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## Committee on the Rights of the Child

### **Concluding observations on the combined third to fifth periodic reports of Ghana\***

#### **I. Introduction**

1. The Committee considered the combined third to fifth periodic reports of Ghana (CRC/C/GHA/3-5) at its 1991st and 1993rd meetings (see CRC/C/SR.1991 and 1993), held on 19 and 20 May 2015, and adopted the following concluding observations at its 2024<sup>th</sup> meeting (see CRC/C/SR.2024) held on 5 June 2015.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party (CRC/C/GHA/3-5) and the written replies to the list of issues (CRC/C/GHA/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multi-sectoral delegation of the State party.

#### **II. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the ratification of/accession to the:

(a) Optional Protocol to the Convention on the Right of the Child on the Involvement of Children in Armed Conflict, in 2014;

(b) Convention on the Rights of Persons with Disabilities, in 2012;

(c) Protocol to Prevent, Suppress and Punish Trafficking Persons Especially Women and Children supplementing the United Nations Convention Against Transnational Organized Crime, in 2012;

(d) ILO Convention No. 138 concerning Minimum Age for Admission to Employment, in 2011.

4. The Committee also notes with appreciation the adoption of the following legislative measures:

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\* Adopted by the Committee at its sixty-ninth session (18 May-5 June 2015).

- (a) Mental Health Act of March 2012;
  - (b) Amendment to the Criminal Offences Act of 2012;
  - (c) Education Act of 9 January 2009;
  - (d) Amendment of Criminal Code of 7 August 2007;
  - (e) Domestic Violence Act of 4 May 2007;
  - (f) Persons with Disabilities Act of 11 August 2006;
  - (g) Ghana National Commission on Children (Repeal) Act of 24 March 2006.
5. The Committee also welcomes the following institutional and policy measures:
- (a) Creation of the Ministry of Gender, Children and Social Protection (MoGCSP) (2013);
  - (b) Creation of the Department of Children (DOC) within the MoGCSP (2013);
  - (c) Child and Family Welfare Policy (CFWP) (2015);
  - (d) National Neo-natal Health Care Strategy (2014-2018);
  - (e) National HIV/AIDS, STI Policy (2013);
  - (f) National Employment Policy (2012 - 2016);
  - (g) National Human Resource Development Policy (2011);
  - (h) Education Strategic Plan (ESP) (2010-2020);
  - (i) National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labour in Ghana (2009 – 2015);
  - (j) National Policy and Plan of Action on Domestic Violence (2009-2019);
  - (k) Under-5 Child Health Policy (2007 - 2015).
6. The Committee notes as positive the open invitation extended by the State party to United Nations special procedures on 21 April 2006.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

7. **The Committee recommends that the State party take all necessary measures to address its previous recommendations of 2006 (CRC/C/GHA/CO/2) that have not been implemented or not sufficiently implemented in particular those related to data collection, dissemination, corporal punishment , HIV/AIDS , harmful practices , child labour and juvenile justice.**

##### **Legislation**

8. The Committee welcomes the adoption of various child-related legislative measures. Nevertheless, the Committee reiterates its concern about their insufficient implementation and, in some instances, the evident gap between law and practice.

9. **The Committee recommends that the State party continue and strengthen its efforts to bring all its legislation in conformity with the Convention and to ensure the effective implementation of child-related legislation.**

#### **Comprehensive policy and strategy**

10. While noting the various national plans, policies and strategies adopted by the State party on thematic areas of children's rights, the Committee is, however, concerned at the low rate of their implementation due mainly to the lack of sufficient resources, overlapping and duplicative interventions, as well as inadequate coordination. The Committee is further concerned about the absence of a comprehensive policy and strategy on children.

11. **The Committee recommends that the State party develop a comprehensive policy and strategy, addressing children's issues, including the provision of sufficient human, technical and financial resources, and ensure the effective implementation of the existing strategies.**

#### **Coordination**

12. The Committee notes with appreciation the creation of the Ministry of Gender, Children and Social Protection (MoGCSP) and the establishment of the Department of Children (DOC), with offices at national and regional levels. However, the Committee reiterates its concern (CRC/C/GHA/CO/2, para. 14) about the lack of an effective inter-ministerial coordination of all activities related to the implementation of the Convention, the limited resources allocated for the MoGCSP, which relies on international cooperation, and the particularly inadequate implementation of children's rights at the local level due to the limited capacities of the District Assemblies.

13. **The Committee reiterates its previous recommendation (para. 14) and recommends that the State party establish an appropriate body at a high inter-ministerial level with a clear mandate and sufficient authority to effectively coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels. The State party should ensure that the MoGCSP, the DOC and the District Assemblies are provided with the necessary human, technical and financial resources for their effective operation.**

#### **Allocation of resources**

14. The Committee welcomes the State party's progressive increase of budget allocations in the areas of health and education. However, the Committee expresses its concern that there is no specific budget allocated for the implementation of the Convention and that the budget for children's related expenditure appears to be insufficient to respond to national and local priorities for the protection of children.

15. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party:**

(a) **Prioritize and substantially increase the budgetary allocations in the social sectors, ensuring implementation of the economic, social and cultural rights of children, particularly for the improvement of health-care services, education and protection of vulnerable groups of children;**

(b) **Establish a budgeting process, which includes child rights perspective and specifies clear allocations to children in vulnerable situations including children with disabilities, children affected or/and infected by HIV/AIDS, children in street situations, children living in poverty, children affected by the worst forms of child**

labour and asylum-seeking children, including specific indicators and a tracking system;

(c) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention;

(d) Take immediate measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.

#### Data collection

16. In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee reiterates its previous concern (CRC/C/GHA/CO/2, para.21) and urges the State party to expeditiously improve its data collection system. The data should cover all areas of the Convention and should be disaggregated among others by age, sex, disability, geographic location, ethnic origin and socioeconomic background, in order to facilitate analysis on the situation of all children, particularly those in vulnerable situation.

#### Independent monitoring

17. The Committee welcomes the re-establishment of a unit dealing specifically with child rights (Women and Children's Unit) as part of the Legal and Investigations Department of the Commission on Human Rights and Administrative Justice (CHRAJ), which also receives individual complaints on child rights related matters. Nevertheless, the Committee is concerned about the limited human and financial resources of the CHRAJ and the Women and Children's Unit in particular.

18. In the light of its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party ensure human and financial resources for the effective functioning of the Women and Children's Unit within the CHRAJ and that this is in compliance with the Paris Principles, including with regards to its funding, mandate and immunities. To that effect, the Committee recommends that the State party seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Development Programme (UNDP).

#### Children's rights and the business sector

19. The Committee notes that private investment, particularly in the cocoa, mining and fishing industries, reportedly does not adequately benefit local communities and is concerned that at times it brings harmful consequences for families and children such as the use of child labour and exposure to harmful substances. The Committee notes the lack of information on any legislative regulatory framework regarding social and environmental responsibility of business corporations and industries, both national and international, to prevent possible negative impact of their activities on children.

20. In the light of its general comment No. 16 (2013) the impact of the business sector on children's rights, the Committee recommends that the State party:

(a) Establish clear regulations and a nation-wide legislative framework, including through the adoption of agreements between private enterprises and the State party at the local level, requiring companies operating in the State party to adopt measures to prevent and mitigate adverse child rights impact of their operations in the country

(b) **Require companies to undertake child rights assessments, consultations, and full public disclosure of the environmental, health-related and child rights impacts of their business activities and their plans to address such impacts and promote the inclusion of child rights indicators and parameters for reporting and;**

(c) **Be guided by the United Nations “Protect, Respect and Remedy” Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.**

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

21. While noting the anti-discriminatory provisions contained in the laws of the State party, the Committee reiterates its concern (CRC/C/GHA/CO/2, para. 25) that discrimination against certain groups of children, particularly girls, children with disabilities, unaccompanied or separated asylum seeking children, children of migrants, children of asylum-seekers, children infected and/or affected by HIV/AIDS, children living in rural areas and children in street situations still exists in practice.

22. **The Committee reiterates its previous recommendation (para.26) and urges the State party to adopt a comprehensive strategy to eliminate de facto discrimination against all groups of children in vulnerable and marginalized situations and ensure full implementation of all legal provisions in full compliance with article 2 of the Convention.**

### **Best interests of the child**

23. The Committee remains concerned that, despite its legal recognition, the right of the child to have his or her best interests taken into account as primary consideration is not adequately and systematically interpreted or applied by administrative, legislative and judicial bodies, including in family, criminal and asylum procedures.

24. **In the light of its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

### **Right to life, survival and development**

25. While taking note of the legislation adopted by the State party for the protection of children with disabilities, the Committee remains seriously concerned that children with disabilities are still often exposed to inhumane and degrading treatment, particularly in some “prayer camps”, compromising their development. It is further concerned about the high levels of neo-natal, infant and under-five mortality, malnutrition, child abuse, child poverty and disparities, also compromising the inherent right of the child to life, survival and development.

26. **The Committee recommends that the State party:**

(a) **Develop and implement awareness-raising campaigns against superstitious beliefs concerning children (and adults) with disabilities, prohibit their**

**admission and treatment in prayer camps and investigate and prosecute perpetrators of acts of inhumane and degrading treatment against them and;**

**(b) Effectively allocate and spend the sufficient resources to prevent and protect children from neo-natal, infant and under-five mortality, malnutrition, child abuse, child poverty and disparities.**

**Respect for the views of the child**

27. The Committee notes with appreciation the existence of children’s clubs and the efforts made to include the participation of children in policy discussions. However, the Committee is concerned about the scarcity of information about these clubs and of efforts in rural and remote areas as well as the involvement of and outreach to children in vulnerable situations. The Committee is also concerned that the views of the child are rarely taken into account in decisions made at the family level and in administrative and judicial proceedings.

28. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that it take measures to strengthen this right in accordance with article 12 of the Convention. To that effect, it further recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children in all matters concerning them in the family, community, school or other settings, with particular attention to girls and children in vulnerable situations.**

**C. Civil rights and freedoms (arts. 7, 8, and 13-17)**

**Birth registration**

29. While noting the significant progress in improving birth registration coverage from 17 percent in 2002 to about 58 percent in 2014, the Committee reiterates its concerns (CRC/C/GHA/CO/2, para. 32) about the many challenges faced by the State party such as understaffing and inadequate funding and about the difficulties in ensuring, particularly, the birth registration of children in rural areas as well as of asylum-seeking and refugee children.

30. **The Committee reiterates its previous recommendations (CRC/C/GHA/CO/2, para. 32) and recommends that the State party:**

- (a) Implement the recommendations of the “Birth Registration bottleneck analysis”;**
- (b) Enter into a formal partnership and collaboration agreement between the Birth and Death Registry and the Ghana Health Service;**
- (c) Allocate sufficient funds for the strengthening of birth registration initiatives;**
- (d) Extend free birth registration and issuance of certificates for, at least, children under five years of age;**
- (e) Strengthen and expand mobile birth registration to reach universal coverage, particularly, for registration of children in rural areas, asylum-seeking and refugee children, and those who have never been registered;**
- (f) Amend the Refugee Law (1992) to ensure that recognized refugee children born outside the State party can be issued with substitute birth certificates;**

**(g) Increase public awareness about the importance of birth registration and the process by which children are registered.**

#### **Nationality**

31. While welcoming the additional information provided by the State party during the dialogue, the Committee is concerned that nationality at birth is not granted to children born on the territory of the State party who would otherwise be stateless.

32. **The Committee recommends that the State party:**

**(a) Review the 2000 Ghanaian Citizenship Act and other relevant legislation relating to nationality to bring them into line with international standards on prevention, reduction and protection of stateless children;**

**(b) Conduct a statelessness mapping study in order to better prevent and address the protection of stateless children or children at risk of statelessness;**

**(c) Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Access to appropriate information**

33. While noting the study carried out by the Department of Children in 2007 in Accra on the use of internet by school children and other efforts made by the State party, the Committee is concerned about the disparity in access to digital information and the risks posed by digital media, information and communication technologies (ICTs) to the safety of children. It is further concerned about the fact that reporting on children in the media at times violates their right to privacy and dignity.

34. **In light of the day of general discussion on digital media and children's rights (2014), the Committee recommends that the State party:**

**(a) Develop and effectively implement a comprehensive child rights-based regulatory framework, including supporting and supervising the implementation of self-regulatory measures of the ICTs and other industries, to ensure that all children are empowered and can safely access digital media and ICTs;**

**(b) Encourage cooperation with ICT companies and other relevant industries and facilitate the development of voluntary, self-regulatory, professional and ethical guidelines and standards of conduct and other initiatives, including the training of journalists in ethical reporting and protection of children in the media;**

**(c) Strengthen awareness-raising, information and education programmes to sensitize children, parents, guardians, teachers, journalists, Internet service providers and the public in general, on opportunities and risks relating to the use of digital media and ICTs.**

### **D. Violence against children (arts. 19, 24, para.3, 28, para. 2, 34, 37 (a) and 39)**

#### **Violence against children, including abuse and neglect and corporal punishment**

35. The Committee welcomes the number of measures undertaken by the State party to address domestic violence and eliminate corporal punishment against children, particularly through the Child and Family Welfare Policy and the setting up of complaints procedures. However, the Committee expresses its deep concern about:

(a) The high incidence of domestic violence, gender-based violence, and child abuse and neglect, including sexual abuse and incest, mainly in the family, schools and care institutions, mostly affecting girls;

(b) Corporal punishment being still widely practised in society, its acceptance as a form of discipline and the Children's Act still allowing for a degree of "reasonable" and "justifiable" punishment.

36. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. While recommending that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and general comment No. 8 (2006) on corporal punishment and other cruel or degrading forms of punishment, the Committee reiterates its previous recommendation (para. 37) and in particular requests the State party to:**

(a) **Amend all legislation in order to explicitly prohibit corporal punishment as "reasonable" and "justifiable" correction or discipline, particularly in the Children's Act (1998) and the Juvenile Justice Act (2003);**

(b) **Pay particular attention to and address the gender dimension of violence;**

(c) **Further strengthen awareness-raising and education programmes — including campaigns — with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse and corporal punishment;**

(d) **Establish a national database on all cases of domestic violence against children and child abuse, and undertake a comprehensive assessment of the extent, causes and nature of such violence;**

(e) **Ensure the allocation of adequate human, technical and financial resources to all domestic violence and child abuse related entities to enable them to implement long-term programmes for addressing the root causes of violence and abuse;**

