





Country		Ghana
SIGI 2019 Category		Medium
SIGI Value 2019		35%
Discrimination in the family		59%
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	8%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	33%
	Female to male ratio of time spent on unpaid care work	3.2
	Legal framework on inheritance	75%
	Legal framework on divorce	75%
Restricted physical integrity		20%
	Legal framework on violence against women	75%
	Proportion of the female population justifying domestic violence	28%
	Prevalence of domestic violence against women (lifetime)	24%
	Legal framework on female genital mutilation (FGM)	25%
	Share of women who think FGM should continue	2%
	Share of women who have undergone FGM	4%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	25%
Female population with unmet needs for family planning	26%	
Restricted access to productive and financial resources		31%
	Legal framework on working rights	75%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	7%
	Share of managers (male)	58%
	Legal framework on access to non-land assets	50%
	Share of house owners (male)	83%
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	0%
Share of account holders (male)	54%	
Restricted civil liberties		23%
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	47%
	Legal framework on political participation	50%
	Share of the population that believes men are better political leaders than women	81%
	Percentage of male MP's	87%
	Legal framework on access to justice	25%
	Share of women declaring lack of confidence in the justice system	40%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Ghana

The Constitution of Ghana names all persons as equal before the law and lists gender, race, colour, ethnic origin, religion, creed or social or economic status as prohibited grounds of discrimination. Sex, sexual orientation and gender expression are not included. Ghana's definition of discrimination remains non-compliant with CEDAW's definition of discrimination in Article 1 as it does not include direct and indirect discrimination (CEDAW Shadow Report, 2014).

The national machinery charged with the advancement of women in Ghana is the Ministry of Gender, Children and Social Protection (previously the Ministry of Women and Children Affairs) (CEDAW Country Report, 2012). The Ministry is mandated to "ensure compliance with international protocols, conventions and treaties in relation to children, gender and social protection."

The mandate of the Ministry was expanded to include people with disabilities and the equality of women and men, children's rights and other marginalized groups of people such as older women. This expansion has been applauded by the Committee on the Elimination of Discrimination against Women (CEDAW) (Concluding Observations, 2014) however the Committee went on to note that the expansion was not accompanied by an increase in funds and resources and urged caution of the focus on women's rights becoming diluted (CEDAW Concluding Observations, 2014).

In July 2016, Ghana released a study, titled Domestic Violence in Ghana: Incidence, Attitudes, Determinants and Consequences. The mixed-methods study interrogated cases of domestic violence the attitudes, causes and consequences and assessed the efficacy of the current institutional support services for victims and survivors. This study is part of a larger strategy to address domestic violence which includes legislation such as the Domestic Violence Act 2007 (Act 732) and the 2009-2019 National Plan and Policy Action led by the Domestic Violence Secretariat at the Ministry of Gender, Children and Social Protection.

Established in 1998, the Domestic Violence and Victim Support Unit (DOVVSU) is a unit within the Ghana Police Service mandated to respond to and enforce legislation that addresses gender, women and children and that responds to sexual and gender-based violence, child abuse and child protection. The Unit also responds to the protection of all vulnerable persons from abuse and to investigate allegations of sexual and gender-based violence (Replies of Ghana: CEDAW 2014).

In May 2015, the government of Ghana published a National Gender Policy, the purpose of which is to mainstream gender equality in development processes through targeted interventions and improvements to the legal, social, political, cultural and economic conditions of Ghanaians, particularly women, girls and children. There are five main policy commitments: (1) to improve women's rights and access to justice (2) to improve women's empowerment and livelihoods (3) targeted improvement to accountable governance structures and women's leadership and participation (4) improve women's economic justice and interrogate; and (5) improve gender roles and relations. The Ministry of Gender, Children and Social Protection is tasked with operationalizing the policy through a Strategic Implementation Plan and the plan makes clear the protocols and guidelines to be followed by relevant Ministries (National Gender Policy, 2015).

