



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under article 18 of the  
Convention on the Elimination of All Forms of Discrimination against Women**

**Combined third, fourth and fifth periodic reports of States parties**

**Ghana\***

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\* The present report is being issued without formal editing.

For the combined initial and second periodic reports submitted by the Government of Ghana, see CEDAW/C/GHA/1-2 which was considered by the Committee at its eleventh session.

## **FOREWORD**

Ghana's combined 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> report covers the period 1993 to 2003. It highlights progress made in achieving gender equality, challenges and efforts being made by the Government of Ghana and other stakeholders towards the realization of women's empowerment.

The report comes at a time when Ghana is enjoying significant political stability within the sub-region. Ghana has seen three consecutive terms of constitutional rule, and at the time of compiling this report, the Country has successfully gone through a peaceful national elections in December, 2004. In addition to these achievements, Greater awareness has been created in the Country for dealing with gender issues and encouragement given to accelerate the pace of women's involvement and participation in national development.

Available information (both qualitative and quantitative) points to progress made in women's health, education (especially of the girl-child) and economic empowerment. Some challenges however remain in the areas of politics, administration and medium and large scale industrial development. The percentage of illiterate women vis-à-vis men remains high.

The establishment of a Ministry of Women and Children's Affairs in 2001 with a Minister of cabinet ranking to promote the rights of women is a sincere demonstration of the political will by GOG to give the issue of gender disparity the highest consideration.

This combined report was compiled after consultation with many stakeholders from both government and non-governmental organizations, civil society organization including various women's groups and gender activists.

It is my fervent hope and expectation that the information provided in the pages of this document on Ghana's experiences in women empowerment will be shared by all for the advancement of women everywhere.

I therefore call on all Ghanaians, state agencies, and all stakeholders as well the International Community to contribute to and support further implementation of all articles of the Convention to enable the nation achieve the aspiration of gender equality, development and peace.

### List of Acronyms

ADHD	Adolescent Health and Development
AIDS	Acquired Immune Deficiency Syndrome
ANC	Antenatal Care
AWLA	African Women Lawyers Association
CBA	Collective Bargaining Agreements
CHIM	Centre for Health Information Management
DAW	Division for the Advancement of Women
DCE	District Chief Executive
DP	Development Partners
DSW	Department of Social Welfare
ECA	Economic Commission on Africa
ECCD	Early Childhood Care Development
EMIS	Education Management Information System
ENOWID	Enhancing Opportunities for Women in Development programme
ESP	Education Strategic Plan
ESR	Education Sector Review
F/P	Family Planning
FCUBE	Free Compulsory Universal Basic Education
FIDA	International Federation of Women Lawyers
GDHS	Ghana Demographic and Health Survey
GER	Gross Enrolment Rate
GES	Ghana Education Service
GET Fund	Ghana Education Trust Fund
GEU	Girls' Education Unit
GLSS	Ghana Living Standard Survey
GOG	Government of Ghana
GPRS	Ghana Poverty Reduction Strategy
GRATIS	Ghana Regional Appropriate Technology Industrial Service
HIV	Human Immune Virus
ICESPR	International Covenant on Economic Social and Political Rights
IEC	Information, Education and Communication
ILO	International Labour Organisation
IWRAW	International Women's Rights Action Watch
MCH	Maternal and Child Health
MFA	Ministry of Foreign Affairs
MLGRD	Ministry of Local Government and Rural Development.
MOEYS	Ministry of Education, Youth and Sports
MOWAC	Ministry of Women And Children's Affairs
NALAG	National Association of Local Authorities of Ghana
NBSSI	National Board for Small-Scale Industries
NCWD	National Council on Women and Development
NDC	National Democratic Congress

NFED	Non-Formal Education Division
NGO	Non-Governmental Organization
NPP	National Patriotic Party
OHSC	Office of the Head of Civil Service
PAC	Post-Abortion Care
PAMSCAD	Programme of Action to Mitigate the Social Cost of Adjustment
PMM	Prevention of Maternal Mortality
PNC	Post-Natal Care
RCH	Reproductive and Child Health
S.D.	Supervised Deliveries
SHEP	Self-Help Electrification Project
SSE	Small-Scale Enterprises
SSS	Senior Secondary School
STDs	Sexually Transmitted Diseases
TUC	Trades Union Congress
WIADD	Women In Agricultural Development Division
WIB	Women in Broadcasting
WILDAF	Women In Law And Development In Africa
WWB	Women's World Banking

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## **PREFACE**

1. This is Ghana's combined third, fourth and fifth periodic reports to the Committee on the Elimination of Discrimination Against Women (CEDAW). The initial and second reports were submitted on 5th July, 1991 and 1992, respectively.
2. The first section of the report provides an update on Ghana's socio-economic and political milieu, thus putting the report in its proper perspective. It also discusses the position and status of women in Ghana since the submission of the first and second reports. This section assesses what was achieved for women from 1992 to 2003 and evaluates what was achieved with regards to the implementation of the "Nairobi Forward Looking Strategies for promoting the Advancement of Women" and the "Platform for Action" of the Beijing Conference.
3. The sections which follow then take up individual questions in relation to each article of the Convention. This analysis makes reference to:
  - Legal, and other measures adopted as well as the progress made in the implementation of the Convention since the previous reports
  - Actual progress made to promote and ensure the elimination of discrimination against women.
  - Any significant changes in the status and equality of women since the previous reports.
  - Any remaining obstacles to the participation of women, on an equal basis with men, in the political, social, economic and cultural life of the country.
  - Any factors or difficulties encountered in this regard which have affected the degree of the fulfilment of the obligations under the present Convention, in the light of other international Human Rights treaties.
4. Efforts were made to provide statistical data on all the issues referred to in the Convention. Some difficulties were encountered in obtaining statistical data on specific issues. These include:

- Non-availability of statistical data disaggregated by sex;
- Lack of research to assess the effect of some specific laws promulgated on the status of women generally and/on the Elimination of Discrimination Against Women in particular
- Inadequate infrastructure for gathering the required data

Other difficulties were:

- Deep-seated, inherited traditions, customs, attitudes that are not easy to change or eradicate;
- Existing stereotyped conceptions of women caused by socio-cultural factors which perpetuate discrimination based on sex and constitute obstacles for the implementation of Article 5;
- Financial constraints to ensure wide publicity of the Convention, for example, translation of articles of the Convention into local dialects and incorporation of articles of the Convention into the laws of Ghana.

It is worthy to note, however, that within these constraints it has still been possible to provide a much more detailed, clearer and vivid picture of the improvement made to enhance the status of women in Ghana since the submission of the initial and second reports.

#### *5. Preparatory Processes for Writing of Current Periodic Reports*

In line with previous procedures, initial drafts of the third and fourth reports were prepared and presented by the national machinery for women, National Council on Women and Development (NCWD). They were then put through further review, updating of data and information for the fifth report, summarising as well as editing to fit the required format. To ensure wide participation, a drafting team of technical experts was assembled to work on the document, with support from various MDAs (Ministries, Departments and Agencies). Each team member was assigned different roles/articles as per their individual expertise and backgrounds. They examined critically, reviewed and summarised each component of the report. The whole process was supported by the United Nations System Gender Programme in Ghana with a private consultant serving as facilitator of the process.

#### **Concluding comments on Ghana's previous reports**

6. There has been significant advancement in the status of the Ghanaian woman since the last report. Policies and legislations have been put in place to address discrimination against women. However one of the thorny issues that remains to be dealt with is Polygamy, an entrenched socio-cultural and religious practice and remains a big challenge to legislators and policymakers. The practice of polygamy is even made more complex by the multi-religious, multi-ethnic nature of the country and the fact that polygamy is endorsed by religions such as Islam and traditional religions. It will be

inconceivable to ban a cross-section of the society from practising polygamy and allow others to practice it because of their religion.

7. Polygamy has serious and grave implications when it comes to distribution of property upon the death intestate of a man with multiple wives. The Intestate Succession Law, PNDC Law 111 provides for the distribution of property upon the death intestate of a person. The law provides that the matrimonial home and chattels therein shall go to the spouse and children in equal shares. It goes further to provide that the residue shall be distributed in specified percentages to the spouse, children, parents and the customary family. The law is silent on multiple wives. The issue then is where there is one matrimonial home in the name of the deceased husband, do all his wives have a share in the one house, or is it the wife living with him in that house who is entitled to it? Children of other wives or from previous relationships, are all children of the deceased, and the issue is are they all entitled to a share of the matrimonial home?

8. The Courts are placed in a difficult situation in resolving these issues. Since there are no guidelines, judges have to use their discretion, which sometimes may be unfair, and leave some people disinherited. Women are the worst affected, and they are rendered impoverished. The Ministry is presently putting together proposals for the reform of this law, the Matrimonial Causes Act, 1971, Act 367, the Children's Act 1998, Act 560 for the consideration of the lawmakers.



## **Part One: Core report**

### **Introduction**

#### **Background Information on Ghana**

9. Ghana is geographically located on the west coast of Africa along the Gulf of Guinea. She is bordered by Cote d'Ivoire, Togo and Burkina Faso (details of geographic location of Ghana is as depicted in the map in Figure I).

**Figure 1**



### **Population**

10. The population of Ghana has increased since the submission of the first and second reports. Females constitute about 51% of Ghana's population; which is described as being of moderate size and density, predominantly young (0 – 14 age group form 48.2 %) and unevenly distributed over the country. Population densities are high in the urban centres. The population was about 16 million as at 1993 and 18 million in 2000. Projections for the future indicated that the population was likely to reach 24 million by the year 2005, 27 million by 2010, and 33.6 million by the year 2020 (Government of Ghana National Population Policy revised Edition, 1994). There are numerous ethnic and language groupings in Ghana (reference CEDAW/C/GH/1-3 Page 4 (12)).

### **Physical features, drainage and climate**

11. These remain the same as described in the previous reports (reference CEDAW/C/GH/1-3 Page 4 (12)).

### **Politics and the legal system of Ghana**

12. Since January 1993, the country has assumed a multi-party democracy with a new constitution. From 1992 to 2000, the country was ruled by President J.J. Rawlings and his National Democratic Congress (NDC) party. The 2000 general and presidential elections brought into power President J.A. Kuffuor and the National Patriotic Party (NPP). There is a Parliament of 200 members, 19 of whom are women. More details of women's participation in decision-making are given under the report on article 7.

13. For administrative purposes, the country is divided into ten administrative regions and 110 district assembly areas. Since 1980, considerable efforts have been made to decentralise the country's public administration system with great success. The political stability and peace currently enjoyed in the country is an achievement which is conducive to economic recovery. The report on the legal system as reported in the previous initial and second reports still holds with no significant changes. The office of an Ombudsman has been restructured into a Commission on Human Rights and Administrative Justice (CHRAJ) to deal with human rights violations with respect to individual, civil and public servants, among other functions. Details of the functions of CHRAJ will be given in relation to specific articles of the Convention.

### **The General State Of The Economy**

14. Ghana is endowed with natural resources including extensive agricultural land, considerable forest and fresh water resources and mineral deposits like gold, diamond, manganese, bauxite and several others. The Ghanaian economy depends to a high degree on primary (agricultural as well as mineral) production and exports. Exports of gold, cocoa, wood and timber products account for the bulk of total merchandise export. Together with forestry and fishing, the agriculture sector employs about two-thirds of the population and accounts for about half of the Country's Gross Domestic Product (GDP). The agricultural sector is followed by the services sector which is the second largest sector in terms of its share of GDP. The industrial sector, which is relatively diverse, takes up the third place in terms of its contribution to the country's GDP.

15. The period between 1992 to 2000, witness a decline, in the Ghanaian economy. These were as a result low producers prices paid for the country's main primarily exports i.e. Gold, Cocoa and diamond, since 2001 determined effort have been made by Government to improve the economy. The rate of inflation has dropped from 29.6 to 11.9 as at June 2004 whilst the interest rate has fallen from 45% to 17.5%. These prudent fiscal and monetary policies have significantly help to improve the economy.

16. The Ghana Poverty Reduction Strategy (GPRS, 2003 - 2005) is the Government of Ghana's (GOG) response to the United Nations Millennium Development Goals' (MDGs) first goal of eradicating poverty. The GPRS estimates that food crop farmers are the worst hit by poverty in this country. Of this, women are estimated to constitute 55% to 60%. It also estimates that 61% of urban and 53% of rural female-headed households fall in the poorest 20% of the population. The one percentage point increase in female-headed households from 33.6% (1998/99) to 34.3% (2000) is

perceived to be synonymous with the global phenomenon of feminisation of poverty, that has been experienced in the developing world as a result of the Economic Recovery Programmes and Structural Adjustment Programmes (ERP/SAP) that were introduced in the developing countries in the mid '80s.

17. As a result of these ERP/SAPs, the government adopted strategies to deal with some of the effects of poverty on the household and women in particular. These have included the introduction of exemptions from paying hospital fees for pregnant, poor and aged women, in 1995. There have also been programmes aimed at mitigating the social costs of adjustment such as the Programme of Action to Mitigate the Social Costs of Adjustment (PAMSCAD) and the project on Enhancing Opportunities for Women in Development (ENOWID). Other interventions aimed at addressing women's poverty have been through micro credit schemes, which began in the 1970s. Since 1995, there has been a proliferation of various micro-credit/financial schemes from associations in the informal sector (SUSU), rural and commercial banks to schemes run by Non-Governmental Organisations (NGOs). Since 2002, one of the strategies of the GPRS has been the provision of micro-credit to women. This is in the form of the Women's Development Fund (WDF) being provided by the Ministry of Women and Children's Affairs (MOWAC), the national machinery for women.

18. In spite of improvement indicated earlier women still face developmental challenges in the following areas:

- The absence of a comprehensive social security protection schemes for women in the informal sector
- Access to and control of land in some ethnic communities
- Low representation of women in decision-making position at district, regional and national level

More details on the negative repercussion of the ERP/SAP on women will be provided under specific articles of the Convention.

### **The Role of Women in Ghana**

19. Ghanaian women continue to occupy pivotal roles in their families performing multiple tasks in house keeping, nurturing, as well as income-earning work. Even in households that reportedly have male heads, women often contribute substantially to food and other provisions through subsistence production, off-farm or non-farm income. In addition, about one-third of households have women heads who often tend to be the sole source of support for the unit. The general standing of women in the home therefore has direct implications for the well being of children.

20. Women's domains, for example, have expanded into formal sector professions and their public roles in political, civil and religious organisations have increased since the '90s. This can be traced to gradual changes in the perception of Gender roles in the Ghanaian society. As educational levels in the population have generally improved, parents have become more receptive to the idea of girls'

education and professional training. These changes have been, however, uneven and have left some of the socio-cultural limitations on women's progress more or less intact.

21. Progress for women has been achieved through greater resource allocation by government, multilateral and donor agencies for training, technology transfer, credit support, health programmes and organisational capacity building. Indirectly, provision of social amenities have brought special benefits to women, especially the provision of good drinking water, access to clinics and health centres and schools have been brought close to the communities.

22. Efforts are being made to make the transition from the Women In Development (WID) approach to the Gender And Development (GAD) approach adopted by NGOs and CSOs to work for women's comprehensive well-being. With the WID approach, many negative customs and taboos were left unchallenged. Since the Beijing Conference in 1995, however, more pragmatic steps are being taken to challenge and review institutions that are inimical to women's well being. The main strategy for modifying these customs has been through negotiation, policies and enactment of new laws as part of an effort to achieve a workable consensus with all stakeholders.

### **Inequality in sharing of power and decision making**

23. Traditional biases continue to limit women's access to education and productive assets, and decision-making roles in the family and public life. While they have been very dynamic in their pursuit of a livelihood, women have done so at very low levels, involving arduous tasks and characterised by very low rewards. Women's limited participation in politics and public service does not allow their full integration into national decision-making. Women's participation in the power structure in the country is still low and stands at about 10% in Parliament. Detailed analysis of women in politics and public services will be given under appropriate articles of the Convention.

### **Obstacles to Women's participation**

24. The major contributory factors to women's low participation in national decision-making include lack of education and cultural perceptions of women's roles in the society. Illiteracy among women is the result of the tacit belief that men are superior and should be given the first option in the allocation of limited family resources. Few women stand for election because they know very little about Constitutional provisions. They are more informed about their cultural and religious obligations. This erodes their confidence and courage and seriously inhibits their participation in Public Life. For instance, according to available statistics, about 85.5 % of economically active women are in the informal sector. They are mainly in agricultural food processing and marketing, yet their access to economic resources such as credit and land is limited.

25. Some measures have however been taken to improve the status of women since the ratification of the Convention. Participation of women in all aspects of public life is being encouraged. (More details will be provided in the ensuing sections). Women are being urged to take high positions in all local, district, regional and national organisations. Political conscientization of women has been intensified by the national machinery for women and Non-Governmental Organisations. Awareness

of women's political rights is being promoted through various channels including formal and non-formal education by the national machinery and NGOs. The national machinery encourages women, through various NGOs, to help each other to exercise their rights to vote, to be elected to public office and to participate in the political process. More details will be provided in the proceeding sections.

### **Legal provisions and Human Rights of Women**

26. In Ghana, the basic guarantees of equality are enshrined in the 1992 Constitution of the Fourth Republic, chapter 5 of the constitution deals with the fundamental human rights and freedoms which conform to the international human rights framework. In addition to the rights accorded to all persons, articles 22 and 27 deal specifically with women's rights. Some harmful traditional practices such as widowhood rites and FGM have been criminalised under the Criminal Code Amendment Act 1998 (Act 554). Despite these efforts, women are still a long way off from achieving equality and equal opportunity. There are still areas that require legal and policy reform such as polygamy. Poverty, illiteracy, social and cultural norms as well as stereotypical attitudes prevent the majority of women from benefiting directly from these reforms.

27. Under the 1992 Constitution, a Commission on Human Rights And Administrative Justice (CHRAJ) was established to monitor and deal with all human rights violations as well as educating the public on human rights. It is also mandated to ensure, among others, that girls and women's human rights are not infringed upon. CHRAJ has decentralized its operations and has offices in all the ten administrative regions of Ghana and some districts.

