



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1091st MEETING (Chamber A)

Held at the Palais Wilson, Geneva,
on Friday, 13 January 2006, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (continued)

Second periodic report of Ghana (CRC/C/65/Add.34; CRC/C/GHA/Q/2; CRC/C/GHA/Q/2/Add.1)

1. At the invitation of the Chairperson, Mr. Adongo, Ms. Amadu, Ms. Annan, Ms. Appiah, Mr. Aryene, Ms. Bannerman-Mensah, Mr. Bawuah-Edusei, Mr. Eduful, Mr. Gyamfi, Ms. Mahama, Ms. Richter and Ms. Sackey (Ghana) took places at the Committee table.
2. Ms. MAHAMA (Ghana), introducing the second periodic report of Ghana (CRC/C/65/Add.34), said that although inadequate human and material resources had resulted in some gaps in implementing the Convention, the Government continued to pursue institutional reforms in order to improve the situation of women and children. In particular, the Ministry of Women and Children's Affairs had been established; it included a department of children and a department of women, with offices at the regional and district levels. A number of child protection programmes had been formulated and efforts were being made to integrate children's rights into national policies and legislation. The Ministry of Women and Children's Affairs was responsible for drafting policies and programmes to protect children from violence, abuse and neglect, exploitation and discrimination.
3. New legislation, including a children's act and a juvenile justice act, had been adopted to protect children's rights, and Ghana had adopted a law on human trafficking and concluded bilateral and multilateral agreements with neighbouring countries in an effort to combat cross-border trafficking in persons. Policies had been developed on health, education, social protection and HIV/AIDS, focusing on child welfare, and targeted efforts had been made to increase birth registration. A domestic violence and victim support unit had been established in the national police, the first such police unit in West Africa, and had branches in all 10 administrative regions of Ghana. The Ghana AIDS Commission had been established to direct and coordinate programmes and activities to combat HIV/AIDS.
4. Ghana's poverty reduction strategy had been reviewed, and the Growth and Poverty Reduction Strategy II had been adopted. Social protection programmes had been implemented under that strategy, and involvement in the Highly Indebted Poor Countries (HIPC) Debt Initiative had resulted in financial resources becoming available for education and training, health, sanitation and provision of drinking water, all of which were vital for the well-being of children.
5. The text of the Convention and the Children's Act had been translated into the six most widely spoken local languages, and awareness-raising campaigns on children's rights had been conducted for policymakers, civil society and law enforcement agencies. Measures had been taken to ensure that affordable basic education was available for all children, which had significantly increased school enrolments. Early childhood education for children aged 4 and 5 years had been incorporated into the basic education system. Children's participation in

national affairs was encouraged through the media and children's rights clubs. The fee requirement for birth registration had been abolished, and efforts had been made to train doctors, lawyers, prison staff, police officers and teachers in children's rights.

6. A legal training centre had been established to train personnel in the administration of justice at district courts, family tribunals and magistrate's courts. Child protection teams had been established to involve communities in the promotion of children's rights, and increase family and community capacities to provide support for children. The early childhood care and development policy had become operational. Some 37 coordinating committees for the implementation of the policy had been established at the district level. Learning centres had also been established to provide affordable and accessible education for children who had dropped out of school or lived in particularly poor rural areas.

7. Ms. OUEDRAOGO said that the report had been submitted very late. Although the report was self-critical and analytical, it did not give sufficient information on the Government's plans for improving the protection of children's rights. She welcomed the fact that non-governmental organizations (NGOs) had been involved in drafting the report.

8. Although efforts had been made to bring national legislation into line with the Convention, that legislation was not being adequately implemented. She asked whether Ghana intended to ratify the two Optional Protocols to the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, which was particularly important for combating trafficking in persons. She asked how a balance had been struck between the application of common law and customary law, particularly in respect of the protection of children's rights. The National House of Chiefs had undertaken a review of traditional cultural practices, and she wondered what measures had been taken to eliminate those that had been considered socially harmful and particularly those that had a negative effect on children.