1. Discrimination in the family

a) Overarching legal framework for marriage

The state of Ghana recognizes three types of marriages – ordinance, customary and Islamic and does not legally recognize informal or common law unions. According to Ghana’s 2012 CEDAW State Report, the Marriages Act (1884-1985) is the governance framework for the Marriage of Mohammedan’s Ordinance (CAP 129) and the Christian and other the Marriage under the Ordinance (CAPS 127) (CEDAW State Report, 2014). Marriages under Customary Law are mainly governed by customary law as applicable to the relevant communities (CEDAW State Report, 2014). Customary law is mainly used to govern customary marriages and is reflective of the respective community though there are some clauses of the Matrimonial Causes Act 1971 that are applicable. Though informal or de-facto unions are not recognized by statutory law, the Domestic Violence Act, 2007 recognizes informal unions within the definition of a domestic relationship (Domestic Violence Act, 2007) and once passed, cohabitees living together for 5 years or more will be considered as spouses under the proposed Property Rights of Spouses Bill (Property Rights of Spouses Bill).

Within the scope of customary law, marriage registration is not mandatory which means that not all marriages are registered. The Customary Marriage and Divorce (Registration) Law, 1985, was amended by the Customary Marriage and Divorce (Registration) (Amendment) Law, 1991 and made the registration of marriages under customary law, optional (FAO Gender and Land Rights database, n.d.). The absence of registers and certificates means that the State does not have a record and thus making it more difficult for women to claim property rights acquired during the marriage (CEDAW Shadow Report, 2014).

Except in the case of Marriages with Mohammedans, men and women have equal rights to enter a marriage (Marriages Act (CAP 127), art. 24) – in Islamic marriages, a wali serves as the legal representative for the bride in the registration of the marriage and divorce (Marriages Act, 1884-1985 (CAP 127). The Ghana Country Report to CEDAW notes that some men married under the Marriage Ordinance (Christian marriage) still engage in other forms of marriage and women then end up finding themselves in bigamous relationships (CEDAW Country Report, 2012). Polygamy is illegal in Ghana however it is permitted under customary and shariah law (Civil Society Report on ICCPR, 2016). Due to pressures such as financial dependency, pressure from friends and family and limited guarantees that the law will adequately accommodate and compensate them, some women are hesitant to seek redress when finding out about the additional marriages that their partners are involved in (CEDAW Country Report, 2012).

The Marriages Act uses gender-neutral language under the Customary Marriages section but refers to the bride and bridegroom under the Marriage of Mohammedans and Christian and other Marriages sections. Within the context of Marriage of Mohammedans, section 24(1) of the Marriages Act makes mandatory a *wali* to sign the marriage and divorce registers on behalf of the bride. The bride’s *wali* also sits in on her behalf in the case of a divorce however there is no similar requirement for the groom.

Informal unions also known as common-law unions or cohabitation are not legally recognised in Ghana; however, CEDAW reports that these types of unions are still common and they tend to be recognized by families and communities (CEDAW Shadow Report, 2014). The drafting of the Property

Rights of Spouses Bill as an example, indicates a growing legislative willingness to legally recognize informal unions.

b) Child marriage

Regarding forced and child marriages, the relevant legislation includes the Children's Act, 1998 and the Criminal Code, 1960. The Children's Act provides for legislative protections against forced and child marriage by defining a child as someone under the age of 18 (section) and setting the minimum age that one can be married also at 18 (section 14). Article 14 also goes on to state that no one can force a child to be betrothed, be the subject of a dowry transaction or to be married (Children's Act, 1998). The Criminal Code 1960 also prohibits compulsion in marriage by making void, a marriage that is the result of "a female [being] compelled to marry another person by duress" (section 100). Section 109 goes on to criminalize the act of forcing someone into a marriage where someone found guilty of that offence will be charged with a misdemeanour (Criminal Code, 1960). Despite these legislative protections, there are still reports that girls and boys as young as 16 have been married with the consent of their parents (Girls Not Brides, 2017). The 2014 CEDAW Shadow Report mentions the customary practice of "marriage of elopement" that occurs in the northern parts of Ghana where women are forced to marry their abductors.