(f) **Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect and corporal punishment, including by involving former victims, volunteers and community members, and providing training support to them.**

(g) **Ensure the availability and quality of prevention, protection, access to justice, rehabilitation and reintegration programmes, including health services and psychosocial support, free helplines and adequate shelters for victims;**

(h) **Ensure children's access to justice, including by providing legal support and making available child-friendly and confidential complaint mechanisms in institutions, schools, detention centres, hospitals and any other relevant setting.**

#### **Harmful practices**

37. While noting the Children's Act 1998 (Act 560) setting the minimum age of marriage at 18 years for boys and girls and the establishment of the Child Marriage Coordinating Unit, the Committee is deeply concerned about:

(a) The increase of forced and early marriage of children, especially of girls, in the State party;



(b) The prevalence of female genital mutilation (FGM), especially in rural and traditional communities despite the positive actions taken by the State party criminalizing harmful practices;

(c) The cultural practice of accusing some girls of being witches, thereby subjecting them to violence and confining them in 'witch camps.'

38. **In light of general comment No. 18 on harmful practices (2014), the Committee urges the State party to:**

(a) **Take firm measures to prevent and eliminate forced and early marriage of children and implement the existing legislation;**

(b) **Raise awareness and sensitization of families, traditional and religious leaders, teachers and the public in general on the negative consequences of child marriage and FGM and the importance of education;**

(c) **Disseminate the law criminalizing FGM among all relevant ministries, police officers, law enforcement officials, teachers, traditional and religious leaders, and the general public, particularly in rural communities;**

(d) **Ensure that cases of FGM are promptly investigated and prosecuted;**

(e) **Ensure the closure of all the witch camps and raise awareness and sensitization of families, traditional and religious leaders, teachers and the public in general in the negative consequences of confining girls believed to be witches in witch camps;**

(f) **Establish protective mechanisms and services to safeguard children, especially girls, at risk of being subject to forced and early marriage, FGM and/or treated as witches and ensure that all victims of these practices have access to social, medical, psychological and rehabilitative services and legal redress.**

***Trokosi (ritual servitude)***

39. Although the practice of *Trokosi* has been criminalized in the State party since 1998, the Committee is deeply concerned about the prevalence of this practice- especially in rural and traditional communities- and the fact that no single case has been reported and investigated. Although the practice of *Trokosi* has been criminalized in the State party since 1998, the Committee is deeply concerned about the prevalence of this practice- especially in rural and traditional communities- and the fact that no single case has been reported and investigated.

40. **The Committee urges the State party to:**

(a) **Take all necessary measures without delay, including human and financial resources, to prevent and eliminate the practice of *Trokosi*, in particular to ensure the immediate release of children that are subjected to this practice;**

(b) **Raise awareness and sensitization of families, traditional and religious leaders, teachers and the public in general on the negative consequences of *Trokosi* and the importance of education;**

(c) **Ensure that cases of *Trokosi* are promptly investigated and prosecuted, as necessary;**

(d) **Establish protective mechanisms and services to safeguard children at risk of being subject to *Trokosi* and ensure that all victims of this practice have access to social, medical, psychological and rehabilitative services and legal redress.**

**E. Family environment and alternative care (arts. 5, 9-11, 18 (paras. 1 and 2), 20-21, 25 and 27 (para. 4))**

**Family environment**

41. The Committee welcomes the adoption of the Child and Family Welfare Policy (2015) and the steps taken to develop a National Targeting System (NTS) to be used by all government agencies in identifying, prioritising and selecting households living in vulnerable conditions. However, the Committee remains concerned about the situation of children from single-parent families and those from disadvantaged and marginalized groups.

42. **The Committee encourages the State party to continue its family support programmes, increase their coverage and improve their long-term impact. It also recommends that the State party take the necessary measures to support and strengthen the capacity of parents, in particular those in difficult circumstances, to perform their responsibilities in the upbringing of their children through family support programmes and facilitate the work of civil society organizations in this regard.**

**Children deprived of a family environment**

43. The Committee notes with appreciation the adoption of the National Plan of Action for Orphans and Vulnerable Children (2010-2012) and the Care Reform Initiative (2007) aimed at strengthening the legal framework for alternative care and promote de-institutionalization. However, the Committee is concerned about:

(a) The increasing number of children living outside their family environment placed in institutions due to socioeconomic pressures;

(b) The poor conditions of a number of alternative care centers for children, including lack of proper records, care plans, licensing, registration, monitoring and quality services and;

(c) Informal kinship and informal foster care mechanisms being under strain due to socioeconomic pressures.