9. Since the National Programme of Action had come to an end in 2005, she asked when the drafting of the new programme of action would be completed, and when implementation of the new programme would begin. She wondered what the composition of the Ghana National Commission on Children was, and whether it had offices at the local level. She wished to know whether the Government intended to establish an independent mechanism to monitor the implementation of the Convention, since NGO monitoring was insufficient. Information would be appreciated on the mechanisms that existed for receiving complaints from children in the event of violations of their rights. She also wished to know why the Department of Children's Rights within the Commission for Human Rights and Administrative Justice had been closed.

10. Although efforts had been made to improve birth registration, a long-term solution to the problem did not appear to have been found. She asked how the Government planned to institute systematic birth registration and how it would rectify the situation of the large number of children who had not been registered at birth. She wished to know whether the elimination of registration charges had been maintained, since that would help to reduce the problem of corruption and false fees being charged. She asked what the time frame was for registering the birth of a child, and what procedures had been established for birth registration for children of

refugees and asylum-seekers. On access to appropriate information, she said that particularly vulnerable families did not have equal access to information, and there was a lack of libraries in some areas of the country. She was concerned that children were not generally encouraged to read, and had unlimited access to violent and pornographic films. She asked how that situation could be remedied.

11. Mr. SIDDIQUI requested additional information on the Ghana National Commission on Children. In particular, he wished to know about its current composition, its terms of reference, the frequency with which it met, whether it was a donor-driven mechanism and whether it was a standing body. The delegation should indicate to what extent there was a duplication of effort and an overlap of responsibility between the Commission and the Department of Social Welfare. He requested clarification of reports that the budgets allocated to those bodies had decreased, and that they had insufficient staff and less political influence than had previously been the case. How was it intended to improve the situation?

12. He wished to know whether there were sufficient resources to implement the Growth and Poverty Reduction Strategy II. What proportion of the required funding came from the national budget and how much was from development partners? It would be useful to learn how children and children's organizations had been consulted in an effort to ensure that the strategy reflected priority issues affecting children. He wondered whether there was a mechanism in place to monitor the strategy, and, if so, whether the President's office and NGOs were involved.

13. Additional information should be provided on whether the Government would be capable of fulfilling the Millennium Development Goals, particularly those specific to children, such as providing universal primary education and reducing child mortality.

14. The delegation should give an account of the results of the study of traditional customs and practices undertaken by the House of Chiefs. Was it realistic to expect that body, which might itself be responsible for upholding social customs that were harmful to women and children, to be successful in eliminating such practices?

15. The Committee commended the level of cooperation between the Ghana Statistical Service and ministries, departments and agencies involved with children's issues. It was, however, concerned at reports that key data on children's rights, except education and health, were either inadequate or unavailable. The State party should indicate trends over time in poverty incidence, per capita gross national product growth rate, and population growth.

16. Ms. AL-THANI asked to what degree children had been involved in the debate on corporal punishment. While it was a difficult issue to address, children could be powerful advocates for replacing the practice with alternative means of discipline. The Committee was most concerned that corporal punishment was legal under the Children's Act. She wished to know whether the Government planned to abolish the practice in school and homes, and whether any awareness-raising campaigns on alternative forms of discipline had been launched.

