

GHANA 11/

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were satisfactory, in the sense that they furnished all or most of the required information, and which reports were unsatisfactory or incomplete and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party's report (or reports) was satisfactory or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ... Ghana ...

11/ For the Committee's consideration of the third periodic report of Ghana at the tenth session, see paragraphs 180-183 below.

CERD 29TH No. 18 (A/9618) (1974)

86. The second periodic report of Ghana and the supplement thereto, along with the information submitted in accordance with the Committee's decision 3 (VII), were viewed as evidence of continued co-operation with the Committee. The Government of Ghana was congratulated on the establishment of the Ghana National Committee on Apartheid and thanked for the information it supplied on the activities of the Ghana United Nations Association; these measures were viewed as instances of positive action to apply the provisions of article 2, paragraph 1 (e), and article 7 of the Convention. Interest was expressed in receiving more information in future reports on those organizations and their achievements. Appreciation was expressed also for the information indicating that Ghana maintained no relations of any kind with South Africa and Southern Rhodesia, prohibited the importation of any goods made in those countries, and denied its port facilities or air space to their ships or aircraft.

87. It was noted that there was need for more information on the legislative measures which give effect to the provisions of the Convention. The texts of relevant legislative provisions were requested, since many of the provisions enumerated or referred to in the present reports were not provided. The Avoidance of Discrimination Act, cited in connection with article 4 of the Convention, was not as extensive in its scope as the article itself. Article 12 of the 1969 Constitution, which provided that every person should have unimpeded access to the courts and was thus directly related to article 6 of the Convention, did not satisfy all the requirements of that article; more information was needed on the remedies available, on the jurisdiction of the courts, and on whether there were any administrative tribunals. Regarding the prohibition of the importation of goods from South Africa and Rhodesia, it was pointed out that the reports did not specify the laws and regulations in which that prohibition was laid down, did not make it clear whether the export of goods to those two countries was also considered an offence, and did not provide information on the legal provisions, if any, that enforced the trade sanctions against the racist regimes.

88. Aware of the fact that the third periodic report of Ghana was already on its way and would be considered at the tenth session, some members refrained from participation in the consideration of the reports currently before the Committee pending the receipt of the more up-to-date report.

89. The representative of the Government of Ghana, besides giving clarifications in response to some specific questions addressed to him, assured the Committee that the third periodic report included very detailed information concerning measures adopted to give effect to the provisions of the Convention.

CERD 29TH No. 18 (A/9618) (1974)

180. The Committee noted that, although no new developments relevant to the implementation of the provisions of the Convention had occurred since the submission of Ghana's second periodic report, the third periodic report before it contained extensive and detailed information amplifying and supplementing the information supplied in the past, with particular reference to the measures adopted by the reporting State to implement the resolutions of the competent organs of the United Nations regarding the racist regimes in southern Africa and also to the activities of the National Committee on Apartheid. The Committee welcomed the fact that the texts of relevant legislation were embodied in an annex to the report.

181. Although the information submitted by Ghana in response to the Committee's decision 3 (VII) had already been considered at the ninth session, in conjunction with the Committee's consideration of the second periodic report of Ghana (see paras. 86-89 above), that information was considered again at the tenth session. The Committee found that sections 3 and 4 of the Avoidance of Discrimination Act of 1957 met some of the requirements of article 4 of the Convention, but not those required by the provisions of paragraph (a), which related to activities conducted by individuals, nor the provisions of paragraph (b), relating to members who did not have "the management control" of organizations.

182. Referring to the nine principles enumerated in the report and described as principles which underscore the liberties of the individual, some members asked whether they were more than theoretical principles, whether they were supplemented by laws or regulations prohibiting racial discrimination in specific areas; how they were applied to practice, particularly by the courts; and how they might have been affected by the suspension of the Constitution of 1969. The procedures and agencies which might be available to individuals who felt that they had been victims of racial discrimination were the subject of another inquiry. Some members inquired whether the policy of "racial integration" followed by the Government of Ghana - by virtue of which the word "tribe" had been "removed from all official documents" and citizens had been "asked to consider themselves Ghanaians" - was not tantamount to an attempt at nation-wide assimilation.

183. The representative of Ghana stated that he had taken note of the comments on the degree to which the Avoidance of Discrimination Act of 1957 met the requirements of article 4 of the Convention; he informed the Committee that discussions were in progress in Ghana with a view to carrying out a general review of the country's legislation; and, in reply to one of the questions mentioned in the preceding paragraph, he stated that, at present, the only remedy available to persons who had been victims of racial discrimination lay in recourse to the courts.

CERD A/33/18 (1978)

326. The fourth and fifth periodic reports of Ghana, submitted in one document as requested by the Committee (A/32/18, para. 60 (g)), were considered together with the introductory statement made by the representative of the reporting State. The Committee noted with appreciation that the report contained comments on the observations and inquiries made by its members during the consideration of the second and third periodic reports at the ninth and tenth sessions respectively (A/9618, paras. 86-89 and 180-183).

