

DELEGATION OF THE EUROPEAN UNION TO GHANA



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Head of Delegation

SPEECH DELIVERED BY AMBASSADOR CLAUDE MAERTEN ON EU - CIVIL SOCIETY PARTNERSHIP IN STRENGTHENING HUMAN RIGHTS PROTECTION IN GHANA

Your Excellencies, Ambassadors and Heads of Diplomatic Missions,

My dear friends from civil society,

Ladies and gentlemen,

It is a great pleasure for me to welcome you all to this important dialogue entitled " EU and Civil Society: A Partnership in strengthening Human Rights Protection in Ghana". I will first of all like to acknowledge your sustained efforts, commitment and determination over the years in defending the human rights of ordinary Ghanaians. Your efforts have resulted in the many positive achievements in Ghana's human rights record. I am aware of your perseverance in ensuring that outstanding human rights issues and priorities are addressed.

I am making these remarks in light of the fact that Ghana's human rights situation has experienced many encouraging developments since the restoration of civilian rule 22 years ago. Governments elected under the 4th Republican Constitution have shown, for the most part, an increasing respect for the rule of law, independence of the judiciary, a friendly legal environment for human rights defenders and civil society in general to undertake their activities.

Ghana has also ratified many of the major international treaties relating to the promotion of human rights and the rule of law, and its record in this regard has improved since the return of democracy in 1993. In spite of these positive developments there are still many human rights challenges confronting the country.

At the last Universal Periodic Review held at the UN Human Rights Council on 23 October 2012, a 15 member delegation, headed by the Hon Ebo Barton Odro, the then Deputy Attorney General, represented the country. There were 76 delegations, among which 21 EU MS, participated in the dialogue. Delegations noted several positive achievements, such as the establishment of a Constitution Review Commission in 2009, the ratification of the Convention of the rights of persons with disabilities (CRPD), as well as the establishment of the Domestic Violence Secretariat. However Delegations

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raised concerns and made recommendations about access to education, particularly the girl-child, violence against women, including domestic violence and FGM, as well as discrimination of LGBT persons. Ghana received altogether 148 recommendations, of which it accepted 123 (stating that some of these are already implemented or in the process of being implemented) and rejected 25.

Following the adoption in June 2012 by the Council of the EU Strategic Framework and Action Plan on Human Rights and Democracy, the EU Delegation and the Member States have an important responsibility to ensure a comprehensive follow up on the human rights situation in Ghana. **Today's dialogue is aimed at strengthening the partnership between the EU and Human Rights Defenders. Secondly, it aims at facilitating the exchange of views and stock-taking of Human Rights priorities.**

The EU and the Member States have outlined a number of human rights priority issues, which are coherent with the UPR and these cover four broad areas. They include the following:

1. Access to justice

Considering that democracy and the rule of law are well anchored in the Ghanaian society since 1992, the challenges that need to be addressed include the provision of adequate and sufficient legal services to the citizens of Ghana, increase public awareness and encourage equal access to justice. The Constitution provides for the police service, the attorney general as prosecutor and the judiciary as adjudicator. Due to the technical and expensive nature of court processes and proceedings, and the recognition that many persons are unable to afford those services, the Constitution also provides for legal aid. To oversee the general compliance to human rights, the Commission on Human Rights and Administrative Justice (CHRAJ) is also provided for under the Constitution. A lapse in the performance of any one of these institutions affects the overall achievement of public safety, access to justice and human rights compliance.

Core issues:

- Abolition of Death penalty de jure;
- Reform of the criminal justice system (in particular decongestion of prisons);
- Institutional and capacity challenges for Judicial Service;
- Barriers to access to justice: this includes the absence of physical access to justice (bringing the courts closer to the doorstep of the people) and the existence of functioning courts and court personnel;
- Delayed resolution of cases by the judiciary and poor compliance with rules and regulation creates a challenge in the respect of fundamental human rights;
- Improvements of rehabilitative nature of the prison system through a conceptual shift from what pertains today.

2. Governance including economic and social rights

The evolution of GHANA to the status of middle income country entails new challenges for the Government. The issue of the governance of the new resources and revenues in terms of inclusive growth and development of economic and social rights, specifically in the context of increased urbanization, is critical. In that sense, the empowerment of the Ghanaian civil society organizations to monitor the process must be strongly supported.

Core issues:

- Lack of accountability and transparency;
- Inadequate Public understanding of corruption;
- Weak institutional coordination and collaboration;
- Weak relationships and collaboration between state and non-state actors;
- Geographical and social inequalities increasing;
- Difficulties in the national bi-partisan consensus.

3. Children's rights

Children in Ghana are still victims of a lot of abuses (domestic violence, trafficking, and labor including forced labor, lack of care, school deprivation, sexual abuse and female genital mutilation). Despite the fact that legal and policy environments are ripe in order to tackle the main abuses, yet the issue persists for socio-economic reasons or due to cultural practices.

Core issues:

- Awareness by the adult population and the families, including harmful traditional practices, in order to tackle the abuses against children;
- Effectiveness of the implementation of the fundamental rights of children provided by the international and national legal framework.

4. Strengthening the effective implementation of non-discriminatory policies

Numerous long-standing cultural practices and values existent in communities in Ghana have been and are still discriminatory to women, children, LGBT persons, persons living with HIV/AIDS and persons with disabilities. To encourage all categories of actions for a more inclusive and tolerant society is a cross-cutting issue in the Ghanaian public policies.

Core issues:

- Wider societal appreciation and acceptance of fundamental rights;
- Implementation of the framework for the protection of human rights;
- Support to affirmative action policies for minorities (for example lack of effectiveness of the content of the Disability Act - rights of disabled citizens, structures and institutions for monitoring adherence and compliance);
- Freedom of sexual orientation (LGBT persons);
- Right to fair information (media ethics).

I am sure these various priorities and challenges of Human Rights in Ghana will be passionately discussed and your experiences on the ground are very useful for us to do a better and fulfil our collective commitments.

I wish you a very fruitful discussion.