

**Universal Periodic Review**  
**(28<sup>th</sup> session, Oct-Nov 2017)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

[Ghana](#)

**I. Background and framework**

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Not state party to this Convention	Reservations to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	04/07/1975 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	20/01/2016 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	20/01/2016 Ratification			Right to take part in cultural life

**Right to education**

## II. Promotion and protection of human rights on the ground

1. **The Constitution of Ghana (1992)**<sup>1</sup> enshrines the right to education and provides for detailed provisions on education, covering basic, secondary, higher education levels as well as literacy and quality standards. The **Education Act (2008)**,<sup>2</sup> which provides the legal basis for free and compulsory education, is the main legal text in education.
2. In terms of **reporting to UNESCO**, within the framework of the two latest Consultations of Member States organized by UNESCO on the implementation of the Recommendation against Discrimination in Education, Ghana reported for the Eighth Consultation (covering the period 2006-2011) but unfortunately not for the ongoing Ninth Consultation (covering the period 2012-2015). Besides, Ghana did not report to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the Fifth Consultation of Member States.

### Freedom of opinion and expression

#### ➤ Constitutional and Legislative Framework:

3. Article 5 of the Constitution<sup>3</sup> guarantees freedom of speech and expression as well as freedom of the press and other media”. Article 162.3 states that “there shall be no impediments to the establishment of private press and media, and in particular, there shall be no law requiring any person to obtain a license as a prerequisite to the establishment operation of a newspaper, journal or other media for communication and information”.
4. Even though criminal and seditious libel laws were repealed in 2001, section 208 of the 1960 Criminal Code<sup>4</sup>, titled “Publication of false news with intent to cause fear and alarm”, has been used against journalists occasionally.
5. No freedom of information law is in place in the country.

#### ➤ Implementation of legislation:

6. The National Media Commission<sup>5</sup> (NMC) is a government agency that solely decides over frequency allocation for broadcasting, radio and telecommunication authorization, assigns and regulates TV, under the authority of the Minister of Communication. The allocation of TV and radio broadcasting licenses are not open to scrutiny.

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/22a5481ac81101549ca6f4e72f3b164fa519f2e0.pdf>

<sup>2</sup> <http://www.unesco.org/education/edurights/media/docs/27454759dad378258494891ef2e0e1bd46d1b39d.pdf>

<sup>3</sup> <https://www.constituteproject.org/search?lang=en&q=freedom%20of%20speech>

<sup>4</sup> <http://www.wipo.int/edocs/lexdocs/laws/en/gh/gh010en.pdf>

<sup>5</sup> <http://nmc.org.gh/>

7. The NMC was established in 1993 by Act 449 and includes six representatives of professional and religious organizations as well as two members appointed by the President; and three member appointed by Parliament. It is tasked by the Chapter XII of the 1992 Constitution<sup>6</sup> to ensure the establishment of higher journalistic standards, including mediation and settlement of complaints against the media. It appoints the editors and board members of state-owned/public service media.

➤ Media Self-Regulation:

8. Ghana Journalists Association<sup>7</sup> (GJA) and Ghana Independent Broadcasters Association<sup>8</sup> (GIBA) both have code of ethics that are binding on their members.

➤ Safety of journalists:

9. Since 2008, no killing of journalists has been recorded by UNESCO<sup>9</sup> in Ghana.

### III. RECOMMENDATIONS

**10. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (14th session) on the Universal Periodic Review (December 2012) <sup>10</sup>:**

**124.3.** Build on its achievement and redouble its efforts to combat police brutality through administrative and judicial sanctions against perpetrators, training and education for serving police officers, and consider including relevant human rights education materials in the cadets' training curriculum

**125.14.** Take immediate action against discrimination of women by effectively enforcing women's right to equal treatment as it is guaranteed in the Ghanaian constitution, for example, by ensuring and promoting access to education

**125.28.** Allocate more resources for establishing shelters for women subject to domestic violence and provide accommodation services for girls deprived of access to education

**125.29.** Intensify efforts to address gender disparities and combat violence against women including through the strengthening of law enforcement in accordance with its Domestic Violence Act as well as media and education programmes aimed at increasing public awareness and sensitivities on the rights of women

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<sup>6</sup> [http://nmc.org.gh/template/default/1992\\_Constitution.pdf](http://nmc.org.gh/template/default/1992_Constitution.pdf)

<sup>7</sup> <http://www.gjaghana.org/>

<sup>8</sup> <http://www.ibagh.org/>

<sup>9</sup> <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/lists-by-year/2016/>

<sup>10</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GHSession14.aspx>

**125.55.** Continue its combat against the use of child labour, especially in the mining industry and cocoa production, including implementation of measures on their rehabilitation, reintegration and education

**125.75.** Ensure the realization, without discrimination, of the right to education for all

**125.76.** Continue to place emphasis on promoting universal access to education and improving the quality of its education system

**125.77.** Take the necessary steps to more effectively enforce compulsory education regulations, thus ensuring that equal access to education is a reality in all parts of the country

**125.78.** Continue with its efforts in enhancing girls' access to primary, secondary and tertiary education

**125.79.** Make further efforts to increase girls' enrolment in school, as well as awareness-raising in society regarding the importance of girls' education

**125.80.** Protect the rights of its most vulnerable children and ensure their full participation in education

**125.81.** Continue its efforts to increase the national net enrolment rate for compulsory and free basic education and to further improve the quality of education being received by Ghanaian children in school, in line with the A/HRC/22/6 22 observations made by the United Nations Children's Fund

**125.83.** Continue to implement socio-economic development strategies, particularly policies to try and guarantee quality education and health services for all the population

## **Review and specific recommendations**

11. Following recommendations made during the previous UPR cycle, Ghana has, during the reporting period, made good progress towards increasing **girls' access to education**.<sup>11</sup> Gender parity index for primary school completion has improved from 0.90 to 0.98 between 2002 and 2014, showing that gender gaps are narrowing in primary schools.<sup>12</sup> Efforts must be pursued to the secondary education level, which is often marked with wider gender disparities.

