

Answer

of the Federal Government

**to the Minor Interpellation tabled by the Members of the Bundestag Luise
Amtsberg, Volker Beck, Uwe Kekeritz, further Members and the Alliance 90/The
Greens parliamentary group
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Human rights situation in Ghana

Preliminary remarks of the questioners

On 20 July 2015, the deadline for transposing Directive 2013/32/EU of the European Parliament and of the Council of 26 July 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive) expired. Article 37 (2) of this directive contains an obligation to regularly review the situation in third countries designated as “safe countries of origin” under national law. This is designed to ensure that the substantive stipulations of European Union law are met when designating “safe countries of origin”.

Under Annex I of the Directive, a country can only be designated a “safe country of origin” “where on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of Directive 2011/95/EU, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

In making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against persecution or mistreatment by

- a) the relevant laws and regulations of the country and the manner in which they are applied;
- b) observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the United Nations Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;
- c) respect for the *non-refoulement* principle in accordance with the Geneva Convention;

d) provision for a system of effective remedies against violations of those rights and freedoms”.

Ghana was classified as a safe country of origin on 30 June 1993. The Federal Constitutional Court found that the inclusion of Ghana in the list of safe countries of origin was constitutional in its ruling on 14 May 1996 (Ref.: 2 BvR 1507 and 1508/93). However, the Act Introducing Expedited Asylum Procedures of 20 October 2015 (Federal Law Gazette I 2015, p. 1722) for the first time placed the obligation on the Federal Government to present a report every two years on whether the prerequisites for the designation of “safe countries of origin” continue to exist (Section 29a (2a) of the Asylum Act). Since 1996 the human rights situation in Ghana may have changed. The legal framework governing refugees has certainly changed. For instance, “sexual orientation” is expressly recognised in Article 10 of (the since revised) Directive 2004/83/EC of the Council of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (Qualification Directive) as grounds on which people face persecution. The Court of Justice of the European Union has repeatedly reaffirmed this (for instance in its ruling on 7 November 2013, Ref.: C-199/12 to C-201/12).

The Alliance 90/The Greens parliamentary group continues to believe the instrument of “safe countries of origin” is wrong. It limits procedural rights, legal protection possibilities and since the entry into force of the Act Introducing Expedited Asylum Procedures, also the social and economic rights of nationals from these states seeking protection. In Ghana the democratic system has been reinforced in recent years. This has led to a continuous improvement in material living conditions, public services, the freedom of the press and of opinion. We believe, however, that in order to ensure the system of safe countries of origin is subject to critical review, the continuous monitoring of the human rights situation in these countries is legally imperative and politically of extreme importance. This Minor Interpellation aims to contribute to this.

Preliminary remarks of the Federal Government

Ghana is continuing its trajectory of political liberalisation on the basis of the rule-of-law principles enshrined in the Constitution in spite of economic difficulties (inflation, collapse in the exchange rate). The next parliamentary and presidential elections are due to be held at the end of 2016. Political parties can develop freely on the basis of the Constitution and the Parties Act and also articulate their views in the press. According to the 2016 World Press Freedom Index compiled by “Reporters without Borders”, Ghana ranks 26 out of 180 countries and as such 2nd highest among the African countries. The freedom of the press, which is alive and well in Ghana, is also demonstrated by the manner in which the politically sensitive issue of corruption is covered. Ghana’s Internet is uncensored. The justice system is independent. There are neither restrictions to religious freedom nor tangible intolerance between the different religious communities. Both leaving and changing faiths is legal and socially possible in practice.

The Constitution prohibits discrimination on the grounds of gender, race, skin colour, ethnicity, religion and social or economic status.

The Ghanaian Commission for Human Rights and Administrative Justice is highly respected; its work influences the parliament and the government. Ghana contributes actively to the debates in the UN Human Rights Council and takes the Universal Periodic Review procedure seriously. The next review is due to take place in January 2017.

This notwithstanding, social traditions and customs do continue to stand in the way of the full implementation of the constitutional guarantees, of government action and also of the work done by civil society in various fields.

Disabled and HIV-positive people in particular face social stigmatisation. Equality for homosexual, bisexual, transsexual and intersexual people (LGBTI people) continues to meet with strong objections from Ghanaian society, which are intensified by Christian and Muslim religious leaders alike. Discrimination against LGBTI people in education and employment as well as intimidation and blackmail attempts by the police are prevalent. Even consensual same-sex acts continue to be subject to penalties.

