkable strides have been made by the 'Go home project' and other supporting organizations as the number of suspected witches has reduced drastically and communities have become less superstitious and more tolerant. Currently, the approximate number of the inmates at the camp stands at 70. In spite of the poor logistical support to the organisation, the co-ordinator demonstrates a lot of determination and resilience and foresees that in about five years, the camp will cease to exist.

In concluding discussions with the coordinator of the project, the Deputy Director suggested that a change of name be considered as soon as possible, as the present name 'Outcast Home' reinforces the notion of stigmatisation and segregation.

The Commission commends the efforts of all organizations involved in the anti-witchcraft campaign and commends particularly the efforts of 'The Go Home Project in successfully re-integrating suspected witches into their communities. It recommends that a similar re-integration programme be replicated in the Ngani and Kukuo communities.

REPORTS FROM REGIONS

VOLTA REGION

Accusation of Witchcraft and Trial by Ordeal in the Volta Region

Beliefs in witchcraft and trial by ordeal in the Volta region, especially in the mid-section of the region, have been in existence for a long time. Many citizens have been victims of the archaic and outmoded customary rites associated with such accusations.

With the intensification of implementation of the Commission's mandate to educate the mass of our people on issues of human rights many people are becoming aware of the fact that their rights and freedoms under Article 15 of the Constitution are being violated with impunity. This Article deals with respect for human dignity.

It is rather ironical that even though trial by ordeal is a criminal offence under sections 315 and 316 of the Criminal Code, people are still publicly accused of witchcraft and forced to go to trial by ordeal. The rites associated with liability after the 'trial' leaves much to be desired. It is in the light of the above that many people have been coming to the Commission with complaints of violation of their rights under Article 15 of the Constitution.

Nature of the Complaints

Normally, an individual, a family or a group of people after suffering havoc would attribute the havoc to a spiritual cause. Consequently, the group or the individual may

accuse another person as the spiritual cause of the havoc. A complaint is therefore lodged with the chief of the village who is the custodian of the traditional customs and laws. The chief and his elders would normally summon the suspect to appear before a gathering of the townsfolk for questioning in relation to the complaint. Even if the suspect denies the accusation, he is compelled to go for 'trial' *by ordeal* to prove his innocence. Where the accused refuses to go for the 'trial' the implications are that he is culpable hence his refusal. He will then be subjected to all sorts of humiliation including insults, abuses, name calling etc.

Where the person accepts to go to the 'trial' to clear himself but is found liable at the 'trial', he would be made to pay some fines at the shrine of 'trial'. When the 'convicted' person comes back to the town, he has to undergo some rites for being found liable. If, for example, the person is 'convicted' for killing another person through witchcraft, his hair is shaved with a broken bottle and the head smeared with red clay.

These rites are believed to neutralize the spiritual powers of the "convicted" witch or wizard rendering his spirit impotent. In some cases, where the "accused person" is found guilty at the trial, his home is completely demolished; his farms are destroyed together with other personal effects, sometimes through arson.

In some traditional areas such a person may be exiled from the town or ostracized within the town or village.

Fetish Shrines Involved in Trial by Ordeal⁴

These shrines are scattered over the Volta Region and in neighboring Republic of Togo.

In two cases reported to the Commission, the victims were 'tried' at the shrine of one Mr. Abavi, which is located at a Junction on the Accra-Sogakope main road. In another case, two victims who were found guilty for "killing" the chief of Bame through spiritual means were unlawfully detained for 16 days at the Abavi Shrine for nonpayment of fines

⁴ Names of shrines, towns and persons are referred to this sections are pseudonyms

imposed on them. Officers of the Volta Regional office of CHRAJ rescued them with the assistance of the Ho District Police without the payment of the fines.

Process of Trial⁵

According to one of the victims, Mr. Kwasi Konu from Bati, who was tried at the Abavi Shrine and 'found liable', he was given a half-strangled chicken and instructed to invoke the intervention of the gods of the shrine by pronouncing thus: "if it is true I caused the death of the deceased in question, may this chicken die; if , on the contrary , I am innocent of what I have been accused of , may this chicken survive " or words to that effect.

According to him, before he finished pronouncing the incantation as directed by the shrine priest, the chicken died in his hand, and he was, there and then, pronounced guilty of spiritually killing his victim. He said even though he protested the "tricks" of the priest, the latter's secretary prepared a document to the effect that he (Mr. Kwasi Konu) had accepted his 'guilt' and was compelled to sign the self-incriminating document. When he refused to sign, according to him, eight (8) hefty men pounced on him, and forcibly held his thumb on to the document purporting acceptance of his 'guilt'. His accusers, on the other hand, paid the fetish priest a sum of ₵1,200,000.00 (one million two hundred thousand cedis) "for a job well done for them". Mr. Konu was then put back on board amid beating and torture of all forms back to Bame, where he was subjected to more disparaging remarks on arrival.

In this particular case the person he was accused of killing through witchcraft died in a motor accident while returning from Accra to Aveme Bame after purchasing some plastic plates from Accra for sale at Aveme. Other passengers too lost their lives in that accident.

⁵ Names and towns referred to are not actual ones

Statistics of cases about witchcraft filed with the Commission

The Volta Regional office had since 1997 received nine (9) cases officially. The office is aware of other such cases which are pending against alleged victims but which have not yet been reported officially to the headquarters of the Commission. In one such case, the Commission had to dispatch an Investigator to diffuse tension in the town when a citizen was allegedly accused and was in the process of being forced to go to trial by ordeal – to which the victim’s family was opposed. But for the timely intervention of the Commission the matter would have led to a breach of the peace.

EASTERN REGION

The belief or traditional perception about women as inferior, coupled with customary practices that violate the fundamental human rights and freedoms of women in most parts of the Eastern Region is of concern to the Commission. Women in the region suffer the following rights violations:

- Forced marriages (childhood betrothal, exchange of sisters, early marriage of young girls, elopement of girls, marriage by inheritance)
- Inhuman treatment meted to women suspected of witchcraft
- Cruel widowhood rites

BRONG AHAFO REGION

Female Genital Mutilation and forced marriages are dehumanizing cultural practices that are most prevalent in the Brong Ahafo Region. Victims of these practices are females usually between the ages of 12 and 18 years. Over the past three (3) years, 35 cases regarding forced marriages were filed with the Commission. There has been an increase in the number of cases of forced marriages filed with the Atebubu District Office of the Commission. This is probably due to the intensive public education activities of the Commission in the area. Non Governmental Organisations that have worked towards the

eradication of these practices include Action Aid, Beauty in Virginity and World Vision Ghana.

NORTHERN REGION

Dehumanizing cultural Practices that violate the fundamental human rights of people especially women and girl-children in the Northern Region include the following:

- Forced marriages, which takes the form of childhood betrothal, exchange of sisters, early marriage and marriage by inheritance
- Cruel widowhood rites
- Inhuman treatment meted to women suspected of witchcraft

Over the past three (3) years, the Commission has received a total number of 253 cases of dehumanizing cultural practices, all of which border on forced marriages.

Table 7: Forced marriage cases

Year	Number
2003	95
2004	70
2005 up to October	88
Total	253

Perpetrators of the practice include relatives of victims (parents and other members of the extended family), traditional leaders who are the custodians of this practice/ custom, opinion leaders, elderly persons and proposed husbands. The Commission is dismayed about the traditional/customary practice of forced and early marriage of girls under the legal marriage age of 18 years. This is most prevalent in Saboba/Chereponi, Yendi and Nanumba districts in the region.