In 2014, the Ministry of Gender, Children, and Social Protection created an Ending Child Marriage Unit that with the support of civil society and NGOs would directly intervene in communities. Under the purview of the Ministry, an Advisory Committee on Ending Child Marriage was established to provide technical expertise and guidance on appropriate interventions to the Unit (National Framework, 2016). These changes helped to build towards the 2016 launch of the 2017-2026 National Strategic Framework for Ending Child Marriage in Ghana. Ending early marriage remains a priority for Ghana as the report notes that pregnant child brides are more unlikely to receive proper medical care than adult women which increases the chances of both maternal and fetal mortality (National Framework 2016).

c) Household responsibilities

The law does not prohibit women from becoming the heads of households and across Ghana there is a combination of female-headed and male-headed households (Head of Family Accountability Act, 1985). Religious and customary practices and norms may require a woman to obey her husband but the law does not mandate it nor does the law name legal consequences for her failing to do so.

Women have the same legal rights as men to be the legal guardians of their children both within marriage and in informal unions (Children's Act, 1998, art. 6). Notwithstanding the absence of paternity leave for men, the law affords the same rights of women as men when it comes to the responsibility of children during marriage (Children's Act, 1998, art. 6). Unmarried women have the same rights with unmarried men to determine where to live but practices indicate that women usually live where their husbands live and work (Constitution, 1992 art. 21).

d) Divorce

In Ghana, not all women and men have the same rights to initiate a divorce. In the case of Marriage by Mohammedans, a *wali* is required to sign off on the divorce papers on behalf of the bride

(Marriages Act, 1884-1985, arts. 24,26). The Matrimonial Causes Act 1971 governs the dissolution of a marriage and section 22 of the Act allows for the Courts to provide custody and rights and responsibilities of the children to any person therefore implying equal rights for men and women (Matrimonial Causes Act, 1971). The Act states that either party to a marriage can file a divorce petition to the Court when the marriage has broken down beyond reconciliation (Matrimonial Causes Act, part 1, 1971).

Shortcomings with the current laws include how property distribution upon separation or a divorce in formal marriages is determined; women in informal unions do not inherit property and a hesitancy to recognize informal unions has been noted as part of the delay in passing the Property Rights of Spouses Bill (CEDAW Concluding Observations, 2014).

e) Inheritance

The Intestate Succession Bill 1991 attempted to improve the current Intestate Succession Law 1985 (PDNCL 11) by providing an increase in spouses and children's share of the deceased's property; provide clear directions on the devolution of joint property and allocate to the surviving spouse a definite interest in the matrimonial home and the first option of a buy-out (CEDAW Country Report, 2012). Though, through marriage, lineage and contractual agreements, Ghanaian women can access and own land through inheritance, this is not applied consistently across the country and largely depends on whether one's ethnic group is matrilineal or patrilineal in nature (Eduafo-Abraham, 2016). In some communities, widows and daughters may have rights to use the land but may not have control and transfer rights (CEDAW Shadow Report, 2014). Therefore, though legally, daughters have the same rights as sons to inherit land and non-land assets, this is not what happens in practice (CEDAW Shadow Report, 2014). Similar discrimination is experienced by female surviving spouses and until the passage of the Property Rights of Spouses Bill, unmarried women will not be able to inherit land upon the death of their partner.

The Matrimonial Causes Act 1971 applies to monogamous marriage and also extends to others but does not guarantee women's property rights as this is often left up to the discretion of judges (CEDAW Country Report, 2012).

To address some gendered and inequitable gaps tied to inheritance, the Intestate Succession Bill 2009 and subsequently, the Property Rights of Spouses Bill 2009 were tabled. However, as of March 2016, both Bills have yet to be adopted (HRC Civil Society Report, 2016).

Within the context of common-law, informal unions, though the law now recognises the right of children to inherit land from their fathers in common-law unions, one of the gaps is that the widow has to prove that she was indeed married, even if she jointly purchased land with her deceased spouse. Therefore, some married women, a significant number of unmarried women and women in common-law unions are sometimes not able to inherit land.

There are legal provisions that protect widows such as the Intestate Succession Bill 2009 which is intended to address property use, access and distribution upon death of a spouse but the law specifically addresses the inheritance rights of children and still in some areas of Ghana, women and girls are still not allowed to inherit land (CEDAW Shadow Report, 2014). The practice of widowhood rites is still prevalent with little known improvement (CEDAW Shadow Report, 2014).

