



Suggested recommendations to Ghana for its review during the 42nd session of the UPR Working Group,

23 January–3 February 2023

Key Amnesty International Documents on Ghana for reference

Amnesty International Report 2021/22: The state of the world's human rights
29 March 2022, Index: POL 10/4870/2022 (Ghana p.176)
<https://www.amnesty.org/en/documents/pol10/4870/2022/en/>

Briefing to parties to UNFCCC on human rights consistent climate action in 2022,
23 May 2022, Index: IOR 40/5604/2022, <https://www.amnesty.org/en/documents/ior40/5604/2022/en/>

Ghana: Time to scrap unfair and discriminatory death penalty, 8 October 2021 Index: ACT 50/4819/2021
<https://www.amnesty.org/en/documents/act50/4819/2021/en/>

Ghana: Anti-LGBTI bill stirs up hatred, persecution and discrimination, 6 September 2021 Index: AFR
28/4677/2021
<https://www.amnesty.org/en/documents/afr28/4677/2021/en/>

Amnesty International Report 2020/21: The state of the world's human rights 7 April 2021 Index: POL
10/3202/2021 (Ghana p.170)
<https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

West and Central Africa: States must prioritize health workers and other at-risk groups in their vaccine rollouts, 24
March 2021
[https://www.amnesty.org/en/latest/news/2021/03/west-and-central-africa-states-must-prioritize-health-workers-and-
other/](https://www.amnesty.org/en/latest/news/2021/03/west-and-central-africa-states-must-prioritize-health-workers-and-other/)

Ghana: Authorities must end discrimination against LGBTI people and LGBTI rights activists, 3 March 2021, Index:
AFR 28/3768/2021
<https://www.amnesty.org/en/documents/afr28/3768/2021/en/>

Human rights in Africa: Review of 2019, 8 April 2020, Index: AFR 01/1352/2020 (Ghana p.45)
<https://www.amnesty.org/en/documents/afr01/1352/2020/en/>

Amnesty International Report 2017/18: The state of the world's human rights, 22 February 2018, Index: POL
10/6700/2018 (Ghana p.176)
<https://www.amnesty.org/en/documents/pol10/6700/2018/en/>

Locked up and forgotten: The need to abolish the death penalty in Ghana, 12 July 2017, Index: ACT 50/6268/2017
<https://www.amnesty.org/en/documents/act50/6268/2017/en/>

Recommendations to the government of Ghana

Amnesty International calls on the government of Ghana to:

Human Rights Defenders

- Publicly recognize the legitimacy of the work of human rights defenders, including by developing and disseminating public awareness campaigns about the key role all human rights defenders play in the defence of human rights with the aim of countering discrimination, misinformation and hostility towards human rights defenders, including those who defend the rights of LGBTI people.
- Design and operationalize practical measures, such as mechanisms for the protection of HRDs in danger.
- Adopt and implement legislation to recognize and effectively protect all human rights defenders, particularly those most at risk of attack and discrimination.

Climate Crisis and Human Rights

- Fully implement Ghana's Nationally Determined Contribution, update as necessary Ghana's 2030 emissions target to ensure it is fully aligned with the 1.5°C imperative and take necessary action to rapidly phase out all fossil fuels and shift to renewable energy produced in a manner consistent with human rights.
- Adopt and implement human rights-consistent adaptation and disaster risk reduction measures that will adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.
- Identify Ghana's exact needs in terms of technology transfer and financial resources from wealthier countries to complement its emissions reduction, adaptation efforts and for loss and damage in a manner that fully protects human rights in the face of the climate crisis.
- Speedily adopt, strengthen and implement relevant domestic legislation to protect and promote the right to a clean, healthy and environment and its associated impact on other rights.
- In future climate change negotiations, work to:
 - Ensure that the Work Programme to Scale Mitigation Ambition and Implementation and other relevant measures is adapted annually as necessary, based on the best available science, so that it effectively limits global warming to 1.5°C.
 - Ensure timely and human-rights consistent operationalization of the recently established Loss and Damage Fund by the end of 2023 to provide support and remedy to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
 - Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
 - Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven technologies for carbon removal.

- Protect civic space and participation at future COPs for NGOs and Indigenous Peoples, including by pressing for meaningful improvements in the human rights situation in host countries ahead of the conference.

Covid-19/pandemic response

- Put human rights at the core of any response to fight any pandemic, including Covid-19, including by developing and implementing a coherent, adequately funded and transparent national pandemic response plan that ensures fair distribution of vaccines, tests, medicines or any other remedies or health tools to prevent exclusion and any kind of discrimination in conformity with international human rights standards.
- Strengthen Ghana's national health care system by ensuring adequate funding, infrastructure, medicines, and medical equipment, to remove all barriers to accessing health care, including financial and transport barriers, that people may face in accessing health care.
- Ensure that plans to prepare for, respond to and recover from any pandemic include clear, evidence-based health-related information, including on available methods for prevention and cure, such as the benefits of relevant vaccines and how to access them.
- Support the extension of the limited WTO TRIPS waiver for Covid-19 vaccines to tests and treatments.
- Insist that the International Pandemic Treaty (or other international instrument) currently under discussion at the World Health Organization has human rights at its core and is developed in a fully transparent and inclusive process.

Death Penalty

- Abolish the death penalty for all crimes.
- Pending full abolition of the death penalty, commute the death sentences of all death row prisoners to terms of imprisonment; establish an official moratorium on executions; review the cases of all death row prisoners to identify any potential miscarriages of justice and provide all death row prisoners, regardless of means, with adequate and effective legal aid to pursue any appeals against their conviction and death sentence.
- Ratify, without reservations, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as Ghana committed to do at the previous review.
- Declare open support and urge members of parliament on both sides to support the two private member Bills - The Criminal and other Offences (Amendment) Bill 2022 and the Ghana Armed Forces (Amendment) Bill 2022 currently before parliament.