The Commission's public education programmes have targeted chiefs, parents of the victims and the opinion leaders who are the custodians of this cultural practice in order to sensitize them on the fundamental human rights and freedoms of the victims.

Witchcraft accusation cases

Over the past three (3) years, the Commission has received eight (8) cases in respect of witchcraft accusations. The victims of such complaints are mostly old women whose ages range from 50 - 80 years. Non-Governmental Organisations that campaign against witchcraft accusations and the subjection of suspected witches to cruel treatment include the following:

- Presbyterian 'Go Home Project' based in Gambaga
- Tiymba Integrated Development Association (TIDA), Tamale and Bimbilla
- Management Aid (MAID), based in Tamale and Yendi
- Human Help and Development Group (THUHDEG), Tamale
- The German Development Service
- Action Aid, Tamale and Yendi offices

It is worthy to note that the impact of the Commission's public education programmes in collaboration with other NGOs such as the 'Go Home Project' of the Presbyterian Church, aimed at eradicating this cultural practice has been tremendous. The Commission in collaboration with these NGOs has been able to educate the public on the fundamental human rights and freedoms of women suspected of witchcraft and the need to foster greater respect and dignity for these vulnerable women.

The Commission commends Mr. Simon Ngotha of the Presbyterian Go Home Project and his team for facilitating and coordinating support in terms of health, education and spiritual assistance for suspected witches at the Gambaga camp. This coupled with

public education programmes of the Commission and other NGOs including the aforementioned, have contributed to the reduction of the incidence of banishment, beating and lynching of women suspected of witchcraft.

WESTERN REGION

Harmful widowhood rights are still practised in the Western Region and this detracts from the dignity of widows. At Sefwi Bekwai, the NGO Women in Law and Development in Africa (WILDAF) received seven cases bordering on dehumanising cultural practices. In some communities widows are sometimes made to drink a portion of the waste water from the washing of their deceased husbands' corpse to prove that they do not have a hand in their husband's deaths.

In spite of the provisions of Intestate Succession Law of the Provisional National Defence Council (PNDC Law 111), widows in the Ashanti West District are sometimes compelled to marry the customary successor of their late husbands or forfeit their share of the properties left behind by the husband.

UPPER EAST

Female Genital Mutilation, forced marriages and widowhood rites are dehumanising cultural practices that are most prevalent in the Upper East Region. Victims of these practices are usually women and children (between the ages of 12 and 18 years). Over the past three (3) years, about 20 cases regarding these practices have been filed with the Commission. Some NGOs that have worked towards the eradication of these practices are the following: World Vision International, Action Aid International Ghana, (providing funding for the educational programmes) Centre for Sustainable Development Initiatives, Widows and Orphans Ministry, Association of Church Development Projects.

A research study undertaken by Widows and Orphans Ministry⁶ in 2004 and funded by JICA on the plight of widows reveals the following:

⁶ Widows and Orphans Ministry is an NGO

- Widows bear the cost of the husband's funerals and some widows even come to the office (of the Widows and Orphans Ministry) to borrow money to perform their husband's funerals
- The *ritualist* (the person who keeps the widow company and who directs and supervises the rites) usually assumes possession of the widow's clothes that she wore during the funeral activities
- It is the widows' responsibility to feed the *ritualist* with nutritious diet and other also provide him or her with items like cola, alcohol and tobacco (depending on what is demanded) during the course of the funeral
- The widow is stripped naked during the performance of the husband's funeral
- The widow is bathed naked before the crowd
- The widow is forced to choose somebody in the husband's family, to marry and continue bearing children for the dead man
- A relative of the dead man inherits the property of the husband including the widow herself.

RIGHTS OF WOMEN, CHILDREN, PERSONS WITH DISABILITIES, PERSONS LIVING WITH HIV/AIDS, REFUGEES, AND ELDERLY PERSONS

This year, the Research Unit of the Public Education Department designed a questionnaire to collate information on violence against women and children. Find below responses from the Women and Juvenile Unit (WAJU) of the Police Service regarding cases of domestic violence filed with the Unit:

- An average of 25 cases are recorded daily to the Accra Women And Juvenile Unit
- Fifty (50) cases are recorded (daily) nationally.
- Cases of violence mostly reported are: Assault, Defilement, Rape and Threatening
- Region(s) of the country in which the afore-mentioned cases are mostly reported are Greater Accra Region, Ashanti, Brong Ahafo and Central Region
- Perpetrators are mostly artisans, driver-mates, unemployed and house helps

Victims are mostly women, girls left to fend for themselves, house-helps, and stepchildren. In the case of assault, victims are mostly women who were or are not properly married to their "husbands" and also girlfriends.

The WAJU has recommended the creation of a special court to prosecute its cases. Some challenges that confront WAJU in the discharge of its duties are:

- WAJU has only 20 officers countrywide.
- Apart from the Accra office none of the other offices has a vehicle.
- Office accommodation is a major problem.
- The Unit is understaffed

- The Unit lacks basic equipment to work with i.e. computers, typewriters, fax machines, telephone, and stationery.

REPORTS FROM REGIONS: RIGHTS OF WOMEN

NORTHERN REGION

According to the 2000 Population and Housing Census, the population of the northern region stands at 1,820,806 with a total of 913,629 women representing 50.20%.

The Commission is concerned about the traditional perception about women as inferior, coupled with certain customary practices that violate the fundamental human rights and freedoms of women in most parts of the Northern Region. Women in the region suffer the following rights violations:

- Forced marriage (childhood betrothal, exchange of sisters, early marriage of young girls, elopement of girls, marriage by inheritance)
- Non-maintenance of family by male spouses
- Inhuman treatment meted to women suspected of witchcraft
- Cruel widowhood rites.
- Women battering.
- Denial of rights of property (deceased property/estates)

WESTERN REGION

The 1992 Constitution of Ghana provides that no person shall be discriminated against on grounds of gender, race, colour, ethnic, religion, creed, or social or economic status. The rights enjoyed by males equally apply to females as well.

In practice the situation is different and women have been discriminated against and their rights violated continually. The abuses of women's rights in the region continually occur in the following areas.

- Sexual Abuse
- Dehumanising Cultural Practices
- Domestic Violence
- Property Rights

Sexual Abuse

The Ghana Police Service of the Western Region received 29 rape cases from January to September this year. It has been noted that majority of women who fall victim to sexual abuse of different forms by men do not report these cases.

Domestic Violence

Women continue to suffer from physical, economic, sexual and psychological forms of violence. Most especially husbands and boyfriends continue to assault their female counterparts. Figures available at the Ghana Police Service in the Western Region indicate that, the directorate received 305 cases of physical form of domestic violence in which women were the worst victims.

In one incidence a husband rained heavy blows on his wife's face and the face got so swollen that she could not be easily identified. This woman did not want to report to the police, but was prevailed upon by hospital authorities to change her mind when she went to hospital for medical treatment. WILDAF at Takoradi also received 43 cases of domestic violence from January to September 2005.

Even though some women are employed in the formal and informal sectors, quite a sizeable number of women are unemployed. They are economically abused by men who and sometimes threatened them of withholding their money for the upkeep of family should they behave contrary to orders.

Property Rights

Husbands continue to deprive most women of reasonable share of properties acquired jointly during marriage. Whenever there is separation or divorce there is always the problem of equitable distribution of assets acquired jointly during marriage as enshrined in the 1992 Constitution of Ghana.