More

The Civil Society Report to the UN Human Rights Committee mentions the ongoing practice of *trokosi* (ritual servitude). In 1998, a law was passed banning all forms of ritualized labour punishable by a minimum of three years in jail. However, the report states that in south-eastern parts of Ghana, virgin girls typically between the ages of eight to fifteen are still being sent to fetish shrines to atone for family members' wrongdoings. Since the passage of this law, no arrests have been made (HRC Civil Society Report, 2016).

2. Restricted Physical integrity

The development of the 2015 National Gender Policy was meant to support the enforcement of legislation addressing violence against women and to propose specific targets and benchmarks e.g. Chapter 5 of the National Gender Policy lists the policy framework, commitments and strategies and chapter 7 speaks specifically to the monitoring and evaluation processes for the implementation of the Policy. The national mechanism tasked with overseeing, monitoring and reviewing the implementation of the policy is the Ministry of Gender, Children and Social Protection (National Gender Policy, 2015).

Inadequate budgets have been noted as an impediment to enforcing the Domestic Violence legislation as no budgetary commitments were made in the Ghana Shared Growth and Development Agenda (GSGDA II) 2014 – 2017 (GSGDA II)).

a) Violence against women

Ghana signed the African Charter on Human and Peoples' Rights (also known as the Banjul Charter) on September 3, 2004. The Charter is an international human rights instrument intended to promote and protect human rights on the continent of Africa. Ghana ratified the Maputo Protocol in June 2007 however regional conventions do not take precedence over domestic legislation as Ghana is a dualist state and must pass domestic law to integrate the international treaties (Ghana's Treaty Manual, n.d.). Ratifying the Maputo Protocol however, is an indication of the state committing to eliminating all forms of violence and systemic, cultural and social barriers that negatively impact the advancement of women.

A 2016 Government study on domestic violence in Ghana revealed that women are largely blamed for the violence they experience (Domestic Violence Study, 2016). In its Concluding Observations on the combined sixth and seventh periodic reports of Ghana, the CEDAW Committee stated deep concerns towards, "the persistence of adverse cultural norms, practices and traditions, in addition to patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society, which contribute to the persistence of violence against women and harmful practices" (CEDAW, 2014).

The CEDAW in its 2016 Concluding Observations notes concerns around rates of violence against women, domestic violence, sexual assault and rape. Though legislative initiatives have been drafted to support the implementation of the Domestic Violence Act (2007), the delays in adoption are concerning.

b) Domestic violence

The Domestic Violence Act, 2007 (Act 732) is the overarching piece of legislation that addresses domestic violence in Ghana. The law provides specific provisions for the investigation of allegations and the prosecution and punishment of perpetrators. The definition of domestic violence in the Act covers physical, sexual, psychological, economic and social violence and covers harassment and forced confinement; deprived access to food, water, clothing, and shelter from former partners and from within the family. Former partners, family members and non-blood related, non-intimately related persons can be held responsible for domestic violence.

The Domestic Violence Act provides guidelines and protocols for professionals who may deal with domestic violence primarily through the Domestic Violence and Victim Support Unit (DOVVSU). Established in 1998, the DOVVSU is a unit within the Ghana Police Service mandated to “respond to and enforce all laws with a focus on sexual and gender-based violence, child abuse and child protection; and protection of all vulnerable persons from abuse” (National Gender Policy, 2015).

The Act is accompanied by a National Policy and Plan of Action developed to cover the ten-year period from 2009 to 2019 (CEDAW Country Report, 2012). This plan sets out specific benchmarks and targets and is overseen by the Ministry of Gender, Children and Social Protection. However, specific budget allocations are not named in the policy. Also, accompanying the Act and Policy was the establishment of a Domestic Violence and Victim Support Unit and a Domestic Violence Support Fund. The Unit was established to assist in the rehabilitation and reintegration of victims of gender-based violence. The Fund which was established by the Domestic Violence Act 2007, serves to address individual and institutional costs in addressing domestic violence e.g. basic material support for survivors and victims, training for families and the rescue, rehabilitation and reintegration of victims and survivors (Domestic Violence Act, 2007). The fund also supports the construction of shelters and necessary training for staff but the Act does not provide for comprehensive support services for victims and survivors (Domestic Violence Act, 2007).