327. The question of the extent to which the legislation of Ghana satisfied the requirements of article 4, subparagraphs (a) and (b), of the Convention - which had been discussed at earlier sessions (ibid., paras. 87 and 181) - was discussed again at the eighteenth session. It was noted that the report conceded that the Avoidance of Discrimination Act of 1957 (No. 38) did not deal specifically with racial discrimination and that there was no legislation in Ghana dealing with dissemination of racist ideas or with incitement to racial discrimination. Nevertheless, the report asserted that "the law as it stands at present can cope with any racial problem" - through application of sections 182 A and 183 of the Criminal Code and "depending on what interpretation is given to the expression "public good". It argued that "what is "public interest" depends largely on the policy of the Government", and that "it can be safely surmised that the Government will prohibit the dissemination of racial ideas". Members of the Committee observed that the concept of "public interest" was too vague to be useful in a juridical context and that the legal situation was not enough to ensure compliance with the requirements of the Convention for explicit prohibition of racial discrimination; and they urged the Government of Ghana to remedy the situation and to include in its contemplated new Constitution more precise provisions relating specifically to racial discrimination. The Committee was of the view that the provisions of the Criminal Code mentioned in the reports of Ghana did not fully meet the requirements of article 4 of the Convention, compliance with which is mandatory.

328. It was noted that past requests for more information on the application of article 6 of the Convention (A/9618, paras. 87 and 182) had not been satisfied in the document under consideration, and the hope was again expressed that the Government of Ghana would supply the relevant information in its next report.

329. While welcoming again the information given in the report about the National Committee Against Apartheid, one of whose aims was to give effect to the provisions of article 7 of the Convention, members of the Committee expressed the hope that more information on the programmes and activities of that body would be supplied.

330. The activities through which solidarity with the liberation movements was manifested were commended.

331. The representative of Ghana assured the Committee that the comments and inquiries made by its members would be conveyed to his Government so that it could take them into account when preparing

its next periodic report.

CERD (A/38/18) (1983)

348. The sixth and seventh periodic reports of Ghana (CERD/C/91/Add.21) were introduced by the representative of the reporting State, who pointed out that in response to the observations made by the Committee at the time of its consideration of his Government's previous reports, provisions fulfilling the mandatory requirements of article 4 of the Convention had been included in the Constitution promulgated in 1979. He also stated that, although that Constitution had been suspended by the Provisional National Defence Council (PNDC) which had come to power at the end of 1981, the human rights and non-discrimination provisions of the Constitution had been retained and reaffirmed in PNDC Law 42 of December 1982. In addition, he drew the attention of the members of the Committee to further information, provided at their request, on the implementation of Ghana of articles 6 and 7 of the Convention.

349. The Committee commended the Government of Ghana for the comprehensiveness of its report and, in particular, for its major contribution to the struggle against racism, racial discrimination and apartheid at the international level.

350. However, the Committee expressed concern with regard to the information on the suspension of the 1979 Constitution of Ghana, especially because the report referred constantly to that Constitution without explaining which of its provisions remained in force. It was observed that even if the provisions and all the laws on human rights and non-discrimination remained in effect, it was not possible to divorce the provisions on human rights from the rest of the legislation. The articles of the Constitution relating to basic human rights, at least, should have been included in the report to enable the Committee to judge whether they adequately reflected the provisions of the Convention. On the contrary, the legislative measures referred to in the report did not meet all the requirements of the Convention and it was the opinion of several members that the Government of Ghana should enact laws which fully applied its provisions. In that connection, members of the Committee wished to know the composition of the Provisional National Defence Council, which had legislative powers, and whether the Council was expected to act as a constituent assembly to draw up a new constitution. They also wished to have information on the political and social structures envisaged for the country by the Council, and on the decentralization plan designed to introduce the new structure of local governments. It was asked what was the exact scope of the measure taken to abolish the Ghanaian judicial system and to replace it with people's courts: why that measure had been taken and whether it was permanent or temporary, how it was possible for the courts to apply laws declared suspended and whether any new developments in the application of laws by the Ghanaian courts had occurred since July 1982. It was asked also whether the system of legal rehabilitation existed in Ghana in the case of a person who had been disqualified from election to the Parliament by a law in force or had been convicted of an offence relating to, or connected with, election under a law in force in Ghana, as provided for by article 77 of the Constitution. Furthermore, it was stated in the report that the rights and freedoms of the individual were subject to respect for the rights and freedoms of others and the public interest, and it was asked what was the definition given by the Ghanaian authorities to the term "public interest".