The Constitution provides that a spouse shall not be deprived of reasonable provision out of the estate of a spouse whether or not the spouse died having made a will⁷. In practice it has been observed that in some cases, immediately after the death of the man, the extended family besiege the premises of the deceased and forcibly take possession of some properties of the deceased. Women are often thrown out of houses jointly acquired during marriage or deprived of any share of farming produce jointly undertaken. Traditionally it is believed that the man is the head of the family or is superior to the woman who is only a helper with no rights to own properties acquired during marriage. Statistics available indicate that the Western Region Office of the Commission received 144 of such cases in 2004 and 80 in the mid-year 2005 where women were demanding their fair share of properties acquired during marriage.

The Commission, Women in Law and Development in Africa (WiLDAF) and FIDA (Federation of African Women Lawyers) have been actively engaged in the promotion of women's rights in the region and have organised several education programmes and activities on the rights of women in the region.

⁷ "A spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will. (2) Parliament shall, as soon as practicable after the coming into force of this Constitution, enact legislation regulating the property rights of spouses". Article 22 (1) & (2) of 1992 Constitution of Ghana

RIGHTS OF CHILDREN

NORTHERN REGION

The population of children under 18 years in the Northern Region stands at 949,162 representing 52.1%, according to the 2000 Housing and Population Census. The Commission has noted with dissatisfaction the welfare of children in the region, characterized by lack of the following:

- Maintenance (by fathers mainly)
- Parental care
- Education
- Health care
- Food and shelter

WESTERN REGION

Children in the Western Region face the following rights violations:

- Sexual Abuse
- Lack of Care and Maintenance
- Child Trafficking
- Education
- Child Maltreatment

Sexual Abuse

Sexual abuse of children constitutes one of the major rights violations in respect of children, in the region. From January to September 2005 the Western Regional Directorate of Ghana Police Service received 81 cases of defilements of which 15 of the victims were less than nine (9) years while 66 were between the ages of 10 to 16 years.

Teenage pregnancy is very prevalent in some parts of the region. The Department of Social Welfare at Asankrangwa, Tarkwa and Takoradi received a total of 58 cases of

teenage pregnancies in mid-year 2005: six (6) of these girls were between the ages of 10 and 14, while the ages of 52 of the victims range from 11 to 17 years.

There have been several media reports indicating that male teachers sexually abuse schoolgirls.

Care and Maintenance

The most prevalent human rights violation of the child in the region is inadequate care and maintenance. Between January and September 2005, the Commission, the Bibiani District Court, WiLDAF (Takoradi) as well as the Asankrangwa and Tarkwa offices of the Department of Social Welfare received a total of 1,092 cases involving children. The cases run the gamut of abuses from child neglect through maintenance to lack of medical care. Majority of parents are not able to provide good nutritional food, decent accommodation and clothing for their children.

The following reasons are usually given for fathers' refusal to assume responsibility for their children:

- They suspect women of infidelity and so dispute paternity.
- They resent the idea of sending money for the maintenance of children whose mothers they did not marry but who may benefit from the money.

Some mothers also deliberately prevent their partners from maintaining their children because the men refuse to marry them.

Other factors contributing to wives and children not being maintained include the following:

- Increased divorce rates
- Separate living arrangements among couples
- Poverty
- Cultural Practices

The Department of Social Welfare at Asankrangwa and Takoradi received 135 cases regarding sick children who were not sent to hospital owing to some of the above-mentioned reasons.

The Commission is hopeful that with the effective implementation of the **National Health Insurance Scheme**, these challenges would be surmounted and become a thing of the past. The Commission also commends all those who have assisted in providing free medical care to children, for example, World Vision International who screened and treated 12,400 school children of various ailments such as malaria, skin diseases and dry cough in various parts of the region.

Streetism is still pervasive within the Sekondi/Takoradi Metropolis. Over 5,000 children live outside the protection and provision of their parents/guardians in the Metropolis. These children are mainly concentrated at the following places:

- Sekondi European Town
- New Takoradi
- Takoradi Market Circle
- Takoradi Amanful Area
- Sekondi Market Area including Komfo Ase
- Effia Number Nine Area
- Effiakuma [Pipe Ano] Traffic Light
- Sekondi Bakaano [Lagoon side]
- Fishing Communities

Male children constitute over 65% of children in the streets of the metropolis. They could be found either sleeping in front of stores in the outer perimeters of the market, selling on the streets, pushing truck, begging for monies, trapping crabs, or loitering at the beaches, while others join adults to engage in all forms of vices like smoking, selling of drugs and stealing.

There have been some reported cases of child trafficking too in the region. Asankrangwa Department of Social Welfare received two of such cases this year.

Child Molestation

Child molestation is another problem that requires urgent attention in the region. Children, especially domestic workers, are subjected to all forms of atrocities such as

denial of food, severe beatings, burning of parts of the body with hot instruments. In the year 2004 the Commission received 16 cases of such kind.

On 8th May 2005 a seven-year-old child at Sefwi Wiawso misplaced a plate given to him for use at school by his parents. The parents continually beat the child and starved him for two days. It was the Assemblyman of the area who intervened and reported the case to the Commission's District Office.

RIGHTS OF PERSONS WITH DISABILITIES

NORTHERN REGION

Information on the numbers /percentages of disabilities could not be obtained. There is no report of any deliberate attempt by either government or a group of people or an individual to violate the rights and freedoms of persons with disabilities in the Northern Region. Neither has there been any deliberate effort to ensure that the numerous rights violations such as the following, which these persons suffer, are curtailed:

- Lack of maintenance
- Lack of employment
- Lack of education
- Lack of employment

The Commission expresses dismay at the delay in the passage of the Disability Bill. The Commission calls on Parliament and all stakeholders to expedite action on the passage of this bill into law.

RIGHTS OF PERSONS LIVING WITH HIV/AIDS

WESTERN REGION

From January 2004 to September 2005 four government hospitals at Tarkwa, Bibiani, Sefwi Wiawso, Enchi and the Asankrangwa Catholic Hospital received a total of 866 cases of HIV/AIDS. Of this number, 44.3% of the victims were males and 55.7% were females. 3.3% of the victims were less than 10 years and 92.4% victims were between

the ages of 18 and 50 years. Government and about 12 Non-Governmental Organisations across the region support victims and help curb the spread of the disease. Various supports and preventive measures included the following;

- The Government has through the Ghana AIDS Commission assisted NGOs, Municipal District Assemblies (MDAs) and Community Based Organisations (CBOs) with funds from the Ghana AIDS Response Fund (GARFUND) to carry out activities such as Information, Education & Communication (IE&C), Counselling, Condom Distribution, Capacity Building and many others.
- Training workshops have been organised for mid-wives on Prevention From Mother to Child Transmission of HIV/AIDS (PMTCT)
- House to house campaign and video shows on HIV/AIDS by NGOs
- Conduction of workshops on the causes and prevention for churches, schools, chiefs and communities
- Formation of Virgin and Abstinence Clubs in schools
- Provision of counselling services by the Counselling Unit of Ghana Health Service and NGOs

REFUGEES

Ghana has acceded to and ratified several refugee and human rights treaties, most notably the 1951 UN Refugee Convention, the UN Protocol Relating to the Status of Refugees of 1967, the International Covenant on Civil and Political Rights, The African Charter on Human and Peoples' Rights, the OAU Convention Governing the Specific Aspect of Refugee Problems in Africa of September 1969, the 1992 Ghanaian Constitution and the Refugee Law, 1992 (P. N. D. C. L. 305). All of these impose certain obligations on Ghana to uphold the rights of refugees and asylum seekers, status determination and documentation, and to protect certain social and economic rights of refugees.