44. **In light of the Guidelines for the Alternative Care of Children (annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:**

(a) **Strengthen the implementation of the Care Reform Initiative (2007), prioritizing the adoption of measures to support and facilitate family-based care for children wherever possible, for children in single-parent families and for orphan children with AIDS, and establish a system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;**

(b) **Ensure the registration, certification and licensing of existing alternative care centers for children, in accordance with the Children's Act;**

(c) **Strengthen and ensure the periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein through the Department of Social Welfare, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**

**(d) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible.**

#### **Adoption**

45. The Committee notes the drafting of new national adoption regulations. However, the Committee is concerned about:

(a) The fact that adoption practices in the State party lack proper oversight and monitoring mechanisms, rendering the present legislation on adoption inadequate;

(b) Despite some positive effects, the continued placement of a moratorium on adoption (domestic and inter country) in the State party since 2013 contributing to the prolonged stay of children in institutions and to illegal adoption;

(c) The lack of a Central Authority for Adoption in charge of, inter alia, compiling a national data base of adoptable children and, the negative effects of the decentralization of the court decisions on inter-country adoption between Low and High Courts;

(d) The practice of some orphanages and homes allegedly operating as ‘illegal adoption agencies.’

46. **The Committee recommends that the State party:**

**(a) Expedite the finalization and adoption of the Adoption Regulations and the amendment of the Children’s Act;**

**(b) Review and assess the impact on children and the consequences of the implementation of the moratorium temporarily suspending all adoption in the State party (domestic and inter-country) since March 2013;**

**(c) Establish a Central Authority for Adoption and the centralization of inter-country adoption decisions through the High Court only, providing proper monitoring for adoption in the State party;**

**(d) Expedite the ratification of the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption.**

#### **F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) and 33)**

##### **Children with disabilities**

47. The Committee welcomes the creation of the District Assembly Common Fund for Persons with Disabilities (2010) and the efforts of the State party to promote inclusive education and accessibility for children with disabilities. However, the Committee notes with deep concern that:

(a) Children with disabilities, especially those with mental disabilities, are victims to a higher extent of abuse, violence, stigma and exclusion, particularly in traditional communities;

(b) Children with disabilities confined in psychiatric institutions and the so-called “prayer camps” are being subjected to inhumane and degrading treatment due to cultural and traditional beliefs;

(c) There is limited access to inclusive education and well-trained teachers.

48. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and to:**

(a) **Prohibit the admission and treatment of children with disabilities in prayer camps;**

(b) **Investigate and prosecute perpetrators of acts of inhumane and degrading treatment against children with disabilities, including in prayer camps but also in psychiatric institutions;**

(c) **Develop and implement awareness-raising campaigns against superstitious beliefs concerning children (and adults) with disabilities;**

(d) **Strengthen its efforts to implement the Children with Disabilities Inclusive Education Policy;**

(e) **Allocate sufficient resources to implement the Children with Disabilities Inclusive Education Policy.**

#### **Health and health services**

49. The Committee welcomes the decline of under-five mortality and of the stunting rate of children under-five due to the State party interventions, the successful nationwide bed net distribution and campaign to prevent malaria (2011-2012), and the implementation of the Community Health Planning and Services (CHPS) strategy. However, the Committee is concerned about:

(a) The insufficient funding allocated to the health sector, despite its increase;

(b) The insufficient number of qualified and experienced healthcare provider staff as well as an inequitable distribution nationwide causing regional disparities in the provision of health services, as mentioned in its previous concern (para. 49);

(c) The fact that neonatal mortality accounts for 60 percent of infants' deaths in the State party;

(d) The decline of breastfeeding rates between 2008 and 2011 and the insufficient monitoring on the implementation of the Breastfeeding Promotion Regulation 2000 (BPR);

(e) The high numbers of malnourished and severely stunted children, particularly in rural areas;

(f) The persistent high maternal mortality rates, including pregnant teenagers and adolescent mothers.

50. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) **Allocate sufficient financial and human resources to health services, particularly to child health and nutrition, providing effective access to trained and qualified health care;**

(b) **Finalize and operationalize the National New born Strategy and Action Plan;**

(c) Undertake all necessary measures to reduce mortality rates by improving prenatal care and preventing communicable diseases;

(d) Continue encouraging exclusive breastfeeding for six months with appropriate introduction of an infant diet thereafter, aimed at reducing neonatal as well as under-five mortality;

(e) Strengthen monitoring of implementation of the BPR, implement a deterrent sanctioning system and ensure the Food and Drugs Authority is committed to enforce the BPR;

(f) Expedite the approval of the National Nutrition Policy;

(g) Continue to combat malaria, address environmental causes and strengthen availability of nets and insecticides, especially in areas where malaria is most prevalent and ensure that all children, regardless of economic status, have access to impregnated nets;

(h) Implement and apply the OHCHR Technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31) and to reduce preventable maternal morbidity and mortality (A/HRC/21/22).