351. The Committee also expressed the wish to receive information on the demographic composition of the population of Ghana with regard, in particular, to the ethnic and linguistic groups, which would be useful especially to ascertain whether the rights enumerated in article 5 of the Convention were equally respected in all sectors of the population of Ghana. It was asked, in that connection, how the population census was taken in Ghana and whether there had been any studies on the racial composition of the different regions.

352. With reference to article 1, paragraph 4, of the Convention, one member of the Committee wished to know what concrete measures the Government of Ghana had adopted to ensure the development of those racial groups that might have lagged somewhat behind. With reference to article 2, paragraph 1 (e), of the Convention, another member wished to know the reasons given by a court in Ghana for its decision on the *Whittaker vs. Choiteram* case concerning the administration of an association established to foster racial harmony with other countries.

353. In connection with article 4 of the Convention, reference was made to the statement contained in the report that there had never been any racial discrimination in Ghana and that it had therefore never been found necessary to adopt any measures other than judicial to eliminate it. It was observed that criminal court decisions were not sufficient to constitute compliance with the provisions of article 4 of the Convention and that the Avoidance of Discrimination Act, 1957, referred to in the report, showed that the Government of Ghana had at one time made provision for the existence of tribal, regional, racial or religious discrimination or even taken note of the fact that such discrimination existed. In addition, it was important to ascertain whether there were court decisions on breaches of article 31 of the Constitution, which referred to discrimination or other articles on fundamental human rights, and how redress was afforded by the courts. The request was therefore made that documents relevant to the implementation of article 4 of the Convention would be made available to the Committee, and it was suggested that the Government of Ghana should enact legislation designed to give the force of law to the provisions of the Convention. With particular reference to article 4, paragraphs (b) and (c), clarification was requested on the legal provision concerning sentences of imprisonment which could be imposed on offenders, which court had jurisdiction in cases of acts contrary to the Constitution committed in abuse of authority, and how such cases were dealt with under the judicial authority.

354. As regards article 5 of the Convention, members of the Committee wished to know what legal status foreigners had in Ghana and what the official policy was on the problem of transnational ethnic groups, especially since dual citizenship was not accepted in Ghana, whether anyone was without a nationality and whether there were agreements with other countries to facilitate the voluntary and orderly return of their nationals residing in Ghana. With regard to the phenomenon of migration of workers between Ghana and the neighbouring countries, information was requested on the protection of their rights and on laws and bilateral agreements regulating their recruitment wages, working conditions and freedom of movement. It was also asked what sanctions had been provided to enforce the Education Act 1961, under which no person was to be refused admission as a pupil to any school on account of the religious persuasion, nationality, race or language of himself or of either of his parents.

355. With reference to article 6 of the Convention, it was asked whether the fact that the existing courts

in Ghana were not to interfere with the functioning of the people's courts meant that decisions of the people's courts were not appealable. The wish was also expressed that the text of the Ombudsman Act be made available to the Committee.

356. With respect to article 7 of the Convention, more information was requested on education policy, teaching of the culture of other ethnic groups, the role of the information media and the existence of bilateral agreements on cultural exchanges. It was also asked whether any attempt had been made to publicize the provisions of the Convention among the Ghanaian people.

357. Replying to some of the questions raised by members of the Committee, the representative of Ghana expressed the opinion that it was not impossible to retain some elements of the 1979 Constitution of Ghana and suspend others; however, he would convey to his Government the recommendation made by members of the Committee concerning the enactment of Ghana of appropriate national legislation to meet all the requirements of article 4 of the Convention. He also explained that the abolition of the judicial system had been recommended in a resolution issued by some groups of members of the Accra and Tomale people's and workers' defence committees. The Government, however, had formulated a statement making it clear that the resolution lacked the force of law and that the judicial system established before the Provisional National Defence Council had come to power remained in existence.

358. The representative also stated that information on the demographic composition was not available because the planned national census had not yet been carried out. However, projections based on the 1960 census indicated that Ghana had a population of between 12 and 14 million inhabitants and that there were 60 ethnic groups.

CERD A/42/18 (1987)

151. The eighth periodic report of Ghana (CERD/C/118/Add.28) was considered by the Committee at its 757th meeting on 7 March 1986 (CERD/C/SR.757).

152. In introducing his country's report, the representative of Ghana stated that it was mainly a response to questions raised by the Committee during consideration of Ghana's sixth and seventh periodic reports.

153. Members of the Committee appreciated the fact that Ghana had endeavoured to fulfil its reporting obligations despite the exceptional circumstances in the country. They pointed out, however, that the report had not been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.1). They also stated that it would be useful, in order to assess the situation, to have some information about the various ethnic groups in Ghana. In that connection, the question was posed as to why it was illegal, as stated in the report, for any individual or establishment to collect and disseminate information on the ethnic composition of the population. One member noted that the report did not reflect the fact that, although the Constitution had been suspended, its fundamental human rights provisions were being applied. Further information on the constitutional situation in Ghana was requested.