Ghana being a signatory to the United Nations Convention on Refugees, Universal Declaration of Human Rights and other human rights documents, and recognizing the right to freedom from discrimination has a liberal policy towards refugees.

Generally in Ghana, the United Nations High Commission for Refugees (UNHCR) and the Ghana Refugees Board (GRB) cater for refugees. These institutions see to the granting of refugee status and the total well being of the refugees. Once granted refugee status, they are also issued with work permit to enable them work in their new environment and also enjoy other rights.

On the whole, there were 48,063 refugees in Ghana from the sub-region as at January, 2005. This number however increased when the UNHCR this year agreed to resettle the 269 asylum seekers from the Darfur Region of the Sudan. Out of this figure, 41,904, representing 87.2% are from Liberia with the remaining 6,159, representing 12.8% distributed among other countries within the sub-region. These countries include Sierra Leone, La Cote d'Ivoire, Togo, Rwanda and Chad, just to mention but a few.

Also included in the number are children and women. Children constitute 42%, with women constituting 27.4%.

Currently, these refugees are located in the Greater Accra, Western, Volta and Brong Ahafo regions, with the largest number of 41,813 in the Buduburam Refugees Camp in the Central Region.

Report of Investigation conducted at the Krisan Refugee Camp following disturbances that occurred on the 6th November 2005

Following the riot and the consequent destruction of property that occurred at the Krisan Refugee Camp, two officials from the Jomoro District Office of the Commission upon the instruction of the Regional Director went to the Camp on Wednesday 9th November 2005 to investigate the cause of the disturbances; conditions prevailing in the camp and the general state of the Camp after the incident. The team also visited the Elubo Border Post where the refugees massed up seeking to cross the border to Cote d'Ivoire.

Upon reaching the camp efforts were made to contact officials of the United Nations High Commission for Refugees (UNHCR), Ghana Refugee Board, the Red Cross Society, the Catholic Relief Agency, the Police or any of the agencies working there for interviewing but the team learnt that following the incident they had all left. Thus the team could not interview any official at the scene. Efforts to get the spoke person of the refugees also proved futile.

The team however, proceeded and interviewed a cross section of the refugees. Mindful of the fact that they were of different nationalities, the team interviewed refugees from as different countries as possible to collate a wide range of views.

The Krisan Refugee Camp is situated along the Alobokazo-Eikwe Road and some 5km to Eikwe. It has a population of about 3000 refugees some of whom have been there since 1997. The most recent have been there for four months.

On the 1st of November 2005 a section of the refugees numbering about 800 travelled in droves and in different vehicles to the Elubo border alleging inhuman and degrading conditions at the camp and their intention to vacate the place.

Officials of the Ghana Immigration Service, Bureau of National Investigations (BNI), the Police and the Customs, Excise and Preventive Service (CEPS) addressed them and tried persuading them to go back to the camp but they would not budge.

The security personnel had to force some of the refugees into about four GPRTU buses and sent them back to the camp. Others ran away and could not be found. When they were taken back to the camp, it was gathered that having disembarked from the buses they charged on the policemen who escorted them. Sensing danger, the police numbering only fifteen fled the place. The other officials also fled and the refugees vandalized, set fire and destroyed a lot of properties at the camp. The police thus went for re-enforcement and returned.

Causes of the riot

From the interview at the camp and at Elubo, it was gathered that the major cause of the rioting was due to poor living conditions at the camp and discriminating practices in

administering resettlement programmes. The team also interviewed them in respect of the following: feeding, education, subsistence allowance, health care, water and sanitation, accommodation and security.

According to the refugees they are given food ration and non-food ration once every month. The food ration consists of 2kg of rice, one litre of cooking oil, 12 kg of gari, 3kg of beans, 2 tins of tuna flakes (Starkist), 0.75kg of sugar and 500 grams of salt per person. The non-food ration consists of one mini bag of charcoal and 1/4 litre of kerosene per person. It was gathered that the children of the refugees are all educated free of charge up to the Junior Secondary level. They are provided all the necessaries (i.e. text books, exercise books, chalk, pencils, pens etc) for their education. The camp has a day care centre and a primary school. However after completing the primary level the children are made to continue the Junior Secondary at Sanzuley and Eikwei. The school at Sanzuley is about 2km and that of Eikwei is about 5km from the camp. The refugees complained that after their children complete Junior Secondary School they are compelled to abandon any plans of going further since there is no programme in place for placement in the senior secondary level. They find this very frustrating. The immediate healthcare needs are taken care of by a clinic with five members of staff. As regards accommodation it was gathered that four persons occupy one room. The room in the team's opinion is too small for four persons. It is about 8 feet by 7 feet in area. It is very hot and has no electrical wiring. Thus there are no lights in the rooms. However, most of them have fenced their rooms with raffia and some have also constructed makeshift structures with plastic sheets the camp authority provided.

The main source of water is borehole. There are six boreholes but according to them only one is good for drinking. There are also four toilet facilities. The toilets are latrine type. The team observed that the toilets are poorly kept and inadequate considering the population of the refugees.

Security at the camp is not every good. At any point in time there are only three policemen and at the time the team visit they had all left as a result of the riot. The camp is not fenced and this exposes them to danger in the event of any attack. Lighting within the camp is also poor.

Duration of stay of refugees in the camp ranges from three to nine years. They contended that there seem not to be any prospects for them at the camp. They described their future as bleak as long as they remained in the camp.

Items destroyed include the following:

- A training center built by the United Nations Industrial Organization (UNIDO) was vandalized and extensively burnt down by the riotous refugees.
- One palm stripper, one corn mill machine, two coconut grinding machines, two palm oil grinders, two palm oil cooking vessels, one large deep freezer, one air conditioner, fifteen typewriters, one power generator, four wheel barrows, two carbine harvesters, one grinding machine motor and twenty-five sewing machines.
- A pick-up vehicle belonging to the Catholic Relief Service was also burnt down and the police post at the Camp vandalized.
- Official documents and furniture at the Red Cross office at the camp were also vandalized and burnt.

Interview with the Ghana Refugee Board Officials

At the Head Office of the Commission, the Deputy Director (Public Education) constituted a team of three, led by a Public Education Officer, to delve more into the disturbances. The team was to interview the officials of the UNHCR on the circumstances surrounding the incident. Below are excerpts from their report:

"At the UNHCR however, the team was referred to the Ghana Refugees Board, specifically, the Executive Director of the Board, Mr. Bawumia since his outfit is directly in charge of handling the crisis situation. The essence of this interview was to have first hand information on the incident for inclusion in the Commission's state of human rights report to be delivered on the 10th of December 2005.

The content of the interview focused on the following areas:

1. *Underlying cause(s) of the riot*
2. *General conditions at the camp*
 - *Accommodation*
 - *Feeding*
 - *Water*

- *Health*
- *Education*
- *Sanitation etc*

3. Damage caused

1.0 Underlying causes of the riot

According to Mr. Bawumia, the action of the refugees has both remote and immediate causes. He explained that majority of the Krisan refugees are those who have been "rejected" by the resettlement countries. Resettlement countries, he said are countries that provide funds for the resettlement of refugees. Therefore the Krisan camp refugees are under the temporary care of benevolent institutions such as the UNHCR, National Catholic Secretariat and Ghana Red Cross Society just to mention a few. He went further to explain that some refugees considered this situation unacceptable and in their attempt to vent their grievances decided to move to the Elubo border with the intention of entering Cote d' Ivoire to attract international attention. He further explained that the last straw that broke the camel's back was the rejection of entry by the Ivorian authorities and the demand by the camp authorities that the refugees should return to the camp. The refugees, who returned to the camp, reluctantly however, saw the riot as the last resort to achieve their goal of attracting attention.

2.0 General conditions at the camp

On the issue of general conditions at the camp, Mr. Bawumia denied the allegation that the refugees were living in poor conditions resulting from lack of jobs and other environmental hazards, which make life difficult at the camp. He reiterated that refugees are not to be given any special treatment than any other human being. He described the camp as one of the best so far in the sub-region

2.1 Accommodation

The interview revealed that the Krisan Camp was built in 1996 to accommodate 2,000 refugees but currently accommodates about 1,700 refugees from 12 African countries, including Togo, Liberia, Sierra Leone, Cote d'Ivoire and Sudan. Room allocation is done based on whether one is married or single. Couples are to a room while those who are single are 4 to a room. The refugees are also provided with mattresses and blankets. The camp also has communal toilet and bath facilities.

2.2 Feeding

Even though Mr. Bawumia could not provide the exact amount given to each refugee as feeding fee per day, he was optimistic that the refugees are provided with adequate food and cooking utensils to prepare their own food. Some of the items mentioned included; rice, sugar, cooking oil, maize, local stove, charcoal and kerosene etc, all of which are provided by the UNHCR and distributed to the refugees by the Ghana Red Cross Society.

2.3 Source of Water

The camp has boreholes, which serve as source of water for the refugees.

2.4 Education/Skills Training

The camp is provided with basic education facilities – a kindergarten, primary and Junior Secondary School which the refugees and their children in the community attend free of charge. They are also provided with books, school uniforms and other educational materials. Some of them also enjoy scholarship opportunities for further studies.

Aside this, Mr. Bawumia hinted that the adult refugees are also provided with a skills training centre to enable them learn some trades for self-employment. The trades include batik, tie and dye, dressmaking and farming.

2.5 Health/Sanitation Facilities

Touching on health matters, Mr. Bawumia stated that the camp has a clinic with qualified health personnel as well as an ambulance for referral cases to the Ekwe hospital. When asked who pays for the hospital bills, he replied that it is the National Catholic Secretariat.

The issue of sanitation was said to be the responsibility of the refugees. They organise weekly communal labour to clean their environment. In addition, there are refuse dumps at the camp and garbage collectors go round to see to the disposal of their refuse.

3.0 Damage caused

It was found out that the refugees caused damage to properties running into millions of cedis. Items destroyed included among other things:

- *police station*
- *pick-up*
- *skills training centre (under construction)*
- *Camp Manager's office and vehicle*
- *UNHCR office*
- *Red cross office*
- *Warehouse containing equipment*

In his concluding remarks, Mr Bawumia stressed that the refugee situation in Ghana is alarming, considering the resource constraints on the country. He was of the view that the refugees need to be educated properly on their rights and responsibilities to enable them understand their situation better”.

SOCIAL AND ECONOMIC RIGHTS

VISIT BY THE COMMISSION TO HEALTH INSTITUTIONS

In 2003, the Commission in conjunction with the Ghana Medical and Dental Council introduced the Ghana Health Service Patient's Charter.

As part of activities marking its 12th anniversary celebration in October this year, the Commission visited selected health care facilities in the Accra Metropolis. The visit was in pursuance of the Commission's mandate to promote and protect social and economic rights and freedoms for all persons in Ghana. The objective of the visit was to, among others, ensure compliance with the Charter, respect for the rights of the patient, and to assess the level of general awareness of the Charter by patients.

A team led by the Ag. Commissioner visited three public hospitals, one private hospital, and two polyclinics (one public and one private). They include the 37 Military, Accra Psychiatric and Korle Bu Teaching hospitals as well as the Link Road Hospital. The rest are the Kaneshie Polyclinic and Oman Clinic.

Common Ailments

Various types of ailments are reported to all health facilities. At the Korle Bu Teaching Hospital, for instance, common among such ailments are fever, malaria, and chest infection – mainly among children. Women, on the other hand, are prone to gynaecological cases such as infertility, fibroids, unsafe abortions, and ectopic pregnancies.

An increase has been noted in the number of cases of stroke, hypertension, diabetes, and heart and kidney failures – a situation Professor Frimpong Boateng, Chief Executive Officer (CEO) of the facility, blames on change in our diet and life styles. He recommends low intake of sugar, oil and salt, stress free and regular exercising.

Ailments reported at the public facilities are not different from those at the private facilities. At the Oman Clinic, for instance common ailments that are reported there

include fever and malaria, upper respiratory tract infections, gastro intestinal problems, hypertension, and stress.

Challenges

Health care facilities encounter certain challenges that, if not addressed in time, could compromise quality health care delivery for the citizenry, especially women and children. The challenges include congestion, inadequate funding, and understaffing owing to exodus of doctors, nurses and other paramedics for 'greener pastures', long periods of waiting before being attended to and inability of patients to pay hospital bills. At the Children's Block, a 10-year-old boy, referred from the Kpando General Hospital with an enlargement of the heart, had been on admission for the past two weeks, because the mother did not have money to pay for his x-ray and other bills.

The Korle Bu Teaching Hospital, for instance, has only 800 as against the expected 2000 nurses. The Link Road Hospital, which sees not less 50 patients a day, has only two principal nurses and a couple of trained medical assistants. The 37 Military Hospital is by no means insulated from this problem. According to Brigadier-General J.M. Ayetey, Commanding Officer of the facility, "the chronic attrition rate is high, especially with the nurses, but doctors too are leaving".

Space is another challenge. The Children's block of the Korle Bu Teaching Hospital, which receives the bulk of patients who attend the facility, is the smallest block and, therefore, most congested. The Maternity block is similarly congested, forcing babies and mothers to sleep on the floor. Not to mention the Surgical and Medical Emergency (S&ME) where, for lack of space and enough beds, patients are treated on trolleys and use benches as improvised beds. The department has only 36 beds but hosts up to 40 to 60 patients a day.

Mental Health

The commonest mental health cases are depression, mania, schizophrenia and epilepsy. While there are more male patients than female, depression afflicts more women than men as against mania, which is found in more men than women. Regrettably, the Accra Psychiatric hospital only has occupational therapy assistants but no Occupational Therapy Unit to treat depressed patients.

Against the expected capacity of 500 inmates the Accra Psychiatric Hospital currently accommodates not less than 1,200 patients, out of whom 400 patients are well enough to go home but for the stigma attached to mental health by relations and the attendant family neglect. This has led to serious over-crowding at the hospital, making it difficult to handle patients according to the required medical practice.

On the whole, it was observed that there was little familiarity with the Patient's Charter among patients and staff.