### **Socio-cultural and economic perceptions of women**

28. No laws in Ghana bar women from participating in politics or in other areas of economic and social life. Unfortunately, the cultural perception of women as inferior compared to men has been a major hindrance in politics and public life. In all the ethnic groups in Ghana, women are not considered equal to men but are considered to be in need of protection. Cultural practices like polygamy, child marriage and widow inheritance all go to confirm the inferior status of women. The Criminal Code has been amended to ensure the protection of women and children against ritual servitude. On the issue of polygamy, not much has been achieved by way of legal reforms but economic pressures and education have led to a decrease in the practice. There is the need for a national discussion of the issue.

29. In the economic context, from the GPRS document, women are seen generally as suffering from poverty as a result of certain cultural practices which prevent them from taking full advantage of opportunities that are available to them. However since 2001 women's access to credit facilities have improved with the introduction of the governments micro-finance schemes for women other measures introduced include:

- (a) Helping successful women entrepreneurs to expand their activities
- (b) Making it possible for women, especially those in the agricultural sector to get better production, processing, marketing and management skills
- (c) Developing strategies and removing impediments that negatively affect the ability of women and girls to make full use of their abilities and skills; thus making it easier for women to get more credit, land and simple technologies.

### **Governmental institutions that promotes and protects the advancement of women**

30. Following from the first United Nations Conference on Women in 1975, Ghana set up the National Council on Women and Development (NCWD) as the national machinery for women. At different times in its history, the national machinery was located in various ministries that did not give it the necessary political clout. Eventually, the NCWD was placed at a high level within the office of the President, with linkages to relevant ministries, sectors and agencies to enable it play an active and catalytic role in facilitating cooperation between all agencies of government, NGOs and Civil Society Organisations. The main task of the national machinery is to support government-wide mainstreaming of a gender-equality perspective in all policy areas. It works in collaboration with a wide range of Non-Governmental Organisations (NGOs), Civil Society Organisations (CSOs) and professional bodies, among others, to promote the issues and interests of women. Since 7<sup>th</sup> January 2001, the structure of the national machinery has been elevated to a full ministry with a Minister of State, with cabinet status. The Ministry of Women and Children's Affairs (MOWAC) has two main departments; one responsible for women's affairs (NCWD) and the other for children – the National Commission on Children (NCC). The ministry performs the policymaking, planning and coordination functions and the departments, NCWD and NCC, implement the policies, plans and the programmes to advance issues of women and children.

### **Activities**

31. In response to the Beijing Platform for Action, the government has put in place certain measures and interventions to create an enabling environment for the advancement of women:

- (a) After the Beijing Conference in 1995 the then National Machinery on Women, the NCWD, submitted a proposal for Affirmative Action and Gender mainstreaming to the office of the President which led to the formulation of guidelines for the promotion of Gender equality, rights and opportunities for women in Ghana. It set the pace for the establishment of a more, clear-cut administrative framework for handling women's affairs by setting up Women's Desks and Gender Desk Officers (GDOs) in all the Ministries, Departments and Agencies (MDAs). Their role is to ensure that gender concerns are incorporated into sectoral policies, plans and programmes of MDA's. In January 2001 the government established a new Ministry for women and children's Affairs;

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- (b) To strengthen the capacity of the GDOs, MOWAC, has organised a number of training workshops including Needs Assessment of the GDOs, in collaboration with other agencies. The GDOs are yet to have the desired impact but this is seen as a first step towards mainstreaming Gender within the MDAs;
  - (c) There have been attempts by the ministry to revive inter-agency dialogue. Relationship with women's NGOs has increased through the rejuvenation of monthly meetings. At the regional and international level, MOWAC has strengthened its efforts in linking up and networking with other international agencies. For example, the national machinery has established and maintained regular interaction and communication on Gender issues with the ECOWAS Secretariat in Abuja, Nigeria;
  - (d) In order to integrate a Gender perspective in legislation, public policies, programmes and projects to promote and ensure Gender equality and equity, the national machinery has been working with members of legislative bodies, the academia and NGOs to review some aspects of the country's laws which are inimical to women's advancement and carried out specific research studies. Some of the studies carried out on critical areas in policy formulation include women in agriculture, health, education and women in public life;
  - (e) Generation of Gender disaggregated data and information for planning has been quite weak but MOWAC in partnership with some development agencies has been able to incorporate Gender concerns in a Monitoring and Evaluation tool for the Ghana Poverty Reduction Strategy (GPRS);
  - (f) MOWAC has established the Women's Development Fund and has been assisting women with credit. So far 200,000 women have benefited from a total of (150) billion cedis (about US \$20 million) worth of micro credit from the WDF. The loan recovery rate from the first tranche of the loan is estimated at 98%. This credit has been given together with skills training, and programmes for the vulnerable and excluded groups in the GPRS, who are mainly women. As at December 2004 the MOWAC has disbursed through rural banks a total of 95,072,000,000.00 to 159,549 women throughout the country;
  - (g) The national machinery has also been involved in public education on issues affecting women and encouraging women to take up political positions, among other activities. Another important aspect of its work has been building structures for the effective implementation of its programmes;
  - (h) In consultation with NGOs, the NCWD formulated Ghana's first action plan for women, identifying priority areas and setting time-bound targets for monitoring and allocating resources for implementation. This was under review at the time of compiling this report;
  - (i) Research studies on Women in Public Life, education, nature and incidence of Violence Against Women and child labour, among others, have resulted in:

- Attempts to promote and encourage women in higher public positions including being members of boards.
- Establishment of a Girls' Education Unit headed by the Minister for Girl Child Education.
- MOWAC collaborating with NBSSI, EMPRETEC among others in enhancing women entrepreneurial skills.
- Establishment of the Girls Education Unit headed by the Minister for Girl Child Education.
- Establishment of the Women and Juvenile Unit (WAJU), under the Police Service, in all the regions.
- Recommendations for including gender training in the curriculum of the Police Training Schools.
- The preparation of a draft bill on Domestic Violence.
- The Children's Act 560, 1998 has also been passed.
- The Criminal Code, Act 29 of 1960 as amended by Act 554, 1998.

### **Government's Response to Violence Against Women**

32. Article 26(2) of the 1992 Constitution deals with issues of human rights and protection for women and girls. It calls for prohibition of all customary practices which dehumanize or cause injuries to the physical and mental wellbeing of a person. Charter 6 of the 1992 Constitution on Directive Principles of State Policy also calls for the prohibition of discrimination on the grounds of gender. For instance Article 37 obligates the state to secure and protect a sound, order, founded on the ideals prevalent in the country.

A draft domestic violence Bill proposed by government is being discussed by the public to facilitate its passage into law. The creation of women and Juvenile Units in 1998 in police stations throughout the country is helping to break the silence associated with issues of domestic violence. Law enforcement agencies such as the police, prison officials and judiciary are being sensitized and trained on issues of violence.

33. Other gains made include:

- (a) The putting in place of a Parliamentary Committee on Gender and children  
The national Gender Policy was developed, launched and disseminated.



- (b) MOWAC also worked to incorporate Gender concerns in the Ghana ICT Policy for integrated development. It has also developed an assessment and planning tool for women's health and development in Ghana for the UN Human Development Report.
- (c) A study (J. O. Svanikier, 1997) was carried out on the extent to which the articles of the Convention on the Elimination of all Forms of Discrimination against Women have been incorporated into the Laws of Ghana. The findings show that there are still many serious issues for redress but generally, even though the Convention has not been fully incorporated into the laws of Ghana, several articles of the Convention are catered for (in varying degrees) in some domestic laws. Efforts are being made by government to ensure that further legal reform occurs, with the right policies and programmes in place, to ensure the full implementation of the Convention in Ghana. However, it is noteworthy that under court rules counsel can cite international conventions (such as the CEDAW) to which Ghana is a signatory and the courts would have to give due recognition to it.
- (d) The national machinery worked with the Ghana Labour Advisory Board to ensure that certain portions of the new Labour Act were amended in accordance with the provisions of CEDAW; to enable women enjoy the benefits of their rights of choice of where to work and at what time to work.

Detailed information with respect to various measures taken by Government to enhance the status of women and the girl-child will be provided under specific articles of the Convention, in the ensuing pages.

## **PART TWO: MAIN REPORT DEALING WITH ARTICLES OF CEDAW**

### **1. Articles 1 – 3: Policy And Legal Measures Adopted Since The Previous Report To Eliminate Discrimination And Ensure Full Development And Advancement Of Women**

34. In 1992, Ghana adopted a new Constitution, which is the supreme law of Ghana. Chapter 5 of the Constitution deals with the fundamental human rights and freedoms in conformity with international human rights framework including the CEDAW. In addition to the rights accorded to all persons, articles 22 and 27 deal specifically with women's rights.

35. Article 17 of the Constitution specifically deals with equality and freedom from discrimination and states that all persons are equal before the Law.

### **2. Discrimination**

36. Article 17(2) states that "a person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed, social or economic status."

37. Article 17(3) defines discrimination giving “different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or granted privileges or advantages which are not granted to persons of another description.”

38. These provisions are of general application. The definition emphasises ‘gender’ rather than ‘sex’, since in practice it is the gender relationship between the sexes and in the performance of these gender roles in society, which discriminates against women.

39. Article 17(4) of the Constitution also makes provision for special legislation or policies to address discriminatory socio-cultural, economic or educational imbalances in the Ghanaian society.

### **3. Appropriate Measures, Policies for Eliminating Discrimination Against Women**

40. The import of Article 17(4) as aforementioned is actually to empower Parliament to enact laws that are necessary for the provision of, and the implementation of policies and programmes aimed at redressing social, economic or educational imbalance in the Ghanaian society. In 1998, the Government adopted the Affirmative Action policy that gave a 40 % quota for women’s representation on all government and public boards, commissions, councils, committees and official bodies, including Cabinet and the Council of State. In 2002 District Assembly elections however, the Ministry of Local Government authorised that 50% of the government nominees should be women.

41. The further passage of the laws such as the Intestate Succession Law, Administration of Estates, Marriage and Divorce Registration, the Law against Female Genital Mutilation and Harmful Traditional Widowhood Practices injurious to the health of women, the Law against Customary Servitude (Trokosi) inter alia, mark an important achievement towards redressing the injustices done to women in this area. However implementation has been difficult, especially since the roots of these practices are deeply entrenched in culture. Education on these laws is ongoing and it is expected that with time, attitudinal and behavioural change will occur.

#### **Appropriate Measures in the Political, Social and Economic and Cultural Fields to Ensure full Development of Women**

- (a) Article 26(2) of Ghana’s 1992 Constitution prohibits all customary practices that dehumanise or are injurious to the physical and mental well-being of a person. In this regard, laws against Female Genital Mutilation, harmful Widowhood practices injurious to the health of women, customary or ritual servitude (Trokosi) have been passed.
- (b) The National House of Chiefs, the custodians of customs and traditions has also been given the responsibility, under article 27(2) (c) “to undertake an evaluation of traditional customs and usages with the view to eliminating those customs and usages that are outmoded and socially harmful”.

- (c) The Constitution and the labour laws provide for 3 months paid maternity leave for working mothers, besides annual leave. The 3 months are to be taken 6 weeks before and 6 weeks after delivery. In addition, the lactating mother is allowed to take one hour off, each working day, to breastfeed her baby.
- (d) Article 27 (2) makes states facilities shall be provided for the care of children below school-going age to enable mothers' realise their full potential. Unfortunately, very few of these facilities like day-care centres and crèches have been provided by the state or employers. Most of the existing facilities which are privately owned are unevenly distributed and expensive. In addition, most of these day-care centre and crèches close at midday at a period when the mother would be at work. A nursing-working mother thereby has to hire extra help or fall on family members who are not always reliable, to care for her child from midday onwards until she closes from work. Some mothers are compelled under these circumstances to ask for leave-of -absence without pay to enable them take care of their babies and this does not augur well for them in their pursuit for professional heights. So, even though the 1992 Ghanaian Constitution, once again in article 27(3) guarantees equal rights to training and promotion without any impediments from any person, for women, these breaks due to motherhood do not allow for the full enjoyment of this guarantee.
- (e) An Early Childhood Care and Development Policy was launched in September 2004 by the MOWAC. The Policy provides a comprehensive framework for the education and protection of children from birth to age eight, their parents and caregivers. The aim is to protect the rights of the child to develop his or her full cognitive, emotional, social and physical potential. The Policy is also to enable mothers realize their full potential professionally even after childbirth. The ECCD policy will ultimately free mothers to resume work early and therefore be able to pursue their career ambition.

#### **4. Article 4: Temporary measures (Affirmative Action) to accelerate equity between men and women**

42. Soon after the Beijing Conference, a proposal on Affirmative Action towards equality of rights and opportunities for women was submitted to Cabinet by the NCWD. This was accepted and approved and Government guidelines issued for implementation in 1998. The recommendations approved by Cabinet and their implementation are as follows:-

- (a) To establish a more clear-cut administrative framework for handling women's affairs in Ghana. In 1998 Government appointed a member of state to be in charge of both Women and Children's Affairs at the Office of the President. Specifically the Minister was charged with guiding the implementation of the Government's affirmative action policy. However in 2001 the Government of Ghana established a Ministry for Women and Children's Affairs with a Minister of Cabinet status.
- (b) To ensure appropriate representation of women on all advisory boards, in Parliament and at district and sub-district levels of administration:

- Quotas should be established for appointments to all government and public boards, commissions, councils, committees and official bodies, including Cabinet and the Council of State. A minimum of 40% representation is the medium and long term target. This has not yet been fully achieved.
- The NCWD national machinery would be resourced to play an important coordinating role, strengthen the national labour laws and create the necessary awareness to promote the attainment of the expected changes and goals. This is ongoing.
- The National Electoral Commission was tasked to encourage political parties to present more women as parliamentary candidates in order to meet the target of at least 40% representation in Parliament. Also ongoing, more details of this are outlined under article 7.
- That of the 30% of Government appointees to the District Assemblies and Unit Committee 50% should be women.

(c) To make women's education and training more effective:

- Female halls of residence/hostels - should be increased to ensure increased intake of female students in the universities. At the time of compiling this report, all the country's universities had increased their female halls of residence and trends in female student enrolment at tertiary level had risen from under 5000 in 1996 to about 10000 in 2003, against over 5000 males in 1996 and over 15000 males in 2003 (Source. UNECA Gender Development Index, 2004)
- All halls of residence in all tertiary institutions should apply the proposed quota system to ensure that 40% of females are admitted as members of the halls. For instance, in 2003/2004, female student enrolment for all programmes at the University of Ghana was 37.51% (Source. UNECA Gender Development Index, 2004)
- Other measures were proposed to promote girls' education especially in science and technology such as increasing the Science Clinics for girls; as well as setting up a special fund for girls in difficult, financial situations at the primary and JSS levels. Also, the continuation of a campaign on the need to educate girls and ensure their retention in school till they have acquired enough vocational training and skills to enable them enter the labour market and compete with the men on equal footing. All these measures are being implemented at various levels; the details will be found under Article 10.

(d) To set up public education on the Affirmative Action Policy:

- The Government noted the need for increased public education on Gender issues. This is ongoing.

## **Achievements**

43. As indicated above, some aspects of the Affirmative Action Policy which relate to Gender Mainstreaming were achieved, such as the creation of Gender focal points in all MDAs to ensure incorporation of Gender concerns in sector policies. It has also been applied to a limited extent with respect to government appointments to policy-making bodies and government official delegations. At the district level, although the memorandum asked for 40%, only 30% representation of women was approved in the first instance. This has however been increased to 50%.

44. In the field of education Affirmative Action is also being applied, to ensure that girls have access to Halls of residence in Tertiary Institutions. Then also, a 27% enrolment rate has also been secured for women in the public universities as a result of Affirmative Action. At the time of compiling this report, Science and Mathematics' clinics organised annually for girls at national level, had been decentralised to the district level to whip up girls' enthusiasm and interest in science, mathematics and technical subjects in senior secondary schools and tertiary institutions. This has yielded results to the extent that more girls are doing well in the medical and other science-related fields. However, implementation of the policy is generally very low. The main challenge is that the policy has not yet been enacted into law thus making implementation non-enforceable.

## **5. Article 5: Sex Roles and Stereotyping: Social and Cultural Patterns Leading To Discrimination and To Stereotyped Roles For Men And Women**

### **Cultural Perceptions of Women**

45. Articles 17(2) and 26 (1 and 2) of the Ghana Constitution provide legal protection of the rights of women on an equal basis with men.

- (a) Among ethnic groups in Ghana, either matrilineal or patrilineal, women are perceived to be inferior to men. This gives rise to social structures that enable men to dominate women. Traditional beliefs, practices and sayings perpetuate Gender imbalances. A typical example is the "Trokosi", a cultural practice of ritual slavery. Under this system, young girls (preferably virgins) are given to shrines in expiation of alleged crimes or sins committed against a deity by a member of the girl's family.
- (b) The Law Reform Commission studied the subject of "Trokosi" (ritual slavery) as part of its programme of reviewing and consolidating of statutes, and made a number of recommendations on both legal and non-legal methods to be used to abolish the custom.

Consequently, the Criminal Code was amended to deal with this and other such cultural practices. Meanwhile, over the past 10 years, CHRAJ and the national machinery for the advancement of women, in conjunction with some NGOs such as International Needs (Ghana) and others have succeeded in negotiating for the release of some of the girls under trokosi bondage in various shrines.

- (c) Both Government and Non-Governmental agencies have lately focused more attention on the special rights of the child, particularly with respect to education, health and cultural practices that are deemed to be harmful to the well being of female children such as female circumcision in parts of Northern Ghana.

### **Measures Being Taken Towards Eliminating Stereotyping Roles**

46. A non-discriminatory education benefits boys and girls and thus ultimately contributes to more equal relationships between men and women. The removal of stereotypical portrayal of boys and girls in the design of textbooks and the conceptualisation of education will go a long way towards modifying social and cultural patterns of conduct of men and women. To this end, certain initiatives have been undertaken by the Ministry of Education, in particular the Curriculum Research and Development Division (CRDD) of the Ghana Education Service (GES), with respect to sex roles and stereotypes. They include the:

- (a) Development of curricula, textbooks and teaching aids that are free of Gender-based stereotypes for all levels of education, including teacher training, with the involvement of all concerned (publishers, teachers, parents' associations etc).
- (b) Training programmes and materials for teachers/educators that raises awareness about the status, role and contribution of men and women in the family and in the society with the view of promoting equality, co-operation, mutual respect and shared responsibilities between boys and girls from pre-school level onward. They also provide teachers with effective strategies for Gender-sensitive teaching.
- (c) Development of educational modules to ensure that boys have skills to take care of their own domestic needs and also to share responsibilities for their households and for the care of dependants.
- (d) Adaptation of curriculum and teaching materials that promote training for the full range of occupational choices of non-traditional careers for men and women.
- (e) Integration of pre-service and in-service teacher training so that the same appropriate methodology is disseminated and there is a continual professional development to make teachers more Gender sensitive.