154. Members of the Committee welcomed the information on the Directive Principles of State Policy; they indicated, however, that the provisions of Law 42 of the Provisional National Defence Council were so general that it was impossible to ascertain whether the provisional political and legal order in Ghana was in keeping with that country's obligation under the Convention in every respect. The reporting State should clarify whether Law 42 had the effect of doing away with fundamental rights altogether. It appeared to be a complete law in itself, containing no references to which articles of the suspended Constitution were in effect. Section 1 (1) of Law 42 did not refer to substantive rights.

155. With respect to Law 42 of the Provisional National Defence Council, additional information was requested on how the goal of achieving social justice was being translated into positive action and what the Government's strategy was for remedying imbalances resulting from earlier social patterns. It was asked whether the Provisional National Defence Council had undertaken any review of provisions, policies, laws and regulations that might be regarded as having given rise to the structure of injustice and exploitation referred to in the report. Clarifications were also sought as to how disparities between ethnic groups were being overcome and whether Ghana was considering the enactment of any special legislation dealing with ethnic discrimination. It was pointed out that it would be interesting to have statistical information on education, illiteracy, income levels and social services. Information was requested regarding the criteria used by the National Commission for Democracy in identifying the real needs of the deprived sectors of the community, the results of the Commission's work and the special plans to ensure the adequate development of such sectors of the community.

156. Information was requested in relation to article 3 of the Convention regarding Ghana's position on apartheid.

157. With reference to the implementation of article 4, members drew attention to the fact that the texts requested by the Committee relevant to the implementation of that article had not yet been provided. It was pointed out that criminal court decisions were not sufficient to constitute compliance with the provisions of article 4 and that the 1957 Avoidance of Discrimination Act showed that the Government of Ghana had a one time made provision for the existence of tribal, regional, racial or religious discrimination.

158. As far as article 6 of the Convention was concerned, members wished to receive information on judicial recourse procedures in Ghana, particularly on how expeditious such procedures were and whether remedies similar to habeas corpus and amparo existed in the country, and on the enforcement bodies that dealt with cases of alleged discrimination on grounds of ethnic origin. It was asked whether such cases fell within the purview of public tribunals or that of the judicial system. They also wished to know whether any complaints of alleged discrimination on the part any government authority had been made under the Ombudsman Act of 1980 and what action had been taken and whether any changes had been made in the country's criminal legislation in order to deal with cases of ethnic discrimination.

159. The representative of Ghana stated that the Committee's comments and questions would be conveyed to his Government, which would communicate its reply in due course.

CERD A/43/18 (1988)

149. The Committee considered the ninth periodic report of Ghana (CERD/C/149/Add.13) at its 822nd and 823rd meetings, held on 5 August 1988 (CERD/C/SR.822 and SR.823).

150. The report was introduced by the representative of the State party who, having recalled that the political, economic and social evolution of Ghana had produced legislation and practices which discouraged racism and racial discrimination, informed the Committee that his Government was currently taking measures at the constitutional level to establish a democracy in the country based on participation by all members of the population. In particular, the Government intended to hold elections in 1988 to choose the members of the district assemblies who would participate in the development of the future national political structure. The establishment of those district assemblies should mark the emergence of a new political culture in Ghanaian society. The National Commission for Democracy was continuing to gather different views on the future national political structure and, in particular, had taken due note of the comments made by members of the Committee concerning the provisions of the Convention which should be reflected in the country's national legislation. He said that the ninth periodic report of Ghana was intended to provide a useful update of the information communicated in previous reports, the last one (CERD/C/118/Add.28) having been submitted in 1986.

151. Members of the Committee thanked the Government of Ghana for its report and for the dialogue which it was continuing to maintain with the Committee. At the same time, they pointed out that the ninth periodic report was too general in nature and provided no specific information about the situation in the country. They expressed a desire for more specific details to be included in the next report to permit an overall view of the situation and enable comparisons to be made with previous years, and requested that the report follow the guidelines established by the Committee. Members emphasized the need to have the texts of the laws relevant to implementation of the Convention, because without those texts it was impossible to know whether the provisions of the Convention were effectively incorporated in the national legislation.

152. Concerning the implementation of article 2, paragraph 2, of the Convention, in view of the fact that various ethnic groups existed in Ghana, members of the Committee would welcome information about the prevailing situation in the north of the country.

153. With regard to the implementation of article 4 of the Convention, it was stated that the information thus far received from the Government did not appear to indicate proper implementation of article 4 and the text of the Criminal Code and other legislation giving effect to the mandatory provisions of that article had still not been provided.

154. With regard to the implementation of article 5 of the Convention, members sought clarification as to the current situation concerning the regulations prohibiting the formation of political parties and the conduct of political activities on a tribal, regional, professional, racial or religious basis. More specific information was requested about the kinds of candidates who would be standing at the next

elections, given that the political parties had been proscribed.

