



13 April 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Ghana and welcome your constructive engagement and that of your Government during the 28th session of the UPR Working Group in November 2017.

As the final outcome report on the review of Ghana was recently adopted by the Human Rights Council at its 37th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 98 countries, Ghana's presentation and responses, and the action taken by Ghana to implement the 123 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight some issues that were raised during the review of Ghana and which I am particularly encouraged by: the enactment of the National End Child Marriage Project and the Child Protection Compact Agreement; the implementation of the free Compulsory Universal Basic Education to all children of school age and the Inclusive Education Policy; the progress achieved in the implementation of the Ghana's Livelihood Empowerment Against Poverty Programme, targeting inter alia persons with disability; and the development of a Discrimination Reporting System and of a National Plan of Action on Human Trafficking. I congratulate the Government for the establishment of the Office of the Special Prosecutor with the task of investigating cases of corruption.

I encourage Ghana to complete the development of the national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Ghana's preparations for the fourth cycle of the UPR. The development of the national human rights action plan should include consultations with all stakeholders, in particular civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator.

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H.E. Ms. Shirley Ayorkor Botchwey
Minister for Foreign Affairs and Regional Integration
Ghana

I also encourage Ghana to strengthen its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Ghana the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be informed that I will be sharing my advice with Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report and I encourage Ghana to submit a mid-term report for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Ghana to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.



Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Consider ratifying the Optional Protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and on a Communications Procedure, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Protection of All persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the ILO Conventions on Domestic Workers (No. 189), and on Indigenous and Tribal Peoples (No. 169), the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, the Kampala amendments to the Rome Statute on the crime of aggression.

National human rights framework

- Establish a national preventive mechanism for combatting torture in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Set up a national mechanism for coordination, implementation, reporting and follow-up, in line with the OHCHR Study/Guide of 2016 concerning NMRFs;
- Ensure that the Persons with Disability Act is in compliance with the UN Convention on the Rights of the Persons with Disabilities;
- Complete pending human rights legislation, a national plan of action on human rights, and plans of action on Gender, Information and Human Trafficking;
- Start all the required steps to complete the alignment of Ghana's legislation with all the obligations under the Rome Statute of the International Criminal Court;
- Strengthen the National Human Rights Institution - the Human Rights and Administrative Justice Commission - with a view to progress in the development of a national human rights action plan which incorporates the SDGs;
- Create and make operational an independent mechanism to investigate alleged misconduct by the security forces and police.

Implementation of international human rights obligations, considering applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Guarantee safety and prevention of discrimination and violence based on sexual orientation and gender identity, and make sure that victims have access to full reintegration and that all perpetrators are punished;
- Combat discrimination against women, including in the field of property ownership, access to credit and inheritance;
- Enhance protection of persons with albinism against discrimination and implement measures to address their stigmatization;
- Reinforce guidelines to prevent discrimination in educational settings, including discrimination based on sexual orientation and gender identity.

B. Civil and political rights

Right to life, liberty and security of person

- Step up efforts and take immediate measures to achieve the abolition of death penalty by instituting an official moratorium and revise the criminal code to eliminate mandatory death sentences;
- Fight any crimes motivated by sexual orientation or gender identity;
- Continue undertaking measures to fight trafficking in persons, especially women and children, by implementing the Human Trafficking Act and allocating adequate resources to combat trafficking in persons;

Administration of justice, including impunity and the rule of law

- Further advance the reform of judiciary system to ensure access to justice for all, and the right to trial within a reasonable time and legal support;
- Continue efforts to counter corruption;
- Enhance life conditions in prisons and decrease overcrowding.

Fundamental freedoms and the right to participate in public and political life

- Continue efforts to protect participation and freedom of expression in public life;
- Adopt legislation to guarantee media freedom.

C. Economic, Social and Cultural Rights

Right to an adequate standard of living

- Strengthening programmes and public policies on inclusion, poverty reduction, equality, promotion and non-discrimination, with attention to women, children, elderly and persons with disabilities, among other groups;
- Control illegal mining activities to protect community rights.

Right to health

- Provide appropriate health care to persons with mental disabilities improving access to health services, implementing the Mental Health Act through the recruitment of qualified mental health professionals, and combating inhumane treatment of people with mental disabilities in prayer camps and psychiatric hospitals;
- Continue efforts to guarantee access to health services for remote communities;
- Step up efforts to reduce the spread of HIV by fully implementing the National HIV and Aids Strategic Plans;
- Adopt programs on sexual and reproductive health for adolescents;
- Combat non-consensual health treatments, such as forced medication and confinement.

Right to education

- Improve the quality of free primary and secondary education including through a national program to encourage children, especially girls, to remain in school and to increase women literacy;
- Further strengthen government spending and investment towards education, provide subsidies to help poverty-stricken students and further increase school enrolment.

D. Rights of specific persons or groups

Women

- Eradicate all forms of violence against women and girls, including domestic violence, by ensuring that perpetrators are brought to justice and that victims receive adequate support;
- Speed up adoption and application of laws prohibiting harmful practices against women and girls in particular female genital mutilation and forced marriage, widowhood rites and practices related to “witchcraft”, guaranteeing reintegration and rehabilitation of victims, strengthening awareness raising and education programmes to prevent and eradicate harmful practices, especially in rural areas;
- Act to remove existing barriers for women in the labour market;

- Adopt the Affirmative Action Bill to promote active participation of women in public life.

LGBTQI persons

- Eliminate discriminatory practices based on sexual orientation and gender identity and ensure the protection of LGBTQI persons from all forms of stigmatization, harassment, discrimination and violence, through inter alia the application of the Discrimination Complaint System;
- Ensure that victims of discrimination based on sexual orientations have access to rehabilitation and that all perpetrators are punished;
- Take actions to decriminalise same-sex sexual relationships between consenting adults.

Children

- Take actions to end the practice and harmful effects of child marriage and implement an operational national action plan to combat child marriage and reinforce programs about the negatives consequences of child marriage;
- Reinforce efforts to carry out measures prohibiting sexual exploitation of children and ensure that all cases are investigated, that perpetrators are brought to justice and that victims receive rehabilitation;
- Develop a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them;
- Further develop the National Action Plan on Child Labour and eliminate and penalize all forms of hazardous child labour, providing adequate funding to investigate traffickers and protect victims;
- Continue its efforts to expand educational programmes and awareness-raising campaigns for preventing and combating corporal punishment of children in all settings;
- Guarantee free birth registration and certificate insurance for children.

Persons with disabilities

- Further improve the legal framework of people with disabilities, shape an action plan for strengthening the promotion and protection of their rights, including a national employment policy.

Migrants, refugees, asylum seekers and internally displaced persons

- Promote and protect the rights of migrants and refugees to ensure access to justice, education, work and health, regardless to their status;
- Adopt measures to improve the birth registration system for asylum seeking and refugee children.



Minorities and indigenous peoples

- Continue efforts to protect the rights of nomad pastors in particular the Fulani ethnicity.