The Commission recommends the following:

- Government should take immediate measures to address the brain drain of the health sector and improve the conditions of service of health personnel.
- The National Health Insurance Scheme should be given the needed support to function.
- The National Ambulance Service should also be rolled out to all health facilities.
- Health institutions should endeavor to educate their staff and patients about the Patient's Charter

WESTERN REGION

Rights to Education

Many children of school going age are found hawking or trapping crabs, working at quarry sites, and engaging in illegal mining in spite of the introduction Free Compulsory

Basic Education (FCUBE) by the Government. The Department of Social Welfare at Asankrangwa, Tarkwa and Sefwi Wiawso received a total of 111 cases regarding deprivation of Child Education from January to September 2005.

The Western Regional Directorate of CHRAJ conducted a survey into the condition on which children study at primary schools in 2004. According to the survey, the conditions under which children study in some primary schools are not only unsafe, but also unhealthy and inconducive for good academic work. Quite a good number of schools in the region lack basic amenities such as potable water, toilet facilities, adequate furniture and good surroundings. The states of some school buildings are very deplorable and pose a threat to human life

The survey also reveal that some children walk long distances to school while others engage in income-generation activities to supplement the income of their families. Teachers are short supply in the rural areas, since most teachers refuse postings to such areas due to lack of social and basic amenities. This situation results in the children not being able to make good grades to enable them continue their education in higher institutions.

Activities of some NGOs in the region have greatly contributed to improvement in the education of needy children. For example Emcon International Foundation, operating at the Aowin Suaman District, granted scholarships to 25 orphans. The scholarship package includes provision of care and maintenance and payment of schools fees in the higher institution of learning. World Vision International too has offered scholarships valued at ₵42,000,000.00 to 34 students in various institutions.

Right to Health

During its 12th anniversary celebration, the Commission visited Effia-Nkwanta Regional Hospital and Takoradi Hospital to interact with patients and health workers.

The Out-Patients Departments (OPD) of the two hospitals recorded 43,540 patients between January and September 2005. The number of hospital attendance is very high

but the hospitals have few qualified nurses and medical officers. Consequently there are undue delays in attending to patients and patients have to undergo a lot of stress.

The inter-personal relationship between the hospital staff and patients was quite good. There were few lapses, which could be attributed to uncooperative nature of some patients and lack of professionalism on the part of some hospital staff. Some patients do not respect rules and regulations at the hospital and become hostile when advised. On the other hand, some health personnel are hostile and unfriendly towards patients.

Medical care is provided to all patients regardless of whether or not they can pay their medical bills. The Ghana Health Service (GHS) has an exemption policy in place, which caters for the needy and poor and the aged as well as children less than 5 years. The Service has also introduced free delivery policy.

Unemployment

Economic rights involve people's physical survival and how they earn a living. These rights include the right to adequate standard of living and the right to work under just and favourable conditions.

Due to unemployment most able men and women are found on the streets of the Sekondi-Takoradi Metropolis engaging in low level income activities. They move on the streets selling handkerchiefs, food items, clothes, footwear and other assorted items.

Payment of Social Security Contributions

Under the Social Security Law 1991 (PNDCL, 257) the employer is required to pay 12.5% of the employees' monthly salary as contribution towards retirement benefit. Reports from the Social Security and National Insurance Trust (SSNIT) office indicates that many organisations in the region do not pay the contributions of their employees.

Right to Housing

Acquiring decent accommodation is one major problem within the Sekondi-Takoradi Metropolis and urban centres in the region. At night, people could be seen sleeping in kiosks and wooden structures, while others sleep in front of stores at the Market Circle. Landlords charge exorbitant rates for rent and increase rates arbitrarily. One would have to pay an average of 10 million to 15 million Cedis as rent advance to secure a two-bed room house.

From January to September, 2005 the Takoradi and Tarkwa office of the Rent Control Department received a total of 131 cases of arbitrary increase of rent charges. These cases involve house owners who seek the assistance of the department to eject tenants. The two offices of the Rent Control Department also received 192 cases of harassment by house owners. They include:

- Locking and nailing of bath and toilet rooms used by tenants
- Removal of iron sheets of the rooms occupied by tenants
- Persistent insults and threats
- Frequent knocking at doors most especially in the early mornings.

In the urban centres, accommodation problems are due to overpopulation and rural-urban migration.

GREATER ACCRA REGION

The following are some of the prominent hospitals in the Greater Accra Region: Korle-Bu Teaching Hospital, 37 Military Hospital, Police Hospital, Ridge Hospital, Legon Hospital, and the Children' Hospital, Achimota Hospital, Cocoa Clinic, Pantang Hospital, SSNIT Hospital and others. There are Poly Clinics in the following areas: Adabraka, La, Dansoman, Mamprobi, Korle Gonno, Kaneshie and Mamobi. There are many private clinics in the Greater Accra Region.

There are seven healthcare centers in the Dangme East District, namely: Dangme District Hospital, Ada-Foah Health Centre, Kasseh Health Centre, Sege Health Centre, Anyaman Health Centre, Pediatorkorpey Health Centre and Bonikorpey Health Care Centre.

The Commission is informed that the District Health Service has established a counselling unit and laboratory equipments for persons living with HIV/AIDS at the District Hospital. However, they are yet to find places at the other health centres to make healthcare accessible to persons living with HIV/AIDS in the district.

The health authorities have also introduced a system known as 'the cheap system' whereby health posts have been put up in the remote areas to give First Aid to patients before they are transferred or referred to the health centres or the district hospitals.

In addition, some of the community members have been trained as Community Health Volunteers to assist the nurses. This was done with the aim of making health services accessible to the people in the district.

CIVIL AND POLITICAL RIGHTS

NORTHERN REGION

The imposition of dawn to dusk curfew and state of emergency by the Government in the Dagbon Traditional Area in March 2002 following the flare-up of chieftaincy conflicts between the Abudu and Andani Gates leading to the murder of the overlord of Dagbon, Ya – Na Yakubu Andani and 40 others, curtailed the fundamental human rights and freedoms as well as political rights of the citizenry in the affected areas.

The Commission noted with great satisfaction, the lifting of the curfew and the state of emergency in these areas, thereby promoting the fundamental human rights and freedoms such as freedom of assembly and association, freedom of movement and respect for political rights in the affected areas.

In the reporting period, the Commission was, however, horrified by the continued flare – up of conflicts/clashes between the supporters of the New Patriotic Party (NPP) and the National Democratic Party (NDC) in the Tamale Metropolis, which led to injury and death of people and destruction of properties worth million of cedis.

The Commission was dismayed by the unlawful arrests, detention, police excessive use of force and military brutality in the Tamale Metropolis during the post-election period in year 2004. During that period, the security meted out inhuman treatments to some innocent citizens.

On 9 December 2004, there were reports of unlawful murder and killing by the military in Tamale, of the late Issah Mobilla the then Northern Regional Chairman of the Convention People’s Party (CPP), who was in military custody at Kamina Barracks; and also the death of 14-year-old master Ibrahim Amidu through gunshot wounds in Tamale on 10 December, 2004 and (3) three other persons in Jekpahi, a village near Kumbungu district in the northern region on Election Day, 7 December 2004.

WESTERN REGION

Unlawful and Arbitrary Deprivation of Life

From January to September, 2005 the Western Regional directorate of the Police Service received a total of 36 murder cases in the region, all the victims being male.

The problem of instant justice still exists in the region. One suspect died as a result of instant justice meted out to him.

Treatment of suspects on arrest

During the 2004 annual inspection of police Cells in the region the Commission observed that five male suspects had been kept beyond 48 hours without appearing before courts.