47. It will take some time for the real effects of these measures to be felt. However, some achievements have been made through other efforts of the Ministry of Education such as schemes like

the Science, Technology and Mathematics Education (STME) Clinic for Girls, school uniforms, textbooks, food aid and scholarships for needy girls.

48. The STME Clinic for girls has been decentralised and expanded nationwide to enable more girls, especially from rural areas, to benefit. In order to uproot the problem of low participation of students in science and mathematics, particularly girls, the teaching and learning approaches used at the STME Clinics have been incorporated in all in-service training programmes for teachers. To ensure that teachers apply these teaching approaches, the Science and Mathematics Teachers' Awards scheme will also include the innovative teacher in science and technology.

49. Role-modelling has been an important factor in developing positive image of women, and its effect on girls has been tremendous. In view of this, the Free Compulsory Universal Basic Education (FCUBE) programme has made provision for infrastructural expansion in women's teacher training colleges in the country. This is to ensure that more women have access to teacher training courses.

50. In addition, District Assemblies are expected to sponsor candidates for teacher training colleges with the understanding that the trained teachers are required to fill the vacancies in their districts. Fifty percent of those sponsored in this case should be women.

51. The challenges towards elimination of sex roles and stereotyping depend to a large measure on the effective implementation of the specific guidelines developed by the Curriculum Research and Development Division (CRDD) of the Ghana Education Service. These have the potential of correcting sex stereotypical attitudes and eventually reducing socio-cultural practices perpetuated against girls and women.

## **6. Article 6: Measures to Suppress All Forms of Traffic in Women and Exploitation of Prostitution of Women**

52. In traditional, Ghanaian society prostitution, in its modern form, is considered as unacceptable behaviour. Prostitutes are stigmatised and marginalized by the general population, exploited by pimps, brothel owners and law enforcement agents and, at best, tolerated as a necessary evil. (Matilda Pappoe, 1996).

- (a) The Criminal Code, 1960 (Act 29) deals extensively with measures taken by the state to suppress traffic in women and exploitation of prostitution of women through legislation. There are aspects of improper sexual behaviour as the following indicates:

### Prostitution

- ❖ Sec. 107 - procurement of a female
- ❖ Sec. 108 - causing or encouraging the seduction or prostitution of a girl under 14. Criminal Code (Amendment), Decree 1969 (NLCD 398)

- ❖ Sec. 273 - allowing persons under 14 to be in brothels
  - ❖ Sec. 274 - trading in prostitution
  - ❖ Sec. 275 - soliciting or importuning for certain immoral purposes
  - ❖ Sec. 276 - soliciting or importuning by a prostitute
  - ❖ Sec. 277 - keeping a brothel.
- (b) The Criminal Code defines prostitution as "the offering by a female of her body commonly for acts of lewdness for payment although there is no act or offer of an act of ordinary sexual connection".
- (c) This section of the Criminal Code was amended by NLC Decree 398, to read "Any female who persistently solicits or importunes in any public place or in the sight of any public place for the purpose of prostitution shall be liable for a first offence to a fine not exceeding fifty cedis and for a second or subsequent offence shall be guilty of a misdemeanour".
- (d) The findings on the status of prostitution in Ghana in 1996, has confirmed that the law on prostitution is half-heartedly enforced. There is also no clear policy regarding prostitution.

### **Programmes for prostitutes**

53. Studies and programmes aimed at rehabilitating Ghanaian prostitutes were contemplated as far back as 1977. The emergence of HIV/AIDS and its links with prostitution, particularly in the West African sub-region helped revive interest in the issue of prostitution in Ghana. Since 1986, when the first AIDS cases were reported in Ghana, a number of prostitute-focused programmes have been initiated, including the following:

- (a) In 1986, a group of concerned citizens including the sickle-cell disease, Ghanaian expert, Dr Konotey – Ahulu, started a programme for prostitutes returning from Cote d'Ivoire in the Krobo area in the Eastern Region of the country. This later evolved into the current, home-based care and education programme at St. Martin's Clinic in Agomenya.
- (b) In 1987, the University of Ghana Medical School and the Ministry of Health initiated a comprehensive project of HIV testing, peer education, condom promotion, STD treatment, and jobs training for prostitutes in Accra and Tema. This project was funded by USAID and implemented with technical support from Family Health International, a US-based contractor for international health projects. Funding was suspended in 1988. The project was then revived in 1991, only to be again suspended in 1992. The project nevertheless achieved a measurable increase in condom use among prostitutes. Some of the Peer Educators trained by the project are still active in the prostitute community.



- (c) In 1991, the Young Women's Christian Association of Ghana started a job retraining scheme for twelve underage girls involved in prostitution. After a two-year training programme, only two girls were still enrolled one of whom has since returned to prostitution.
- (d) In 1992, the AIDS Task Force of the Ghana Red Cross Society initiated a project for prostitutes in Accra which includes health education, health care and counselling and job retraining. At the time of compiling this report, this initiative was almost invisible.

54. The challenges of dealing with prostitution and women as victims of exploitation are multi-dimensional. There are increasing numbers of child prostitutes on the streets, who have dropped out of the education system or were never given the chance to start school in the first instance. A more recent study by Kwankye et al (2000) indicates that most child prostitutes have been forced into the trade.

55. Prostitution is a complex and sensitive issue, and not much work has been done on this issue in Ghana. MOWAC therefore proposes to study this phenomenon for future reports.

### **Trafficking in Persons**

56. There has been growing concern about Trafficking in Persons because Ghana is believed to serve as a supplier, receiver and transit point for trafficking in persons, especially children. It is estimated that there are about 1000 children trafficked into dangerous, slave labour on fishing boats in the country.

57. Trafficking in Persons for purposes of prostitution is dealt with under Section 107 of the Criminal Code as amended. This section makes it an offence for any person to procure another person, under 21 years of age, to become a prostitute in Ghana or elsewhere through threats or intimidation, false pretences or false representations. Unfortunately, the offence of procuration is deemed a misdemeanour which attracts a minimum fine and imprisonment not exceeding 3 years.

58. In fulfilment of its obligations under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children supplementing the United Nation Convention against Transnational Organised Crime (2000) the Government has come out with the Trafficking in Persons Prevention Bill. The draft bill deals with prohibition offences relating to trafficking in persons (part 1). Part 2 deals with complaints and arrests and part 3 deals with rescue, rehabilitation and reintegration. A Trafficking Rehabilitation Fund is also to be established under the bill. A national stakeholders' workshop was held on the draft bill in April 2004 and it is being finalised for presentation to Parliament.

59. Educational sensitisation programmes were launched by MOWAC in communities where trafficking in children were prevalent. Poverty was identified as the underlying factor that compelled some parents to give their children away for a mere pittance. An appeal has been made to such communities to stop the practice. Again women and families have been supported with credit

facilities to engage in income generating business activities with the result that such families are now able to support their children

60. Trafficked children who have been returned to their parents have been reintegrated into formal schooling system and are doing well. The International migration organization with support from MOWAC, rescued and returned about two-hundred and ninety-eight children who were trafficked to Yeji in the northern part of the country to their parents.

61. The African centre for Human Development also returned about eight-hundred and sixty-five children from Volta Region to their respects communities. Twelve children returnees from the Gambia were re-united to their respective families through the Department of Social Welfare and WAJU.

### **Violence Against Women (VAW)**

**62. Domestic violence is a social evil which contributes to the perpetuation of women's subordinate position in society. To enable effective intervention and strategies.**

63. In 1998, a research on the nature, incidence, consequences of VAW and methods of redress was undertaken by the NCWD. A similar research was also undertaken by the Gender Studies and Human Rights Documentation Centre and six Civil Society partner organisations. Four main problem areas were identified by the research:

- (a) Poor state/institutional response to VAW, frequent patterns of victim-blaming, referring reported cases back to the family and state agency and society in general trivialising the issue;
- (b) High degree of tolerance of VAW in the Ghanaian society, perpetuated by perceptions that domestic violence is a private/family matter and not a serious crime,
- (c) General confusion about what constitutes violence and ignorance about the causes, consequences and mechanisms that perpetuate violence;
- (d) Isolation of rural women and women's expressed dissatisfaction at the support and assistance they receive when they do report.

These problem areas have served as a basis for advocacy for law and policy reform as well as the training of security and medical personnel.

### **Domestic Violence Bill (DVB) proposed by government.**

64. Since 1999, a number of NGOs have commenced programmes to address some of the problem areas. These include, counselling services, provision of shelter for abused women and children and medical assistance for victims of VAW. The NGOs have also formed a vibrant network, called the

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Gender Violence Survivors' Support Network (GVSSN), with professionals and other interested parties to support survivors of this terrible crime.

65. The work of the various NGOs working on VAW has produced some results, notable among them are:

- (a) Improved state agency response to victims who report
- (b) Improved visibility of VAW as an issue at the national and community levels
- (c) Increase in number of CSOs intervening in and providing services to victims and survivors of VAW

66. Unlike the Criminal Code which dealt with violence under general provisions of assault and battery for physical violence and sexual offences, the draft DV bill deals comprehensively with all forms of violence including psychological and sexual harassment.

67. In addition to other protective instruments of the draft bill, the government is required by legislative instrument to make regulations on:

- (a) Forms necessary for the purpose of this Act;
- (b) The training of the police and court officials on domestic violence; the education and counselling of victims and perpetrators of domestic violence;
- (c) Place of shelter for victims;
- (d) Enhancement of social welfare services for victims;
- (e) The modalities for the provision of free medical treatment for victims;
- (f) Any matter for the effective implementation of this Act.

68. Section 30 of the draft bill seeks to repeal Section 42(g) of the Criminal Code Act 29 which provides "save that the consent given by a husband or wife at marriage for the purposes of marriage, cannot be revoked until the parties are divorced or separated by the judgement or decree of a court of competent jurisdiction." If the bill becomes law it will then be possible for a man to be prosecuted for marital rape. This section of the draft bill is generating a lot of controversy amongst the population. Public views on the bill are being collated. The Bill has been translated into eight local dialects to ensure wide dissemination and input, which ultimately would ensure that the bill when passed into law, would be owned and appreciated by the majority of Ghanaians.

## **7. Articles 7: Representation Of Women In Political Life and Public Life**

69. Ghanaian women are generally underrepresented in political life, civil and security services as well as the international sphere. There is still palpable discrimination and inequality in this segment of public service. However, there are positive signs of improvement in the representation of women at the political and international level. These signs are worth noting. Statistics from 1996 to 2003, are available for reference.

70. In terms of elections and female political participation, the numbers of women seeking political participation is encouraging as women seem more aware of their civil rights and responsibilities. There is still a paucity of women in elected posts, but at least it would seem that the workshops and seminars to educate women on their rights and responsibilities have helped create awareness. The statistics below show an almost 50% increase in women's participation in Parliamentary elections in 1996 and 2000. Ironically, the number of women elected decreased by 1% indicating the need for more awareness raising and campaigning.

**Table 1. Women's Participation and Performance in Parliamentary elections, 1996 and 2000**

REGION	DISTRICT	CONSTITUENCY	1996 PARLIAMENTARY ELECTIONS			2000 PARLIAMENTARY ELECTIONS		
			No. of Women Candidates	No. of Females Elected	% elected	No. of Women Candidates	No. of Females Elected	% elected
WESTERN	13	19	7	1	14.3	9	4	44.44
CENTRAL	12	17	8	4	50	12	2	33.33
GT. ACCRA	10	22	10	4	40	20	2	10
VOLTA	12	19	4	0	0	8	1	12.5
EASTERN	15	26	7	1	13.3	9	0	0
ASHANTI	21	33	10	2	20	17	2	11.77
B/AHAFO	13	21	5	3	60	6	2	33.3
NORTHERN	13	23	3	2	66.7	7	1	14.28
UPPER EAST	6	12	4	1	25	10	1	10
UPPER WEST	5	8	1	1	100	4	1	25
TOTAL	120	200	59	19	32.2	102	18	17.65

**Source: Research & Monitoring Dept., National Electoral Commission, 2003**

71. Representation at the parliamentary level and the district assemblies is still low, and geographically, there is more representation from the Southern part of the country than from the North. Clearly, cultural norms need to be addressed.

72. At the decision-making levels of the public service, there is under-representation. For example in 1996, there were 4 women out of the 25-member Council of State. These were appointed, as opposed to elected, since the discriminatory election qualifications would certainly disqualify most women. Female cabinet ministers and sector ministers are few, further pointing to the fact that women are still not visible at the highest decision-making levels

73. In the public service, women at the executive grades are few, while the pool at the bottom of the structure are women to a large extent. A broad spectrum staff analysis by gender for the years 1995 – 2000 shows that while there have been miniscule increases in female appointments for most ministries, these are significantly as junior officers and not in the senior or executive positions. Traditional and cultural norms, as well as modern structures, still stand in the way of women. Some reasons given include the stranglehold of domesticity, lack of education and self confidence, and inadequate exposure to public interactions. In any case, there is still under-representation at all levels of the service.

74. At the end of the day, while it should be noted that women's prominence, education, participation and productivity have improved, these have improved only marginally. There is still a lot of consciousness-raising to be done, and that should be the priority of Ghanaians.

### **WOMEN IN POLITICS**

75. From the activity of voting representation, Ghanaian women are now more politically aware of their civil rights and responsibilities under the Constitution.

76. Over the years, the national machinery has worked with NGOs to raise the consciousness of women to their political potential through educational programmes on political and legal literacy, and also economically through income generating projects.

77. Training workshops were organised for women Parliamentarians as well as women political aspirants on parliamentary procedures, assertiveness, public speaking, report writing, etc. between September and October 1996.

78. Female representation in the district assemblies is stronger in the southern coastal sector of the country than in the middle and northern sectors. Research shows that perceptions do not vary in terms of the urban/rural dichotomy, nor do they vary in terms of the distribution of elected women members to the assemblies.

### **Women in political parties**

79. The party structures of all political parties are male dominated. Most executive positions are filled by men. There is no fixed method of selection (the positions are usually acclaimed by the incumbent). Ethnic compromises would sooner be made, rather than gender compromises. This has led to the low number of women selected as candidates.

80. During the period under review, majority of the women (Members of Parliament) MPs were not active in the women's wing of their parties and indeed in many instances, the women's wing of the political parties were not operative.

### **Female members of Parliament**

81. As indicated in Table 1 above, women's presence in parliament has not increased appreciably over what was achieved in the 2<sup>nd</sup> Parliament of the 4<sup>th</sup> Republic. The 2000 elections resulted in 18 women becoming parliamentarians (out of the 200), 9 from the NPP and 9 from the NDC. A by-election in Amenfi-West in 2003 resulted in the election of another woman bringing the current number to 19 out of the 200, still less than 10%.

### **Ministers and Ministers of state**

82. It is difficult at this point to draw proportional comparisons because of the changing portfolios and numbers of ministerial appointments. An important milestone is the establishment of MOWAC, and one of the women Cabinet ministers is the Minister for Women and Children's Affairs. However, appointment of women to other key positions is quite low, as shown in Table 2 below.

**Table 2. Appointments to Key Positions**

<b>SECTOR</b>	<b>Total No.</b>	<b>FEMALE</b>	<b>%</b>	<b>MALE</b>	<b>%</b>
Cabinet Ministers	20	2	10	18	90
Ministers of State	33	2	6.1	31	93.9
Deputy Ministers	31	5	16.1	26	83.9
Regional Ministers	10	0	0	10	100
Deputy Regional Ministers	5	1	20	4	80
Council of State	24	4	17	20	83
Members of Parliament	200	19	10	181	90
Ambassadors	45	4	9	41	91
Chief Directors of Ministries	11	2	18	9	82
District Chief Executives	110	7	6	103	94
Regional Coordinating Directors	10	0	0	10	100
District Assembly Appointees	1843	655	35.5	1,188	64.5
Heads of Armed Forces	4	0	0	4	100
Heads of Police Forces	11	2	18	9	82
Heads of Leading Banking Institutions	15	2	13	13	87
Justices of the Supreme Court	10	2	20	8	80

**Source: Ministry of Women and Children's Affairs, 2003**

## **Women in local government**

### Appointments

83. In the post-Beijing era, trends in women's participation in local governance in Ghana have been encouraging but the levels remain low. Various efforts have been made to improve women's participation in local government, especially through Affirmative Action appointments.

84. Appointments to the highest office of DCE (District Chief Executive), during the period 1998 to 2000, were 11 out of 110. During the period from 2001 to date, there have been six (6) female District Chief Executives out of 110. Originally seven (7) women were appointed, however, one from the Upper West Region died in a tragic accident.

85. The appointed assembly member mechanism has also been the focus of Affirmative Action. In 1998, following advocacy by the NCWD and other parties for 40% of appointed membership for women, a directive was issued from the government through the Ministry of Local Government and Rural Development (MLGRD) allocating 50% out of the 30% government appointee membership to women at the district level. The resulting proportions of appointments by region (derived from analysis of the information provided by the MLGRD in 1999) were as follows:

**Table 3. Proportion of Assembly Members being Women by Region (1999)**

Region	Proportion Of Assembly Members Being Women
Greater Accra	35.1%
Central	30.5%
Western	31.02%
Brong Ahafo	30.8%
Volta	32.1%
Ashanti	32.16%
Eastern	29.5%
Upper East	31.19%
Upper West	30.67%
Northern	29.8%

Source: Ministry of Local Government and Rural Development, 1999.

86. Table 3 above shows that while the proportions of women's appointment appear to have increased in all regions beyond the 30% standard required in 1998, they still fall short of the 40% target set by the National Plan of Action and the 50% that the government aspired to. The argument usually, has been the absence/or unwillingness of women with the requisite capacity to make themselves available. However, in six (6) out of the 97 districts, the 50% target was achieved. In another twenty-seven (27), a more modest 40% was achieved.