17. Ms. Yanghee LEE asked why less than 1 per cent of the national budget had been allocated to the Ministry of Women and Children's Affairs and the Ministry of Manpower Development and Employment, the two ministries responsible for implementing children's rights. The Government should explain why 80 per cent of those funds were spent on payroll costs and what steps were being taken to remedy that situation.
18. She wondered what steps would be taken to ensure that birth and death registration would continue when donors withdrew funding.
19. It would be interesting to know whether the high rate of illiteracy among women was a result of discrimination against girls in education.
20. Mr. KRAPPMANN requested additional information on any specific measures to combat child poverty in the Growth and Poverty Reduction Strategy II. He asked whether the State party had any mechanisms in place to ensure that the best interests of children were always taken into account.
21. The Government should provide additional information on children's right to participation, particularly in the light of reports that in judicial and administrative procedures, children's views were not taken into account. Further details on children's enjoyment of that right in the family would be welcome. Children's participation in schools was also reported to be limited, despite progress made in Student Representative Councils in secondary schools. Why were there no such councils in primary schools? It would be useful to know whether any public campaigns had taken place to change the prevailing attitude that children should be seen but not heard.
22. He asked whether any studies had been conducted on the level of knowledge of the Convention among teachers, judges and other professionals dealing with children. It would be useful to have examples of the practical application of the Convention by such professionals. When had the last public campaign to raise awareness of the Convention been carried out? Were children's rights included in law school curricula and in the basic training provided to other professionals? How did parents learn about children's rights?
23. Ms. ORTIZ asked whether any ongoing programmes existed to encourage the media to assist in raising awareness of the importance of children's rights among all sectors of society.
24. The CHAIRPERSON asked whether poverty reduction formed part of the National Programme of Action outlined in the replies to the Committee's list of issues (CRC/C/GHA/Q/2/Add.1). He wondered how much of the money pledged by the International Monetary Fund for the Growth and Poverty Reduction Strategy II would be allocated to children's services.
25. It would be useful to learn what stage had been reached in the process of transferring the National Commission on Children to a department of children, under the Ministry of Women's and Children's Affairs.

26. Additional information should be provided on the role of district assemblies in implementing the National Programme of Action.

27. The Government should clarify whether the Children's Rights Regulations 2002 contained any provisions to protect the rights to privacy of children living in children's homes and similar institutions.

28. Ms. OUEDRAOGO said that the Committee remained concerned at the lack of enforcement of legislation on minimum age restrictions, resulting in early marriage, the use of children in the fishing industry and the sexual exploitation of children.

29. She asked whether the Government planned to revise the provisions in the Children's Act that authorized corporal punishment.

The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.

30. Ms. MAHAMA (Ghana) said that the Government had decided to mainstream children's issues into the Growth and Poverty Reduction Strategy II. Specific plans under the Strategy had yet to be drawn up, but would include a programme of action for children.

31. Ms. OUEDRAOGO recommended that the Growth and Poverty Reduction Strategy II should focus on priority actions and that a separate programme of action for children should be developed that included all the provisions of the Convention.

32. Ms. MAHAMA (Ghana) said that the district assemblies were the local administration units responsible for providing services and implementing policies at the local level. While they had limited capacity, the process of decentralization was under way, and the Government provided their staff with ongoing training in children's rights.

33. Ms. APPIAH (Ghana) announced that the Ghanaian Parliament was considering ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had been signed by her Government on 24 September 2003.

34. Responding to the question about the right to privacy, she explained that section 38 of the Human Trafficking Act, which had entered into force in December 2005, provided that leave of the court was required for the publication of any report on human trafficking proceedings which might reveal the identity of the trafficked person. Similarly, section 2 of the Juvenile Justice Act laid down that, when dealing with any matter concerning a young person, a youth court must give priority to his or her best interests. Section 3 of the same Act stated that a young person had the right to privacy during arrest, the investigation of an offence, at the trial, and at any other stage of proceedings. In addition, section 39 of the Children's Act, referring to proceedings in family tribunals dealing with the civil aspects of the rights of the child, provided that no one should publish any information that might lead to the identification of a child in any matter before a family tribunal except with the permission of the tribunal. Hence both the right to privacy of young persons in conflict with the law and the right to privacy under civil law were covered by Ghanaian legislation.

35. Turning to the question of corporal punishment, she drew attention to the information contained in the report (CRC/C/65/Add.34, para. 125), and added that the Children's Act stated that no person should subject a child to torture or other cruel, inhuman or degrading treatment or punishment, including any cultural practice which dehumanized a child or was injurious to his or her physical and mental welfare. Her ministry had been mindful of the Convention's provisions when it had drafted the Act and it did not believe that the language used in any of its statutes gave legal authority for corporal punishment.

36. Ms. AL-THANI wondered whether any margin of discretion was allowed which might provide a loophole for inflicting corporal punishment. In particular, who decided what was reasonable or unreasonable.