#### **Adolescent health, including drug and substance abuse**

51. The Committee takes note of the initiatives undertaken by the Planned Parenthood Association of Ghana (PPAG) in addressing sexual and reproductive health issues affecting the youth and the efforts of the State party to strengthen its health-care services for adolescents. The Committee reiterates its concern (para. 51) about the high incidence of adolescent pregnancies, the inadequate reproductive health and mental health services for adolescents, as well as the high numbers of illegal and unsafe abortions of adolescents. The Committee further reiterates its concern (para. 71) about children and adolescents being affected by alcohol and drug abuse.

52. In the light of its general comment No. 4 (2003) on adolescent health and general comment 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections;

(b) Assess, operationalize and enforce the already existing adolescent health and development programme within the Ghana Health Service;

(c) Take measures to raise awareness of and foster a responsible parenthood and sexual behaviour;

(d) Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them;

(e) Review its legislation on abortion, notably with a view to guaranteeing the best interests of pregnant teenagers and preventing teenage girls resorting to clandestine abortions at the risk of their lives;

(f) Address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information as

well as life skills education on preventing substance abuse — including tobacco and alcohol —, and develop accessible and youth-friendly drug dependence treatment and harm reduction services.

#### **HIV/AIDS**

53. The Committee notes with appreciation that the HIV prevalence rate in the State party has been reduced from 3.7 in 2005 to 1.7 in 2010 and the HIV/AIDS-related policies and programmes interventions undertaken by the State party. Nevertheless, the Committee still remains concerned about:

- (a) The continued high prevalence rate of HIV;
- (b) The limited number of HIV-infected children and mothers having access to antiretroviral medication as well as about limited HIV/AIDS testing;
- (c) The high rate of child mortality due to AIDS;
- (d) The high number of orphan children infected and affected with AIDS in the State party.

54. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

- (a) **Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS and develop a roadmap to ensure the implementation of effective preventive measures;**
- (b) **Improve follow-up treatment for HIV/AIDS-infected mothers and their children to ensure early diagnosis and early initiation of treatment;**
- (c) **Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services, including confidential services, particularly for adolescents;**
- (d) **Improve access and coverage of antiretroviral therapy for HIV-infected children, mothers and pregnant women, and also improve access and provision of prophylaxis, particularly to adolescents;**
- (e) **Improve the protection and support for orphan children infected and affected with AIDS;**
- (f) **Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF, in this regard.**

#### **Standard of living**

55. The Committee welcomes the achievements of the State party in reducing overall poverty. However, the Committee remains concerned about the widespread and severe regional disparities in the implementation of children's rights. It is further concerned about the limited access of children to safe drinking water and adequate sanitation, particularly in rural areas.

56. **The Committee recommends that the State party:**

- (a) **strengthen the strategies and measures for fulfilling children's rights in the Ghana Poverty Reduction Strategy Plan, including by holding targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty;**

(b) **Improve its efforts to accelerate the expansion of the national cash transfer programme (LEAP), in order to cover the 2.2 million people who are still living in extreme poverty today, including children;**

(c) **Improve access to safe drinking water and adequate sanitation facilities and ensure sustainability, availability, sufficiency and affordability to all, particularly children;**

(d) **Finalize and implement the Water Sector Strategic Development Plan and investment plan;**

(e) **Strengthen its efforts to continue implementing the Rural Sanitation Model and Strategy.**

## **G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**

### **Education, including vocational training and guidance**

57. The Committee welcomes the adoption of the Education Act (Act 778 of 2008) and the Education Sector Plan (ESP 2010–2020), particularly the policy measures deriving from the ESP, such as the free compulsory basic education, the capitation grant and school feeding programmes, among others. It also notes the achievements of the State party in relation to school enrolment over the reporting period. The Committee is, however, concerned that the education system continues to face serious challenges, and is particularly concerned about:

(a) The fact that primary education is not genuinely free, particularly due to the limited efficacy and efficiency of the Free Compulsory Basic Education Policy and the Capitation Grant because of the monetary contributions parents and/or guardians still have to make by paying levies, mainly affecting children in difficult socio economic situations ;

(b) The persisting gender and geographical disparities with regard to access to and quality of education, and the lack of teachers as well as teachers' absenteeism;

(c) Girls still facing difficulties in accessing secondary education;

(d) A significant proportion of children living in rural areas, children with disabilities, children from poor households, working children, orphaned children, and children infected or affected by HIV/AIDS being deprived of their right to education, and remaining out of school;

(e) The several challenges encountered while implementing the School Feeding Programme, including, for instance, inadequate programme monitoring due to limited resources;

(f) Private education developing very quickly, without the necessary supervision regarding the conditions of enrolment, the quality of education provided, and the transparency and efficiency in the management of education resources;

58. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) **Take the necessary measures to ensure free primary education to all children and to strengthen its efforts to ensure enrolment of all children in primary and secondary education by taking targeted measures to reach children deprived of education, particularly girls and children living in rural areas;**

(b) **Take the necessary measures to improve the quality of education, notably by providing teachers with quality training,**

(c) **Allocate sufficient financial resources for the development and expansion of early childhood education in rural areas, and continue strengthening the efforts to efficiently implement the Early Childhood Care and Development Policy (2004);**