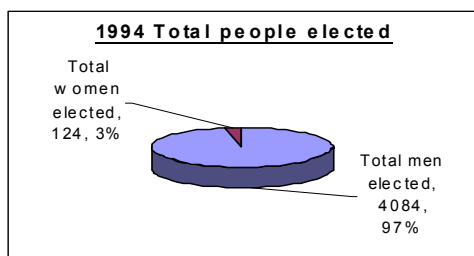
**Table 4. Appointed Members of Assemblies: 2002 to 2006**

REGION	No. of Districts with figures presented	TOTAL No. OF APPOINTEES	MALES (%)	FEMALES (%)
Volta	11 out of 12	210	149 (70.9%)	67 (31.9%)
<b>Northern *</b>	7 out of 13	134	82 (61.1%)	52 (38.8%)
Upper West	4 out of 5	65	41 (63%)	24 (37%)
Upper East	6 out of 6	118	78 (66.1%)	40 (33.9%)
Eastern	15 out of 15	304	191 (62.8%)	113 (37.2%)
Western	11 out of 12	191	119 (62.3%)	72 (37.7%)
Brong Ahafo	13 out of 13	236	162 (68.6%)	74 (31.4%)
Ashanti	14 out of 17	269	168 (62.4%)	101 (37.6%)
Central	11 out of 12	199	128 (64.3%)	71 (35.7%)
Greater Accra	5 out of 5	111	70 (63.1%)	41 (36.9%)

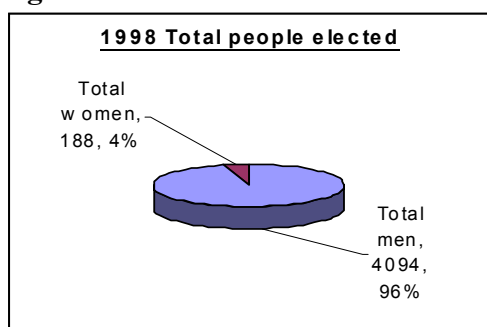
Source: Computed out of figures provided by the National Association of Local Authorities of Ghana (NALAG, 2002). **\*Does not include the six “conflict”-vulnerable districts (therefore these are figures for seven districts).**

### Women’s performance in local government elections

87. Women’s performances in seeking election as assembly members have improved over the period 1994 to 2002. This is evident in the pie-charts for 1994 and 1998 below.

**Figure 2. Women’s Performance in 1994 local government elections**

Source: Electoral Commission, 1994.

**Figure 3. Women’s Performance in 1998 local government elections**

Source: Electoral Commission, 1998.



88. The 2002 local government elections witnessed an increased effort by both government and civil society and development organizations to encourage women's participation both as candidates and voters. In 2002, 981 women stood for elections as compared to 547 in 1998 – an increase of 79%. However, with men, there was a drop of 10.3%. Of total voters, there was a drop of 7%.

**Table 5. Trends in Local Government Election Candidature (1998 and 2002)**

Year	Females	Males	Total
2002	981	13,160	14,141
1998	547	14,673	15,220

Source: Electoral Commission, 1998; 2002

89. Table 4 above indicates that generally women do not present themselves for election to District Assemblies and other positions of political leadership. Reasons given for this are lack of self-confidence; general apathy among women; socialization processes that place men rather than women at the helm of affairs; the general low level of education of females in Ghana; inadequate exposure of women in public interactions in general, and in politics in particular and the influence of child bearing and caring as well as domestic chores.

90. Even when women have indicated a willingness and self-confidence to stand for public office, their efforts are undermined by male-dominated political and administrative structures. Where men are supportive, this is usually when it is clear that there are no other men to take the spot, and so the women are the last resort.

### **Women in leadership and decision-making in the public administration system**

91. Women continue to be underrepresented at the senior decision-making levels of the public service. They are still at a great disadvantage when it comes to holding public office and some of the hurdles to be surmounted are almost impossible. The table below shows some successes in public administration.

**Table 6. Some female heads and deputy heads of public institutions**

SECTOR	KEY APPOINTMENTS
Education	Director-General, Ghana Education Service
	General Secretary, Ghana National Association of Teachers (GNAT) *****
Science & Technology	Deputy Director General, Ghana Atomic Energy Commission (GAEC)

SECTOR	KEY APPOINTMENTS
Security Services	Deputy Inspector-General of Police
	Commandant, Police College
	Commissioner, Immigration Service
	Deputy Commissioner, Customs, Excise and Preventive Service
Finance	Managing Director, Ghana Commercial Bank
	Insurance Commissioner
	Commissioner, Internal Revenue Service & Her Deputy
	Principal, Banking College
Legal	Registrar-General
	Chief Director, Ministry of Justice
Other	Government Statistician

### Women in the Civil Service

92. Women were only first employed in the Civil Service in 1939. Indeed, prior to Ghana's independence in 1957, women who got married had to leave the Civil Service! By 1995 counts, women made up 35% of the Civil Service. Here too, there continues to be a gender imbalance within the hierarchies. Women form the majority of the secretarial ranks: out of the 119 women in the Ministry of Foreign Affairs, 67 of them are secretaries and make up 95% of secretaries in the Ministry as a whole. In some other ministries, women comprise the entire secretarial pool.

93. In 1996, only 8.5% of the Civil Service was made up of women in the other, different grades of the administrative class. In Sept 1995, there were no female Chief Directors and only 15 female Directors in a total of 138 Directors. At the time of compiling this report, this had changed as indicated in Table 6 below.

**Table 7. Composition of Senior Staff of Civil Service by Grade and Sex**

GRADE	MALE NO.	MALE %	FEMALE NO.	FEMALE %	TOTAL
Chief Director	6	75	2	25	8
Director of Administration	186	87.7	26	12.3	212
Deputy Director	205	92.8	16	7.2	221
Assistant Director I	151	90.4	16	5.6	167
Assistant Director IIA	228	88.4	30	11.6	258
Assistant Director IIB	135	74.6	46	25.4	181
Total	911	87.1	135	12.9	1046

Source: Office of the Head of Civil Service, 2004

94. While positions are ostensibly open to both men and women, clerical grades of the public service are made up mostly of women. The gender imbalance sharply increases as one progresses to the executive grades of Chief Executive Officer, Assistant Chief Executive Officer and the Principal Executive Officer. Clearly, upward mobility is gendered and enhanced even more by the fact that men gain more training opportunities as women are hampered by the constraints of domesticity.

95. In regional and district administrations again there is a pattern of gender imbalance. Clearly, women's participation in Public Administration outside Accra (and even in Accra) is low. This is clear from the gender profile of Regional and District Administrations.

96. With the coming into force of the Local Government Service Bill, there may be opportunities for considerable advocacy for the attraction and appointment of more women as heads of district departments. Advocacy will be used to make training programmes more attractive to women by:

- (a) staggering the programmes for shorter periods than two weeks
- (b) organizing some of these programmes on-site
- (c) providing sufficient prior information

#### **Women in the security services**

97. There were previously fewer women in decision-making position in the security services in view of societal perception of women's need for protection. Women are expected to show motherliness and not "to act tough" hence security service were considered the preserve of men. This situation is however changing for the better. With the introduction of gender-mainstreaming mechanisms in all sectors, more females have been recruited to positions in the command structures within the security services. Presently we have the Deputy Inspector General of Police as a woman and a woman Commissioner in the immigration service. There are still challenges and it will take a while to attain gender parity. In theory, the selection criteria for all jobs in the higher echelons of government organization including the security services are gender-neutral, very few women than men make it to managerial and policy-making position. Though in theory there appears to be no discrimination in appointment procedures, in practice the cultural demands of child-care and home management effectively curtail the woman from being chosen as the "best person for the job" and this slows progress and advancement of women into managerial positions.

98. A number of measures have been put in place to address these issues:

- (a) The national machinery is in the process of publishing a directory of qualified women to facilitate the appointment of women to key positions as spelt out in the Affirmative Action Policy. The directory will be updated periodically.
- (b) Conscious efforts are being made by Government and Civil Society to identify emerging issues and advocate women's participation/representation at all levels of decision-making

- (c) The national machinery is engaging with other bodies (professional bodies, civil society organizations, academia etc.) to ensure that more women are propelled into leadership positions.
- (d) With the coming into force of the Local Government Service Bill, there will also be opportunities for advocacy for the attraction and appointment of more women as heads of district departments.

**8. Article 8: Measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.**

99. In Ghana, although the law does not discriminate against women in representing their Government at the international levels nor are they prevented from participating in the work of international organisations, the de facto situation is different.

100. Though women are included in official delegations to participate in high-powered conferences, seminars and workshops their numbers compared to the number of males is grossly inadequate especially in conferences relating to conflict resolution and trade. However, there is no discrimination when it comes to conferences relating to women and gender issues. Women have participated actively in all the International and Regional conferences on women.

101. Women's appointments to international bodies are generally low because there are few women available to occupy these positions. However, noteworthy is the appointment of Mrs Akua Kuenyehia to the International Court of Justice in The Hague.

**Women in the Foreign Service**

102. Ghana currently has a total of 41 ambassadors. Of these 4 are women, representing under 10% of the total (9.79%). There are only five more women occupying top-level positions in Ghanaian missions around the world. In a country of over 51% female, this is a serious under representation that needs redress.

103. There is no mechanism for grooming men, or women specifically, for participating or getting absorbed in diplomatic missions or international organisations. The only training is in the Ministry of Foreign Affairs where only the members of staff benefit.

104. There are still some articles of the Convention yet to be incorporated into the domestic law of Ghana. Efforts have been made to increase the representation of women at international levels, but there still remain a lot to be done to ensure that women are adequately represented in the Foreign Service and public life generally.

## **9. Article 9: Measures to ensure Equal Rights of Women with Men to acquire, change or retain their Nationality**

105. As indicated in the previous reports, the Ghana Nationality Act, 1971 (Act 361) and the 1992 Constitution guarantee women equal rights with men to acquire, change or retain their nationality and grant them equal rights with respect to the nationality of their children. However, Act 361 and all its amendments have been repealed by the Citizenship Act, 2000 (Act 591), but the Constitutional provisions on citizenship still stand.

106. The concern, however, is that nationality is crucial to full participation in society as indicated in the guide to reporting under the Convention; second edition (IWRAW, 1996). A woman's nationality may affect her right to vote or stand for Public office. It may affect her choice of residence and her access to Public Services (IWRAW, 1996).

107. In Ghana, as in other countries, women are more likely to change their place of domicile when they get married in accordance with where their husbands live and work. If they go to live in a new country the fact that they are not nationals could affect their right to vote or their ability to hold some public offices.

### **Dual nationality**

108. The 1992 Constitution of Ghana was recently amended in Parliament to permit dual citizenship in Ghana. This is further reiterated in Section 16 (1) of Act 591. This will help in some way to alleviate the dilemma of having to choose between adopting a husband's nationality and retaining one's own. These two laws, however, bar dual nationals from holding public office.

### **Citizenship for foreign spouses**

109. Article 7(1) of the Constitution allows for the registration of the spouses of Ghanaian women and men as citizens of Ghana. Article 7 (5) of the 1992 Constitution and Section 10 (6) of Act 591, provides that where there is a suspicion that the marriage was primarily entered into for the purposes of obtaining citizenship the applicant must establish that the marriage was entered into in good faith.

- (a) There are however, some discrepancies in the Constitution which could potentially infringe on a woman's rights to marry a non-national. Article 7 (6) of the 1992 Constitution and Section 10 (7) of Act 591, provide that in the instance of a man seeking the citizenship, he must be permanently resident in Ghana. Obviously these two provisions, article 7(1) and article 7(6) give different treatment to the foreign spouses of Ghanaian women because it makes it more difficult for them to acquire Ghanaian citizenship than it does for the foreign spouses of Ghanaian men.
- (b) Although the intention of the framers was supposedly to protect Ghanaian women from foreigners who would marry them in order to take advantage of liberal citizenship laws, it

merely serves to reinforce, albeit erroneously, the image of women as being incapable of looking after themselves and always being in need of protection (ECA, 1984).

### **Stateless women**

110. The Constitution makes provision for women who may become stateless as a result of marrying a foreigner; in that unless such a woman renounces her Ghanaian citizenship she and any child of a marriage registered as a citizen of Ghana will continue to be a citizen of Ghana, Article 7 (3) to (4) of the 1992 Constitution, and Section 10 (3) to (5) of Act 591.

### **Nationality of children**

111. According to Articles 6, clauses 2 to 4 of the Constitution and the Citizenship Act, 2000 (Act 591) Sections 8 to 10, a child, who is defined in the Interpretation Section, Section 24 of Act 591, as a person who has not attained the age of eighteen (18) years, may attain citizenship, by origin, adoption or by being a foundling in the following ways:

- (a) Where either of a child's parents or grandparents is or was a citizen of Ghana at the time of the coming into force of the 1992 Constitution, that person is a citizen of Ghana whether born in or outside Ghana;
- (b) Where a child of less than sixteen (16) years of age, whose parents are not citizens of Ghana, is adopted by a citizen of Ghana, that child shall be a citizen of Ghana by virtue of that adoption;
- (c) Where a child of not more than seven years of age is found in Ghana with an unknown parentage, that child shall be presumed to be a citizen of Ghana by birth;
- (d) In effect, therefore, both women and men have equal rights to grant citizenship to their children even where they are married to foreigners.

## **10. Article 10: Measures to Eliminate Discrimination against Women in Education**

### **Basic Education**

112. In Ghana, education policies do not, and have never, discriminated against any section of the community. Boys and girls are both entitled to equal opportunities under the law. Since independence, successive Governments have expanded access to education which has resulted in significant development towards the improvement of education for both children (particularly girls) and adults, right from pre-school to tertiary levels, including non-formal education.

113. Available data on educational participation shows that there has been a notable increase in the number of pre-schools in the country. This goes to prove that there is greater awareness of the importance of giving more time, attention and care to the development of children to ensure their

survival, growth and development. Sources from the 2000 Population and Housing Census indicate that 44% of children between the ages of 3 and 5 (inclusive) had access to early childhood education programmes. The table below shows enrolment trends for the period 1998 to 2002:

**Table 8. Pre-school enrolment trends (1998/99 to 2001/2002)**

Academic Year	Public					
	Female	%	Male	%	Sub-Total	%
1998/1999	223,088	49.6	226,750	50.4	449,838	100
1999/2000	225,402	49.7	228,279	50.3	453,681	100
2000/2001	216,466	49.7	219,157	50.3	435,623	100
2001/2002	226,819	50.0	230,778	50.0	457,597	100

Source: *SRIMPR Division, MOE 2001*

114. In the 2001/2002 school year, the total number of pre-schools was 9634, comprising 6321 in the public sector and 3313 in the private sector.

115. It is noteworthy that the Government of Ghana has accepted the challenge to have a policy governing Early Childhood Care Development (ECCD). At the time of writing this report, the ECCD Policy has been launched and being implemented.

116. According to policy, basic education is free. However, some charges have been approved to be paid by parents/guardians. They include charges for sports and culture, Parent-Teacher Association contributions (paid by only parents/guardians), fees for extra classes, etc. The charges are not uniform; they differ from rural to urban areas, from primary to JSS and even from school to school. School authorities use varying methods, including exclusion, to ensure the payment of the levies although government has directed that no child should be excluded for non-payment of levies. However, school authorities who ignore the government directives are not sanctioned. Some parents are unable to pay these levies, although sometimes ridiculously low, resulting in some children being excluded from school altogether.

117. To help poor parents/guardians financially the Ghana Education Service (GES), with assistance from Development Partners, has established the under-mentioned assistance packages for children identified as poor:

- (a) Scholarship that covers the cost of schooling
- (b) Support to needy pupils, especially girls (comprising school uniforms, school bags, sandals, exercise books and pencils). This type of assistance, available to fifty pupils in every school in all 110 districts, has been in existence (annually) since its inception in 1999.

118. The Education Strategic Plan (ESP) 2003 – 2015, has provided for a capitation graduated in favour of girls to cover the costs prescribed under school levies, thus minimising the level of the real cost of education to the family.

119. Provisions have been made to ensure access and participation of all children, especially girls. Educational facilities in all districts are undergoing rehabilitation while additional schools are being put up to serve areas where they are lacking, or are housed in temporary structures. In all, there have been more than 3000 newly constructed schools and more than 200 rehabilitated ones.

120. To improve quality in primary education the following measures are in place to ensure that sufficient teachers are in the school system:

- (a) Increase in the number of teachers admitted into and turned out by Training Colleges
- (b) Increase in the District Teacher Sponsorship programmes
- (c) Introduction of an In-In-Out teacher training programme
- (d) Incentive packages for teachers in deprived areas
- (e) Reduction in the number of teachers going on study leave and the introduction of Distance Education programmes to provide alternative opportunities for teachers' professional and academic development
- (f) Access courses for non-college trained teachers to gain admission into training colleges

121. In-service training programmes are organised regularly to build on the competency of teachers. School and cluster-based training programmes are conducted in all circuits and districts. However, additional effort is required to raise the quality of education in the country.

122. The Girls' Education Unit was established in 1997 to facilitate and advocate for the education of the girl-child. It has developed a programme that promotes the education of the girl-child as a means of attaining gender parity in education, particularly at the basic level. Additionally, information in the curriculum that promoted gender bias against girls has been removed. The curriculum has been strengthened through the development of materials devoid of gender bias for the teaching of Life Skills, HIV/AIDS and Child Rights Promotion, especially for girls in schools. Some NGO collaborators are assisting the Unit by providing some small grants to families to undertake income generating projects to enable them send their girl-children to school. The World Food Programme and the Catholic Relief Services provide food rations to encourage children, especially girls in the three northern regions, to attend school and to ensure the retention of girls in school.

- (a) In the year 2003, a number of interventions were developed to target the girls themselves in an effort to improve their self-esteem through Girls Clubs' activities. The Sara Communication Initiative and the set-up of a Reporting System for complaints of sexual and



other forms of harassment by male teachers or peers were the key activities of these clubs. These interventions have had some impact on retention of girls, though minimal. Retention remains a formidable challenge to the efforts of the Government to address women and girls' educational issues.

- (b) The Girls' Education Unit has succeeded in establishing a Scholarship Scheme funded by the GETFund for the education of the girl-child. Additionally, advocacy has resulted in the establishment of several Education Endowment Funds by traditional leaders and some individuals to assist families fund their children's education, particularly girls.
- (c) The strategies put in place to promote girls' education have yielded returns. The Gross Enrolment Rates (GER) have changed from 75.5% in 1987/88, to 74.6% in 1995 and 80% for 2002. The GER gender gap in favour of boys decreased from 10% in 1996/97 to 7% in 2003.
- (d) Analysis of gender participation in education for 2001/2002, based on Net Enrolment Rates (NER - actual participation of boys and girls of school-going age) following the Population And Housing Census of 2002 shows that in real terms the difference is only 1% in favour of boys. The national average for net enrolment is 58%: representing 59% for boys and 58% for girls in 2000/2001.