The death penalty has no longer been enforced in Ghana since 1993; the government and political leaders are not currently pursuing the debate on abolishing it given the presidential elections at the end of 2016.

Economic, social and cultural human rights (ESC rights) are enshrined in the Ghanaian Constitution. Their full implementation is impeded by the relative poverty of the country and the very high proportion of employment in the informal sector, at 80 %. This means that in spite of signing and ratifying the 1990 UN Convention on the Rights of the Child and legislative provisions commensurate with this, child labour continues to be widespread.

Combatting domestic violence, in particular against women and children, has gained in importance on the other hand. Offenders are increasingly less likely to go unpunished and receive long prison terms in some cases. It is also positive that in 2015 the Ghanaian government introduced a “National Gender Policy” (NGP) with the aim of bolstering the status of women and children as well as vulnerable groups and people with disabilities.

The Federal Government is working with its European partners to further develop the Country Strategy on Human Rights for Ghana first developed in 2011 under the auspices of the EU, which is to apply during the period from 2016 to 2020 and is designed to support the country in eliminating shortcomings that still persist.

Irrespective of these shortcomings, overall the Federal Government considers the situation in Ghana to be positive, including by international comparison. There has been no deterioration in the situation compared to previous years.

1. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive), and how has this situation developed within the last year?

The protection of race, origin, political opinion, skin colour, religion, faith and gender is enshrined in the Ghanaian Constitution (Article 12 (2)). The Federal Government is not aware of any direct or indirect state repression in Ghana against certain persons or groups of persons on the grounds of their race, or the other characteristics or affiliations cited in Article 12 (2) of the Constitution.

This applies to the territory of Ghana as a whole. Please also refer to the preliminary remarks of the Federal Government.

2. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) where the state or other actors are not able or willing to provide protection, and how has this situation developed within the last year?

The Federal Government is not aware of any cases of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of belonging to a particular “race” where the state or other actors are not able or willing to provide protection.

3. To the knowledge of the Federal Government, to what extent do people in Ghana face legal, administrative, police or judicial measures on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
4. To the knowledge of the Federal Government, to what extent do people in Ghana face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?
5. To the knowledge of the Federal Government, to what extent do people in Ghana face denial of judicial protection on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?
6. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) and how has this situation developed within the last year?

Questions 3 to 6 will be answered together.

Please refer to the answer to question 1 and the preliminary remarks of the Federal Government. Legal protection and the prohibition of discrimination are enshrined in the Ghanaian Constitution (Articles 15, 17).

7. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their “race” (cf. Article 10 (1) lit. a of the Qualification Directive) where the state or other actors are not able or willing to provide protection, and how has this situation developed in the last year?

The Federal Government is not aware of any cases of violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of belonging to a particular “race” where the state or other actors are not able or willing to provide protection.

8. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed in the last year?

This question is identical in its wording to question 2. Please refer to the answer to question 2.

9. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

Please refer to the answer to question 1. Religious freedom is enshrined in the Ghanaian Constitution. The Federal Government is not aware of any religiously motivated cases of physical or psychological violence, including sexual violence, by non-governmental actors where the state or other actors are not able or willing to provide protection.

10. To the knowledge of the Federal Government, to what extent do people in Ghana face legal, administrative, police or judicial measures on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
11. To the knowledge of the Federal Government, to what extent do people in Ghana face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

12. To the knowledge of the Federal Government, to what extent do people in Ghana face denial of judicial protection on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?
13. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) and how has this situation developed within the last year?

Questions 10 to 13 will be answered together.

The protection of race, origin, political opinion, skin colour, religion, faith and gender is enshrined in the Ghanaian Constitution (Article 12 (2)). The Federal Government is not aware of any direct or indirect state repression in Ghana against certain persons or groups of persons on the grounds of their race, or the other characteristics or affiliations cited in Article 12 (2) of the Constitution. Please also refer to the preliminary remarks of the Federal Government.

14. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their religion (cf. Article 10 (1) lit. b of the Qualification Directive) where the state or other actors are not able or willing to provide protection, and how has this situation developed in the last year?

The Federal Government is not aware of any cases of violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of belonging to a particular religion where the state or other actors are not able or willing to provide protection.

15. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed in the last year?

The protection of race, origin, political opinion, skin colour, religion, faith and gender is enshrined in the Ghanaian Constitution (Article 12 (2)). The Federal Government is not aware of any direct or indirect state repression in Ghana against certain persons or groups of persons on the grounds of their nationality, or the other characteristics or affiliations cited in Article 12 (2) of the Constitution.

16. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of physical or psychological violence, including sexual violence, by non-governmental actors against people on the grounds of their nationality where the state or other actors were not able or willing to provide protection.

17. To the knowledge of the Federal Government, to what extent do people in Ghana face legal, administrative, police or judicial measures on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
18. To the knowledge of the Federal Government, to what extent do people in Ghana face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?
19. To the knowledge of the Federal Government, to what extent do people in Ghana face denial of judicial protection on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?
20. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) and how has this situation developed within the last year?

Questions 17 to 20 will be answered together.

Legal protection and the prohibition of discrimination are enshrined in the Ghanaian Constitution (Articles 15, 17). The wording of Article 12 (2) of the Constitution may not use the term “nationality”, but is, however, clear regarding the validity of basic rights. Article 12 (2) addresses “all people” (no distinction between holders of basic rights based on nationality) and discrimination on the grounds of origin is prohibited. Please also refer to the answer to question 6, which applies likewise.

21. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their nationality (cf. Article 10 (1) lit. c of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of a person's nationality which the state or other actors are not able or willing to provide protection against.

22. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Please refer to the answer to question 1 and to the preliminary remarks of the Federal Government.

23. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

The Federal Government is not aware of any cases of the use of physical or psychological violence, including sexual violence, by non-governmental actors against people on the grounds of membership of a particular social group where the state or other actors are not able or willing to provide protection.

24. To the knowledge of the Federal Government, to what extent do people in Ghana face legal, administrative, police or judicial measures on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
25. To the knowledge of the Federal Government, to what extent do people in Ghana face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?
26. To the knowledge of the Federal Government, to what extent do people in Ghana face denial of judicial protection on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

27. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Questions 24 to 27 will be answered together.

Legal protection and the prohibition of discrimination are enshrined in the Ghanaian Constitution (Articles 15, 17). The Federal Government is not aware of any direct or indirect state repression in Ghana against certain persons or groups of persons on the grounds of their membership of a particular social group, or the other characteristics or affiliations cited in Article 12 (2) of the Constitution. Please also refer to the preliminary remarks of the Federal Government.

28. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their membership of a particular social group (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of violations of other human rights, including economic, social and cultural rights, by non-governmental actors against people on the grounds of their membership of a particular social group where the state or other actors are not able or willing to provide protection.

29. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

In Ghana “unnatural carnal knowledge” is subject to criminal penalties (Article 104 of the Criminal Code). This includes homosexual acts between people over the age of 16, but also heterosexual anal intercourse or sexual intercourse with animals, for instance. Offences can be punished with prison sentences of up to three years. In practice, the criminal provision is rarely applied as a result of its vague definition. Coming out in public about one’s sexual orientation as an LGBTI person and openly practicing this orientation is not possible due to major reservations held by the general population. The LGBTI community is aware of this and is accordingly cautious in its activities. There are reports of intimidation and blackmail by the police. Homophobic tendencies are also widespread among judges according to LGBTI organisations.

30. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

Attacks on members of sexual minorities do occur in Ghana. They constitute a criminal offence in Ghana but are not always prosecuted. Please also refer to the preliminary remarks.

31. To the knowledge of the Federal Government, to what extent do people in Ghana face legal, administrative, police or judicial measures on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?

Please refer to the answer to question 29. The relevant criminal provision is scarcely applied due to its vagueness. The last conviction the Federal Government is aware of was in 2003.

32. To the knowledge of the Federal Government, to what extent do people in Ghana face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Please refer to the answer to question 31.

33. To the knowledge of the Federal Government, to what extent do people in Ghana face denial of judicial protection on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Please refer to the answer to question 31. The Federal Government is not aware of any cases in which people in Ghana were denied legal protection on the grounds of their sexual orientation. Non-governmental organisations specifically championing the rights of LGBTI people in court proceedings have been active for some time now in Ghana.

34. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) and how has this situation developed within the last year?

Please refer to the answer to question 31. The Federal Government is not aware of any contravention of other human rights by government organisations which can be attributed to the sexual orientation of the victims.

35. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their sexual orientation (cf. Article 10 (1) lit. d of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

Please refer to the answer to question 31.

36. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed in the last year?