(d) **Develop and promote quality vocational training to enhance the skills of children and young people, especially girls and those who drop out of school;**

(e) **Ensure that resources are focused on the most marginalized children, improve transparency and budget tracking and adopt the Inclusive Education Policy (currently in draft form).**

(h) **Assess and address the consequences of the rapid development of private education in the State party and its impact on the full realization of children’s right to education in accordance with the Convention and ensure the effective and efficient regulation and monitoring of private education providers, through the Private School Desk within the Ghana Education Service.**

**H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)**

**Asylum-seeking, refugee and unaccompanied children**

59. **The Committee welcomes the general practice of the State party in hosting refugees and asylum seekers and providing them with access to the national health insurance system (NHIS). It also notes with appreciation the efforts taken to provide protection to refugee, asylum-seeking and unaccompanied children against sexual and gender-based violence in refugee camps, including the establishment of special protection committees, regional task forces, sensitization activities and reporting mechanisms, including a helpline. Nevertheless, the Committee is concerned about the limited legal and procedural guarantees and assistance for asylum-seeking children and unaccompanied or separated asylum-seeking children during the refugee status determination procedures.**

**60. In the light of general comment No.6 (2005) on Treatment of Unaccompanied and Separated Children Outside Their Country of Origin and the recommendations from the 2012 Day of General Discussion on the rights of all children in the context of international migration, the Committee recommends that the State party:**

(a) **review the Refugee Act (PNDC Law 305d) (1992) and amend it accordingly, in order to ensure that the specific needs of asylum-seeking children are taken into account during the refugee status determination procedures;;**

(b) **include- special guarantees for personal interviews to be conducted on a child appropriate manner, the consideration of child-specific forms of persecution and specific procedural safeguards for unaccompanied or separated asylum-seeking children;**

(c) **seek technical assistance from the UNHCR in this regard.**

**Economic exploitation, including child labour**

61. **The Committee notes with appreciation the adoption of the National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labour in Ghana (2009-2015) and the efforts undertaken by the State party to combat child labour. Nevertheless, the Committee is concerned that the enforcement of the existing legal framework and policies is inadequate, the NPA is not effectively implemented and children remain exposed to hazardous labour, mainly affecting their education and health, especially in fisheries, mining, quarrying and in the so-called “prayer camps”, ritual servitude (Trokosi),**



commercial sexual exploitation, domestic servitude, portering of heavy loads, agriculture and street begging.

62. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of the legal prohibition of hazardous child labour and mining work for anyone under 18, including by allocating adequate resources;**

(b) **Ensure the implementation of the NPA for the Elimination of the Worst Forms of Child Labour, including through the use of appropriately trained labour inspectors and the application of high penalties foreseen in legislation to those who exploit children;**

(c) **Conduct a status review of the NPA when it ends and identify actions that are yet to be undertaken and prioritize them for follow-up;**

(d) **Implement the recommendations made to the State party in the Child Labour Report of the Ghana Living Standards Survey Round 6 (August 2014);**

(e) **Take measures to address the socioeconomic factors contributing to child labour;**

(f) **Establish protective mechanisms and services to safeguard children at risk of being subject to child labour, including hazardous child labour, and ensure that child victims of these practices have access to social, medical, psychological and rehabilitative services and legal redress;**

(g) **Consider ratifying ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers;**

(h) **Strengthen the work and cooperation with the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.**

#### **Sexual exploitation**

63. The Committee takes note of the implementation in the past of the “Children in tourism in Cape Coast and Elmina in the Central Region Programme” and the “National Time Bound Programme” aimed at withdrawing children from commercial sexual exploitation. However, the Committee regrets that the State party has not presented information on the studies undertaken by the State party to ascertain the scope and magnitude of commercial sexual exploitation of children (CRC/C/GHA/CO/2, para.67). The Committee remains concerned (CRC/C/GHA/CO/2, para. 68) about the fact that sexual exploitation of children, particularly commercial sexual exploitation, is growing in the State party.

64. **The Committee recommends that the State party:**

(a) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual exploitation;**

(b) **Amend legislation to ensure that all children subject to any form of sexual exploitation are treated as victims and not subject to criminal sanctions;**

(c) **Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;**

(d) **Take measures to address the socioeconomic factors contributing to sexual exploitation;**

(e) **Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.**

**Children in street situations**

65. The Committee welcomes the initiatives taken by the State party to provide protection to children in street situation. While noting that the State party carried out an in-depth study and a systematic assessment of the street children phenomenon in the Greater Accra Region, the Committee regrets the lack of information about the findings of this study and remains concerned about the absence of national data available on the prevalence of children living and working in the streets.