**Table 9. GER/NER by Sex and Region 2002/2003 - Primary Level**

Region	GER			NER		
	Boys	Girls	Total	Boys	Girls	Total
Volta	79	72	76	54	52	53
Central	90	85	87	67	65	66
Gt. Accra	66	63	64	49	48	48
Eastern	91	86	88	67	66	67
Brong-Ahafo	84	76	80	61	56	58
Western	81	74	78	61	57	59
Ashanti	77	71	74	58	56	57
Upper West	68	90	69	46	49	47
Northern	74	57	66	50	40	45
Upper East	75	75	75	51	53	52
<b>National</b>	<b>79</b>	<b>73</b>	<b>76</b>	<b>57</b>	<b>55</b>	<b>56</b>

*Source: EMIS, MOE, 2002*

- (e) Parity between girls and boys has almost been achieved at pre school level, however the gap begins to widen from the Basic/Primary school level. At the Junior Secondary School (JSS) level in 1999/2000 the percentage of girls and boys were 44.9% and 55.1% respectively.

### **Second Cycle Education**

123. The expansion of second cycle education has been a matter of concern. During the period, investments in second cycle education have not grown compared to that of basic education. The GPRS forecasted that participation in the SSS would grow from 17% to 25% by 2004. Enrolments in Senior Secondary Schools (SSS) grew from about 146,000 of the age group in 1987/1988, to 195,000 in 1997/1998 and 204,000 in 2000/2001. The Gender gap widens at each level, with females constituting only 33% of the Senior Secondary School (SSS) population.

- (a) The number of public secondary schools increased from 240 to 474. The number of technical institutions did not change, the total number was 23. Many Community Day Secondary Schools that were begun in the 1990s to make secondary schooling more accessible, without the additional costs of boarding and lodging, are under enrolled. A sizeable number have less than a hundred pupils. In the circumstances of Ghana, where many SSS students have poor literacy and numeracy skills, a strong encouragement for participation in technical and vocational programmes has emerged both in the formal and non formal approach.
- (b) There is a new commitment towards ensuring that the country fulfils its obligations towards the attainment of global education objectives. Educational planning has thus intensified with the Ministry of Education, Youth and Sports completing the preparation of a National Plan of Action for Education for All (EFA) under the Dakar 2000 Framework. In addition, proposals for securing additional funding support under the EFA Fast Track Initiative (EFA-FTI) has been completed and submitted. The core principles under these programmes are universal access and completion. The programme *of* work for the two programmes are derived from the Education Strategic Plan (2003-2015), which in itself is a new approach to the implementation and dissemination of education policies, strategies and targets for the period.
- (c) As a result of the intensification of the Girls' education drive, in 2002, seven out of the ten schools that excelled in the Senior Secondary School Certificate Examination (SSCE) were girls' schools.

### **Tertiary Education**

124. Parity is still a long way from being achieved at the tertiary level as can be seen from the tables below. The trend in the polytechnics is for more young women to continue to offer courses in the Arts instead of the Sciences as can be seen from Table 10.

**Table 10. Enrolment in Arts and Sciences in the Polytechnics (Tertiary Higher National Diploma Programmes) 2001/2002 - 2002/2003**

YEARS	ARTS		SCIENCE	
	MALES (%)	FEMALES (%)	MALES (%)	FEMALES (%)
<b>2001/2002</b>	71	29	82	18
<b>2002/2003</b>	72	28	83	17
<b>2003/2004</b>	68	32	77	23

**Source: National Council for Tertiary Education, June 2004**

125. Even those who pursue courses in the Sciences pursue courses that are categorised as Applied Sciences such as catering, fashion, etc. which are still related to the perceived stereotypical, traditional roles of women; while the young men pursue courses in engineering, etc. Girls constituted 22% of enrolment at the polytechnics while they constituted 33% of enrolment in the universities for the 2003/2004 academic year, as can be seen from Tables 10 and 11.

**Table 11. Student Enrolments in the University and Polytechnics, 2000/2001 – 2003/2004**

YEARS	UNIVERSITIES		POLYTECHNICS	
	MALES (%)	FEMALES (%)	MALES (%)	FEMALES (%)
<b>2000/2001</b>	70	30	78	22
<b>2001/2002</b>	71	29	76	24
<b>2002/2003</b>	69	31	76	24
<b>2003/2004</b>	67	33	78	22

**Source: National Council for Tertiary Education, June 2004**

### **Non-formal education**

126. Increased efforts are being made by the Government to give access to children and adults who are not in the formal education system. Development Partners and NGOs have lent support in this regard. The School for Life (SFL) literacy and numeracy programmes in the Northern Region have contributed in reducing the number of potentially illiterate persons, especially women, in the area. The programme prepares the children to join the mainstream schools at the appropriate time. The table below shows the figures for 1995 to 2002.

**Table 12. Transition from Non-formal education**

Year	No. of Districts	Graduated			No. informal school			% of graduates informal school
		Male	Female	Total	Male	Female	Total	
1995/96	2	1,344	933	2,277	766	425	1,191	53
1996/97	2	1,343	922	2,265	1,016	660	1,676	74
1997/98	5	2,950	1,948	4,894	1,635	1,178	2,813	57
1998/99	5	3,208	2,302	5,510	1,811	1,691	3,502	64
1999/00	8	5,115	4,039	9,154	3,359	2,278	5,673	62
2000/01	8	5,818	3,200	9,018	4,409	2,862	7,271	81
2001/02	8	5,461	3,300	8,761	4,121	2,622	6,743	77
Total		25,239	16,644	41,883	17,117	11,716	28,833	69

*Source: School for Life (Tamale, 2003)*

127. Non-formal education is very much an integral part of the education system. The establishment of the Non-formal Education Division, under the Ministry of Education, in 1989 marked the beginning of a conscious formal approach to addressing the needs of the adult non-literate population. Through the Literacy and Functional Skills Programme, cycles of literacy courses are organised for learners in all the 10 regions in the country, including children, particularly girls.

128. Non-Formal Education For Out-Of-School Girls And Women. Estimates of the illiterate population aged 15+ were 54% in 1981, 47% in 1985 and 46% in 2000. According to the 1993 Ghana Demographic and Health Survey (GDHS), 38% of women (aged six or older) have never gone to school and the corresponding figure for men is 26%. In the Northern regions nearly 70% of women have never gone to school.

129. According to the 2000 Population and Housing Census, Summary Report of Final Results March 2002, 54.3% of females, 15+, have never been to school or are illiterate. The corresponding percentage for males is 37.1% in the Northern Region. The Non-Formal Education Division (NFED) of the Ministry of Education was established in 1987 to address illiteracy in the Country and reduce it by 10% annually from 1990.

130. Non-formal Education comprises organised and semi-organised educational activities for both the young and old. The main aim of Non-formal Education is to reduce illiteracy among the productive age group by embarking upon functional literacy programmes in 15 local languages, as well as English. By the end of 2003, the programme had enrolled a total of 2,023,672 people with women constituting 60.8%. Of those who graduated, women formed 60.3%. The programme links classroom learning to development (health and hygiene, nutrition, family planning, agriculture, environment, civic awareness etc.) and income generating activities, all of which are of immense

benefit to women. By collaborating with NGOs and other partners, the programme is seeking ways to expand access and improve sustainability.

131. Supervisors are available to supervise and evaluate the work of the facilitators. There is one supervisor to 15 classes. Both categories of personnel are given incentives to maintain their morale, efficiency and effectiveness in the exercise. The classes they handle are male, female or mixed. Regional distribution of the enrolment as well as supervisors for the second quarter of 1993 reveals that while 61% of the learners enrolled are females, only 4% of the supervisors for the literacy classes are females. This goes to confirm the high prevalence of illiteracy among women (Status of women in Ghana 1985 - 1994).

132. Some of the learners drop out during the course of the programme. The sex composition of the drop-outs shows that higher proportions of females drop out than males (Table 13). This may be due to overburdening of women with domestic duties, poor lighting system, and incompatibility of the programme with their more demanding socio-economic roles. In addition cultural and traditional perception had influenced female drop out rates. In all about 54% of females dropped out while the proportion for males is 46% (status of women in Ghana 1985-1994). Below is the table of Enrolment, Graduation and Drop-out trends.

133. The situation has however improved as indicated in table 13. Enrolment figures for 2001-2002 in non-formal education stood at 121,759 females and 74,411 males. The figures 2003-2005 stood at 191,170 females and 121,797 males. However, 18,877 females dropped out as against 4,840 males.

**Table 13. Ghana National Functional Literacy Programme – Batches of Learners Recruited: 1992 - 2003**

Batch No.	Learners Recruited			Graduated			Drop-outs			% Drop-outs
	Male	Female	Total	Male	Female	Total	Male	Female	Total	
1 (1992/94)	80,224	121,536	201,760	66,586	100,875	167,461	13,638	20,661	34,299	17
2 (1994/95)	108,078	170,131	278,209	83,137	126,626	209,763	24,941	43,505	68,446	25
3 (1995/96)	85,488	125,738	211,226	65,915	108,144	174,059	19,573	17,594	37,167	18
4(1995/97)	82,615	126,611	209,226	71,712	103,719	175,431	10,903	22,892	33,795	16
5 (1996/98)	87,120	132,179	219,299	70,153	105,230	175,383	16,967	26,949	43,916	20
6 (1997/99)	78,051	129,274	207,325	71,425	109,129	180,554	6,626	20,145	26,771	13
7(1998/2000)	75,010	112,540	187,550	64,987	98,794	163,781	10,023	13,746	23,769	13
8 (2001/'02)	74,411	121,759	196,170	69,571	102,882	172,453	4,840	18,877	23,717	12
9 (2003/'05)	121,797	191,170	312,907	-	-	-			-	
<b>TOTAL</b>	<b>792,794</b>	<b>1,230,878</b>	<b>2,023,672</b>	<b>563,486</b>	<b>855,399</b>	<b>1,418,885</b>	<b>107,511</b>	<b>184,369</b>	<b>291,880</b>	<b>17</b>

### **Female participation in vocational training in Ghana**

134. Though there has been some increase in female participation in vocational training and in non-traditional courses over the years, a study commissioned by the NVTI in seven (7) Vocational Training Centres "on increasing Female Participation in Vocational Training in Ghana" has revealed that socio-cultural inhibitions, specifically religion, acted as barriers to the training of females in trades considered the preserve of men.

- (a) To address this situation, Co-ordinators with the responsibility of sensitising parents and young girls to encourage the girls to go into vocational training and in particular non-traditional trades have been attached to the centres. New trade areas considered to be female-friendly have been introduced, e.g. Tile laying, in five (5) Vocational Institutes whilst two (2) Career Training Centres were opened and private ones were absorbed into the public system. Additionally, more girl-friendly courses have been introduced in order to increase female participation in vocational training at the centres. Facilities which were lacking in the 1990s, such as hostel accommodation for girls and changing rooms, have been provided by the NVTI and NGOs.
- (b) The NVTI centres provide a programme which is to equip trainees with competency based skills of short duration. Most of the courses offered under the programmes are attractive to girls, e.g. soap and pomade making, batik, tie and dye and food processing. All these efforts are aimed at increasing the enrolment figures for girls at the centres. The available data is quiet on male participation. The NVTI is compiling disaggregated data for future use.

**Table 14. Female Trainees: First year students for 1997 – 2001**

NO	TRADE	1997	1998	1999	2000	2001	TOTALS
1.	General Electrical	3	13	27	14	17	104
2.	Machining	2	5	8	7	2	24
3.	Masonry	12	10	7	18	7	54
4.	Carpentry & Joinery	12	16	10	10	5	53
5.	Catering/Cookery	56	53	65	188	157	517
6.	Dressmaking/Fashion	79	77	118	309	285	868
7.	Auto Mechanics	5	1	3	9	-	18
8.	Maintenance Fitting	-	-	-	-	-	1
9.	Auto Body	-	-	5	3	2	10
10.	Plumbing	4	-	-	3	3	10
11.	Weaving	28	44	53	15	17	155
12.	Welding/Fabrication	1	5	6	11	6	29

NO	\TRADE	1997	1998	1999	2000	2001	TOTALS
13.	Refrigeration/Aircon.	4	-	-	3	3	10
14.	Electrical	5	4	4	2	1	16
15.	Printing	10	32	34	30	29	135
16.	Auto Electrical	5	-	3	2	8	18
17.	Small Engines	-	-	1	2	-	3
18.	Leather Works	-	3	8	3	9	23
19.	Motor Vehicle Mechanic	-	-	-	7	-	7
20.	Auto Body Spraying	-	-	-	1	-	1
21.	Batik/Tie & Dye	-	-	-	4	21	25
22.	Draughtsmanship	-	-	-	1	-	1
23.	Typing	-	-	-	-	15	15
24.	Computer	-	-	-	-	8	8
25.	Tile Laying	-	-	-	-	3	3
	<b>TOTAL</b>	<b>226</b>	<b>267</b>	<b>360</b>	<b>370</b>	<b>600</b>	<b>2121</b>

### **The Skills Training & Entrepreneurship Programme (STEP)**

135. Recently there has been an initiative by government to provide skill training to out-of-school, unemployed youth in a programme under the Ministry of Manpower Development & Employment known as the Skills Training & Entrepreneurship Programme (STEP). It has six components, namely:

- Agricultural Vocational Skills Training
- ICT Training
- Micro credit facility
- Artisan vocation
- Entrepreneurship training for graduates
- Apprenticeship Training - Gratis

Registration started in 2001, however the STEP Programme started operating in 2003 – 2004. Statistics available to date indicates the following sex desegregation of the trainees in the table below:

**Table 15. Components of STEP Programme and number of trainees enrolled, 2003**

COMPONENTS OF STEP	YEAR	NO. OF TRAINEES	%	
			MALE	FEMALE
Agricultural Vocational Skills Training	2003	13000	80	20
ICT Training	2003	-	-	-
Micro- credit facility	2003	-	-	-
Artisan Vocation	2003	10,300	25	75
Entrepreneurship training for graduates	2003	-		
Apprenticeship Training-Gratis	2003	150	99	1%

**Source : Statistics Department of the Ministry of Manpower Development & Employment, 2003**

136. The agricultural vocational skills involve animal husbandry for mainly youth in the rural areas. The artisan training component provides training in traditional women's vocations such as textile making, fashion designing, food processing, cosmetology, etc. The men are given technical training which links them up to apprenticeship programmes in fields like welding, machine fabrication, etc. STEP encourages self-employment and is linked to micro financing institutions so that trainees can access micro credit and set up their own businesses.

### **Information Communication & Technology (ICT) Programme**

137. The Ministry of Education has developed an ICT programme that is expected to be run by all SSS schools in the country, within the next five years. Consequently, in the next ten years it is expected that all girls who are in school will benefit from this training. However, other ways are yet to be found to make ICT available to other girls and women who do not have access to the formal system of education, especially in the rural areas.

### **11. Article 11: Measures to Eliminate Discrimination Against Women in Employment**

138. Employment, one of the indicators of human development, is the activity, which makes it possible for people to acquire means of subsistence, property and have decent living conditions. This is one of the most elementary and fundamental rights of mankind. Article 6 (1) of the International Covenant on Economic Social and Political Rights (ICESPR) requires state parties to take appropriate steps to safeguard their citizen's rights to work. Article 11 of CEDAW and articles 15 of the Universal Declaration of Human Rights protects the right of women to work. States are required to ensure free choice of profession, employment, promotion, job security and all benefits and conditions of services. Governments are also required to ensure that women are provided scientific and technological, vocational and other forms of training so that they have equal access to employment as men. They are



also required to provide adequate health facilities at work places for women including the safeguarding of the functions of reproduction.

139. Article 15 of the African Charter and the 1992 constitution of Ghana provide that people have the right to work under satisfactory conditions, and receive equal pay for equal work, without distinction of any kind article 24 (1). Even though this article does not specify equal pay for work of equal value, in accordance with International Labour Organisation (ILO) Convention 100 (1951), women in the public sector doing the same type of work as men receive equal pay. In the private sector, however, this is not always the case women often earn much lower salaries. Under the convention, women are also to enjoy the protection of social security, paid leave as well as retirement, unemployment, sickness, maternity and old age benefits.

140. The former labour laws of Ghana, provided for paid holidays, sick leave and maternity leave (section 34 and 36 Labour Regulation, 1969, L 1.632). Also the new labour law, which was given Presidential assent in March 2004, Ghana Labour Act 2003, Act 651, provides for paid holidays, sick leave and maternity leave, section 57 (1). The 1992 constitution also provides that; workers be assured of rest, leisure and reasonable limitation of working hours and periods of holidays with pay, as well as remuneration for public holidays, articles 24 (1) and (2). Article 2 and 3 of ILO Convention 103 (revised) 1952 guarantees women at least twelve weeks of maternity leave. Article 5 provides for additional leave in the case of illness arising out of pregnancy. These provisions have been incorporated into Ghanaian Law Article 27(1) of the constitution and Article 57 of the new Labour Act 2003.

141. Article 43 of the previous Labour Decree 1967 and likewise article 57 (8) of the new Labour Act 2003 both made and make provision for maternity leave with pay and protection from dismissal while away due to maternity. However, even though the laws are in existence, not all classes of women benefit from them. Many private, informal sector employers ignore the laws protecting workers' rights and these benefits usually accrue to mostly unionised organizations that have enshrined these rights in their Collective Bargaining Agreements (CBA). The discrepancy between sections of public and private sector employment is also evident in terms of maternity leave granted to women employees. In some parts of the private sector, some employers do not pay full salary during maternity leave and sometimes do not pay any salary at all if the maternity leave occurs within the first twelve (12) months of employment. A thorough research will be required in this area to provide actual statistics on these discrepancies and for appropriate measures to be taken. The Labour Advisory Board, on which Ghana's National Machinery is represented, is currently reviewing those ILO conventions to remove any form of discrimination against women.