The protection of race, origin, political opinion, skin colour, religion, faith and gender is enshrined in the Ghanaian Constitution (Article 12 (2)). The Federal Government is not aware of any direct or indirect state repression in Ghana against certain persons or groups of persons on the grounds of their political opinion, or the other characteristics or affiliations cited in Article 12 (2) of the Constitution. Please also refer to the preliminary remarks of the Federal Government.

37. To the knowledge of the Federal Government, to what extent do people in Ghana face the use of physical or psychological violence, including sexual violence, by non-governmental actors on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed within the last year?

The Federal Government is not aware of any reports of the use of physical or psychological violence against people by non-governmental actors on the grounds of their political opinion where the state or other actors are not able or willing to provide protection.

38. To the knowledge of the Federal Government, to what extent do people in Ghana face legal, administrative, police or judicial measures on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) which are discriminatory or applied in a discriminatory way and how has this situation developed within the last year?
39. To the knowledge of the Federal Government, to what extent do people in Ghana face disproportionate or discriminatory criminal prosecution or punishment on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?
40. To the knowledge of the Federal Government, to what extent do people in Ghana face denial of judicial protection on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

41. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights by the state or parties or organisations which control the state or a significant section of the state territory on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) and how has this situation developed within the last year?

Questions 38 to 41 will be answered together.

Legal protection and the prohibition of discrimination are enshrined in the Ghanaian Constitution (Articles 15, 17). Please also refer to the answer to question 1 and the preliminary remarks of the Federal Government.

42. To the knowledge of the Federal Government, to what extent do people in Ghana face violations of other human rights, including economic, social and cultural rights, by non-governmental actors on the grounds of their political opinion (cf. Article 10 (1) lit. e of the Qualification Directive) where the state or other actors are not able or willing to provide protection and how has this situation developed in the last year?

The Federal Government is not aware of any cases of the contravention of other human rights, including economic, social and cultural rights, against people by non-governmental actors on the grounds of their political beliefs where the state or other actors are not willing or able to provide protection.

43. What is the Federal Government's assessment of the measures the Ghanaian authorities and any international organisations are possibly taking to its knowledge to protect the victims of human rights violations in Ghana and to improve the human rights situation in Ghana?

Ghana is pursuing an active policy of human rights protection, both in its own country and in the international debate, for instance in the scope of the United Nations. The relevant international standards have largely been transposed into national law or are the subject of national implementation strategies. This policy comes up against its limits, however, as a result of the weaknesses in the Ghanaian judiciary and traditional attitudes of vast sections of the Ghanaian population.

44. What measures is the Federal Government taking to provide the victims of human rights violations in Ghana with protection and to improve the human rights situation in Ghana, and to what extent will it be continuing or expanding these measures in the future?

Human rights and in particular gender equality are incorporated into both bilateral development cooperation (DC) and the activities of the political foundations as a crosscutting issue. The Deutsche Welle Akademie has been funding projects in the area of freedom of opinion and the press since 2012 as one of the executing agencies for German development cooperation. The current programme (2015 to 2018) aims to improve the access of local and nationwide media to information and, in turn, to bolster the participation of people in rural regions in social and political negotiation processes.

In late 2013, the embassy of the Federal Republic of Germany in Accra financed the participation of a human rights and LGBTI activist in a study trip organised by the Federal Foreign Office and the Hirschfeld-Eddy Foundation focusing on “Sexual rights and the Church in Africa”.

The EU supports measures to lower maternal mortality, promotes the participation of women in elections, political processes and parliamentary/governmental work and supports independent electoral monitoring institutions (Electoral Commission – EC, National Commission on Civic Education – NCCE und National Media Commission-NMC).

45. To the knowledge of the Federal Government to what extent are women and girls discriminated against in law or in practice in Ghana?

Under the Constitution and in law, women and men have the same rights relating to family, property, nationality and inheritance. Although women and men have equal status under the Constitution, the former face discrimination in terms of property rights due to discriminatory traditional customs, above all in matters regarding the line of succession. Please also refer to the answers to the sub-questions below.

- a) How high is the life expectancy of women compared to men?

The life expectancy for women was 62 and for men 60 in the period from 2010 to 2015.

- b) How high is the maternal mortality rate during births?

In 2015, the maternal mortality rate was 380 per 100 000 live births.

- c) How high is the infant mortality rate?

In 2015, the infant mortality rate was 43 per 1 000 live births.

- d) How high is the employment rate for women compared to men?

The employment rate is 69% for women, for men 72%.

- e) How high is the literacy rate for women compared to for men?

The literacy rate for women is 71 % and for men 82 %.

- f) How high is the percentage of girls attending school compared to boys?

The percentage of children attending school is 89 % for girls and boys in primary education, in secondary education 54 % (girls) and 55 % (boys).

- g) How high is the percentage of women studying at university compared to men?

According to UNESCO data, the enrolment rate in tertiary education was 12% for women and 19% for men in 2014. According to the same data, 39% of pupils or students in tertiary education were female.

- h) How high is the percentage of women who complete a university degree compared to men?

According to the Global Gender Gap Index of the World Economic Forum, the percentage of women aged 25 and over who have completed tertiary education is 2 % (men aged 25 and over by comparison: 5 %). In 2014, according to UNESCO data, 39 % of graduates of tertiary education were female.

- i) How many women and girls have pressed charges since 1996 for

aa) acts of violence

bb) sexual violence,

and in how many cases did this lead to a conviction (please break down by year)?

In how many of these cases were people living with the women or girls pressing charges convicted as the offender?

How high does the Federal Government estimate the number of unreported cases to be?

The Federal Government does not have any statistics on domestic violence broken down into women and men available to it. A specialist police unit founded in 2007, the DOVVSU (“Domestic Violence Victim Support Unit”), has published annual figures on reported cases of domestic violence since 2010.

In 2010 a total of 12 706 were reported, of which 954 were brought to trial and in 118 cases a sentence was handed down.

In 2011 a total of 17,965 cases were reported, 5 382 of which were acts of violence and 370 of which were rapes.

In 2012 only 2 470 cases were reported, 746 of which were acts of violence and 290 of which were rapes.

In 2013, 9 974 cases were reported, including 2 795 acts of violence and 312 rapes.

In 2014, 17 655 cases were reported, including 5 212 acts of violence and 1 401 rapes. There is no breakdown into acts of violence and sexual violence; the figures are only broken down into acts of violence, threats and rapes.

The Federal Government has no statistics for 2015 or for the period prior to 2010. The Federal Government is not aware of any additional statistics either.

- j) How many women and girls have been victims of genital mutilation since 1996 (please break down by year)?

How many of these cases led to criminal prosecution?

The Federal Government does not have any official statistics available to it. Estimates assume that around 5 % of the girls and women in Ghana are victims of genital mutilation. Genital mutilation is common practice above all in the more Muslim north of the country. Victims are often taken to neighbouring countries for this to be performed, as a way of avoiding criminal penalties.

The law has prohibited all forms of genital mutilation since 1994 in Ghana. Since the law was tightened in 2007, now not only the women performing the circumcision but also those requesting, initiating or promoting the harmful practice can face fines and/or prison sentences. The Federal Government is not aware, however, of any examples of criminal penalties having been imposed.

- k) What measures is the Ghanaian government taking to improve the situation of women and girls?

Women and men have the same rights under the Constitution and in law in relation to family, property, nationality and inheritance. In 2015 a new “National Gender Policy” was adopted with the aim of bolstering the status of women, children, vulnerable groups and people with disabilities; in 2016, the cabinet approved an equality bill, the “Affirmative Action Bill”.

With the repeal of Article 42 (g) of the “Criminal Offences Act”, 1960 (Act 29) non-consensual sexual intercourse within a marriage is now also a criminal offence.

To implement the “Domestic Violence Act” (2007), the Ghanaian government adopted a national strategy and an action plan to combat domestic violence (2009 to 2019).

In Ghana around 21 % of girls are married before their 18th birthday. In the scope of the “African Union Campaign to End Child Marriage”, in 2016 the Ghanaian government launched a national campaign against child marriage.

- l) What conclusions does the Federal Government draw from the report by the Immigration and Refugee Board of Canada on domestic violence in Ghana (IRB, Domestic violence, including legislation, state protection and support services, 2011 to 2015, 17 September 2015: www.ecoi.net/local_link/312570/450729_de.html, as on 23 February 2016)?

Domestic violence remains a challenge in Ghana, which the Ghanaian government is aware of. The issue is one of the subjects being addressed in the domestic policy debate in Ghana. The Federal Government is following the issue attentively, in particular in the context of the United Nations.

46. To the knowledge of the Federal Government, since 1996 how many people have ended up in “domestic servitude” or debt bondage because of the debts of their parents or other relatives (please break down by year, age and gender of the victims), and how many of these cases led to criminal prosecution?

What measures is the Ghanaian government taking to the knowledge of the Federal Government to improve this situation?

Since June 1998 all forms of customary servitude have constituted a criminal offence (Article 314a) of the Ghanaian Criminal Code). In spite of this, there are still cases - in regionally varying forms - of children and young adults ending up in debt bondage or “domestic servitude” for purportedly traditional and/or financial reasons. The Federal Government has no statistics available to it on these cases.

Generally those responsible very rarely face criminal prosecution. Both the government and human rights organisations focus on education and dialogue.

47. To the knowledge of the Federal Government, since 1996 how many people have fallen victim to human trafficking (please break down by year, age and sex of the victims), and how many of these cases led to criminal prosecution?

What measures is the Ghanaian government taking to the knowledge of the Federal Government to improve this situation?

The Federal Government does not have any statistics on the victims of human trafficking in Ghana available to it. From time to time individual cases come to light and generate media attention.

Child and human trafficking are prohibited by law (Human Trafficking Act, 2005) and are subject to a minimum penalty of five years in prison. In June 2006 ten West African states led by Ghana signed an agreement to combat child trafficking in the region. The Act and agreement are not fully implemented, however, due to a lack of public awareness of the problem. For this reason, the “Anti-Human Trafficking Unit” was set up at the Ghana Police Service, which conducts courses for police officers to raise awareness of the problem.

48. To the knowledge of the Federal Government, how many minors were forced to work in 2014 and 2015 in contravention of the stipulations of Ghanaian law and the Convention on the Rights of the Child (please break down by year, age and gender of the victims as well as sector, *inter alia* gold mining, cocoa plantations, (electronic) waste salvaging), and how many of these cases led to what penalties?

What measures is the Ghanaian government taking to improve this situation?

In contravention of the legal stipulations, children continue to be used for illegal work in Ghana. Often child labour takes the form of sending children from the north to the cities (domestic work), to Lake Volta (fishing) or to cocoa plantations and also dangerous work in unlicensed gold mines. Prosecuting contraventions to protect the children usually fails due to the population’s reluctance to report these to the police.

According to the latest study by the Ghanaian statistical office in 2014, around 2.7 million minors aged 5 to 17 work, this is the equivalent of 31 % of the age group. 31.9 % of male minors work, 30 % of female minors. The school enrolment rate of minors aged between five and 17 who work is 82.1 %; for minors who do not work it is 91.6 %. The percentage of minors working full-time (43 hours per week and more) for those not attending school is 34%, for those attending school 4.5 %. 77 % of working children are employed in agriculture (often in cocoa farming), 16 % work in the service sector and 4.8 % in industry (0.3 % in mines). The Federal Government has no data for 2015. A 2010

“National Action Plan to Eliminate the Worst Forms of Child Labour” has had little impact to date.

Ghana has ratified various international agreements which aim to provide a minimum level of protection against exploitation through child labour. These also include Convention no. 123 of the International Labour Organization (ILO) on the Minimum Age for Underground Work and ILO Convention 182 for the Elimination of the Worst Forms of Child Labour. The statutory minimum age for employment is 15 in Ghana. For dangerous work the minimum age is 18. Enforcing the statutory regulations proves difficult, however.

49. To the knowledge of the Federal Government, to what extent does discrimination against members of ethnic minorities exist in Ghana in law and/or in practice, and what measures in the Ghanaian government taking to improve this situation?

To the knowledge of the Federal Government, there is no systematic discrimination against ethnic minorities in Ghana. The government actively endeavours to pacify inter-ethnic conflicts.

Please also refer to the answer to question 1.

50. To the knowledge of the Federal Government, to what extent does discrimination against people with disabilities exist in law and/or in practice in Ghana and what measures is the Ghanaian government taking to improve this situation?

In law, people with disabilities are not discriminated against, and on the contrary receive special protection through “The Persons with Disability Act, 2006”. Furthermore, in 2012 Ghana signed the “United Nations Convention on the Rights of Persons with Disabilities (CRPD)”. Discrimination against people with physical, sensory, intellectual and mental disabilities in employment, education, on flights and other modes of transport, in access to the healthcare system or other activities is prohibited in Ghana.

There are what are known as “prayer camps”, where people who are considered to be possessed by evil spirits and are blamed for causing family tragedies – these often include people with mental or intellectual disabilities – are chained up and subjected to physical attacks and abuse, in some cases for weeks. They are also often deprived of food and water, to drive out the “evil spirits”.

There are very few psychiatric facilities and these lack both sufficiently trained staff and the requisite medical equipment. In psychiatric clinics people with mental disabilities and/or mental-health problems often face unorthodox treatment measures including forced treatment without proper prior information and consent.

In 2012 the “Mental Health Act” was adopted. This act sets forth government oversight of the “prayer camps” and psychiatric clinics.

On 14 December 2015, the Ghanaian government introduced the National Gender Policy 2015 (NGP). The National Gender Policy aims to bolster the status of women, children and vulnerable groups such as people with special needs and disabilities.

There are inclusive schools and schools for people with disabilities. Various civil society organisations are active, in particular in promoting the development of deaf and blind people, partly with the support of the government.

51. To the knowledge of the Federal Government, to what extent does discrimination against HIV-positive people exist in law and/or in practice in Ghana, and what measures is the Ghanaian government taking to improve this situation?

Discrimination against people with HIV/AIDS remains a problem in Ghana. According to the 2008 Demographic and Health Survey for Ghana, 68 % of men and 57 % of women have a hostile attitude towards people with HIV, which the study “2014 national HIV Stigma Index” also confirmed.

- a) Are free and anonymous HIV tests offered nationwide in Ghana?

The government and also non-governmental organisations provide many centres with free HIV tests. The high number of patients and the clinic structures often lead to problems, in particular in terms of discretion (illnesses becoming public). Private clinics offer tests for a charge.

- b) What treatments are available to HIV-positive people in Ghana, and how are they financed?

95 % of the treatments are paid for by the “Global Fund to fight AIDS, Tuberculosis and Malaria”. Triple therapy based on two NRTIs (Tenofovir/Lamivudine or Tenofovir/Emtricitabine) and one NNRTI (Efavirenz or Nevirapine) is standard.

- c) Are there legal or practical requirements that have to be met to access these treatments above and beyond the medical indication, and if so what are they?

The Federal Government has no information on the requirements that have to be met to access treatment.

d) To what extent is HIV status forcibly tested in Ghana?

Only certain civil servants are subject to mandatory HIV testing in Ghana, for instance soldiers and police officers.

e) Is people's right to decide freely whether to make their HIV status public ensured in Ghana

aa) in general,

bb) for public sector workers,

cc) for users of public services (including schools, universities and hospitals),

dd) for the targets of police measures,

ee) for people in prisons?

To the knowledge of the Federal Government, HIV-positive people are not forced to make their HIV status public in Ghana.

f) Is discrimination on the grounds of someone's HIV status prohibited in Ghana under

aa) public law and

bb) civil law,

and to what extent is any such prohibition enforced?

Discrimination *per se* is prohibited by law. Given the stigma that exists amongst the general public, discrimination and intolerance cannot be ruled out. The Federal Government is not aware of any cases of criminal prosecution of discrimination.

52. To the knowledge of the Federal Government, how many people have been convicted since 1996 in Ghana for consensual homosexual acts between adults (please break down by year and gender)?

The Federal Government has no official records on such convictions available to it. The last conviction known to the Federal Government was in 2003.

53. To the knowledge of the Federal Government, how many people have been victims of attacks by government authorities on the grounds of their sexual orientation or gender identity since 2015 (please break down by year), and in how many cases did the offenders face disciplinary or criminal penalties or were obligated to pay civil law damages to the victims?

54. To the knowledge of the Federal Government, what measures is the Ghanaian government taking to provide protection against such attacks?

Questions 53 and 54 will be answered together. The Federal Government has no information on this.

55. What is the Federal Government's assessment of the influence of religious authorities on the social situation of sexual minorities in Ghana, and what is the Ghanaian government's stance towards the relevant religious authorities?

Religious authorities have a considerable influence on the structure of society in Ghana. The numerous religious communities use their influence to defend "traditional family values" in particular, which in their view are not reconcilable with LGBTI rights. Leaders of both Christian and Muslim communities advocate homosexuality being subject to criminal penalties.

The government and political leaders avoid criticising religious authorities as much as possible.

56. How many public gatherings by or supporting lesbian, gay, bisexual, trans and intersexual people (LGBTI) have taken place in Ghana since 1996 to the knowledge of the Federal Government and how many were banned or disbanded by the government authorities?

Given the generally hostile attitude of vast sections of the population towards LGBTI activists, these types of events do not generally take place on any significant scale. The Federal Government has no further information on the exact number of events. In 2006 an LGBTI conference that had been planned in Koforidua (Eastern Region) was cancelled.