The 2016 national study highlighted the main challenges and characteristics of domestic violence in Ghana. Age, class and a range of socio-economic factors where education levels, asset levels, tensions over property, money, unemployment, poverty and economic shocks were named as key determinants of domestic violence (Domestic Violence Study, 2016). The study found that the most common forms of domestic violence experienced by women were economic violence followed by social then psychological, physical and then sexual (Domestic violence Study, 2016). However, not all respondents agreed with what was understood to be violence in the study. For some respondents, some of what was described as violence was seen to them to be coping mechanisms and accepted social norms and ways of resolving conflict (Domestic Violence Study, 2016). The study reiterated that harmful social norms and attitudes underpin and normalize domestic violence. Many instances of domestic violence may go unreported, unrecognized and may even be denied due to persons not wanting to report “private” matters and out of fear of not being believed (Domestic Violence Study, 2016).

A case study of the Mampong municipality of Ghana found that after the passage of the Domestic Violence Act, there was an increase in the number of reported incidents of domestic violence but this was not accompanied by increases in prosecutions and convictions (Domestic Violence Study, 2016).

In its 2014 Concluding Observations, the CEDAW noted concerns around the persistence of violence against women such as domestic violence, sexual assault and rape. The Committee also noted reports of a lack of investigative and prosecutorial action by the Courts as well as lenient sentences imposed on perpetrators; in addition to the frequent withdrawal of complaints by female victims and survivors due to social stigma and fear of reprisals (Concluding Observations, 2016). Unfortunately, the CEDAW in its 2016 Concluding Observations also noted a concern at the lack of sufficient social services and shelters for victims of domestic violence and the delays in implementing the legislative instrument required to fully implement the Act (Concluding Observations, 2014).

c) Rape

The Criminal Offences Act 1960 (Act 29) (also known as the Criminal Code) is the legislative framework that defines rape. The law is based on a lack of consent where the Act defines rape as, “the carnal knowledge of a female of sixteen years or above without her consent.” Anyone found guilty of rape will be charged with a first-degree felony and may be imprisoned for a term of not less than five years and not more than twenty-five years (Criminal Code, s. 98). In addition to a lack of consent, the law also requires proof of penetration (Criminal Code, 1960, s. 99). There is no distinct action plan or policy to address rape however the 2016 National Policy and Plan of Action in discussing forms of sexual violence includes rape. The policy also designates the allocation of funds towards the Domestic Violence Support Fund however, as noted in the 2014 CEDAW Shadow Report, the fund has not yet been operationalized.

The 2016 Domestic Violence Study done by the government goes on to define sexual violence as “acts of unwanted sexual comments or physical contact; rape by physical force, or otherwise forced sex (for instance, by blackmail or threats); denial of using protection during sex; a sexual partner hiding their HIV status; sexual acts and intercourse that were performed on the basis of feeling there was no option; or penetration with an object against someone’s will.”

The laws in Ghana do not fully criminalize marital rape though the passage of the 2007 Domestic Violence Act was accompanied by the repeal of the Criminal Offences Act (Criminal Offences Act Section 42 (g)) which explicitly allowed for the use of force or violence between spouses including for marital intercourse as a non-criminal act. Section 32 of the Domestic Violence Act also states that an act committed within a domestic

The combined requirement of proof of force and corroboration make it difficult for survivors to access justice within the context of rape. There are no increased penalties for aggravated forms of rape.

d) Sexual harassment

Ghana does not have specific legislation that addresses sexual harassment, however section 103 of the Criminal Code, 1960 refers to indecent assaults and references forced bodily contact and bodily violation of another not amounting to carnal knowledge (Criminal Code, 1960). The limitation with this is that harassing behaviour ranging from threats, “jokes” and bodily gestures make not be considered as indecent assault and thus remain unaddressed.