Withholding of bail as punishment still prevails even though the Constitution forbids it. Monies are often times demanded as precondition for release on bail. However, due to the intensive public education by the Commission the collection of money before granting of bail and detention of suspects beyond 48 hours without appearing in court has reduced.

In some cases, people are detained for trivial offences or flimsy accusations. There were reports of police assault and manhandling of suspects on arrest and detention.

Police civilian relationship and the incidence of assault

The Police received a total of 4,941 cases of assault in the region between January and September 2005.

For instance, on the 14th of February, 25 police officers armed with guns and truncheons invaded Amanful community, a suburb of Takoradi about 7.00 pm, on the pretext that the community facilitated the escape of a certain man who attempted to forcibly collect a mobile phone from his girl friend due to some misunderstanding. The police officers went on rampage beating people with sticks and every weapon they could lay hands on resulting in some victims sustaining fractures and serious injuries.

Also, on 17th March, 2005, a farmer who was suspected to have stolen palm fruits belonging to Benso Oil Palm Plantation was severely assaulted by security officers and security dogs of the company. The security officers initially beat the farmer and later released their security dogs which inflicted severe injuries on the farmer. It was later discovered that they had assaulted the wrong person.

Conditions at Detention Centres

The Commission undertook annual inspections of prisons and police cells in the region this year. Conditions, as usual were appalling.

Accommodation:

Prisons in the region are highly overcrowded, most especially the remand sections. The expected capacity of the prisons was 575 but the actual capacity was 1002, representing 74.3% overcrowding. Overcrowding at some remand sections was so serious that prisoners had to sleep in turns. In respect of spacing, only three out of 93 police cells inspected in the region were congested.

Lighting and ventilation was generally poor in most prisons. There were few small-sized windows which allowed the barest minimal natural light and fresh air into the Cells. Eighty-three (83) cells, representing 89% of 93 cells inspected, were poorly ventilated and lighted.

Sanitation:

Sanitary facilities at the remand section were woefully inadequate. There were no toilet facilities in the cells of the remand prisoners and so buckets and polythene bags were used for such purposes.

Sanitary conditions in police cells are no better. Out of 93 police cells inspected, 56 have no toilet facilities and suspects use buckets and polythene bags.

Clothing and Bedding:

Most of the remand prisoners sleep on the bare floor. Only 18 out of 98 remand prisoners in the Central Prisons sleep on blankets and mattresses.

Feeding:

The UN Standard Minimum Rules for the Treatment of Prisoners require that every prisoner be provided with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served⁸. The daily money allocation of ₦4,000.00 per prisoner is woefully inadequate.

In most of the police cells, police officers and relatives of suspects provide food for inmates. The quality and quantity of food depend on the willingness of relatives to help and the availability of money at the police stations.

Medical Care:

The medical care in the various prisons inspected was encouraging. Each prison has a health officer attached who provides medical care to the prisoners.

None of the police stations inspected has a first aid box. Sick suspects were sent to nearby clinics and hospitals for medical treatment. There are some clinics that provide free medical care to suspects.

⁸ Rule 20 (1) of the UN Standard Minimum Rules for the Treatment of Prisoners

ENVIRONMENTAL RIGHTS

EASTERN REGION

Farming communities are unhappy about the practice of sand winning and quarrying, which is degrading farmlands. Besides, pollution of the Densu River continues to deprive many communities of good source of water.

WESTERN REGION

- Waste Pollution
- Land Degradation
- Water Pollution
- Noise pollution
- Deforestation
- Air Pollution

Waste Pollution

In the Western Region there is widespread indiscriminate defecation in the open and along the beaches; urine and faecal droppings from heads of cattle; dumping of waste materials into drains and littering of environment with wrappers, plastic bags, leaves etc. There is a huge refuse dump close to the main highway at Mpintsim, a suburb of Takoradi which is an eye sore.

Land Degradation

Land degradation continues to be a major environmental problem in the mining areas in the region. Mining companies and "galamsey" operators dig deep trenches and pits on the land thereby rendering it unfit for any other activities. Most farmers in the mining communities have been rendered unemployed due to land degradation.

Water Pollution

Sources of good drinking water in the highly concentrated mining areas have either been contaminated or polluted by the mining operation. The evidence on the ground showed that diversion of canals and dams constructed by the mining companies had either destroyed or negatively affected most of the water bodies and rendered them unfit for human use. In some cases cyanide and other waste resulting from the mining activities render sources of water unfit for use.

Noise Pollution

Noise pollution occurs when noise is produced beyond certain limits at the work place, homes, markets etc. There is sufficient evidence that blasting by mining companies cause noise pollution, sleeplessness and difficulty in breathing among the residents in the communities where these companies operate. Certain religious and social activities also contribute to noise pollution in the region.

Air Pollution

The Commission's district office at Enchi has received complaints from the people who reside near the main public toilet in the town that they are daily confronted with a strong repelling smell that they hardly are able to enjoy their meals. This problem is compounded by the fact that the only vehicle that collects this solid waste has broken down.

Some chemicals like Sulphur dioxide and Arsenic trioxide emissions from machines used by the mining companies also cause atmospheric pollution in the mining areas.

GREATER ACCRA REGION

The Greater Accra Region has one of the poorest environmental conditions in the country. Refuse containers are kept unattended to for days, and these containers overflow with garbage and leave the city dirty and stinking.

At market places and lorry parks, refuse containers can be seen filled to the brim and left unattended to, for days, thereby polluting the environment with nasty and foul smells. A case in point is that of Odorgonno Secondary School which has partially been turned into a refuse dump. The public has illegally converted part of the school into a refuse dump and place of convenience. The gutters of the city are choked with refuse and are overflowing with garbage both solid and liquid waste.

The Odaw River and Korle Lagoon which lie right in the centre of the city and very close to Korle-Bu Teaching Hospital have been polluted by industrial waste and turned into a refuse dump and a place of convenience for the public.

The public places of conveniences are inadequate for a growing city of Accra, as many homes have no such facilities. The insanitary conditions leave much to be desired. An example of this is a public toilet situated at Adabraka very close to the office of the offices of the Regional Coordinating Council and the Accra Campus of the University of Ghana formerly Accra Workers' College. It is poorly maintained and residents cannot cope with the stench from this toilet.

Accra has one abattoir, which is located on the Spintex Road on Accra-Tema motorway. Many of the meat providers known as butchers have refused to patronise the services of the abattoir and resorted to slaughtering their animals anywhere, creating serious health and environmental problems.

The Commission commends the efforts of the Accra Metropolitan Authority (A.M.A.), albeit constrained by numerous challenges, for its efforts at improving sanitation in the metropolis. The Commission also calls on all relevant ministries, stakeholders, non-governmental organisations to collaborate effectively with the AMA in order to sustain their programmes in ensuring that residents of the city live in a clean and healthy environment.

In the Ada-Foah District, animal rearing is a very disturbing issue. Stray animals like cattle, sheep, pigs and goats destroy food crops and as these animals move about, pollute the environment and sometimes cause accidents on the road. A case in point is where a man lost his life trying to dodge a stray animal, which was crossing the road.

Sand winning also causes flooding in the district.