37. The CHAIRPERSON requested additional information on the position with regard to corporal punishment in schools.

38. Ms. MAHAMA (Ghana) said that, in schools, corporal punishment was administered at the discretion of the head teacher. Caning had to be done in private by the head teacher, or by another person acting on the head teacher's authority. A record had to be kept of any such punishment, which was limited to no more than six strokes of the cane.

39. The CHAIRPERSON recommended that all head teachers should submit an annual report on the frequency of corporal punishment in their schools.

40. Ms. Yanghee LEE asked if there were any legal provisions specifying how much force could be used when a child was caned.

41. Ms. MAHAMA (Ghana) replied that the guidelines on caning were rather old and probably in need of revision since, in reality, corporal punishment was a thing of the past in urban areas and in private schools. It might, however, still take place in rural areas. For that reason, the Ghanaian education services might be well advised to conduct a survey on the subject with a view to the eradication of the practice.

42. Ms. APPIAH (Ghana) answering the question concerning the role of the National House of Chiefs with respect to customary practices and children's rights, said that the Constitution made it clear that any practice that dehumanized or degraded a person was proscribed. In the event of a potential conflict between statutory and customary law, the former took precedence.

43. Turning to the query regarding the exposure of children to pornographic material, she conceded that the law was woefully inadequate, since the legislation governing film censorship, namely the Cinematography Act, dated from 1961 and methods of transmitting visual images had altered considerably since then. The Government had, however, approved a new bill on the classification of films, which would satisfy the public's demands that impressionable young people should be protected from unacceptable films. The new law would cover the development, production, distribution, marketing and showing of films.

44. The CHAIRPERSON asked if the new bill would also cover material circulated on the Internet.

45. Mr. SIDDIQUI wished to know if the National House of Chiefs had in fact carried out and taken action on the evaluation it had been asked to make of harmful social customs. Reports suggested that the chiefs might be in favour of retaining practices like trokosi, the ritual enslavement of girls.

46. Ms. APPIAH (Ghana) said that customary practices had always posed challenges to developing countries. The existence of a legal basis for prohibiting harmful customary practices was not enough; it was necessary to educate people, especially traditional rulers, in order to engineer a change in attitude to such customs. Programmes to that end had been put in place.

47. Ms. MAHAMA (Ghana) stated that chiefs did not always cling to customs that were detrimental to children's welfare; some chiefs were championing the cause of children and campaigning for change.

48. Ms. SACKY (Ghana), regarding the privacy of children being cared for in residential homes, said that they were segregated according to age and sex. New dormitories were being built for the older boys. Outsiders were not allowed to pry into the privacy of youngsters in remand homes and court cases involving juvenile offenders were held in camera.

49. Mr. GYAMFI (Ghana) said that his country did have a national strategy for disseminating the Convention. Previously, the Ghana National Commission on Children (GNCC) had been responsible for doing so, but in 2001 that duty had been taken over by the Ministry of Women and Children's Affairs. The Ministry had two departments: the Ghana National Commission on Children and the National Council for Women and Development (NCWD). The Commission had offices in all 10 administrative regions of the country, which cooperated closely with the education, social welfare and health authorities. Similarly the district assemblies, which were mandated to regulate all issues relating to children, worked hand in hand with the central government ministries responsible for specific child-related matters.

50. As for publicizing the Convention, its translation into the six main Ghanaian languages had made it readily comprehensible to the general public. Local radio stations aired issues connected with the Convention and some radio programmes were even presented by children themselves. Many workshops on the Convention had been organized for parents, leading members of the community, chiefs and children. Closer relations between the National Commission and the media had also made it easier to gain publicity for child-related issues.

51. The CHAIRPERSON enquired about the level of children's participation in decision-making in schools.

52. Mr. ADONGO (Ghana) said that the situation had improved substantially owing to upper secondary school pupils' membership of student representative councils, and also because at lower levels of education children were actively involved in planning entertainment, recreation and disciplinary measures. In the media, children had a hand in directing and presenting programmes. Children would also be given the opportunity to interact with politicians during the

preparation of reports to the Committee. Within families, parents were increasingly seeking their offspring's views about the school they wished to attend. Moreover there were reports of children availing themselves of judicial complaints procedures to take their parents to court over child maintenance.