12. Ghana's efforts in terms of awareness-raising on girls' education, which was also recommended during the UPR session, should be particularly welcomed. In 2016 took place the **4th National forum on girls' education officers of Ghana Education Service** (Ministry of Education),<sup>13</sup> which aimed at consolidating national efforts to improve girls' education. This annual event provided an opportunity for education officers from across the country, government officials, development partners and other education stakeholders to discuss and review strategies to improve girls' performance at school. Such efforts should be commended and intensified to ensure that girls can have equal opportunities to access education and that girls' and women's rights are promoted in society.

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<sup>11</sup> <http://www.ungei.org/infobycountry/ghana.html>

<sup>12</sup> <http://www.globalpartnership.org/blog/more-girls-are-finishing-primary-school-gpe-countries>

<sup>13</sup> <http://www.ghana.gov.gh/index.php/media-center/news/2871-forum-on-girls-education-opens-in-accra>

13. Nevertheless, a number of important issues – including problems of sanitation, forced and early marriage, early pregnancy, and other harmful practices disproportionately affecting women<sup>14</sup> – remain and need to be adequately addressed by the country.

14. Regarding **child labour**, the government established a **National Plan of Action for the Elimination of the Worst Forms of Child Labour in Ghana** (2009-2015). Further, the government adopted the **Human Trafficking Prohibitions Regulations**, L.I. 2219, in 2015<sup>15</sup> as part of efforts to standardize the effective implementation of the Human Trafficking Act, 2005 (Act 694), which includes provisions for establishing care centres and providing social services to child trafficking victims.

15. Despite this positive development, the existing legal and policy framework is reportedly not effectively implemented and children continue to engage in hazardous labour<sup>16</sup>, with grave consequences on their ability to enjoy their right to education.

16. **Positive progress** can be recorded in the framing and adoption of policy and strategic documents on education. A number of policies have been adopted recently, covering several dimensions of the right to education. The **Education Strategic Plan for 2010-2020** has established a number of priorities, including<sup>17</sup>: improving access to and participation in quality education; bridging the gender gap in education; improving the quality of teaching and learning; improving management of education service delivery. **National efforts** towards increasing educational opportunities for all and addressing the quality of education are welcome and need to be sustained, in line with SDG 4, to generate long-term improvements. Particular consideration should be paid to **teachers' qualifications and training**, which remain a critical issue for the country.

17. Ghana has also recently adopted a **strong policy framework in the field of inclusive education**, with a set of key policy documents: the **Inclusive Education Policy**, the **Inclusive Education Standards and Guidelines**, and the **implementation plan for the period 2015-2019**.<sup>18</sup> They promote the spirit of a barrier-free learning environment for all learners in both public and private schools and intend to redefine and recast the delivery and management of educational services to respond to the diverse needs of all learners. This initiative is commendable and much timely, in light of SDG 4, calling upon States to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

### Specific Recommendations:

1. Ghana should be strongly encouraged to ratify UNESCO's Convention against Discrimination in Education.

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<sup>14</sup> Concluding observations, Committee on children's rights, CRC/C/GHA/CO/3-5, June 2015, para. 37, accessible at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOC%2fGHA%2f20799&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOC%2fGHA%2f20799&Lang=en)

<sup>15</sup> <http://www.ghana.gov.gh/index.php/media-center/news/2965-mgcsp-launches-human-trafficking-prohibition-regulations-l-i-2219>

<sup>16</sup> Concluding observations, Committee on children's rights, op. cit., para. 61

<sup>17</sup> <http://www.globalpartnership.org/country/ghana>

<sup>18</sup> <http://www.moe.gov.gh/site/policy#collapse-1>

2. Ghana should be encouraged to further address and eliminate harmful practices, including but not limited to child labour and child marriage, and to continue to raise public awareness on their negative consequences and on the importance of education.
3. Ghana should be recommended to dedicate necessary resources and funding to ensure the full implementation of national strategies and policies and, particularly, the Inclusive Education Policy.
4. Ghana should be strongly encouraged to pursuing the submission of state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
5. Ghana should be encouraged to share with UNESCO any relevant information to update the country profile on UNESCO's Global Database on the Right to Education.<sup>19</sup>

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### **Freedom of opinion and expression**

18. Ghana is encouraged to introduce freedom of information law that is in accordance with international standards.<sup>20</sup>
19. Ghana is recommended to decriminalize defamation and place it within a Civil Code that is in accordance with international standards.

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### **Cultural Rights**

20. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>21</sup>, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>22</sup>, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)<sup>23</sup>, Ghana is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as

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<sup>19</sup> <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

<sup>20</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87<sup>th</sup> Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

<sup>21</sup> Periodic Report available at: <http://whc.unesco.org/document/106683>

<sup>22</sup> Periodic Report not available

<sup>23</sup> Periodic Report not available

such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Ghana is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

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### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

21. In the framework of the Second Consultation on the implementation of the Recommendation on the Status of Scientific Researchers (1974) covering the period from 2013 to 2016, launched by UNESCO in December 2016 (<http://on.unesco.org/2hL0xGz>), the **Republic of Ghana** is encouraged to report to UNESCO on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument. **Ghana** is invited to complete the online questionnaire, which has been prepared by UNESCO to guide and assist Member States with their reporting (<http://unesdoc.unesco.org/images/0024/002468/246830E.pdf>). When replying to the 2013-2016 monitoring questionnaire, **Ghana** is kindly invited to pay particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation.