

GHANA

CEDAW A/47/38 (1992)

65. The Committee considered the combined initial and second periodic report of Ghana (CEDAW/C/GHA/1-2) at its 191st and 194th meetings on 21 and 23 January 1992.

66. The representative of Ghana, in introducing the report, emphasized that societal and cultural attitudes remained major obstacles to the achievement of full de facto equality between men and women. After giving an overview of the demographic and economic situation in the country and its political and legal system, the representative outlined the measures taken by Ghana to implement the Convention in the light of the situation of women in the country and of the specific culture and values.

67. Despite the progress made in de jure equality, women continued to be discriminated against because of their arduous economic and domestic duties in a society characterized by high fertility rates, lower standards of education and health; and a concentration of the female labour force in the informal sector. The traditional inferior status of women was reinforced by the predominance of marriages under some form of customary law that limited women's rights. Discrimination manifested itself also at the level of decision-making, from which women were largely absent.

68. There had been encouraging achievements however in the legal and constitutional fields, as well as through policies, programmes and projects. The new draft Constitution of Ghana currently under consideration included extensive proposals to raise the status of women. In particular, it contained provisions guaranteeing the property rights of women in marriage and less discriminatory conditions for the acquisition of citizenship through marriage. The Ghanaian national machinery for the advancement of women, the National Council of Women and Development, had been closely associated with developing those constitutional proposals. The work of the National Council of Women in Development, which was moving from a project approach to the integration of women's concerns into the policies, plans and programmes of key sectoral ministries, was complemented by the activities of different non-governmental organizations.

69. In commenting on the various articles, the representative of Ghana drew the attention of members of the Committee to several governmental or non-governmental programmes and projects, such as affirmative action in the field of education, the primary health-care programme targeting women and children and a range of income-generating projects, particularly in rural areas. The representative also described new legislation introduced in the field of intestate succession and the registration of customary marriage and divorce. Such programmes had improved women's rights but were not adequately known and taken advantage of by women.

70. In its general comments, the Committee expressed its appreciation of the fact that Ghana had ratified the Convention without reservation, and its frank and comprehensive report giving a clear picture of the real situation of women in Ghana as well as obstacles to the improvement of their status. The efforts made by Ghana to overcome discrimination and the priority given to health,

education and changing attitudes were praised, especially in the light of the difficult economic conditions faced by Ghana. Members underlined the active role of the National Council of Women in Development and welcomed its new orientation towards integrating women's concerns into macro-level policies and programmes. More information was requested on the law under which Ghana had been ruled since the suspension of the 1979 Constitution.

71. Members expressed their concern about the persistence of polygamy, discriminatory inheritance systems, high female illiteracy and maternal mortality. They also noted the lack of recognition and value placed on women's work in rural areas, and the new threat of the HIV/AIDS pandemic. Members would have welcomed more statistics on changes in the de facto situation of women, and asked why the number of female-headed households was increasing.

72. Members acknowledged that the report had to be viewed against a background of specific cultural attitudes, which had a bearing on the situation of women in Ghana and the coexistence of different systems of laws.

73. Noting the importance of the tasks facing Ghana, members stated that the National Council of Women in Development and non-governmental organizations had an important role to play in complementing government action. They expressed concern however that the link between those organizations and the National Council of Women in Development should remain flexible and that coordination between non-governmental organizations should take into account their respective mandates. Members hoped that the Fourth World Conference on Women would serve as a target and an impetus for achieving results, and wished to be kept informed. With regard to international aid, members asked whether women had the opportunity of participating in decisions on the allocation of development aid.

74. Referring to article 2, members enquired whether it would be possible to reduce customary laws that discriminated against women and to move towards only one legal system.

75. Turning to article 3, they asked whether the Government had provided incentives such as training or other measures for women to work outside the home. With regard to Ghana's national machinery for the advancement of women, members suggested that it be given more power and money in a process of decentralization and enquired about its organization and budget.