Within the context of the Domestic Violence Act, harassment, including sexual harassment, is defined and covered under the definition of domestic violence and hence attached to criminal penalties. The definition of domestic violence in the Act includes harassment and sexual harassment and intimidation that induces fear in another person (Section 1). The Act goes on to define harassment sexual contact without the consent of the person and where repeated, persistent, unwelcome and unwanted sexual advances are directed to the person (Section 42). These behaviours may include following, pursuing or accosting a person and other menacing behaviour (Section 42).

There is no distinct action plan or policy to address sexual harassment, however within the 2016 National Policy and Plan of Action, forms of sexual violence including rape is named and the allocation of funds

towards the Domestic Violence Support Fund. The Judiciary also established two gender-based and sexual offences courts to enable access to justice for victims of violence and abuse (National Gender Policy, 2015).

Finally, the Labour Act, 2003 (Act 651) also addresses sexual harassment but does not include hostile work environments, a shortcoming identified in the CEDAW Ghana Country Report (2012).

e) Female genital mutilation

In 1994, Ghana committed to ending female genital mutilation (FGM) by passing Act 484 to amend the Criminal Code. Section 69A of Ghana's Criminal Code criminalizes female genital mutilation making it a second-degree felony and if convicted, the guilty party shall be imprisoned for a term not less than three years. Further to this, the Criminal Offences (Amendments) Act, 2007, (Act 741) widens the scope of who can be held accountable for the practice of FGM by including participators (CEDAW Country Report, 2012). Therefore, medical practitioners, parents, other practitioners and participators of FGM can be held accountable and the law supersedes any customary, traditional or religious laws (CEDAW Country Report, 2012).

Overall, Ghana has seen a decline in the number of FGM cases and, when compared to other African countries, has some of the lowest cases of FGM. A 2016 UNICEF country profile on Ghana found that a 93% of Ghanaian women and girls believe that FGM practices should stop (UNICEF, 2016).

Besides being mentioned as an educational and awareness priority in the National Gender Policy, there is no stand-alone national action plan or policy to specifically address FGM. The current wording in the law does not allow for victims and survivors of FGM to receive compensation and does not provide any provisions for proper follow-up, evaluation and monitoring and enforcement in the case of FGM cases.

f) Abortion

In 1985, Ghana's Criminal Code was amended to legalize abortion by a registered medical practitioner in certain circumstances. These include instances where the pregnancy is a result of rape or incest; where the mother's life is at risk or her physical and mental health may be compromised and finally, where upon birth, there is a substantial chance that the child's physical and mental health may be severely compromised (Criminal Code, 1960).

In instances where the abortion is considered legal, high costs and distance to close health facilities renders access more difficult for many women in Ghana. In its 2014 Concluding Observations, the CEDAW noted concerns about the stigma and high costs attached to abortion in Ghana and the lack of awareness around the legal circumstances of having an abortion. The Committee urged the government to provide safe, legal and affordable abortion options for women (CEDAW, 2014).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Women and men do not enjoy the same legal rights to land and non-land assets in Ghana (Ghana's Intestate Succession Law 1991; CEDAW Shadow Report, 2014). In some communities, women, namely widows and daughters are still not allowed to inherit land (CEDAW Shadow Report, 2014) therefore making in practice, inequitable ownership and use of land. A report found that one of the major catalysts of domestic violence was tied to family disputes over land assets and this was particularly true in polygamous relationships in the northern regions arbitrated by customary law (Domestic Violence Report, 2016).

The realities for women in the context of land and assets contradict what is stated in the Constitution of Ghana. Paragraph 22 of the Constitution of the Republic of Ghana states that whether a spouse has died without leaving a will, that the surviving spouse shall not be denied of a reasonable provision of the deceased spouse's estate (Constitution Act, 1992). The paragraph also goes on to state that spouses shall have equal access to property and assets jointly acquired during marriage, and that upon dissolution of the marriage, all items will be distributed equitably (Constitution Act, 1992). Finally, the Constitution mandates Parliament to enact legislation regulating the equitable property rights of spouses (Constitution Act, 1992). In light of this, CEDAW and Ghanaian civil society has highlighted the importance of passing the Property Rights of Spouses Bill and the Intestate Success Bill which are meant to address some of these legislative gaps and inequities (CEDAW Concluding Observations, 2014).