142. Although women currently form 50 percent of the work force, due to their low or non-existent professional qualifications and limited job-openings, many workers are restricted to informal sector occupations and farming. 73% of the female work force (table 16) is estimated to be self-employed. Women's involvement in the formal sector of the economy has historically been low, though their numbers have increased over the years. In 1984, the public and private formal sector employed only 8 percent of economically active women, which constituted about one-quarter of the total formal sector workforce (Bortei-Doku, 1990). By 2000 their involvement had increased to about 36 percent of the

total public sector workforce, but there were wide variations from one institution of the other according to the specialization of the institution. Tables 13 and 14 give an indication of the employment status of women and men during the 2000 Population and Housing Census. As can be seen from table 17 only 4% and 6% of women can be found in the private and public sector respectively. These low participation rates notwithstanding, given the limited avenues for employment, many women are only too happy to have a job and would therefore not complain about lower salaries and poor conditions of service. Hence women are less economically empowered than men.

**Table 16. Employment Status of Economically Active Population, by Sex (Population aged 15+)**

<b>EMPLOYMENT STATUS</b>	<b>MALE (%)</b>	<b>FEMALE (%)</b>
Employee	21	10
Self Employed, No Employees	62	73
Self Employed, With Employees	5	5
Unpaid Family Worker	6	8
Apprentice	4	3
Domestic Employee	1	1
Other	1	1
<b>TOTAL</b>	<b>100</b>	<b>100</b>

**Source: Population and Housing Census, 2000, Ghana Statistical Service**

**Table 17. Economically Active Population, by Sex (Population aged 15+)**

<b>EMPLOYMENT SECTOR</b>	<b>MALE (%)</b>	<b>FEMALE (%)</b>
Public	8	4
Private formal	10	6
Public informal	75	86
Semi public or parastatal	4	2
NGO or International Orgs	1	0
Other	2	2
<b>TOTAL</b>	<b>100</b>	<b>100</b>

**Source: Population and Housing Census, 2000, Ghana Statistical Service**

143. The new pension scheme (Social Security Law 1991, NDCL, 1997) introduced in 1991 is designed to apply to workers in both the formal and the informal sectors, however it does not adequately cover the public informal sector where as can be seen from Table 14, 86% of women can

be found. This has serious implications for women's social security in the country, as a whole, that needs to be addressed. Formal social security, as at 2003, had only 9% of its beneficiaries being women because of their low participation in formal employment.

### **Women in Small – scale Self – employment**

144. Women's predominant activities are in agriculture, service, manufacturing and retail trading. In 1993, women comprised 48.5% of labour force in agriculture; in 1997, they constituted 47% of the labour in agriculture (World Bank Report), and in 2000 (Population and Housing Census) 49%. In the rural areas they are mostly farmers, traders, food distributors and processors.

145. Women in Ghana are the main actors in the production and distribution of food items in the country. They produce 70% of total subsistence crops. Ninety percent (90%) of the food chain, namely production, processing and distribution in the country is in the hands of women in the private trading sector. In the urban areas, women are in small informal income generating ventures as traders; small business entrepreneurs (particularly in food preparation); service providers in dressmaking and hairdressing and subsistence workers in industry as unskilled staff, apprentices and domestic workers.

### **Equal employment opportunities**

146. One obstacle that existed against equal opportunity for women in employment in Ghana is section 41 (1) of the previous Labour Decree, 1997, N.L.C.D 157 which made provision against females in any mine or underground work or in any industrial undertaking or night work. Although this provision was probably meant to safeguard the function of reproduction as required by the Convention, it was too broad because it included all women, pregnant or not. It therefore was discriminatory because it provided for unequal employment opportunities for women in an area which has been traditionally male-dominated and which is potentially a more lucrative sector of employment. It would be more appropriate to offer protection specifically to women who became pregnant by enabling them to excuse themselves from certain duties without being penalized. However the new Labour Act 2003, Act 651, does not have this provision barring women from underground work. It also provides that women give their consent before they are assigned night and overtime work, Sections 55 (1) a and b. Fortunately, various ILO conventions, as indicated earlier, are being reviewed with the aim of removing such discriminatory clauses against women.

### **Measures to ease pressure on working women**

147. The Head of Civil Service announced some measures to ease pressure on working women. Female staff of all categories would be allowed a half-day off, once a week, to do their shopping. Medical fees for both ante and post-natal care including complications arising from pregnancy will be refunded in full. Spouses of Foreign Service officers will also have the opportunity to join their husbands on terms of leave without pay, without losing their promotions and other benefits (Daily Graphic page 15, Friday May 22, 1998). However, these measures have not been circulated as an official policy directive to the various Ministries, Departments and Agencies (MDAs) and are therefore not being implemented.

148. Most men are not granted paternity leave in Ghana. Only a few NGOs and other organizations have this policy. This is discriminatory because it puts a disproportionate burden on women for the responsibility of newly born baby in the family. Further it is perceived by employers that only women need to take time off when a new baby is delivered and this affects their employment and promotion prospects because it gives men an unfair advantage in the employment market. The introduction of

paternity leave will encourage the sharing of parental and domestic responsibilities by women and men. This could be granted initially as optional leave, without pay, to allow people to become used to the idea and to observe the reaction to the scheme and the amount of interest shown in it. (Johanna O. Svanikier - 1997).

### **Child care facilities**

149. Without child-care a lot of the opportunities which are opening up to women, became meaningless. The convention requires States to provide the necessary supporting social services to enable parents to continue family obligations with work responsibilities and public life in particular through promoting the establishment and development of a network of child care facilities. Ghana has taken a lead by showing a commitment to childcare by incorporating the need for child-care into its constitution article 27 (2). However, this provision appears to reinforce the traditional idea that women are solely responsible for the care of children (Duncan, 1997). It is important that a provision on the care of children must at all times be written as a joint parental responsibility especially in such an enduring document as the constitution.

- (a) There has been no enabling legislation or programme to carry out article 27 (c) yet. However, a draft Early Childhood Care Development (ECCD) Policy was finalised in 2003 by MOWAC and launched in September 2004. Though an institutional framework was created to ensure early childhood care development, logistics and manpower constraints slowed down operations. With the development of an Early Child Development Policy Framework, the roles of various stakeholders including the Department of Social Welfare have been defined with MOWAC monitoring and evaluating implementation to ensure effective management and coordination of early childhood care development programmes in Ghana.
- (b) It is estimated that only 10% of children receive early childhood education. Kindergartens and nurseries, which accept children from 3-6 years old, fall under the jurisdiction of the Ministry of Education. There are about 5000 of them nationwide, 2000 of which are privately owned. Day care centres and crèches, which enrol children from 0-3 years old, are under the jurisdiction of Department of Social Welfare (DSW) and are generally supported financially by parents, communities and some NGOs. As indicated in the previous reports, the DSW supervises and assists day-care units and also runs a national Day-care Training Centre and a crèche. About 90% of day-care units in the country are located in the urban areas.
- (c) Government will intensify its efforts towards implementation of its obligations under the Convention and the Constitution, through the creation of an enabling legislation and government policy programmes. It will also commit funds towards implementation of this obligation and introduce incentives to employers and qualified entrepreneurs to set up privately owned centres under the government's private partnership programme.
- (d) The use of flexi-time, which allows employees to work flexible hours, each week, would also be invaluable as a measure to enable parents to fulfil their responsibilities towards their children and at the same time hold down a full-time job. (Svanikier J. O. 1997).

### **Gender based discrimination at the work place**

150. It is difficult to assess whether or not sexual harassment in the workplace is a problem faced by Ghanaian women. This is because statistics on the incidence and prevalence is hard to come by because cases of sexual harassment are not reported. In 1999 however a landmark ruling was made against an employer for sexually harassing his twenty-two year old female employee by the CHRAJ and that was the first of its kind in this country. CEDAW, in its general recommendation No. 12, adopted in 1989 has called on state parties to include in their reports to the committee, information on legislation against sexual harassment in the workplace. The provision on protection from sexual harassment contained in the proposals for draft constitution was not included in the Constitution of 1992. However, the new Labour Act 2003, Act 651 Section 63 (3) (b) makes provisions for sexual harassment.

151. It is important to note that the guarantees of equality and non-discrimination contained in article II are available only to women in formal employment. The majority of women are in informal employment. The majority of women, especially in the rural areas, do not work in the formal sector and are therefore not protected by many of the provisions in article II or the domestic laws that implemented them. A lot remains to be done for women in the informal sector by way of social security systems to cater for their social needs. Details of what is being done in this regard would be given under article 13.

### **12. Article 12: Measures to provide Women, on a basis of Equality with Men, access to health services including Family planning**

#### **Background**

152. Women's health is determined by three (3) main factors:

- (a) Geographical Access to health facilities: About 60% of all Ghanaians have access to a health facility and this conforms to the WHO standard of 8 kms to the nearest health facility. However, the three (3) northern regions are known to have lower access to health facilities. Women are even less likely to have as much access to these facilities owing to their disproportionate access to transport facilities in these regions.
- (b) Financial Access: Since women are economically less empowered, they tend to be less capable of accessing healthcare facilities. To address some of these issues for pregnant women, there is an exemption policy that covers four (4) prenatal visits.
- (c) Socio-cultural Access: Owing to cultural beliefs and practices that inhibit women's power and decision-making, their access to health services are further reduced. For instance many women, especially those with less formal education and lower incomes, are less empowered to conclusively decide on the number of children to bear or how much to spend on their health and nutrition. Moreover, they are more likely to accept belief systems that perpetuate taboo related to food and limit their health-seeking behaviour. Generally, women's health needs are addressed using the life cycle approach covering the health of women from infancy and childhood (0 – 9 years), through adolescence (10 – 19 years), through the reproductive years (20 – 45 years) into post-reproductive years (45+ years). There are lifetime health problems that cut across all the age groups and these include Gender-based Violence, certain occupational and environmental health hazards, workload and psychological illness. Women's health is a priority to the health sector and is mainly catered for under the National Reproductive Health Programme.

## Reproductive health services

153. The programme comprises safe motherhood including infant health, family planning and management of Sexually Transmitted Infections/HIV/AIDS and harmful practices affecting the health of women such as FGM, are part of the basic package of health services recommended for all levels in both public and private health sectors in Ghana.

### Maternal health services

154. There have been small but steady increases in the coverage of professional antenatal services; from 86% in 1993, it rose to 89% in 1998 and reached 92% in 2003. However, only forty-four percent of women were medically assisted to have their children in 1993 and 1998. In 2003, 47% of women were medically assisted with their deliveries. Please refer to table below.

Owing to the fact that, as indicated in the table below, almost half of the women who receive antenatal care, maternal mortality rates continue to be the leading cause of death among the 23.7% of women of childbearing age in this country. It is estimated to be 214 per 100,000 (GDHS 1993); out of this it is estimated that for every death there are between 20 to 30 morbidities. Maternal mortality is also predicted to be as high as between 700 - 900 per 100,000 in the three northern regions of the country. Seventy percent (70%) of these deaths are due to haemorrhage, eclampsia, and complications arising out of pregnancy. Thirty percent of maternal deaths are due to abortions.

**Table 18. Service delivery coverage for basic services**

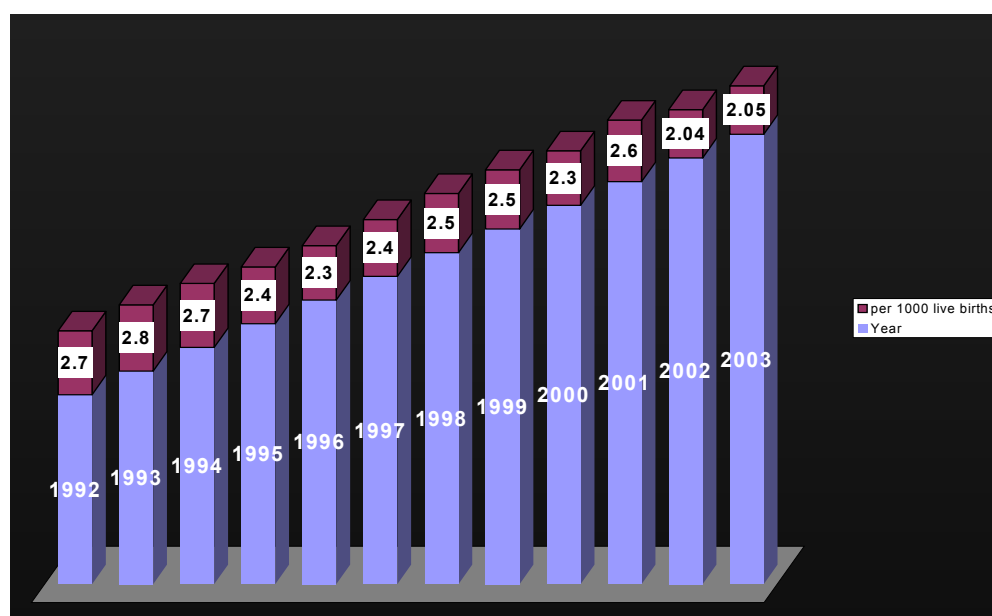
Year	Antenatal Care (ANC)	Supervised Deliveries (SD)	Post-Natal Care (PNC)	Post-Abortion Care (PAC)	Family Planning (F/P)	
		Medically Assisted Deliveries			Modern Methods	All Methods
1988	83%	40%	-	N/A	5.0%	13%
1993	86%	44%	-	N/A	10%	20%
1998	89%	44%	-	N/A	13%	22%
2003	92%	47%	-	N/A	19%	25%

*Source: Preliminary Ghana Demographic and Health Survey Report 2003*

### Family planning

155. Fertility rates (also indicated in table above) have been declining since 1993 from 5.5 to 4.6 in 1998 to 4.4 in the preliminary 2003 Ghana Demographic and Health Survey (GDHS) report. Overall contraceptive use among married women has also increased, the use of modern methods has nearly doubled over the past ten years from 10% in 1993 to 13% in 1998 to 19% in 2003. The level and use of contraceptives corresponds to fertility preferences among currently married women, thirty-eight percent of whom according to the 2003 GDHS preliminary report would like to wait for two years or more for their next birth and 36% do not want to have another child or are sterilized.

156. Reported adolescent pregnancies as a proportion of total antenatal registrants reduced from 19% in 1992 to 14.6% in the year 2000 and 14.5% in the year 2003. Increased age at marriage means young people are delaying marriage and so are staying much longer in school either for academic or vocational purposes. This new wave has implication for family life education for in and out-of-school youth and for youth-friendly health services at all levels of the health sector.



**Table 19. Trends in Institution-based Maternal Mortality Ratio in Ghana**

157. The maternal mortality rate is still high despite the steady but slow reduction experienced. In the 1970s the rate was between the range of 500 and 800 per 100,000 live births but improved by 1993 to 214 per 100,000 live births. Even though there are two schools of thought on the accuracy of the maternal mortality rate, the Ministry of Health still maintains that data until a more acceptable rate is obtained in a countrywide community-based survey. However, institutional based data shows slight improvements in the situation over the period thus institutional – based maternal mortality ratio ranged from 2.7 per 1000 live births in 1992 to 2.04 per 1000 live births in the year 2003 (see table 19 above).

### **Draft gender and health policy**

158. Recently, a draft Gender and Health Policy has been prepared to articulate policies and strategies on engendering medical school curricula and in-service training, the health delivery system as well as improving the working conditions of female health workers.

### **Women in Ghana and HIV/AIDS**

159. HIV/AIDS is one of the serious public health challenges faced in the country. The pandemic is taking its toll more on women more than men with serious gender dimensions to the disease as a result of women's anatomical, socio-cultural and economic vulnerability to the disease.

#### **Infection rates**

160. According to the national AIDS control report, the first HIV/AIDS case was identified in 1986 in Ghana and since then cumulative cases have reached 64,591 (39,381 – female, 25,211 – male) as at end of the year 2002. The peak ages for those infected with HIV are 25 – 29 years for females and 30 – 34 years for males. The ratio of females to males infected with HIV ranges from 6:1 in the 1990s to 2:1 in the year 2003. For young people the ratio is four (4) female adolescents to one (1) male adolescent meaning more female adolescents are getting infected than males. The reasons for the higher infection rate among females are biological, socio-cultural and economic, arising mainly out of Gender relations. Young men and women between ages 15 and 49 years are also at risk because of the high rate of sexual activity among them.

#### **Prevalence rates**

161. Projections of the National AIDS Control Programme in the year 2002 indicate that in a high prevalence scenario, it is estimated that HIV prevalence could rise to 9% by the year 2014; and in a low prevalence scenario, HIV prevalence could remain relatively stable at 4% in 2014. Reports from sentinel sites indicated a prevalence rate of 3.4% as at end of the year 2002, with variations indicating a high prevalence of 8% in some districts. By the end of 2003, the median prevalence rate had risen to an estimated 3.6% and mean prevalence was 3.9% (HIV Sentinel Survey, 2003). Even though most of the sentinel sites are located in urban areas the reports are still valid. The national average of HIV prevalence in women attending antenatal care is relatively low (2.4%). Breastfeeding is generally accepted as a sure means of infant feeding. Exclusive breastfeeding for six (6) months was quoted as 53.4% in the 2003 Ghana Demographic and Health Survey preliminary report. It is estimated that 10% to 20% of babies may become infected with HIV/AIDS during labour and delivery.

#### **Prevention of mother-to-child transmission of HIV**

162. Mother to child transmission (MTCT) is the second major means of transmission, accounting for 50% of new transmissions. It was estimated that the prevalence rate among pregnant women in 2002 was 8%. At the time of writing this report, 16 out of the 2289 facilities that provide Reproductive and Child health (RCH) services in the country have been designated Prevention of Mother to child transmission (PMTCT) sites and provide anti-retroviral therapy to pregnant women who test HIV positive. Plans are underway to scale up the sites to 24 sites by the end of 2004.



### **People living with HIV/AIDS**

163. The steady increase in the number of HIV infected women indicates a rising number of HIV infected children and many more orphaned children, thereby placing an enormous burden on already burdened families. This is particularly true of women who tend to be the main sufferers of HIV/AIDS and the care-givers for the infected. The Anti-Retroviral drug of choice (Nevirapine) has been selected and is being used based on results from a pilot project in the Eastern region. Counselling and care are being provided for PLWHAs but on a limited scale

164. Despite the high awareness rate of HIV/AIDS among males and females, behaviour change is nowhere near it. Studies show that some people do not still accept unprotected heterosexual activities as a major cause of spread of the disease. This means unprotected sexual intercourse is still practised among some individuals, couples and communities. The epidemic is concentrated among high risk groups such as patients infected with sexually transmitted infections and commercial sex workers.