155. Information was also requested about the literacy rate in Ghana. Further details were sought concerning the new programme described to improve the employment situation, the measures taken in the area of housing to eliminate slum dwellings and measures taken in the fields of education and health.

156. The representative of the reporting State, having thanked the members of the Committee for the interest they had shown in his country's ninth periodic report, stated that their very useful comments would be brought to the attention of his Government so that they would be taken into account in the preparation of the next periodic report.

157. With regard to the district assembly concept, he indicated that the relevant legislative proposals had not yet been made law. However, the basic outline of the new legislation was already known. In accordance with the general concept, the district assemblies were part of the Government's strategy of promoting grass-roots democracy and were designed to be the highest administrative and political authority in their respective areas, with all local government institutions subordinated to them. He gave a detailed description of the requirements to be met by the candidates for election as members of the district assemblies and of the electoral procedure. The text of the new legislation on that subject would be made available to the Committee once the law had been enacted, probably in time for inclusion in Ghana's tenth periodic report.

158. Turning to the question of the country's demographic composition, the representative pointed out that his Government's aim had always been to ensure that no one was discriminated against on the basis of ethnic origin. As for the relevant statistics, he said that it was difficult to provide the exact breakdown of local population by ethnic group because the population census had been conducted on the basis of administrative regions.

159. With regard to the status of different ethnic groups, the Government of Ghana had consistently endeavoured to improve the situation of vulnerable social groups, in particular those living in the northern part of the country. Since independence, free education had been provided from primary school to the university level, which was one of the measures helping to achieve greater balance and better opportunities for all members of society.

CERD A/47/18 (1992)

128. The Committee considered the tenth and eleventh periodic reports of Ghana (CERD/C/197/Add.7) at its 943rd, 944th and 950th meetings, on 5, 6 and 11 August 1992 (see CERD/C/SR.943, 944 and 950).

129. The report was introduced by the representative of the State party, who pointed out that, since the preparation of the report, fundamental changes had taken place and were still taking place in Ghana. He indicated that Ghana's population had been over 14.5 million in 1990. The population was composed of several ethnic groups speaking various languages, English being the official language. The Ghanaian population was made up of about 43 per cent Christians, 38 per cent traditionally religious persons and 12 per cent Muslims. Ghana's policy was to downplay ethnic differences and forge national unity and integration.

130. The representative of the State party also provided the Committee with information on some recent developments, stating, for example, that the draft Constitution prepared by the Consultative Assembly had been adopted by referendum on 28 April 1992. The Constitution, which would enter into force on 7 January 1993, contained provisions relating to the enjoyment without discrimination of the fundamental rights provided for the Universal Declaration of Human Rights and the international human rights instruments. A review process was now under way to bring Ghanaian laws into line with the provisions of the new Constitution and he quoted those that guaranteed non-discrimination and equal treatment for all citizens. The ban on party political activity had been lifted in May 1992 and a large number of parties had been established. The Political Parties Law prohibited the formation of a political party on ethnic, regional or religious grounds. The representative of the State party also indicated that the National Media Commission Law had recently been adopted and that presidential and parliamentary elections were due to be held in November and December 1992. In addition, the Government of the Provisional National Defence Council had granted amnesty to about 1,000 prisoners in December 1991. He also recalled that Ghana advocated strong measures against countries which practised racial discrimination and demonstrated its opposition to apartheid and its support for the national liberation struggle in South Africa.

131. The members of the Committee thanked the representative of the State party for his cooperation and for the additional information he had provided during his oral introduction. They welcomed with satisfaction the trend towards democratization in Ghana. They indicated that, as a result of that trend and recent developments, there was a gap between the information provided in the report and the existing situation. Noting that the report had not been prepared in accordance with the Committee's guidelines and did not have a general part relating to a social, economic, political and institutional context in which the Convention was being implemented in Ghana, they said that they would like to receive detailed information on the latest population census, the demographic composition of the various ethnic groups, the different linguistic groups, infant mortality by ethnic group, the employment situation and education programmes. They also requested information on the legal system, legislative provisions relating to women and the provisions of the Constitution on the incorporation of international instruments in domestic legislation. In the light of the changes taking place, they wanted to know what

status the 1982 Act on the Proclamation establishing the Provisional National Defence Council would have in future. They also asked for copies of the text of the new Constitution and other laws referred to in the report. They asked what the relationship was between the districts and the Government of Ghana. They also requested information on recent reports of ethnic conflicts in the northern part of the country in which persons had been killed and property had been damaged.

132. With regard to article 3 of the Convention, the members of the Committee noted that, as far as action to combat apartheid in South Africa was concerned, Ghana's position had always been in conformity with the spirit and letter of the Convention.