In 2017, the Land Bill was approved by Cabinet which aims to consolidate and streamline the multiple laws that govern and administer land (Land Bill, 2017). Land in Ghana is governed by constitutional provisions, customary laws and practices, policy instruments, common law and judicial decisions (Land Bill, 2017). The Land Bill provides for spousal consent in the disposition of property and prohibits discriminatory practices in relation to land and in accordance with Article 17 of the Constitution (Clause 11). The material impacts of this new legislation will need to be assessed.

b) Secure access to formal financial resources

Though there is no law that prohibits women from opening a bank account in Ghana, there is a paucity in consumer protection legislation and other policies that guarantee equal access regardless of gender (Centre for Financial Inclusion, n.d). Despite this gap, in practice, women and men have equal rights to banking services at formal institutions. The law does not require married women to obtain the signatures of their husbands to open the bank account. There are limitations to women's access to credit facilities such as distance, transportation, banking fees and other associated costs and thus, efforts have been made by the government of Ghana to increase women's access to credit facilities, rural banks and other private micro-credit organizations (CEDAW Country Report, 2012). Through the Livelihood Empowerment against Poverty programme, the government promotes gender-sensitive measures to increase women's access to formal financial services (National Gender Policy, 2015).

As a result of women continuing to dominate positions in the informal sector, low wage jobs and unpaid labour (National Gender Policy) this impacts the economic position and stability for women and implies

that there are social and cultural gendered stereotypes and expectations associated with what is considered as “women’s work”.

c) Workplace rights

All women are covered under the Labour Act, 2003 (Act 651) and are granted the same rights as men to enter an occupation and profession of their choosing as well as to register a business however there are some customary practices that impact the kind of work done by women (National Gender Policy, 2015). The Act makes it clear that unless with her consent, an employer is prohibited from assigning night hours to a pregnant woman between 10pm and 7am.

The Act covers all employers and employees except those in the Armed Forces, Police Service, Prisons Service and the Security Intelligence Agencies and prohibits discrimination in employment on the basis of sex. Section 68 of the Act mandates equal remuneration for work of equal value “without distinction of any kind” (Labour Act, 2003); however, the Act does not mandate corporations and business to report statistics on gender employment statistics and the gender wage gap.

Sections 55-57 of the Act protects a woman’s access to maternity leave, mandating 12 weeks of fully paid, protected maternity leave, paid for by the employer and which may be extended on medical grounds or where there are multiple births. Annual leave entitlement can also be attached to the maternity leave. The law does not mandate paid paternity possibly reinforcing gender stereotypes that men’s responsibilities in the family do not include child-rearing duties.

A woman’s employment security is protected while she is on maternity leave and section 57(8) prohibits an employer from dismissing a woman when her absence from work is because of the maternity leave (Labour Act, 2003). Another gap in the legislation is that the law does not prohibit an employer from asking a woman of her pregnancy or intention to have children during the recruitment and promotion phases of employment.

The Commission on Human Rights and Administrative Justice (CHRAJ) and the Labour Commission are the bodies tasked with receiving, investigating, adjudicating and enforcing complaints related to sex discrimination in employment. Section 64 of the Act lays out remedies for unfair termination but does not make clear, penalties for companies that discriminate against women in recruitment and promotions (Labour Act, 2003; CEDAW Country Report, 2012).

3. Restricted Civil liberties

a) Citizenship rights

All women and men are guaranteed equal rights to acquire, change or retain their nationality as well as equal rights with respect to the nationality of their children (Ghana Citizenship Act, 2000). Chapter 3 of the Constitution states that anyone born in or outside of Ghana and whose parents and grandparents are/were citizens of Ghana, can become a citizen. A child under the age of seven who is found in Ghana and whose parentage is unknown can also become a citizen of Ghana. A child under the age of sixteen

who is adopted by a citizen of Ghana can become a citizen of Ghana. Finally, a woman or man married to a Ghanaian citizen may apply to become a registered citizen of Ghana.

