

African Commission on
Human & Peoples' Rights



OAU - OUA

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de l'Homme et des Peuples

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RAPPORT PERIODIQUE DU GHANA



REPUBLIC OF GHANA
MINISTRY OF FOREIGN AFFAIRS

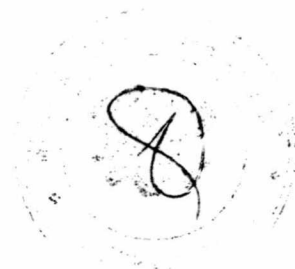
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The Ministry of Foreign Affairs of the Republic of Ghana presents its compliments to the Secretariat of the African Commission on Human and Peoples' Rights and with reference to the latter's Note No. AFR/COM/HPR/MS/A046 of 20th June, 1990 requesting periodic reports pursuant to Article 62 of the African Charter on Human and Peoples' Rights has the honour to attach herewith the Periodic Report of Ghana covering the period 1990 - 1992.

The Ministry of Foreign Affairs of the Republic of Ghana avails itself of this opportunity to renew to the Secretariat of the African Commission on Human and Peoples' Rights the assurances of its highest consideration.

Accra

29th September, 1992



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Oduro

NATIONAL COUNCIL ON WOMEN AND DEVELOPMENT
DECREE, 1975 (NRCD 322)

This Law seeks to advance the rights and welfare of women in Ghana. The Council is charged with the responsibility of studying the effect of beliefs, prejudices and practices on the advancement of women in education, political and economic field and report to the Government.

2. **GHANA NATIONAL COMMISSION ON CHILDREN, 1975**
(A. F.R.C. D 66)

This Law establishes a commission which is to oversee the general welfare and development of children and to co-ordinate all the essential services for children in the country which will in effect promote the rights of the child and also make proposals to the Government from time to time to enact or review legislations in areas of children's rights, privileges and benefits in Ghana.

3. **MAINTENANCE OF CHILDREN DECREE, 1974 (SMCD 133)**

This Law imposes a duty on a parent or any person who is legally liable to maintain a child to supply the child with the necessaries of health, life and reasonable education.

4. **LABOUR DECREE, 1967 (NLCD 157)**

Sections 42 and 43 of this law provides that an expectant woman should be allowed to stay at home for six weeks when she is due to have her child and six weeks to take care of the child when she delivers.

Section 44 of the law prohibits the employment of children except with the consent of the child's parents.

The same law frowns upon forced labour. Under the law, "no person shall exact or cause to be exacted for his benefit forced labour from any other person."

5. EDUCATION ACT, 1961 (ACT 87)

The Act establishes local education authorities in all areas. These authorities are to promote the spiritual, moral, mental and physical development of the community by ensuring that efficient education throughout the primary and middle stages are made available to the people of the area.

The law stipulates that, no person shall be refused admission to a school as a result of his religion, nationality, race or language or that of his parents.

6. POLITICAL PARTIES LAW, 1992 (PNDCL.281)

According to this law, every Ghanaian of voting age shall have the right to form or join any political party and also participate freely in political activities.

7. NATIONAL COMMISSION ON CULTURE LAW, 1990 (PNDCL 238)

This Law establishes the National Commission on Culture and the Commission is to promote Ghanaian tradition and values and also to establish a code of behaviour compatible with Ghanaian tradition of humanism and a disciplined and moral society.

8. PUBLIC TRIBUNALS LAW, 1984 (PNDCL.78)

Article 7 of the African Charter on Human and Peoples' Rights requires that an accused person should have a right of appeal and a right to a defence counsel. In consonance with this, PNDCL 78 gives an aggrieved person the right to appeal against the decisions of a tribunal and under the law, any person charged and sent to the tribunal shall be entitled to be represented by a counsel of his own choice.

9. CRIMINAL CODE (AMENDMENT) LAW, 1984 (PNDCL 90)

Sections 88A and 278A prohibits any cruel, immoral or indecent treatment of bereaved spouses during and after the funerals of their spouses. Breach of this amounts to a misdemeanor which is punishable under the laws of Ghana.

10. PROVISIONAL NATIONAL DEFENCE COUNCIL (ESTABLISHMENT) PROCLAMATION (SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS LAW, 1982 (PNDCL 42)

The above law provides that the "Directive Principles of State Policy" shall guide all people and institutions in exercising powers conferred on them by this law.

The Law makes respect for fundamental rights one of the cardinal principles. The law provides inter alia "respect for the fundamental human rights and the dignity of person to be cultivated among all sections of the society as a basis of social justice".

Citizens, under the law are required to be loyal to Ghana. This requirement overrides sectorial, ethnic and other loyalties. Under the law, it is the responsibility of the state to provide adequate educational and health facilities to be enjoyed equally by all Ghanaians.

This Law also provides that the benefits of land as a national resource shall be enjoyed by the people of Ghana as a whole.

11. THE 1992 REPUBLICAN CONSTITUTION

The 1992 Constitution has been accepted in a referendum and although it is to come into force on 7th January, 1993 it is worth mentioning because of its elaborate provisions on the fundamental human rights. The provisions comply with all the requirements of the African Charter.

Under the constitution every person in Ghana whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms enshrined in chapter 5.

The Constitution makes provisions for the protection of the right:-

- (a) to life;
- (b) to human dignity;
- (c) to own property either alone or in association;
- (d) to work under satisfactory, safe and healthy conditions; and
- (e) to receive equal pay for equal work without distinction of any kind.

The Constitution also provides for the protection of the following freedoms:-

- (a) freedom of speech;
- (b) freedom of the press and media;
- (c) freedom of thought, conscience and belief including academic freedom;
- (d) freedom from slavery and servitude;
- (e) freedom from discrimination;
- (f) freedom of association, assembly and movement.

Article 17 of the Constitution provides that "all persons shall be equal before the law" and Article 19 states that "A person charged with a criminal offence shall be given a fair trial". "Fair trial means right to appeal, right to engage the services of a defence counsel and right to have one's case heard within a reasonable time.

Under the Constitution, special care shall be accorded to mothers during the period before and after child-birth and during those periods, working mothers shall be accorded paid leave.

The Constitution provides that children and young persons shall receive special protection against hazards. Engaging a child in work which constitutes a threat to his health, education or development is prohibited under the Constitution. The Constitution prohibits the torturing or other cruel, inhuman or degrading treatment or punishment to children.

Provision is also made for the protection of the disabled persons against all forms of exploitations, all treatment of a discriminatory, abusive or degrading nature.

This Constitution establishes the Commission on Human Rights and Administrative Justice. This Commission is to investigate all complaints of violations of fundamental human rights and freedoms and to take appropriate actions to remedy such violations. In addition to the above, the Commission is to educate the public on human rights and freedoms through publications, lectures and symposia.