66. **The Committee recommends that the State party:**

(a) **Undertake an in-depth study and statistical analysis on the root causes and scope of the issue of children in street situations in the State party;**

(b) **Develop a national strategy and a national plan of action to support children in street situations with sufficient financial, human and technical resources and to address socioeconomic disadvantages and other root causes of vulnerability of children in street situation, as well as the violence they are sometimes expose including in the hands of law enforcement officials;**

(c) **Ensure the appropriate implementation of initiatives to provide these children with adequate nutrition, clothing, housing, health care and educational opportunities, especially informal education and life-skills training, in order to support their full development and when in the best interest of the child return to their families and community and;**

(d) **Provide, as appropriate, all child in street situations victims of physical, sexual and substance abuse with reintegration and recovery services.**

**Sale, trafficking and abduction**

67. The Committee notes the establishment of a National Stakeholder and Intervention Database on human trafficking within the Ministry of Gender, Children and Social Protection and the establishment of a human trafficking desk at the Ghana Immigration Service, a Secretariat at the Ministry of Gender, Children and Social Protection and a Unit within the Ghana Police Service, under the Human Trafficking Act (2005). However, the Committee is concerned about:

(a) The insufficient implementation of the anti-trafficking legal and policy frameworks and the limited coordination among relevant institutions in this regard;

(b) The lack of formal agreements with neighbouring countries concerning child trafficking;

(c) The limited number of investigations and prosecution of trafficking offenses;

(d) The lack of protective mechanisms and services to safeguard children at risk of being subject to trafficking;

(e) The lack of data on the number of children trafficked, as mentioned in its previous concern (para. 69);

68. **The Committee recommends that the State party:**

- (a) Ensure the effective enforcement of relevant legislation, policies and programmes to combat trafficking in children and their body parts, including through an appropriate allocation of human and financial resources, particularly to the Police Anti-Human Trafficking Unit;
- (b) Finalize and adopt the NPA against trafficking;
- (c) Adopt a legislative instrument to effectively implement the Human Trafficking Act (2005);
- (d) Increase the efforts to investigate and prosecute trafficking offences and convict and punish trafficking offenders;
- (e) Establish protective mechanisms and services to safeguard children at risk of being subject to trafficking and, ensure that victims of these practices have access to social, medical, psychological and rehabilitative services and legal redress;
- (f) Improve data collection efforts to ensure reliable data on child trafficking; particularly through continue strengthening the work of National Stakeholder and Intervention Database on human trafficking;
- (g) Strengthen awareness-raising programmes, including campaigns on trafficking, in particular in rural areas, border areas and areas of poverty;
- (h) Address the root causes of trafficking, child labour and sexual exploitation by, inter alia, increasing efforts to improve and expand access to education for both girls and boys, particularly among children in vulnerable situations.

#### **Administration of juvenile justice**

69. The Committee notes as positive, among others, the initiative to draft a Justice for Children Policy, the implementation of probation programmes of special rehabilitation for children and of several training programmes for professionals who work in the administration of juvenile justice, the child-related work of the Ghana Legal Aid Scheme (GLAS) and the implementation of the project 'Access to Justice for Children in Conflict with the Law' (2013-2014) aimed at providing legal assistance to children aged 13 to 17 years. However, the Committee is concerned about:

- (a) The evident gap between law and practice, particularly between law and community approaches dealing with child justice issues;
- (b) The limited functioning of the Child Panels established by the Children's Act to deal with children in conflict with the law;
- (c) The lack of specialized juvenile court facilities and procedures;
- (d) The limited alternatives to detention for children in the Juvenile Justice Act and the limited number of existent remand homes;
- (e) Children being detained in adult detention facilities, contrary to the Juvenile Justice Act, as noted in its previous concerns (para. 73).

70. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

- (a) Expedite the adoption of the Justice for Children Policy aiming at ensure stronger linkages between the formal justice system and community practices, including the participation of elders, traditional and religious leaders, Chiefs and

community members to support the monitoring, rehabilitation and reintegration of juvenile offenders;

(b) Promote alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(c) Accordingly amend the sections of the Juvenile Justice Act to introduce such alternatives measures to detention;

(d) Review the veil provisions of the Juvenile Justice Act and sensitize judges and the police regarding the need of children not to be held in pre-trial detention, unless required for their own safety;

(e) Reform the concept of Child Panels to ensure greater access to justice for children at the community level;

(f) Expeditiously establish specialized juvenile court facilities and procedures with adequate human, technical and financial resources, designate specialized judges for children and ensure that such specialized judges receive appropriate education and training;

(g) Strengthen the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings and, continue implementing initiatives such as ‘Access to Justice for Children in Conflict with the Law’ (2013-2014);

(h) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.

(i) To that effect, make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.

## **I. Ratification of the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on a communications procedure**

71. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

## **J. Ratification of international human rights instruments**

72. The Committee recommends that the State party, in order to further strengthen the fulfilment of children’s rights, ratify the core human rights instruments to which it is not yet a party, namely the Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture.

## **K. Cooperation with regional bodies**

73. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

74. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

75. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 1 September 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

76. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16)

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