There are Constitutional provisions tied to Citizenship such as the right to vote or stand for Public Office and access to public services. Dual nationals are barred from holding public office (CEDAW Country Report, 2012). In its country report to CEDAW, Ghana noted that there are incidences of married women who travel and change their place of domicile and nationality based on their husband's place of work and habitation. This then impacts their ability to run for office (CEDAW Country Report, 2012).

Women are not granted the same rights as men to confer citizenship to their foreign spouses. Section 10(6) of the Citizenship Act is incongruent with Article 7(5) and (6) as it states that the foreign male spouse of a Ghanaian woman must be permanently residing in Ghana where the same stipulations do not apply for the female spouse of a Ghanaian man.

As per the National Identification Authority Act 2006 (Act 707), all women and men are granted the same rights to apply for identity cards and passports and to acquire passports and travel documents for their minor children. All women and men are also granted equal rights to travel outside of the country.

The law does not provide for special measures to increase access to birth registration in rural areas but does allow for late and delayed registration and for updates to be made (National Identity Register Act, 2008).

b) Voting

All women and men are granted equal rights to vote (Constitution, chapter 7, art. 42) but the law does not provide for any special measures to ensure that women understand their rights to vote and how to exercise it.

c) Political voice

Barring incidents of dual citizenship, all women and men are granted equal rights to hold public and political office (Constitution Act, 1992). Chapter 7 (55) of the Constitution affords everyone the right to form and join a political party and the membership of political parties cannot be based on "ethnic, religious, regional or other sectional divisions" (Constitution Act, 1992).

Following the Beijing Plan of Action, an Affirmative Action Policy was drafted in 1998 that included a quota of 40% female representation on all government and Public Boards, Commissions, Councils, Committees and official bodies, including Cabinet and the Council of State (National Gender Policy, 2015). In its 2014 Concluding Observations, the CEDAW noted concerns around the delays in passing the Affirmative Action (Gender Equality) Bill which would legally institutionalize the 40% quota for women's participation (CEDAW, 2014). Establishing quotas does not necessarily address the source of gender inequalities and this was further emphasized by the Committee when they noted the lack of targeted measures to identify the root causes of women's limited participation in leadership and governance (Concluding Observations, 2014). The Affirmative Action Bill is currently being considered and has yet to be passed.

A Women in Governance Fund was established in 2006 to enable women's participation in leadership and governance positions by providing funding support but the CEDAW noted that this fund has still not been operationalized (Concluding Observations, 2014).

d) Access to justice

All women and men have equal rights to access the justice system and to sue and be sued. The Legal Aid Scheme Act, 1997 (Act 542) mandates free legal aid to qualified candidates. Ghana has established two gender-based and sexual offences courts and family and juvenile justice courts to increase access to justice for women, girls and children however the only Human Rights Court is located in the capital, Accra, thus limiting easy access to those primarily living in the Greater Accra Area (CEDAW Shadow Report, 2014; Concluding Observations, 2014).

The Ministry of Gender, Children and Social Protection along with the Commission on Human Rights and Administrative Justice (CHRAJ) and civil society organizations have collectively attempted to address women's awareness of legal literacy and human rights and how to access the justice system. Through the e-justice project and the expansion of legal aid and domestic violence and victim support services, increased information on how to access the justice system is shared (CEDAW Country Report, 2012). The CHRAJ also provides training and outreach on women's rights by focusing on the Domestic Violence Act, the Marriage Laws, the Inheritance and Wills Act and women's reproductive and health rights (CEDAW Country Report, 2012). However, the proximity of the courts, high legal fees and long litigation procedures add barriers to women being able to access the courts and the justice system (Ghana Shadow CEDAW Report, 2014).

Physical and cultural barriers and attitudes affect women's access to justice where they are sometimes discouraged from reporting cases of gender-based violence; encouraged to withdraw; face frustration with administrative and legal delays and a lack of legal and technical knowledge about the justice system (CEDAW Country Report, 2012).

There is no legislative provision governing the production and/or dissemination of gender statistics however the National Gender Policy names as one of its policy commitments; to collaborate with the Ghana Statistical Service and collect sex disaggregated data and gender statistics "such as the different roles men and women play in their various societies and the gender differences shaped by ideological, political, historical, educational, religious, and economic and cultural determinants" (National Gender Policy, 2016).

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