Ratification of Treaties

- Ratify the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and opt into the inquiry and inter-state procedures.
- As Ghana committed to do at the last review, promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed on 6 February 2007, and fully implement it into national law and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties.

- Ratify ILO Conventions 189 (Domestic Workers Convention), 155 (Occupational Safety and Health Convention) and 190 (the Violence and Harassment Convention of 2019).

LGBTI Rights

- Uphold the fundamental principles of equality and non-discrimination as set out in the Constitution of Ghana, including by enacting specific non-discrimination protections for LGBTI people.
- Immediately withdraw the Promotion of Proper Human Sexual Rights and Ghanian Family Values Bill, also known as Anti-LGBTI Bill. This Bill is in contraventions of principles of equality and non-discrimination, the rights to freedom of expression, association and privacy, and the prohibition of torture specifically denying LGBTI persons their inviolable human dignity.¹
- Decriminalize consensual same-sex relations by repealing Section 104(1)(b) of the Criminal Code, which criminalizes “unnatural carnal knowledge [...] of any person of sixteen years or older with his consent”, as recommended during all three previous reviews.²
- Speedily enact legislation to ensure protection from all forms of violence against individuals based on their real or perceived gender identity and sexual orientation, including rape and sexual assault, and ensure access to justice for survivors.

Violence against women and women’s rights

- Ensure the full implementation of the 2007 Domestic Violence Act such as providing funds for victims’ medical treatments, setting up shelters for victims and providing them with psycho-social support.
- Conduct full and impartial investigations into allegations of all forms of violence against women, bring suspected perpetrators to justice. In this regard, elaborate and implement nationwide training programs for police officers about survivor-centric approaches to receiving gender based violence (GBV) complaints and effective investigation practices in GBV cases.
- Ensure the establishment of institutions that will offer GBV victims adequate shelters, financial, emotional and psycho-social support. Ensure those institutions are provided with qualified personnel and adequate material resources.
- Accelerate the adoption and implementation of laws prohibiting harmful practices against women and girls, including trokosi, female genital mutilation, early and forced marriage and accusations of witchcraft as well as guaranteeing the protection and rehabilitation of victims.
- Continue promoting gender equality through specific laws, plans and programmes aimed at

¹ The Promotion of Proper Human Sexual Rights and Ghanian Family Values Bill adds to the environment of discrimination, intolerance and criminalisation already prevalent against LGBTI people in Ghana, including through provisions that criminalize many aspects of the lives of LGBTI persons, encourage practices such as medical intervention on intersex children and conversion therapy and makes access to gender affirmative healthcare impossible for transgender persons.

² UN General Assembly, Report of the Working Group on the Universal Periodic Review: Ghana, 29 May 2008, UN Doc. A/HRC/8/36, recommendations by Czech Republic (para 16); Romania (para. 24) and Slovenia (para. 50); UN General Assembly, Report of the Working Group on the Universal Periodic Review: Ghana, 13 December 2012, UN Doc. A/HRC/22/6, recommendations 126.16-18 (France, Slovenia, Czech Republic) and 126.22 (Spain); UN General Assembly, Report of the Working Group on the Universal Periodic Review: Ghana, 26 December 2017, UN Doc. A/HRC/37/7 and its Addendum A/HRC/37/7/Add.1, recommendations 147.8-9 (France, Germany), 147.12 (Honduras), 147.27 (Sweden), 147.29-30 (United States of America, Uruguay), 147.34 (Argentina) and 147.36 (Australia).

achieving effective equality for all.

- Adopt and implement a sexual and reproductive health policy for adolescents that includes, sexual education, in addition to protection for the rights of pregnant teenagers, adolescent mothers and their children, and combats discrimination against them.

Excessive use of force

- Establish an independent mechanism (for example an Independent Police Commission), with adequate budgetary and human resources, to carry out investigations of alleged misconduct by police officers.

Prison Conditions

- By the end of 2023, establish a National Preventive Mechanism, in line with the requirements in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Ghana ratified in September 2016.
- Continue efforts to reduce overcrowding in the prison system and detention centres, and ensure the inmates basic needs are met, including by adopting and implementing legislation in line with the UN Standard Minimum Rules for the Treatment of Prisoners.
- Ensure that the UN standard Minimum Rules for the Treatment of Prisoners are respected including those related to food: “Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

Human Rights in the Extractive Sector

- Include human rights guarantees in the Mining Bill, the Petroleum (Exploration, Development and Production) Bill, the Energy Bill as well as in related policies and regulations especially in relation to control of illegal mining activities and integration of community rights.
- Ensure the adequate regulation of extractive companies, including in relation to human, social and environmental impacts.
- Legally require companies to undertake human rights due diligence in line with international standards.
- Urgently strengthen environmental safeguards in applicable legislation to ensure that people are protected against pollution of water, air and soil by extractive industries.
- Expedite action on the review of the Minerals and Mining Act to ensure sound management of the extractive sector to include control of illegal mining activities and integrate community rights.

Technology and Human Rights

- Impose an immediate moratorium on the sale, transfer, and use of spyware technology.
- Implement domestic legislation that imposes safeguards against human rights violations and abuses through digital surveillance and establishes accountability mechanisms designed to provide victims of surveillance abuses a pathway to remedy.
- Disclose information about all previous, current and future contracts with private surveillance companies by responding to requests for information or by making proactive disclosures.