57. What publically available media publications deal with LGBTI issues in Ghana to the knowledge of the Federal Government?

The "Solace Brothers Foundation" has a Facebook page on which it addresses these issues.

58. To what extent is the Federal Government aware of measures or laws suited to stopping and/or designed to stop such media being produced or sold?

The Federal Government is not aware of any such measures. As a general principle, the press is free in Ghana.

59. To the knowledge of the Federal Government, to what extent is the work of non-governmental organisations advocating the rights of LGBTI people hampered in Ghana by government or societal actors?

In Ghana there are non-governmental organisations which cautiously advocate the rights of homosexuals, often in connection with combatting HIV. The Federal Government is not aware of any impediments to the work of such non-governmental organisations.

60. To the knowledge of the Federal Government, to what extent do LGBTI people actually have access to healthcare for acute treatment needs and chronic suffering?

- a) To what extent is healthcare for members of this group free of charge?

LGBTI people fundamentally have access to the healthcare system in Ghana under the same conditions as other citizens.

In Ghana there has been a National Health Insurance System – NHIS - funded through taxes and premiums since 2003, with certain groups (e.g. children, people with disabilities, pregnant women) exempt from paying the insurance premiums. The NHIS provides basic medical care, which according to the Ghanaian government covers around 95% of illnesses. However, for economic reasons the treatment of some illnesses requiring expensive therapies is excluded, including, for instance, medication against HIV/AIDS, dialysis and cancer treatment. 95 % of HIV-AIDS treatments are financed by the “Global Fund to fight AIDS, Tuberculosis and Malaria”, however (cf. also answer to question 51b).

- b) To what extent is patient-doctor confidentiality upheld in the provision of healthcare to members of this group?

The Federal Government has no information on this. Clinic structures and patient overcrowding do often lead to problems relating to data privacy and confidentiality.

- c) To the knowledge of the Federal Government, to what extent do members of this group have access to adequate housing?

The Federal Government is not aware of any discrimination in this regard. Access to adequate housing is a general problem in Ghana, in particular for the poorer sections of the population.

61. To the knowledge of the Federal Government, since 1996 in how many cases has the death penalty been handed down and in how many cases has it been enforced (please break down by year)?

The death penalty has not been enforced any more since 1993, but can still be handed down. The Federal Government is not aware of how many times the death penalty has been given since 1996.

At the end of 2015 there were 129 prisoners sentenced to death in Ghanaian prisons.

62. Are there efforts in Ghana to the knowledge of the Federal Government to abolish the death penalty?

The abolition of the death penalty featured in the catalogue of proposals of the “Constitutional Review Commission” of December 2011. It was postponed, also because of the fear that linking the abolition of the death penalty to other constitutional reforms could lead to the other reform initiatives failing due to public resistance to the lifting of the death penalty. In 2016 there is not expected to be a referendum on this issue either.

63. What is the Federal government’s assessment of the situation in Ghanaian prisons from a human rights perspective?

Underfinancing, poor infrastructure and the rapid growth of the population have led to prison conditions which are characterised by overcrowding, insufficient provision of food, deficient sanitary facilities and inadequate medical care for all the inmates and

cannot be compared to Western standards. The Ghanaian corrections authority has developed a ten-year plan, which from 2015 to 2025 aims to further develop and improve the corrections system.

The high number of people remanded in custody who are usually detained together with convicted inmates due to capacity issues gives cause for concern. Long waiting periods and an overstretched justice system in some cases leads to people being arrested for years without being convicted.

64. To the knowledge of the Federal Government, where and under what circumstances have there been forced evictions and displacements since 2011 (please break down by year), and what measures is the Ghanaian government taking to improve this situation?

In Ghana people are forced to move out of slum areas without compensation from time to time. The reasons for this are first and foremost construction measures and projects for mining raw materials in opencast and underground mines. People without or with only very minimal income in particular are often unable to assert any official claim to the land on which they are living.

The Federal Government has no statistics on forced evictions and displacements available to it. The Federal Government does not know to what extent the Ghanaian government is taking measures to counter this practice.

65. What legal claim do the victims of forced evictions and displacements have and how many have been compensated in what way since 2011 (please break down by year)?

The Ghanaian law sets forth financial compensation for compulsory evictions and displacements. According to non-governmental organisations, payments – if any are made at all – are usually far below what people are actually entitled to.