133. As to article 4 of the Convention, it was asked whether the 1957 Prevention of Discrimination Act was still in force and whether the 1984 Prohibited Organization (Bakwu District) law also applied to the entire territory. The members of the Committee noted that the two 1957 and 1984 laws were not entirely in keeping with the objectives set in article 4 of the Convention and expressed the hope that, as part of its legislative reform, Ghana would adopt a new law that would be fully in conformity with the provisions of that article. Referring to the prohibition of any association based on ethnic or tribal feeling or of any party connected with an ethnic group, the members of the Committee asked whether such a prohibition might not be detrimental to the cultural identity of various ethnic groups and exacerbate ethnic or tribal feelings.

134. Referring to article 5 of the Convention, the members of the Committee noted that the Ministry of Education had recently announced measures to have local language newspapers published in each district. They asked whether the new Ghanaian Constitution guaranteed the exercise of the right to work and whether persons brought before the courts were entitled to the assistance of an interpreter, if necessary.

135. Responding to questions raised by members of the Committee, the representative of the State party stated that the country's statistical regulations did not permit the compilation of data on the demographic composition of Ghana and its linguistic groups. As to the infant mortality rate, it had dropped significantly during the last decade. Concerning the role of international treaties in relation to the constitution, he referred to the obligation under the constitution to promote respect for international law and treaty obligations, and to adhere to the principles enshrined in multilateral instruments. The Convention, which had been incorporated into Ghanaian law in 1966, remained valid under the new Constitution. It would be possible, under this new Constitution, to invoke a provision of the Convention in the courts but, where that provision was not self-executing, a specific enactment would be required. The judicial system would remain unchanged under the new Constitution, consisting of the higher courts and such lower tribunals as Parliament might establish. As to the relationship between the districts and the national political and legal framework, the representative explained that Ghana was a centralized State with 10 regions and 110 districts which were decentralized to a certain degree.

136. Women were guaranteed equal rights to training and promotion, as it had been the policy of successive Governments to promote gender equality in Ghana. The recent disturbances in the northern part of Ghana had in fact been a conflict between two groups of people over land rights.

137. In reply to questions concerning article 4 of the Convention, the representative of the State party stated that the Prohibited Organization (Bakwu District) law of 1984 had a national scope. The provisions of that law did not aim at the elimination of ethnic differences in society, but related to groupings with negative and discriminatory tendencies. Cultural associations, development societies and friendship groups based on ethnicity were not prohibited, but indeed encouraged.

138. With regard to article 5 of the Convention, the representative of the State party confirmed that currently one of the newspapers was published in a local language and that there were plans to publish three other local language newspapers. Referring to the right to work, he stated that according to the provisions of chapter 5, paragraph 24, of the new Constitution, the right to work, to safe and healthy conditions of work, and to equal pay for equal work without distinction of any kind, was guaranteed. While the official language of court proceedings was English, interpretation was provided where necessary, since less than 50 per cent of the population could speak English well.

Concluding observations

139. The Committee noted that, as a result of the important political changes now taking place in Ghana, including the adoption of a new Constitution and the election of a new Government, the report contained in document CERD/C/197/Add.7 was out of date.

140. The Committee welcomed the announcement by the representative of the Government that the legislative measures adopted in the past few years to guarantee the rights of citizens, regardless of their ethnic origin, religion or sex, continued to be in force and would be strengthened when revised in order to bring them into line with the principles embodied in the new Constitution.

141. The Committee pointed out that Ghana's next report should be prepared according to the guidelines adopted for the purpose and should contain all the information not provided in the last report. The Committee needed to have copies of the new Constitution and new laws which had been adopted in order to make a proper assessment of the situation with regard to the implementation of the Convention in the country. It thanked the Government of Ghana for the interest it had shown in maintaining a constructive dialogue with the Committee.

CERD A/55/18 (2000)

373. The Committee considered the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Ghana, which were due on 4 January 1992, 1994, 1996 and 1998, respectively, submitted as one document (CERD/C/338/Add.5), at its 1432nd meeting (CERD/C/SR.1432), held on 22 August 2000. At its 1436th meeting (CERD/C/SR.1436), held on 24 August 2000, it adopted the following concluding observations.

1. Introduction

374. The Committee notes the reports submitted by the State party, while regretting the late submission of the twelfth, thirteenth and fourteenth periodic reports, and expresses its appreciation for the additional oral information provided by the delegation. The report was not adequately prepared in accordance with the Committee's guidelines for the preparation of States parties' reports.

375. The Committee notes that the report does not contain information on implementation of most of the concerns and recommendations expressed by the Committee in the concluding observations on the eleventh periodic report (A/47/18, paras. 128-141).

2. Positive aspects

376. The Committee notes with appreciation the State party's policy of preventing the exploitation of ethnic differences and commends the State party for the degree to which its population of more than 50 ethnic groups has avoided serious, prolonged conflict.