76. On article 4, members welcomed the reference in Ghana's oral presentation to the introduction, on a temporary basis, of special measures to accelerate equality between men and women. They noted the ongoing re-examination of all civil codes in order to repeal provisions discriminating against women, and enquired about the time-table for the exercise and the likelihood that any proposed changes would be accepted. Pointing out that such measures were permanent and thus did not fall under article 4, members sought the understanding of the Government of Ghana of that article.

77. Under article 5, Committee members expressed concern about the persistence of cruel widowhood rites. They sought more information on such rites, their impact on women and the frequency of their occurrence. They enquired about programmes to eliminate those rites, and asked whether they targeted men also. Members asked about the existence of other rites involving

violence against women and asked about customary divorce, customary funeral rites and polygamous marriages. They enquired whether the Government had a medium-term plan to eradicate at least the most harmful customary practices for women, and asked whether political leaders had spoken out against such practices.

78. In their additional questions, members enquired about programmes to change stereotyping of women's role and behaviour, and about the success of such programmes. The Committee asked whether non-governmental organizations and women themselves in Ghana struggled against stereotyping, and whether the Convention had been invoked in steps to abolish it. Members expressed the wish to learn more about the Government's future plans for law reform and education programmes to promote societal changes of women's rights and status. They also wondered if there was a way to reconcile de jure rights with the actual social situation of women. Members asked how it was possible that, even in the societal communities where matriarchal principles prevailed, the situation of women was so precarious.

79. Turning to article 6, the Committee asked about research on the root causes of prostitution in Ghana. A query was raised about the number of women practising prostitution, about the existence of legislative protective provisions on that matter, and whether women prostitutes had access to prophylactic methods and information. Members of the Committee also asked whether new actions had been taken since the 1980 national consultation on prostitution and enquired in particular about programmes for the economic reintegration of prostitutes. In relation to general recommendation 15, members asked if Ghana had implemented programmes to prevent the spread of HIV/AIDS among prostitutes and to assist those who were HIV/AIDS infected. They asked about any practical measure taken to deal with young women sent into prostitution to foreign countries, and sought information on the legislation against trafficking of young women and its effectiveness.

80. In relation to article 7, members asked if there were any plans for or discussions on affirmative action to increase the representation of women in politics. They also asked whether there was any governmental activity aiming, through educational programmes, to promote changes in attitudes to encourage women's participation in economic and social planning. Members asked if non-governmental organizations played a role in promoting and educating women, and in giving political support for women's participation in politics. They enquired whether the percentage of women judges and magistrates had increased since 1984.

81. Concerning article 9, members sought clarification on laws determining the nationality of children.

82. With regard to article 10, they queried the reasons for the little use of family planning by Ghanaian women, and the respective roles of cultural patterns, economic necessity and low coverage of family-planning services and education. Members asked what efforts had been made in the area of school and community education on family planning.

83. Stressing the importance of literacy, members enquired about programmes carried out by the National Council of Women in Development to overcome shortages of books. A query was raised about the increase in the absolute number of females aged 6 and above who had never attended school. Members expressed the desire to know whether education was free at all levels. They

wished to have more recent statistics on the number of child-care centres, as well as on their financial costs and asked whether the Government had considered lower cost alternative arrangements for child care.

84. Turning to article 11, members asked in which activities self-employed women were engaged. While the number of female employees in the public sector of the economy was low, they felt that a law guaranteeing equal opportunity at work for placement, promotion, retirement and working conditions would be useful. They also asked whether Ghanaian legislation for equal pay referred to “equal pay for work of equal value” or to “equal pay for equal work”. With reference to general recommendation 17, they asked whether or not the Government had collected data on unremunerated domestic activities.

85. In relation to article 12, members enquired about information campaigns on the spread of HIV/AIDS, sexual education at schools, promotion of preventive measures, such as safe sex, programmes to train traditional midwives and family-planning education targeting men. Female genital mutilation was discussed and members asked whether there had been information programmes on the particular danger for women, as well as programmes to combat or at least reduce female genital mutilation. They also wanted to know what the implications of reduced access to the health system in the context of economic difficulties had been for women and children. A query was made about the percentage of female doctors.