165. In view of the above, a multi-sectoral approach is being used to address issues arising out of the spread of HIV in Ghana. The Ghana AIDS Commission oversees all HIV/AIDS related programmes. The National AIDS Control Programme of the Ghana Health Service and Ministry of Health mounts surveillance on the Ghanaian population and provides technical and managerial support to stakeholders. There is also a District Response Initiative on HIV/AIDS where districts develop and implement multi-sectoral strategic plans for their districts. Ghana has a draft HIV/AIDS policy, guidelines on voluntary counselling and testing and comprehensive guidelines on prevention of mother-to-child transmission of HIV.

166. Preventive, curative and promotive health services are provided by health workers in both public and private health sectors. Notable among these are the strengthening of about fifteen (15) VCT sites created and functioning at the time of compiling this report. PMTCT and VCT are being merged gradually to enhance efficiency and effectiveness in managing HIV/AIDS programmes. The female condom was also introduced in 2000 to empower women in negotiating for safer sex.

### **Challenges**

167. Cultural and traditional practices that negatively affect women's health are deeply rooted and so not easy to deal with wholly at the different levels of our population. These practices affect the activities of the health sector to some extent.

168. Human, material and financial resources for improving women's health has never been adequate, or near adequate, as a result of the country's socio-economic situation and poor distribution of scarce resources.

169. Individuals, family and community knowledge and skills in addressing women's health issues are still limited. Women lack information about how their bodies function at various stages of life and under certain different circumstances.

170. Negative attitudes of health workers, especially in times of emergencies, remain a big problem in the health sector especially the public sector.

171. Documentation of all processes regarding women's health issues still falls short at all levels. For example documentation on management of abortion complications are difficult to come by. Research into women's health needs is not fully covered especially in the area of their psychological needs. Meanwhile, there are a sizeable proportion of females on admission in mental hospitals as a result of worsening situations they found themselves in prior to admission.

172. Anaemia is prevalent among pregnant women, confirming that most women enter pregnancy already anaemic. Individualised maternity care is compromised and therefore poor quality of care. This is depicted in the number of visits to a health professional during the antenatal period, the proportion of women who deliver with professional attendants and furthermore the proportion of mothers who attend post-natal clinic at least once in the immediate post-partum period.

173. To some extent, strategies put in place by the health sector have impacted positively on the health of women. For example, the safe motherhood programme has come a long way to improve the processes that contribute to the reduction of maternal morbidity and mortality. However, there is still room for improvement in the quality of care given women at all levels of the health delivery system.

**13. Article 13: Measures to eliminate Discrimination against Women in other areas of Economic and Social Life in order to ensure, on a basis of equality of Men and Women, the same rights**

174. Women operate a major segment of the trading and marketing enterprises in the informal sector, comprising about 91% of the labour force in that area. In the agricultural sector, they account for 52%. From 1990 onwards, women have played a major role in small-scale enterprises (SSE): ranging from garment/textile, food processing, hairdressing, tailoring and soap making to running restaurants and hotels.

(a) The principal problems faced by women entrepreneurs are low purchasing power and under-capitalisation. Women, therefore, depend on loans and credits from traders, kin, or money lenders with very high interest rates.

(b) To facilitate the growth and development of small-scale enterprises in Ghana, the following policy measures have been adopted by the government:

- i) Provision of vocational/technical training to small-scale entrepreneurs
- ii) Provision of increased credit and finance to small-scale enterprises
- iii) Creation of an enabling business and regulatory environment.

(c) Because credit information, disaggregated by sex, is not available from the banks, information of what has been achieved in this area is derived from selected institutions that support the cause of women. They include Women's World Banking (WWB), National Board for Small-Scale Industries (NBSSI), Citi Savings and Loans, PAMSCAD Credit Line and the Women Development Fund, among several others.

### **Women's Development Fund**

175. The Women's Development Fund was established in 2002 on the initiative of MOWAC to empower women economically. Aimed at women's empowerment, it is exclusively targeted at women in small-scale enterprises in selected economic activities. In recognition, the Japanese government supported the Women's Development Fund initiative with a grant of 26.5 billion, cedis. Already, since year 2001, micro-credit facilities ranging from 500,000 cedis to 1 million cedis have been granted for various economic enterprises. This, no doubt, will contribute significantly to poverty reduction among women in the rural areas of the country. It is, however, important to note that access to the fund is guaranteed only by application through the banks with which one has an account, and unlike the traditional banking requirements, women need no collaterals to benefit from the WDF, except to be organized into groups. Women should, therefore, be encouraged to use the banking system for their business.

### **Access to land**

176. The land tenure system in Ghana is governed by customary law. Access to land may be through inheritance, pleading, marriage, share cropping or renting, or buying or as a gift. Access to land also depends on its proposed use.

- (a) As mentioned elsewhere, in patrilineal societies where inheritance and descent are traced through the father's lineage, women may acquire land through marriage, but in this instance, the women may have access to the land only for as long as the marriage lasts. Among the matrilineal Akans, where women have a right to the lineage lands, it has been documented that the lineage heads often discriminate in giving out land to women (Ewusie 1978).
- (b) In Ghana, land is a critical resource to all farmers but to women in the rural areas access to land could be more critical. Available data from the Ministry of Agriculture shows that women's access to land seems better in the Ashanti Region, where over 50% of the holders are women, as compared to the North where only 2% of the holders of land are women.
- (c) Efforts are being made to give women better access to land through the co-operative system which often enables them to acquire land relatively easily.
- (d) In the area of technology, efforts are being made to provide rural women with various types of input and technical know-how by agencies like the Women In Agricultural Development Division (WIADD), the Ghana Regional Appropriate Technology Industrial Services

(GRATIS), NGOs and international agencies. (See also Article 14 dealing with rural women).

### **Family benefits**

177. All employees and self-employed persons pay tax, as required by law, based on assessments made each year by the Commissioner of Internal Revenue. The tax system is based on the ability to pay. The tax relief system has not changed since the year 2000.

The tax relief granted includes:

- (i) Life Insurance and Social Security Contributions (Sec 14)
- (ii) Personal Relief (Sec 15 (1))
- (iii) Disabled Relief (Sec 15 (3))
- (iv) Old Age Relief (Sec 15 (4))
- (v) Children's Education Relief (Sec 15 A (1))
- (vi) Age Dependent Relative Relief (Sec 15 B)
- (vii) Employee's Allowances
- (viii) Marriage Relief (Sec 15 (2))

### **Marriage Relief (Sec. 15 (2))**

178. The more relevant and relatively gender sensitive is the Marriage Relief of Section 15(2) as indicated below. A marriage relief of 50,000.00 cedis for 1995 and 300,000.00 cedis for 1996 to date, is granted to the following categories of persons:

- (a) A married woman who maintains her husband and their household. Provided the husband of a woman who claims this relief shall not be entitled to the same relief.
- (b) An unmarried man with two or more children who depend on him.
- (c) An unmarried woman with two or more children who depend on her PNDCL 166 SEC. 5(2). Provided that no such relief shall be granted to a married person unless that person produces a marriage certificate or certified copy of the registration of the marriage to support the claim. It must be noted that only one spouse is entitled to the marriage relief.

### **Beneficiaries under the Social Security Law**

179. The Social Security Law, 1991, established a corporate body called the Social Security and National Insurance Trust (SSNIT). The Trust has as its objectives among others, the provision of social protection for the working population for various contingencies, such as old age and invalidity.

180. The law has proven problematic because at the time of filling beneficiary nomination forms, which is usually at the beginning of their working life, they neither have spouses nor children. They therefore often nominate members of their wider extended family. By the time death occurs, however,

there is usually a spouse (or spouses) and children. Many people never alter their forms and this creates problems for the immediate family (i.e. spouse and children) in the event of death intestate. Where a contributor dies having made the necessary contributions, payments are made to his nominees and the nominee is not obliged to share the benefits with the wife and children of the deceased.

### **Scope of the Social Security Law**

181. The Social Security Law, 1991, (PNDCL 247) replaced the Social Security Decree, 1972 (NRCD 127). sec. 20(1) applies the law to all self-employed persons, who opt to join the scheme. Further, section 20(2) states that: "Where a member has ceased to be employed he may continue to pay his monthly contribution at the rate being paid by a self-employed person".

- (a) This added flexibility is seen as a positive development for women, the majority of whom are self-employed. Many women in paid employment find it necessary to break their careers to bring up their families, a task which still falls predominantly on them. For such women, so long as they are able to continue their social security payments their benefits will not lose value.
- (b) Despite SSNIT's campaign to embrace self-employed workers including farmers in their memberships, this does not seem to have made any impact on women in the rural areas. This is probably because the incomes of many of these women are not sufficient enough to be able to put aside a portion for future consumption.
- (c) On the whole, although the social security scheme as it exists under (PNDC Law 247) is a marked improvement on the defunct provident Fund scheme, it is yet to make a meaningful impact as an effective social protection scheme especially under the structural adjustment policies. These affect vulnerable groups, including women and children, negatively.

### **Sporting, Recreational and Cultural Activities**

182. Another area of concern under Article 13 is equal rights of participation in sporting, recreational and other cultural activities.

- (a) With respect to female soccer, an all female national soccer team, the 'Black Queens', have through hard work proved their capability nationally and internationally. However, although they have continued to receive more support from national and private quarters over the years, funding and other support remains a challenge for this talented group of sportswomen.
- (b) Another new development is a team of young female boxers currently being groomed locally for future national, regional and international bouts. As above, sponsorship and other support undermines the capabilities of these women.

- (c) Most women, especially those working in the informal sector, have neither leave, nor vacation nor recreation. Many work continuously from Monday to Sundays without break, except break periods during traditional ceremonies. Their only relaxation periods are during their participation in social events like child-naming or christening ceremonies, funerals or birthday parties, traditional festivals or other national festive occasions.
- (d) Socio-cultural attitudes to women's recreation and over-expectation of their capabilities, as well as inadequate facilities prevent recreation among women. Increased media coverage and corporate sponsorship of women in sports and body exercise is gradually helping women to make in-roads where men dominate.

**14. Article 14: Measures to take into account the particular problems faced by rural women and the significant roles they play in the economic survival of their families, and to Eliminate Discrimination against Women in rural areas that ensure, on a basis of equality with men, that they participate in and benefit from rural development.**

183. This section of the Report deals with the progress Ghana has made in addressing the problems faced by rural women and the measures that have been taken to ensure their economic survival, as well as to eliminate discrimination in their circumstances. For the most part, information and statistics given are pre-2000. This is because there are a number of long-term projects underway. Nonetheless, what is given here is reflective of the present times. There is still a lot of work to be done.

- (a) The Demographic and Health Survey (1993) gives the total population size of Ghana at 16.9 million. This increased to 18.4 in 2000. Out of this, 66% live in the rural areas and 34% in the urban areas. It is evident from these statistics that a large number of Ghanaians live in the rural areas, and for that matter a large majority of Ghanaian women live in the rural areas. It is imperative that the needs of this constituency be improved.
- (b) Various descriptive statistics are shared in this section of the Report. Fertility Rate, Marriage Patterns, Contraceptive Use, Education, and the Accessibility of Drinking Water in the rural areas. Also, the Report assesses the inroads that have been made into Mother and Child Care; as well as the existing and pressing concerns and problems of rural women at the time of this Report.
- (c) The Report goes on to examine the status of rural women in Ghana: with regard to power-sharing and decision-making, by looking at the inequities of their access to land, and their participation in the economic structure and participation in the productive process.
- (d) The report concludes on a note of hope, however. There have been some inroads into Ghanaian rural women's access to credit, and the results are positive. More credit is being made available to women in their own strength, and this is empowering. Of course, more can still be done: but then the progress is significant and certainly worthy of mention.

## **Descriptive Statistics regarding rural women**

### **Fertility rate**

184. The fertility rate dropped from 5.5 in 1993 to 4.6 in 1998, and 4.4 in the preliminary 2003 Ghana Demographic and Health Survey (GDHS) report. The Northern region had the highest rate of 7.4 per woman, and Accra had the lowest rate of 3.6 per woman.

### **Marriage patterns**

185. The proportion of women married between 19 and 29 was 31% in the rural areas, and 22% in the urban areas; and the proportion of teenagers who already had a first child was 26% in the rural areas and 16% in the urban areas. The percentage of married women using any form of contraception was 31% in the urban areas compared to 15% in the rural areas.

### **Contraceptive use**

186. Exposure to family planning methods through radio and television is much higher in the urban areas and among higher educational levels than it is in the rural areas.

### **Education**

187. Overall, women's access to education is increasing but recent studies show that only about 6% of females aged 15 years and above have attained higher than secondary school education (GPRS, 2003). This has serious implications for women's income earning capability, especially in female-headed households. However, at the younger ages, girls are nearly as likely to be in school as the boys but among 15 – 19 year olds, while 51% of boys were enrolled, 29 % of girls were enrolled in 1993. The table below shows enrolment trends for both boys and girls from preschool to senior secondary school level for the period 1999-2001. In all years, girls' enrolment was slightly lower than boys. It is encouraging to note that at pre-school level parity has almost been achieved for girls and boys. Other details on education have been discussed under article 10.

**Table 20 Enrolment rates by sex**

LEVEL	1999		2000		2001	
	Boys %	Girls %	Boys %	Girls %	Boys %	Girls %
<b>Pre-School</b>	50.4	49.6	50.3	49.7	50.3	49.7
<b>Basic/Primary</b>	53.7	46.3	53	47	52	47
<b>Junior School</b>	55.3	44.7	55.1	44.9	54.7	45.3
<b>Senior school</b>	58	42	58	42	57	43

**Source: Republic of Ghana, Education Management Information Systems, Ministry of Education, (EMIS, MOE) 2002**

**Drinking water**

188. Overall, 35% of households used piped water for drinking. Piped water was available to 76% of urban households and 13% of rural ones. More than one-fourth of all households obtained water from less secure sources.

**Mother and child health**

189. The Safe Motherhood Programme aimed at reducing mortality and morbidity as well as infant mortality rates, especially in the rural and sub-urban areas, is under way. It aims at using the most cost effective strategies within the context of the Primary Health Care programme. Other details of its aims and achievements are outlined under article 12.

**Problems of rural women**

190. Economic and structural reforms in general have had adverse effects on the poor, especially rural women. Their needs must be focused on, since they play important roles in production and development processes, enhancing their capacity raises their participation in national development.

- (a) Women in poor, rural households have less access than men to health care, food, education, training and other productive assets such as credit, land and technical information.
- (b) Women have a low status in employment, generally, and rural women's status is even worse. Some of the reasons are poor health, lack of education, and lack of an enabling environment because of traditional and cultural beliefs.
- (c) Generally the health of rural women suffers because frequent childbirth and heavy domestic burdens have taken their toll. There is the physical stress of working 16 – 18 hour days, poor diet, malnutrition and repeated pregnancies. The NCWD Report on the Status of Women indicates malnutrition as very serious in the Northern parts of Ghana. It affects 65% of pregnant women and 45% of non-pregnant women. In the south, these numbers are less: 43% of pregnant women and 30% of non-pregnant women. Further, rural women lack education and have very low literacy levels, which does not help them maintain good health and good productivity rates.
- (d) Yet, about 70% of the rural population depends directly on agriculture and related activities for their survival, and of necessity, the needs of this segment of society must be met for efficient production to take place. The Medium Term Agricultural Development Programme launched in 1991 provides a framework for the efficient allocation of public and private sector resources and a focus for policy and institutional reforms in the Agricultural sector to fully recognise Ghana's potential.
- (e) From the statistics on population, Ghana is made up of 51% women who form about 47% of the labour force. About 35% of heads of households are women and about 61% of female household heads in the urban and 53% of those in the rural areas fall in the poorest 20% of the population (Core Welfare Indicators Questionnaire Survey, 1997).



- (f) As a result of migration from rural to urban towns and cities in search of greener pastures, the incidence of female headed households has become an increasingly common feature in rural areas. The problem is multi-dimensional with many other reasons attributed to it. These include increased irresponsibility among some fathers and lack of child maintenance by the same parents. There have been many calls for serious community education and other measures to curb the increase.
- (g) This increase in the number of female-headed households implies a change in trend in the decision-making process within households. It means that more women are taking up the leadership role in households and taking decisions that affect the wide spectrum of socio-economic development of households. It also means that since 68% of the population live in the rural areas, it follows that majority of the female labour force live in the rural areas. Farming is the most important occupation for these rural women who constitute 47% of the farm labour force; and the number of women farmers is increasing at a faster rate than men.
- (h) There are many challenges and difficulties facing these women. Since the type of work rural women do needs sheer physical strength, their efforts are seriously hampered by their lack of strength. They are considerably slowed down by health constraints. Moreover, these women have to engage in multi-tasks to sustain the family. They also have to help the men with planting and cultivating cash and food crops on land which is mostly not mechanized. They have to carry farm produce on their heads – a task which is both time and energy consuming. The women are also overburdened by commitment to household duties.
- (i) In spite of their extraordinary involvement in these agrarian activities, rural women have much less access to resources than their male counterparts – especially in areas of education, land, agricultural extension and access to credit. These limitations combine to restrain rural women's ability to increase their productivity and hence, their incomes. Yet, these women are unable to gain employment in the formal sector and so, cannot change their occupation. All statistics indicate that females in Ghana are less educated than males, and rural women even more so than their urban counterparts. In that sense, they are fated to remain in the harsh conditions of agrarian productivity and it becomes a vicious cycle. There have been some efforts at improving the plight of rural women.

**Rural Women's access to land, participation in the definition of Economic Structure and the productive process itself**

**Access to land**

191. Traditional systems still affect women's access to land: thus, access to land depends on the traditional system prevailing in an area. In the patrilineal system, since inheritance is traced to the father's lineage a woman may not be likely to inherit land. She could however acquire land through marriage, as long as the marriage continues. In the event of the divorce or death of the spouse, she may lose the land. In some circumstances, a woman may hold land in trust for her sons and may have access to land that belongs to her grown up sons and brothers. In the matrilineal system however, women have a right to the lineage lands. In the case of migrant farmers, women's access continues to be limited to share cropping, leasing and hiring. The average holdings of women are generally smaller than those of men.

### Access to credit

192. Access to funds or credit for rural farmers seems to be on the rise. Group lending schemes have widened the access of the rural poor to institutional credit. Formal collateral arrangements have also been done away with by Lending Institutions in Ghana, as they are willing to lend to beneficiaries who have formed formal or informal groups. Most of this credit is provided with capacity-building to ensure the most effective use of the funding.