UPPER EAST

- Small-scale mining in the Talensi-Nabdam district had devastated the land, which has implication for food security. Chemicals have polluted water bodies. The quality of the air is not the best, given the frequent blasting and pounding of gold-bearing rock
- collection and disposal of refuse is a bane in all over the Region

CONFLICTS

The questionnaire sought to obtain information on the causes, early warning signs and impact of conflict in Ghana and the mechanism for preventing and managing conflicts. Below is the composite summary of the findings:

Types of conflict

The types of conflicts prevalent are: religious (intra-religious), chieftaincy- ethnic, land, political, marital and property rights conflicts.

Warning signs and causes of conflicts

The main causes of religious conflicts are intolerance, poor leadership and provocative utterances. Some warning signs of conflicts according to one of the respondents, Ghana Network for peace (GHANEP) are the following:

- Intra-religious;
- Calls for accountability (especially on finance) from religious leaders by followers
- Threats of breaking away

Inter-religious

- Public direct/indirect criticism or denunciation of other religions
- Deliberate non-cooperation with other religious bodies

Chieftaincy

- Rumours of impending violence
- Meetings (secret and open)
- Noticeable stockpiling of weapons
- Members of conflicting parties consciously/deliberately not mixing at public places

- Preparations by different opposing groups to install a chief or perform the functions of a chief while a chieftaincy case is still pending

Ethnic

- Series of unexpected divorce between couples belonging to the different ethnic parties
- Proverbial insults through songs and innuendoes
- Members of conflicting tribes avoiding to mix in public places
- Going to public gatherings armed

Land

- Hasty cultivation of, or attempts to cultivate, land which was not previously part of one's farmland
- Performance of, or attempts to perform, rituals over land
- Going to farm armed
- The presence of land guards

The Ahlus-Sunnah Wal Jamaa'ah (ASWAJ), another respondent, sees some relationship between doctrinal differences/fanatism and religious conflicts. In the view of the Jama'a, "doctrinal differences have no doubt, been the major cause of religious conflicts but that has been largely because of fanaticism and, to a larger extent, ignorance". Quoting Qur'an Chapter 4 verse 59, and Chapter 2 verse 256, the Jamaa'ah stressed: "it is important that Muslims know that while Islam allows healthy debates, it does not endorse suppression or the use of force in the effort to win souls for the religion".

The Ahmadiyya Muslim Mission, on the other hand, blames the "lack of maps delineating the exact boundaries" on land and land boundary disputes. It also sees a linkage between "unclear succession procedures [and] political interference" on the one hand, and skin/stool occupancy and chieftaincy disputes

on the other.

Conflicts over the years have claimed many lives and destroyed property worth billions of cedis.

Conflict prevention

GHANEP provides the following suggestions for preventing conflicts in Ghana:

- Good governance (promotion of human rights, observance of rule of law, demonstrated zero tolerance for corruption, responsible free press, accountability and transparency).
- Sensitisation and advocacy on human rights, peace and non-violence
- Establishment of effective early warning mechanisms from community to national levels
- Cordial security services-civilian relations
- Properly functioning traditional institutions and structures

To prevent conflicts in Ghana, the Ahlus-Sunnah Wal Jamaa'ah suggests "the National Security Council should have free flow of information from its regional and district sources, adding that "looming conflicts should be investigated and solutions found for them before they turn nasty". The Jamaa'ah noted that "the idea of always waiting for complaints to be lodged before action [is taken] should be avoided", stressing that "no report on such looming conflicts should be regarded as frivolous until after thorough investigation". The Jamaa'ah said, "Funding for conflict prevention should not be a headache for government for, it could spend ten times as much trying to manage one".

In the view of the Ahmadiyya Muslim Mission, "there must be justice "to prevent conflicts, adding that the "administration of justice should be faster and free from corruption". It concludes, "As much as possible some conflicts must be settled through mediation as the mediation produces no winners and no losers.

REPORTS FROM REGIONS

WESTERN REGION

In the Western Region, conflicts occur as a result of land and chieftaincy disputes.

Chieftaincy Disputes

The Wassa Fiase, Aowin and Sefwi Bekwai Traditional Council received a total of 13 cse regarding chieftaincy disputes in the past three years.

- Selecting or choosing of successor to a vacant stool
- Problems associated with enstoolment and destoolment
- Claims by non-royal members to stool
- Unfair distribution of royalties by chiefs
- Gross disrespect of some chiefs by kingmakers and elders of the stool family

HUMAN RIGHTS NGOs

BRONG AHAFO

Some of the NGOs in the Brong Ahafo Region are: Christian Community Development Association, Sunyani; Christian Mothers Association, Sunyani; and Girl Child Development Foundation, Wenchi. Others are: Women Concern Foundation, Sunyani; Operation Save life, DOTHEBAA; Women In Need Foundation, Nkoraanza, Redemption Care International, and Centre for Sustainable Development.

NORTHERN REGION

There are a lot of human rights NGOS which work actively towards promotion of human rights in the region. Find below a list of some NGOs:

- Association of Church Development Project (ACDEP), Tamale
- Simli AID/Project Tamale
- Rural Media Network (RUMNET), Tamale
- Ghana Network for Peace Building (GHANEP), Tamale
- The Human Help and Development Group (THUHDEG), Tamale
- Presby Go Home Project, Gambaga
- Management Aid (MAID), Tamale
- Action Aid International, Yendi
- Tiyumba Integrated Development Association (TIDA), Tamale
- MAATA – N – TUDU Association, Tamale
- Regional Advisory Information and Network Systems (RAINS/CAMFED), Tamale
- Send Foundation of West Africa, Tamale

- Basic Needs/Basic Rights, Tamale

WESTERN REGION

Find below list of some NGOs in the region:

- Rikan Foundation, Enchi, Aowin Suaman district
- Emcon International Foundation, Enchi, Aowin Suaman District
- Community Savers Network, Sefwi Wiawso, Sefwi Wiawso District
- Werengo [Western Region Network of NGO's], Takoradi, SAEMA district
- Handmaid Economic Network, Takoradi, SAEMA
- Conservation Foundation, Agona Nkwanta, Ahanta West District
- Community Development Consult Network, Asankrangwa, Wassa Amanfi District
- Zim Home Network Bibiani, Bibiani Anwhiaso District Bekwai
- Devascom Foundation, Enchi, Aowin Suaman District
- World Vision Ghana, offices located in almost all districts of the region
- Forum West Resource, Enchi, Aowin Suaman

UPPER EAST

- Widow and Orphans Ministry-
- Afri-kids – Basically formed to combat Streetism.
- Youth Alive
- Action Aid International Ghana, World Vision International
- Centre for Sustainable Development Initiative

CONCLUSION

In conclusion, the Commission commends the government of Ghana for ratifying the following International Conventions:

- The International Covenant on Economic, Social and Cultural Rights (CESCR);
- The International Covenant on Civil and Political Rights (CCPR);
- The Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP1); and
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- The Convention on the Rights of the Child (CRC);
- The Optional Protocol to the Convention on the Rights of the Child (CRC-OP-SC) on the sale of children, child prostitution and child pornography.
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC).

The Commission restates its call on the Government, as a matter of urgency, to ratify the following and harmonize the provisions of these instruments with domestic laws:

- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which seeks to establish a system of regular visits to places where people are deprived of their liberty;
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty (DP);
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women

And also urges parliament to pass the following bills into law:

- The Domestic Violence Bill
- The Disability Bill
- The Whistle Blower Bill
- The Freedom of Information Bill
- The People Representation Bill

I wish all of you a Merry Christmas and a Prosperous New Year.

Signed by:

Anna Bossman
Acting Commissioner
December 10, 2005.