86. In commenting on article 16, members asked about the number of single women and expressed the desire to know whether or not those women could find a job to support an independent life. Noting the coexistence of different types of laws, they requested more information on the number of women living under the different systems of legislation, and on the implication of traditional laws for the status of women. A query was made about the possibilities of moving from one type of marriage to another and the right of women to choose which type of marriage they wished. Members also asked how the Government intended to deal with customary law in the long run, whether that could be done within one generation and whether the Government intended to give priority to education. They also wondered whether changes in the status of women and children under customary law would be welcome. The initiative of Ghana to pass a law dealing with certain problems of women under customary marriage, in particular intestate succession and widowhood practices, was welcomed. Some members asked whether legislation had been passed to deal with wife-beating, and questions were asked relating to problems of maintenance and property rights of children under customary law.

87. In relation to the enjoyment and disposition of property in article 16, members referred to succession patterns, and noted that new intestate succession laws did not seem to be observed. They wondered if all women, especially the younger generations, accepted customary limitations on a wife’s right to her husband’s property. They also asked for clarification of the reference made to “maternal inheritance to stool” in paragraph 57 of the report.

88. In replying to questions raised by members, the representative of Ghana stated that the lack of available data had made it difficult for the delegation to provide statistics on a number of issues.

89. Responding to general questions raised by members, she gave some clarification of the

fundamental law governing Ghana since the suspension of the 1979 Constitution. Most of the general provisions of the 1979 Constitution had been re-enacted by the Provisional National Defence Council Law 42, which had suspended the Constitution. Answering a question on the increasing number of female-headed households, she said it was caused mainly by male emigration, male irresponsibility and the breakdown of marriages due to economic and other factors. An additional factor was that many educated and economically independent women desired to have children out of wedlock.

90. Turning to article 2 and the question of the possibility of moving towards a unified system of law, she stated that there had been an ongoing effort to minimize the conflicts between State and traditional law. When such conflicts occurred, State law prevailed.

91. On article 3, in reply to a question on measures to encourage women to work outside their homes, she noted that Ghanaian women had always been economically active both inside and outside the home, until beyond the official retirement age of 60, because of the concentration of the labour force in agriculture and the informal sector.

92. Answering additional questions under article 3, she provided the Committee with information on the Ghanaian national machinery for the advancement of women. The National Council of Women and Development was an autonomous government agency that reported to the Government. Its budget in 1992 was about \$US 400,000. A 15-member Council supervised the work programme of the organization. The Council included both male and female members and representatives of key sectoral ministries, and was chaired by the Ghanaian expert currently serving on the Committee. Current activities were carried out by a national secretariat, of which she was the head. The national secretariat has 10 departments in charge of plans and policy analysis, human resource development, aid and project coordination, research, statistics and management information, finance and administration. There were regional and district offices. The National Council on Women and Development was increasingly working with and through non-governmental organizations and coordinated their efforts. Its major concerns included awareness-raising for women and for society as a whole, increased visibility of women in public and political life, increased government support to the private sector and maximization of funds available to women's groups engaged in gender-specific activities.

93. Regarding article 4, she said that the Government had no stated position, but was willing to institute temporary measures when necessary. She gave examples, such as the allocation of seats to women and women's groups in the Consultative Assembly, which was drafting a new Constitution for the country. In reply to a question on the time-frame for a revision of legislation discriminating against women, she noted that there was no stated time-frame but the interest of the Law Reform Commission and other bodies gave hope that action would be taken on the matter as early as possible. Subsequent revisions could be expected given the goodwill of the Government, illustrated by its acceptance of the proposals of the National Council on Women and Development for the new draft Constitution. Discrimination was however embedded in the society, and not only in its laws.