- (a) There have been some creative measures to assist small-scale farmers. Notably, the Agricultural Development Bank and the Rural Banks have been noted to extend credit facilities and have co-financed integrated agricultural projects with the Government and International donors like IFAD, by extending credit lines. Some amount of the District Assembly Common Fund is also available for women farmers. Thus, institutional credit has been made widely accessible to rural women farmers. (NCWD Report on the Status of Women; 1984 - 1994);
- (b) Through an IFAD/ADB credit line for the Land Conservation and Small Holder Rehabilitation project in the Upper East Region (one of the poorest regions in Ghana) 300 rural women beneficiaries from 20 groups were financed to the tune of 7.2 million cedis in 1993. Similarly 150 women from 10 groups for off-farm income generating activities were financed to the tune of 3.17 million cedis. (NCWD Report on the Status of Women; 1984 - 1994);
- (c) There have been other programmes to improve the technological knowledge of women:
  - i) Technological Capitalisation for Training for Rural Women.
  - ii) Women in Agricultural Development Division.
  - iii) Ghana Regional Appropriate Technology Industrial Service.
  - iv) Programme for Oil Extraction and Processing in Co-operatives under the technologies for Rural Development Programme.
  - v) Programme to Increase Access to Credit, such as, National Board for Small Scale Industries and Credit Union Associations.
- (d) The Department of Social Welfare has responsibility for looking at the plight of the poor. However, they are poorly resourced and the assistance given is ad hoc – through self-targeting, contact or referrals. Specifically, assistance has been given to women with start-up capital given to single parents for small-scale business and scholarships for children. Assistance can also be in the form of payment of medical bills, clothing and free medical treatment on the recommendation of a social worker.
- (e) The Government is committed to implementing the Beijing Platform of Action aimed at improving the advancement of women and rural women in particular. Under the 1996 budget, an amount of 215.4 million cedis was pledged to enhance women's economic status. Budgetary allocation to the MOWAC and its Departments for enhancing the status of women and children in development stood at 20 billion cedis as at 2004.
- (f) Furthermore, the Government of Ghana has embarked on various projects with the aim of improving the rural areas. These include road construction, rural electrification and water projects. Under a Self-Help Electrification Project the government is providing

matching funds to assist in linking rural towns and villages to the National Electrification Grid.

- (g) The Ghana Poverty Reduction Strategy for reducing poverty in the country aims at addressing poverty and focuses on four thematic areas namely:
- i) The macro-economy
  - ii) Production and Gainful employment
  - iii) Human Resource Development and Basic Services and
  - iv) Governance

The GPRS, recognizing the shortcoming in women's advancement, focuses on girl-child education, economic empowerment of women, vulnerability and exclusion of women and maternal mortality. Interventions targeted at rural and urban poor and other vulnerable groups have started showing results as reflected in bumper harvest in farming areas and in the improvement in status of living of targeted groups of disadvantaged women (especially women with disabilities).

- (h) The village Infrastructure Project has the objective of reducing poverty and improving the quality of life of the rural population.
- (i) The NPRP Social Investment Fund, targeting rural communities is ongoing. The SIF has also introduced a micro-credit system giving credit to rural poor women.

#### **The status of rural women in Ghana - Power Sharing and Decision making**

193. CWD Report on the Status of Women (1985 -1994) indicates that the traditional structures of inheritance determine to a large extent the power base and decision-making machinery in rural areas. Where there is a matrilineal line of succession, women play an important role in decision-making: serving as consultants whose views matter and whose socio-economic decisions are held in high esteem. Conversely, in areas where there is a patrilineal line of succession, women are relegated to the background. The report further states that rural women have needs:

- (a) They need assistance in the form of credit to hire labour to perform heavy farm duties so they can produce enough for sale and to feed their households.
- (b) They also need appropriate technology that will save time and energy.

194. Though substantial imbalances still exist between rural and urban development, it is hoped that the various policy measures and projects being undertaken to enhance the living standards of rural people, if fully implemented, will improve the status of rural women in Ghana.

15. **Article 15: Measures to Accord to Women; equality with men before the Law, identical legal capacity to that of men; removal of restrictions of women's legal capacity and equal rights with men in relation to movement of persons and freedom to choose their residence and domicile.**

195. Indicated in the previous reports, Ghanaian women have equal rights as men before the law. Article 17 of the Constitution specifically states that all persons shall be equal before the law in both criminal and civil matters. Women have equal rights as men to conclude contracts or

administer property in their own rights. Women also have the right to equal treatment at all stages of procedures in courts and tribunals however, Gender prejudices often stand in the way.

### **Access to justice**

196. The legal processes themselves are unnecessarily complex, slow and sometimes expensive. Other major constraints of women in seeking legal redress include their lack of education on their legal rights. There are also many cases before the courts which have not been disposed of. This discourages and intimidates women, especially rural women, from seeking redress in court. Many people, including rural women, who have grievances therefore may not seek redress at all and would rather resort to the use of unorthodox means like employing militia or 'Macho' men (strongmen) to claim the justice which they think is being denied them by the formal legal system.

197. The free legal aid offered to women both by the Government and the Ghana branch of the International Federation of Female Lawyers and various programs on Gender advocacy by Non-Governmental Organisations like the African Women Lawyers Association, and others, has to some extent addressed the problem of accessibility to legal services. It is, however, limited in scope and sometimes some of these women are so indigent that even transport fares to and from these legal aid clinics is difficult to come by and they just give up.

198. Other parallel legal systems such as the Commission on Human Rights and Administrative Justice, Alternative Dispute Resolution, the Fast Track Court system and Family Tribunals have also in some way eased the case load in the formal courts. Additionally, legal educational programmes mounted by the Ministry of Women and Children's Affairs through the National Council of Women and Development, outreach programmes organised by organizations such as FIDA (International Fund for Agricultural Development), Trades Union Congress, and Women in Law and Development in Africa, have all made many women aware of their legal rights and responsibilities. Yet there is still a lot of work to be done especially in the light of the cultural and family pressures on these women. These slow down and sometimes eliminate the urge to seek justice through the court system altogether.

### **16. Article 16: Measures to Eliminate Discrimination against Women in All matters relating to marriage and the family**

199. In Ghana, different rules apply to the various forms of marriages; viz: Marriage under Mohammedans' Ordinance, marriage under the Marriage Ordinance or marriage under Customary Law. The majority of Ghanaian women marry under Customary Law, which is very highly regarded because it involves the meeting and joining of families.

#### **Minimum age for marriage**

200. The Children's Act, 1998 (Act 560) sets the minimum age of marriage as eighteen (18) years in Section 14(2), however customary practices around the country still lead to child betrothals and child marriages.

201. Although it is a criminal offence to force a person into marriage with or without their consent, as the Children's Act stipulates in Section 14(1), these young girls (some of whom are still children) are not aware of the fact that they have the right to refuse, due to lack of knowledge about this provision. Usually, there is no cohabitation until the child-bride reaches puberty.

Often, by this time, the girl has been socialized to accept her fate or else economic and social pressures will compel her to do so.

202. Among the patrilineal communities in Northern Ghana the husband performs bride-service for the girl's parents or starts paying the bride price from when the girl is as young as five (5) years old. In such a situation she is in no position to refuse to marry him when she comes of age.

203. The Children's Act, 1998 (Act 560) was passed by Parliament, to reform and consolidate laws relating to children, and provide for the rights of the child regarding maintenance and adoption. The law also regulates rules regarding child labour and apprenticeship and adequately takes care of other ancillary matters concerning children generally.

### **Polygamy and Bigamy**

204. "So long as polygamy exists and is protected by Law, the equality of women within the family, as enjoined by constitutions and Laws, will remain a myth" (ECA Report, 1984).

- (a) Polygamy is a form of marriage practised in Ghana. This means that a man may be married to several wives concurrently whereas a woman may not have multiple husbands. This practice under Ghanaian customary law clearly conflicts with the non-discriminatory provisions of the Convention. Moreover a man has the right to damages when his wife commits adultery.
- (b) Polygamy is a big obstacle to women's equality because it is the cause of emotional and financial insecurity among women, children and sometimes even the very men who are responsible for it. It is a financial drain on the men and on their families who have to share the time and resources of a single father with several others.
- (c) Upon the death of a man who practices polygamy there is always that potential for strife amongst members of his multiple families. If the deceased man's estate is inadequate in relation to the size of his families, there will be great financial hardship on the wives and children. Needless to say when PNDCL 111 has been applied where the deceased polygamist died interstate, the estate may become so fragmented that it is almost worth nothing.
- (d) The Marriage under the Mohammedans' Ordinance, (Cap 129) among Muslims, provides for the registration of marriage of up to four (4) wives and divorces. No marriage or divorce by persons who profess Islam is valid unless registered under this Ordinance. Most Muslim marriages are not registered under this Ordinance and are then regarded as marriages under customary law, simpliciter.
- (e) In the case of marriages celebrated under the Marriage Ordinance (cap 127) which is legally monogamous, men are prohibited from marrying again by whatever means, customary or otherwise, unless they are divorced. A man who remarries without first obtaining a divorce commits bigamy and is guilty of a misdemeanour under Section 263 of the Criminal Code, 1960, (Act 29). In addition that subsequent marriage is a clear nullity.
- (f) A man married under customary law, which is a potentially polygamous form of marriage, cannot contract a subsequent marriage with a different woman under the

Ordinance because of monogamous nature of marriages under Cap 127. Therefore any such marriage would be bigamous.

- (g) Unfortunately this law is more often honoured in its breach than in its observance. It is flagrantly disregarded among those men married under the Ordinance. In fact, the harsh reality is that a considerable proportion of men are in bigamous marriages or have been at some point in their lives. The general attitude of the women appears to be one of resignation. Ghanaian women are therefore not taking advantage of the law against bigamy. This might be due, by and large, to cultural factors. Society, unfortunately, is quick to label a woman who dares to fight this practice as aggressive and without shame.
- (h) Concrete measures will have to be taken by Government to make polygamy illegal, by enforcing the Bigamy Law pro-actively and opening up the debate on how polygamy may be abolished. Polygamy, among other things, harms the well-being of the family unit which is a vital component in the development of the nation. Yet another dimension of its harmful nature is in the incidence and spread of HIV/AIDS. Nevertheless, to achieve this feat of the abolishing bigamy, society must be educated about the ills of the practice.
- (i) Most men are now compelled to stick to one wife because of the prevalent harsh economic conditions. Parents are more obliged than ever by law (Children's Act, 1997) to send their children to school at considerable expense and nurture them until they reach the age of majority.
- (j) Polygamy was more rife in former times, especially in the rural areas, when Ghanaian families were structured as large extended groups that made their living through subsistence farming. This, then, called for the need to marry more wives and have more children to serve as farmhands. However, the social foundations for the existence of polygamy are gradually being eroded, albeit slowly.

### **Property**

205. With respect to property, women in Ghana have equal rights before the law to own and administer property in their own right. Under customary law, however, property residing in the family is considered family property and is usually administered by the family head, who is usually male.

- (a) Prior to the passage of the Intestate Succession Law, 1985 (PNDCL111), the distribution of the estate of a man who died intestate was determined by the customary law of inheritance from the area he hailed from, or the type of marriage the deceased was married under, viz.: The Marriage Ordinance (cap 127), the Mohammedan's Ordinance (cap 129) or Customary Law Marriage. Frequently, a larger portion of the estate of the deceased was inherited by his customary successors on behalf of the extended family rather than by his spouse and children. Each of these systems of distribution was laden with problems which resulted in the female spouse and children of the deceased being left with very little, or nothing at all. The enactment of the Intestate Succession Law therefore provides one uniform system of property distribution of an intestate's property throughout Ghana irrespective of the class of the intestate and the type of marriage contracted.

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- (b) The implementation of the PNDCL 111 has however been bedevilled with problems such as polygamy, over fragmentation of the estate of the deceased, inter-ethnic marriages, issues of self-acquired property and family property and complete ignorance of the existence of the law, especially in the rural areas.
  - (c) The Intestate Succession (Amendment) Law, 1991 (PNDCL 264) today offers protection to many a surviving spouse and her children from ejection from the matrimonial home before the distribution of the property, by family members.
  - (d) Additionally, Article 22 of the 1992 Constitution of Ghana and all its clauses, ensure the equal property rights of spouses upon intestacy. It even goes on in Clause 2 to state that Parliament shall as soon as practicable after the coming into force of the Constitution; enact legislation regulating the property rights of spouses. In this regard, Government, through the Attorney General's Department and with the help of certain NGOs and donor agencies are far advanced in their efforts in drafting such legislation and consulting stakeholders on this rather thorny issue of distribution of spousal property. There have been and continues to be many difficulties in reaching a consensus on the best and most practicable legislation.
  - (e) The deliberations have largely been along the parameters of joint, separate or equal ownership, or equitable distribution of spousal property. This has been so, especially, on the issue of contribution of female spouses to the acquisition of the property. Hitherto the trend has been proof of substantial contribution for claiming part or full ownership of the property. This practice has cheated and continues to cheat many women out of property that was rightfully theirs because it was acquired with and by their help to a very large extent, in almost all instances.
  - (f) The law therefore needs to be structured to reflect the actual way of life of many couples. It must also be made easier for the domestic contribution of women to be valued monetarily and taken into account. This contribution is often under-estimated and not recognised as financial contribution, neither is the congenial atmosphere in the home and the unique managerial skills aptly displayed by the woman ever considered.
  - (g) MOWAC in collaboration with other stakeholders in academia, civil society, the Law Reform Commission, religious bodies is in the process of reviewing the matrimonial, inheritance laws with the aim of making them responsive to current social realities.
  - (h) A study commissioned by NCWD on the incorporation of articles of the Convention into the laws of Ghana and on women's rights in relation to marriage and the family, revealed that women's unequal status in marriage and the family is frequently based on traditional, customary and religious attitudes that confine women to particular roles. These attitudes are deeply entrenched and resistant to change.
  - (i) In fact, in some areas of Northern Ghana it has been observed that women are not allowed to inherit cattle under customary law. This is a violation of the women's rights, a clear contravention of the CEDAW, and causes hardship for these women because cattle are the usual medium of wealth in those areas.
  - (j) The Constitution however enjoins all Houses of Chiefs and Skins to review all customary laws and codify ownership of land and property in order to eliminate some of the

inequalities in the myriad of different customs which operate throughout the country. The codification of these negative customary laws and massive advocacy for social change of the same will eventually lead to the elimination of harmful and discriminatory laws and practices against women.

### **Children**

206. Another issue that concerns many Ghanaian women is the maintenance of children. Sub-Part III of the Children's act, 1998, act 560 is legally dedicated to maintenance of a child, which is the duty to supply the necessities of health, life, education and reasonable shelter for the child. It therefore behoves on both the father and mother of a child, biological or adopted, the equal responsibility for maintaining that child in all respects. Also guardians who take upon themselves the responsibility of caring for a child are also responsible for their upkeep. Where this has not been complied with, by virtue of section 48 of act 560, an application may be made to a Family Tribunal for a maintenance order for the child by various categories of persons, viz.: The child by his next friend, or a parent, or guardian of the child, or any other person. This has helped many women address their problems with child maintenance.

207. Traditionally, failure of a couple to have children is automatically blamed on the wife and is often grounds for separation or divorce. Under patrilineal systems of customary law where the parents are married, children are deemed to belong to the father's extended family and upon dissolution of the marriage the husband usually acquires custody of non-infant children if he wants them. Even where women have the option to keep the children they often decline because they usually lose possession of the family home, if any, and lack adequate financial support from the father to be able to maintain the children's standard of living. This is especially so where the women are not gainfully employed themselves. The Legal Aid Clinic run by FIDA attempts to bridge this gap by providing free legal counsel to women who cannot afford legal services and even to men who approach them from time to time (Women's Rights and the Law in Ghana, 1997).

### **The Women and Juvenile Unit**

208. Established in 1998 WAJU works closely with the Department of Social Welfare, MOWAC, FIDA and the Ghana Legal Aid Board. Its functions include investigating female and children related offences; handling cases involving domestic violence, child abuse, child delinquency; prosecuting all such cases and any other function that may be assigned to it by the Inspector General of Police.

209. Since the submission of the previous reports, injurious customary practices such as Ritual Servitude or Trokosi, Female Genital Mutilation (FGM), Cruel Widowhood Rights, Intermeddling with the estate of an intestate, inter alia, have been criminalised. A domestic violence Bill proposed by government is at the time of submission of this report being discussed. Human Rights and gender activist are advocating for the passage of the Domestic Violence Bill into law. MOWAC in conjunction with Civil Society Organizations have mounted a Country-wide dissemination exercise of the Bill which has been translated into eight local dialects. The dissemination of the Bill was to ensure wide acceptance and national ownership and to facilitate effective implementation when finally passed.



## 17. Conclusion of Report

210. As demonstrated in the foregoing, under various sections, there have been some improvements in the status of women since the submission of the initial and second reports. Government has taken various concrete social, economic and legal measures to improve the lot of women.

- (a) Through various workshops and conferences, Government has reviewed the Ghana National Plan of Action for Women in the areas of decision-making, economic structures, poverty, peace and health. This inter alia has given new impetus to the struggle towards empowerment of women.
- (b) The Government of Ghana is also making the effort by taking various initiatives to fulfil its commitments made at some World Conferences, especially commitments made in Beijing. The 1992 Constitution of Ghana in chapter five (5) has incorporated most of the articles of the CEDAW under the Fundamental Human Rights and Freedoms. Various laws are being reviewed with the aim of removing from our laws discriminatory clauses affecting women and children. Researches have been commissioned into Violence Against Women to find out its nature and incidence, and the draft Domestic Violence Bill was, at the time of compiling this report, being disseminated for public comments by MOWAC and the Coalition for the Passage of the Domestic Violence Bill; both working towards the expedited presentation of the Bill in Parliament for its passage into law.
- (c) The findings of the various researches initiated continue to serve as tools for advocacy for reviewing existing laws and for enactment of new laws to ensure Gender balance. It is acknowledged however that enforcement of laws is crucial.
- (d) The function of the National Machinery for women has been enhanced by Government in the formation of MOWAC in 2001. Since its inception, the Ministry which has Cabinet status is collaborating with stakeholders, sector ministries, members of Civil Society Organisations and NGOs to sensitise the public (both men and women) with the hope of changing attitudes and ensuring Gender balance in all spheres, for optimum development.

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