377. The Committee notes that article 17 of the 1992 Constitution guarantees equality before the law and prohibits discrimination on the basis of gender, race, colour, ethnic origin, religion, creed or social and economic status. It notes with interest the definition of discrimination provided under article 17, paragraph 3, of the Constitution as treatment resulting in disabilities or restrictions on some persons which are not imposed on others or resulting in privileges or advantages for some persons which are not afforded to others.

378. The Committee welcomes the establishment in 1993 of the Commission on Human Rights and Administrative Justice to protect human rights, particularly the right to be protected from racial discrimination. The Committee takes note of the capacity of the Commission to investigate violations of fundamental rights and freedoms following a complaint or on its own initiative, as well as the binding nature of its decisions on the parties. The Committee notes also the establishment of the National Commission for Civic Education and welcomes its activities in the field of human rights education and training.

379. The Committee commends the State party for adopting measures that outlaw the practice of slavery known as "Trokosi", which affects solely females in the Ewe ethnic group, and encourages the State party to strictly enforce the criminal sanctions for violations.

3. Concerns and recommendations

380. The Committee is concerned at the lack of detailed information regarding the implementation of constitutional guarantees against racial discrimination, the legal status of the Convention under Ghanaian law, and the extent to which existing legislation is sufficient to ensure the implementation of articles 2 through 6 of the Convention. The Committee recommends that the State party conduct a detailed review of relevant legislation to ensure that it implements fully the provisions of the Convention and that the State party include in its next report detailed information in this respect.

381. The Committee notes with concern that there are continuing tensions between ethnic groups in the northern region of Ghana and recommends that the State party take immediate and effective steps to address the root causes of these tensions.

382. In this context, the Committee takes note of information concerning the existence of a Permanent Peace Negotiating Team set up to mediate and seek peaceful settlement of conflicts that arise among different ethnic groups, particularly those based on disagreements regarding chieftancy, succession and land title issues, while regretting the lack of detailed information with regard to its functioning, mandate and composition. The Committee requests that the State party provide such information in its next report.

383. The Committee notes the lack of detailed information provided about the work of the Commission on Human Rights and Administrative Justice and the Commission's handling of cases regarding racial discrimination. The Committee recommends that the State party provide in its next report information on any complaints handled by the Commission that may have addressed instances of racial discrimination.

384. The Committee regrets the lack of information in the report concerning the demographic composition of the country. The Committee recalls that it drew attention to this issue in its last concluding observations. In accordance with paragraphs 8 and 9 of its guidelines on the form and content of States parties' reports, the Committee recommends that the State party provide the Committee in its next report with statistical data regarding socio-economic status, participation in public life and other relevant information concerning different ethnic groups.

385. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

386. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be

considered.

387. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of the States Parties to the Convention.

388. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised in the present concluding observations.

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103. The Committee considered the sixteenth and seventeenth periodic reports of Ghana, which were due on 4 January 2000 and 2002, respectively, and were submitted as one document (CERD/C/431/Add.3), at its 1574th and 1575th meetings (CERD/C/SR.1574 and CERD/C/SR.1575), held on 17 and 18 March 2003. At its 1581st meeting (CERD/C/SR.1581), held on 21 March, it adopted the following concluding observations.

A. Introduction

104. The Committee welcomes the detailed report submitted by the State party and appreciates that the high-level delegation of the State party included a member of the Commission for Human Rights and Administrative Justice (CHRAJ) of Ghana. It commends the delegation for providing the Committee with comprehensive additional information.

B. Factors and difficulties impeding the implementation of the Convention

105. The Committee notes that the insufficient education infrastructure, the high illiteracy rates in certain areas in Ghana, as well as the existence of some negative traditional practices constitute impediments to the full implementation of the Convention.

C. Positive aspects

106. The Committee notes with appreciation the quality of the report and the frankness and openness with which the State party has dealt with the situation in Ghana relevant to the Convention.

107. The Committee appreciates the approach adopted by the State party that seeks to respect the customs and traditions of various ethnic groups on its territory, while at the same time enhancing the enjoyment of human rights for all. It further notes that, under article 26 of the Constitution, which protects cultural rights, customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.

108. The Committee notes with satisfaction the important role played by the CHRAJ in the protection of human rights, particularly the right to be protected from racial discrimination and intolerance, as well as the activities carried out in the field of human rights education and tolerance by both the CHRAJ and the National Commission for Civic Education (NCCE). The decentralized set-up of the CHRAJ and its ongoing cooperation with civil society are noted with satisfaction; the Committee considers that these are good ways to reach out to people and to secure better implementation of the Convention.

109. The Committee welcomes the ongoing process of elaboration of a national plan of action to combat racism and the involvement of non-governmental organizations in this regard.