53. Ms. OUEDRAOGO queried the extent to which children who were not attending school could make their views heard. Did Ghana have a children's parliament or any similar bodies?
54. Mr. ADONGO (Ghana) admitted that the improvements he had outlined had taken place in urban schools and benefited middle-class children. In rural areas, their opinions were sought mainly in connection with the food they wished to eat.
55. Mr. KRAPPMANN wished to know if local communities invited children's participation in decision-making.
56. Ms. ANNAN (Ghana) said that children from rural communities who had formed their own clubs reached out to other youngsters through peer education programmes.
57. Multisectoral committees, consisting of people from civil society and individuals appointed by the National Commission on Children to represent particular sectors, existed at the regional and district levels. When the Ministry of Women and Children's Affairs had been established in 2001 it had been mandated to enact policies to protect children. The multisectoral committees had been founded to assist it in that task. They were chaired by the chief justice and ministers of the region in question.
58. Ms. SACEY (Ghana) said that in order to facilitate the registration of births, officers of the Births and Deaths Registry were stationed in health facilities and even travelled to outreach points. Registration fees were waived if the baby was under 1 year of age. During the Child Health Promotion Week, held in May, an effort was made to encourage parents to vaccinate their children and register their birth. It had also been proposed that a birth registration form should be inserted in the child health record, so that the midwife could fill in the form as soon as a child was born. A child's birth could also be recorded when it was brought to a health clinic for immunization.
59. In Ghana the current under-five mortality rate was 115 per 1,000 and the infant mortality rate stood at 54 per 1,000. The Ghana Health Service and Ministry of Health, together with their development partners, had established a group to focus specifically on accelerating the achievement of Millennium Development Goal 4 through high-impact interventions. Special meetings were being held in every region where child mortality rates were high with a view to formulating plans to reduce them. Child survival activities were being stepped up throughout the country. Access to health services was being broadened. Antenatal care, delivery services and preventive services for children were free of charge. Furthermore the institution of a national health insurance scheme should go a long way towards facilitating children's ability to obtain treatment.

60. Regarding universal primary education, the capitation grant scheme had recently been extended to cover all children in the basic education system. A massive campaign was under way to encourage higher enrolment rates, and there had been interventions in areas where the gender parity index had been found to be low.

61. Mr. BAWUAH-EDUSEI (Ghana) said that before the Ministry for Women's and Children's Affairs had been established, the Ghana National Commission on Children had been the policy formulation agency and an advisory agency to the Government on children's issues. On establishment of the Ministry, the Commission had been the implementing agency for the Ministry. At the regional and district levels, staff from the Commission collaborated with the Department of Social Welfare on such issues as awareness-raising, as it was the responsibility of the Department to ensure that the district assemblies were aware of the Children's Act, for example. The Department of Social Welfare also organized programmes using staff from the Commission (now the Department of Children) as facilitators. There was no duplication of functions between the Commission and the Department of Social Welfare, but rather their work was complementary.

62. Ms. MAHAMA (Ghana) said that the Government had established the Ministry for Women's and Children's Affairs so that issues related to women and children could be raised directly at cabinet level. The Ministry was responsible for coordinating and monitoring policy issues. The Cabinet had approved the repeal of the Ghana National Commission on Children Decree, and the Commission was now to become a decentralized department which would deal directly with issues raised by the Ministry, such as coordinating issues on early child development and helping to establish community protection units. The Department of Social Welfare was a technical department responsible for rehabilitation, reintegration, rescue and counselling.

63. Ms. OUEDRAOGO asked to which ministry the Department of Social Services was attached. It appeared that there were no official parental advisory centres, and that those services were provided by NGOs and religious organizations. There did appear to be programmes aimed at helping families financially, and she requested data on the number of families involved and the level of assistance provided and for how long. She wondered whether the support aimed to reinforce the capacity of families to generate income, as they would not receive assistance indefinitely.

64. Given that Ghana had a large number of emigrants, she wondered whether there had been cases of one of the parents in a mixed marriage abducting one of the children, and she wondered how such cases were dealt with.