94. Regarding article 5 and questions asked by the Committee on widowhood rites, she informed the Committee that those varied from one ethnic group to another. She gave examples of such rites,

which included physical offences, shaving the heads of widows and insults by the family-in-law. There had been cases of women successfully contesting such offences in court. Answering questions on action taken to combat such rites, she said that there were vigorous campaigns by the Government, the National Council on Women and Development and non-governmental organizations for ethnic groups to abandon such practices. Educational campaigns on that matter were directed at both men and women. Several male traditional rulers had accepted the legislation on widowhood rites and subsequently issued edicts. In reply to a question on the statistical frequency of violence against women, she stated that, while the incidence of such rites was acknowledged in Ghana, it was currently difficult to obtain reliable data on it due to sociocultural and economic constraints. On whether the Government had a plan to eradicate traditional practices harmful to women, she mentioned the National Council on Women and Development's medium - and long-term plan to strengthen measures to change such practices. Turning to stereotyping and a question on governmental support to campaigns by non-governmental organizations against it, she mentioned that the Government had over the years supported such organizations through the allocation of subventions. No statistics were available on the amounts involved. In reply to a question on the success of campaigns to change the moral values of society, she recognized that the programmes had been moderately successful and that efforts were being pursued throughout the country. She also noted that the ideas and realities about women's traditional dependence on men were slowly changing as a result of women's increasing role in the economic maintenance of the household. Turning to a question on women's perception of their situation under traditional law in general, she mentioned that studies being undertaken by the Government, the national machinery and universities on that issue revealed woman's displeasure with several of the traditional practices. In response to the Committee's queries on the situation of women in matriarchal communities, the representative stated for the record that any reference to "matriarchal and patriarchal" in the report should read "matrilineal and patrilineal". Matrilineal inheritance occurred in Ghana essentially under the "patriarchal system of control", which actually limited the rights of women. Around 40 per cent of the population was under the matrilineal system and 60 per cent under the patrilineal.

95. With regard to prostitution under article 6, she informed the Committee that research had been carried out on its causes. It was often economic necessity that pushed many women into prostitution. Longer term measures to reduce prostitution had included programmes to encourage unemployed women to attend training courses and school programmes to increase future economic independence. On the prevention and treatment of HIV/AIDS among prostitutes, she mentioned educational programmes carried out in particular by the Ministry of Health, the National Council on Women and Development, non-governmental organizations and church groups. There was also a national programme to provide prostitutes with contraceptives.

96. She answered the Committee's question on the efficiency of legislation against trafficking in young women by indicating that, due to the nature of the problem, it was difficult to ensure the effectiveness of legislation in that respect. However, the law did not spare culprits. On a question on programmes addressing trafficking in young women, she pointed out that Ghanaian consulates provided such services as legal aid and repatriation to women victims of prostitution or trafficking. Such services were however provided only for cases brought to the attention of the consulates, which represented limited numbers, owing to the fear of repatriation or the preference for avoiding official interference in personal matters.

97. On article 7, she answered a query about practical measures to increase women's participation in public and political life, stressing that educational activities and awareness programmes had been carried out by the National Council on Women and Development and non-governmental organizations to pursue that goal. In reply to a question on the allocation of development aid, she stressed that aid coordination in Ghana was undertaken by the International Economic Relations Division of the Ministry of Finance and Economic Planning, where a number of women served in very high decision-making positions. The National Council on Women and Development was also represented on a national body coordinating decisions on the allocation of aid, and had a unit especially in charge of ensuring that women benefited from donor-assisted projects.

98. Regarding article 8 and the clarification asked about the nationality of the child, the representative referred to the Provisional National Defence Council Law 42, which had suspended the Constitution. It stipulated that a person born in Ghana would become a citizen of Ghana if either of his parents or grandparents was or had been a citizen of Ghana. A person born outside Ghana would be a citizen of Ghana if either of his parents was a citizen of Ghana. A child below 16 years of age could obtain Ghanaian nationality through adoption by a citizen of Ghana.