110. The Committee appreciates the assurance given by the delegation that the Government of Ghana will give serious consideration to the possibility of making the declaration provided for in article 14, as well as to the ratification of the amendments to article 8, paragraph 6, of the Convention. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002 in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

D. Concerns and recommendations

111. The Committee is concerned that the existence of ethnic discrimination persists as an undercurrent in Ghanaian society and that, according to a 1997 survey, 25 per cent of respondents felt discriminated against due to their tribal origins. The Committee recommends that high priority be given to the eradication of discriminatory practices and racial prejudices in Ghana, through the strengthening of education in general and of human rights education programmes in particular, the criminalization of acts of racial discrimination and effective punishment.

112. The Committee is particularly concerned about the occurrence of sporadic violent ethnic conflicts in Ghana and welcomes the efforts undertaken by the State party in this regard. It notes, in particular, the role of traditional and religious leaders in the resolution of conflicts relating to land and chieftaincy or involving customary law. The Committee requests the State party to include, in its next periodic report, more information on the roots of such conflicts, on the kinds of settlements generally reached and on the concrete measures adopted to prevent their recurrence. It also requests further information on how the District and Regional Security Councils operate in practice.

113. The Committee expresses its concern about the existence of certain negative traditional practices that, according to the report, discriminate against people on racial or ethnic grounds, in particular in cases of interracial or inter-ethnic marriages. The Committee wishes to receive information on the measures adopted to eradicate such practices.

114. While noting the legislative and other measures adopted to eradicate practices that are harmful to the health and dignity of women, the Committee is concerned that some practices, in particular female genital mutilation, degrading treatment of widows and the Trokosi system, still occur, and wishes to be further informed of their ethnic dimensions. The Committee encourages the State party to continue its efforts in this field and refers the State party to its general recommendation XXV (56) of 20 March 2000 on gender-related dimensions of racial discrimination.

115. The Committee notes the existence of legal pluralism in Ghana and wishes to receive more detailed information on the application of customary law in the country, as well as on the balance generally achieved in practice between statutory law, common law and customary law.

116. Noting the task given to the National House of Chiefs to undertake an evaluation of traditional customs and practices with a view to eliminating those which are socially harmful, the Committee

wishes to receive further information on the results of the activities undertaken by this institution as well as on the difficulties encountered.

117. The Committee welcomes the frankness with which the State party has stated that the existing legislation does not meet the requirements of article 4, paragraphs (a), (b) and (c), of the Convention. The Committee notes that the Criminal Code is currently being reviewed and revised, and encourages the State party to accelerate this process and to ensure that the new legislation will comply fully with article 4. The Committee also requests that information on the content of the new legislation as well as on the results of its implementation be included in the next periodic report.

118. The Committee notes that, out of a total of 9,265 complaints heard by the Commission in 2000, the CHRAJ only dealt with fewer than five complaints directly relating to alleged racial discrimination. According to the State party, the majority of the complaints received by the Commission were cases of religious discrimination which, because religion in Ghana is often related to ethnicity, could be classified, in some cases, as indirect racial discrimination. The Committee would like to receive more detailed information on this matter, as well as statistical information relating to the number of complaints having a bearing on racial discrimination, and the action taken by the Commission.

119. The Committee would like to receive further information on the mandate of and activities undertaken by the National Reconciliation Commission, as well as on the results achieved.

120. The State party's report did not include sufficient information relating to the practical implementation of article 5 of the Convention. The Committee requests that such information be included in the next periodic report, in accordance with the Committee's reporting guidelines and taking into account its general recommendation XX (48) of 8 March 1996 on article 5.

121. The Committee is concerned about the existing educational gap between populations of certain geographic areas of the country, which has an ethnic dimension. The Committee encourages the Ghanaian authorities to pursue and increase the efforts already undertaken to remedy this situation. It would like to receive, in the next periodic report, information on the results of the Northern Scholarship Scheme, as well as on the criteria for selecting the beneficiaries.

122. The Committee wishes to receive more information on the legal status of native languages in Ghana and to know whether the State party supports them through various programmes in the field of education, the media, and in the administration.

123. While welcoming the efforts undertaken by the State party to include all ethnic groups in decision-making processes in matters concerning them, the Committee wishes to receive more information about the measures adopted to this effect, as well as on the results achieved.

124. The Committee wishes to know whether descent-based discrimination exists in Ghana, and draws the attention of the State party to its general recommendation XXIX on the matter.

125. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.

126. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level. The Committee wishes to be informed about the adoption and the content of the national plan of action to combat racism which is currently under consideration.

127. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted to the United Nations and that the observations of the Committee on these reports be similarly publicized.

128. The Committee recommends that the State party submit its eighteenth periodic report jointly with its nineteenth periodic report, due on 4 January 2006, and that it address all points raised in the present concluding observations.