

FACTSHEET – UPR 2017, GHANA

3rd CYCLE UNIVERSAL PERIODIC REVIEW

CHILD EARLY AND FORCED MARRIAGE (CEFM)

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

During the 2nd UPR Cycle, one of the key issues for the protection of children’s rights for which Ghana received recommendations was *child early and forced marriage (CEFM)*.

Ghana was asked to “Abolish all discriminatory legal provisions and increase its efforts in combating all forms of violence against women, including child and other forced marriages, and female genital mutilation” as well as “enforce the 2007 Domestic Violence Act and laws prohibiting harmful practices”

NATIONAL FRAMEWORK

Ghana’s 1992 Constitution, promotes the protection of the human rights of its citizenry, including children. In 1990, Ghana ratified the United Nations Convention on the Rights of the Child (UNCRC), and domesticated it through the Children’s Act, 1998 (Act 560). Ghana is party to the UNCRC Optional Protocol on the involvement of children in armed conflict but has not yet ratified the CRC Optional Protocol on the sale of children, child prostitution and child pornography, or the UNCRC Optional Protocol on communications procedure. In 2005, Ghana ratified the African Charter on the Rights and Welfare of the Child (ACRWC).

The national legal framework for protection of children’s rights in Ghana encompasses the *Juvenile Justice Act, 2003 (Act 653)* – specifically to protect children within the juvenile system; *the Criminal Offences (Amendment) Act, 1998 (Act 554)*, the *Human Trafficking Act 2005, (Act 694)*, *the Domestic Violence Act, 2007 (Act 732)* and the *Persons with Disability Act, 2006 Act 715*. To enhance engagement with community and other key actors, the government has developed a communication for development tool kit (C4D). This to support the implementation of the Child and Family Welfare Policy, the Justice for Children Policy and other legal and policy framework supporting Ghana’s child protection programmes.

Ghana has one of the highest child marriage prevalence rates in the world. Several regions in Ghana are recording high prevalence rates related to this harmful practice. On average, 27% of girls (1 out of 4) between ages 20-49 years are married before their 18th birthday. For girls living in the three Northern Regions of Ghana, this percentage increases to 34% (1 out of 3 girls). Also, 20.9% of girls (1 out of 5) between ages 20-24 are married before 18 years.

Recent data on child marriage in Ghana reveals that Upper East Region (39.2%), Western Region (36.7%), and Upper West Region (36.3%) have the highest prevalence rates in the country. Between 2006 and 2011, the following regions have seen considerable increase in prevalence: Eastern Region (+ 6.6%), Central Region (+8.3%) and Western Region (+ 9.3%)¹.

In 2014, the Ministry of Gender, Children, and Social Protection (MoGCSP) created an “Ending Child Marriage Unit”, which intervenes in communities to address CEFM in Ghana and in 2016, launched the 2017-2026 National Strategic Framework for ending child marriage in Ghana.

¹ Multiple Indicator cluster Survey (MICS 2011)

1. High prevalence rate

About twenty-seven percent (27%) of girls between ages 15 and 18 years are victims of child early and forced marriage (CEFM), one of the highest child marriage prevalence rates in the world.

2. Inadequate victim support

Facilities to accommodate and assist victims are inadequate and psycho-social services are non-existent in most parts of the country.

3. Gaps in legislation

The Islamic law does not conform to national law as Islamic Law CAP 129 permits marriage for girls under 18 when they are menstruating and/or when reaching age 16, the age of sexual consent.

4. Inadequate resources to ending CEFM

Funding support for MoGCSP's Ending Child Marriage Unit is donor driven and without State allocation.

1. CEFM denies children, especially girls, their right to a harmonious development, as stated in the UNCRC. It also limits their opportunity to participate in the development of their communities. CEFM perpetuates the vicious cycle of poverty, the poor socio-economic conditions lead to poor access to education and subsequently less economic opportunities.

CEFM has devastating consequences on children's health, especially girls as they are engaged in sexual activity at an age when their bodies are still developing. When girls are not matured and they are giving out in marriage they tend to contribute to the high rate of the maternal health and child mortality rate in the country.

2. Victims usually remain in the abusive situation, they are placed with unauthorised persons or are under the responsibility of care professionals, often resulting in recidivism by the domestic perpetrators or burden for care professionals.

3. CEFM is permitted by Islamic laws in Ghana and a high rate of CEFM cases is unreported due to lack of trust or fear of reprisals, which in turn leads to a high rate of impunity by perpetrators as they hide behind cultural and religious tenets.

Lack of allocation of State resources to the Ending Child Marriage Unit, will affect the implementation of the 2017-2026 National Strategic Framework for Ending Child Marriage in Ghana.



RECOMMENDATIONS

1. Put in place a comprehensive prevention and response mechanism for children at risk, especially for girls, or victims of CEFM to ensure adequate support and care.
2. Conduct, together with all relevant stakeholders, awareness-raising programmes, on the negative consequences of CEFM, as well as means to effectively address the issue, targeting families, community and religious leaders, among others.
3. Harmonize national legislation with international treaties and conventions. Especially, harmonize the Islamic law CAP with the Children's Act 1998 (Act 560), the Domestic Violence Act and the Juvenile Justice Act, to ensure that CEFM is criminalized.
4. Harmonize the age of consent to sex (16) with the age of marriage (18).
5. As a matter of urgency, allocate adequate resources to MoGCSP's Ending Child Marriage Unit and to implement the National Strategic Framework for Ending Child Marriage in Ghana.

ABOUT THIS FACT SHEET This information sheet was coordinated by child rights partners including Ghana NGO Coalition on the Rights of the Child (GNCRC), Defence for Children - Ghana, Plan International Ghana and the Ghana Human Rights NGOs Forum.

REFERENCES

Multiple Indicators Cluster Survey 2011, Ghana Demographic Health Survey 2014, Ministry of Gender, Children and Social Protection, "National Strategic Framework for Ending Child Marriage in Ghana, 2017-2026 (Third Draft) February 2016.