99. Turning to article 10 and the question of the limited use of family planning, she explained that the low use of family planning was due to the high premium placed on child-bearing and the fact that many rural families needed large families for economic activities. Family-planning education was readily available and programmes had been implemented by a number of national and international agencies to sensitize society to the advantages of spacing births and of smaller families. On education and literacy, she confirmed that tuition was free at all levels. Answering a question on the increased number of girls aged six and above who had never attended school, she pointed out that the proportion of uneducated girls had been decreasing, while the absolute numbers increased. She also indicated that the economic difficulties had forced many parents to withdraw their children from school and introduce them to small trading on local markets. In answer to a question on action to provide reading materials to the Ghanaians, she pointed out that such material in English and major local languages had been designed and produced as part of the efforts to eradicate illiteracy. A newsletter by the National Council on Women and Development, textbooks and other reading materials for basic or other types of education were also available. In reply to a question on child-care, she pointed out that crèches sponsored by individuals or groups of individuals complemented those sponsored by the Government and non-governmental organizations. The latter tended to be cheaper than the former, since they received subsidies. Extended families continued to play an important role in child care.

100. On article 11 and a question on self-employment, she mentioned small-scale industries, such as food-processing and crafts, agriculture and petty trading, as some of the main activities involved. Referring to the members' views that a law guaranteeing the rights of women at work was necessary, she said that the Labour Decree and Industrial Relations Act, among others, provided for maternity leave and job security during pregnancy. The ILO Convention (No. 45) concerning the Employment of Women on Underground Work in Mines of all kinds had also been ratified. Answering a query on equal pay for work of equal value, she informed the Committee that the legislation of Ghana referred to "equal pay for equal work". On the issue of measurement of unremunerated housework, she said that the Ghanaian Statistical Service was working to improve its statistics on the gross national product (GNP) and particularly on household income.

101. In relation to article 12, she answered questions on programmes for the prevention of AIDS. Such programmes were being implemented by the Ministry of Education, the Ministry of Health and religious organizations. Turning to the Committee's concern to combat female circumcision, she stated that considerable efforts and resources were being employed by the Government and the National Council on Women and Development. They included educational programmes on the harmful effects of female circumcision, seminars and discussions. Non-governmental organizations were also active in the field, and she gave the example of the Association for Women's Welfare, which had it as one of its main priorities.

102. Answering questions under article 16, she gave clarifications on the situation of single women. Their number was difficult to estimate but it was clearly increasing. With regard to their ability to earn an independent living, she noted that they were free to engage in any remunerative activities.

103. Turning to questions on the coexistence of different systems of law related to marriage, she added much information. Women were largely free to opt for the marriage of their choice. Answering a query about legislation on wife-battering, she said that, while it was generally condoned in traditional society, it was an offence punishable under the Criminal Code.

104. She answered a question on action to increase awareness of the intestate succession law. There were a number of educational programmes being carried out by the National Council on Women and Development throughout the country. For example, posters had been distributed to encourage women to make a will. In addition, legal literacy programmes were conducted by non-governmental and international organizations. In response to the Committee's request, she clarified the concept of "maternal inheritance to stool". When a chief died in a matrilineal society, she explained, the throne (stool) was given to his sister's son, or if he did not have a sister, to a maternal cousin's son.

105. In concluding, the Chairperson expressed the appreciation of the Committee for the frankness of the report on Ghana. The Committee praised the efforts made to organize the report and to present numerous aspects of the situation of women. That was especially laudable because Ghana was a developing country. The report and the discussions had showed that problems being faced by women in Ghana were related to tradition and customary practices. The Committee noted with great appreciation the efforts made to review the codes. Illiteracy remained one of the problems faced by women and was linked to social, cultural as well as historical situations. The Committee noted the lack of statistics and the attempts made by the Government of Ghana to provide more statistics on different aspects of the situation of women. The Committee praised the programme of the National Council on Women and Development to overcome discrimination against women, and particularly the efforts to increase the number of women in decision-making positions and to raise awareness. It stressed the importance of the Government's support for that programme and noted that there was awareness of the problems faced by women by those in charge by their fate.