65. Trafficking in children appeared to be a growing phenomenon at both the national and subregional levels, and she was concerned that the problem was not being addressed satisfactorily. She wondered whether there was any special programme to prevent and combat trafficking and whether the Government was involved in activities at the subregional level.

66. The Committee was concerned at the tendency to place children deprived of a family environment in institutions. She wondered why the Government did not promote alternatives such as foster care or living with the extended family. The establishment of private children's

homes was a matter for concern, as their objective was financial gain rather than the best interests of the child. She understood that regulations had been drafted for public and private institutions, but wondered how their application was monitored. She requested information on the procedure for placing children in institutions.

67. She welcomed the recent legalization of adoption by relatives, and asked whether that implied that informal adoptions no longer took place. The Committee was concerned that although international adoptions took place, the Government had not yet ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

68. Mr. KRAPPMANN said that although budget allocations had increased, according to NGO reports, many schools were in poor condition and lacked basic materials. He would welcome more information.

69. Although two years of kindergarten education were part of the free and compulsory basic education system, attendance figures were poor. Average attendance was 60 per cent, but there were regional disparities ranging from 11 to 80 per cent. Budget allocations for this sector were also very low, and teacher training was inadequate. He requested clarification of whether kindergarten education was in fact absolutely free of cost. He would be interested to hear what the next steps envisaged to implement the national early childhood care and development policy were.

70. Although the introduction of the capitation grant was a positive development, he wondered whether schools were compensated for the money they used to collect from parents. He wondered how the Government planned to improve the unsatisfactory enrolment and completion figures. Given the gender disparity, he would be interested to hear if there were any specific programmes to encourage school attendance among girls. What was being done to address the serious regional disparities?

71. He wondered whether it was true that there were as many as 1.5 million children at primary and junior secondary school age outside the basic education system, and what measures were being taken to help them. It appeared that the system of non-formal education was not very effective, and although the Schools for Life run by NGOs were successful, they did not receive financial support from the State. Was that the case? He requested more information on vocational training.

72. Ms. Yanghee LEE requested clarification of why the Education for All development index had fallen in recent years. She expressed concern that according to NGOs, the additional cost of uniforms prevented many families from sending their children to school.

73. She asked if the Government envisaged establishing a national toll-free helpline for children and adolescents, perhaps with the assistance of international NGOs. She requested further information on children with disabilities and government policy in that area. She would also welcome clarification of reports that girls were not treated equally in inheritance matters.

74. Ms. AL-THANI expressed concern that in recent years there had been stagnation and even reversal in the downward trends in infant, child and maternal mortality rates; malnutrition had increased, and there continued to be major disparities in the provision of health-care services between urban and rural areas.

75. Although there was a programme to raise awareness of methods of protection against malaria, there was still a high incidence of the disease, and she wondered what the next step would be to combat it. She wondered whether the breastfeeding policy, including counselling HIV-positive mothers, was proving successful.

76. Adolescent health issues needed to be addressed, particularly in the light of the high rate of teenage pregnancies. She would welcome further information on adolescent-friendly health services, particularly whether they addressed reproductive health issues, sexually transmitted diseases and mental health.

77. Although by regional comparison HIV/AIDS was not a huge problem in Ghana, she was concerned at the limited availability of anti-retroviral drugs and testing, and the issue of stigmatization, and she would welcome more information on that situation.

78. She would also be interested to hear what was being done to improve the availability of clean drinking water in all areas.

79. Ms. ORTIZ asked whether the law on the minimum age for marriage, which was set at 18, was respected in practice. There were reports of early marriages, and she wondered what age the spouses in question were. Was it usually only girls who married young or was it also boys? She requested clarification of whether the traditional religious practice of *trokosi*, the ritual enslavement of girls, was still carried out, and if so, how the problem was dealt with.

80. She would be interested to hear whether there were family advisory centres throughout the country. Were there regulations on foster care, and, if so, how were they applied and monitored? She would be interested to hear whether the staff of children's homes and institutions received training in the new legislation on children's rights and, if so, who provided it. What difficulties were encountered in applying the adoption law, and did the Government plan to ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption?

The meeting rose at 12.45 p.m.