

MEETING SOCIO - ECONOMIC RIGHTS OBLIGATIONS IN THE FACE OF POVERTY,  
INEQUALITY AND ECONOMIC MARGINALIZATION; A MAJOR CHALLENGE  
CONFRONTING GHANA



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## **Dedication**

I dedicate this work to my wife Anne-Lin Alsaker Agyemang, my daughter Sarah Cassandra and all my friends.

## **Acknowledgement**

I am grateful to God for giving me wisdom and strength to undertake this study. I also want to express my sincere gratitude and appreciation to my supervisor, Professor Stener Ekern, a lecturer at the Norwegian Centre for Human Rights (Faculty of Law, University of Oslo) whose guidance and suggestions contributed in no small way to the successful completion of this thesis. I could not have completed this work without his invaluable support. He devoted much of his tightly scheduled time to meticulously read every draft that was sent to him and through his wise counseling he guided me to accomplish this work. I will forever be indebted to him and I hope the memory of his wisdom will guide me to make right decisions in any future research I may undertake.

I will also take the opportunity to express my special gratitude to my wife Anne-Lin and all those who helped me in various capacities in times of need. I do acknowledge your contributions.

## **Abstract**

The study was carried out to ascertain how poverty, inequality and economic marginalization affect Ghana's ability to meet its obligations under articles 11, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The study examined the state obligations with respect to the above articles of the ICESCR and assessed the government performance in relation to its obligations under article 13 of the ICESCR. The study revealed that poverty and inequality in Ghana have important spatial and gender dimensions.

The existence of poverty, inequality and economic marginalization in Ghana has profound implications for government's capacity to meet its obligations under the relevant provisions of the ICESCR.

## ***Abbreviations***

*CESCR - Covenant on Economic, Social and Cultural Rights*

*CEDAW - Convention on the Elimination of All Forms of Discrimination against Women*

*CRC – Convention on the Rights of Child*

*FAO - Food and Agriculture Organization*

*GLSS – Ghana Living Standard Survey*

*GSS – Ghana Statistical Service*

*GPRS – Ghana Poverty Reduction Strategy*

*ICCPR – International Covenant on Civil and Political Rights*

*ICESCR- International Covenant on Economic, Social and Cultural Rights*

*ILO - International Labour Organization*

*MDA - Millennium Development Account*

*MDGs – Millennium Development Goals*

*MoFEP – Ministry of Finance and Economic Planning*

*NGO Non-governmental Organization*

*PNDCL Provisional National Defence Council Law*

*UDHR Universal Declaration of Human Rights*

*UN United Nations*

*WHO – World Health Organization*

## **Chapter One: Introduction and Background of the Study**

### **1.0 Introduction**

In this study, I will examine Ghana's obligations under articles 11, 12 and 13 of the ICESCR. I will also evaluate the government's performance with respect to its obligations under article 13 of the ICESCR; in particular, I will assess the government's policies on education over the last decade in relation to its obligations under article 13. I will also investigate the impacts of poverty, inequality and economic marginalization on the government's capacity or competence to fulfill its obligations under the relevant articles of the ICECR.

Ghana has ratified International Covenant on Economic, Social and Cultural Rights (ICESCR) and has been a party to the convention since 2000 (Bayefsky.com; ICESCR). The country has also ratified the Optional Protocol to the ICESCR. It is one of the few Sub-Saharan African countries expected to meet the Millennium Development Goals' target to halve poverty and reduce inequality by 2015. The country has an enviable democratic pedigree and stands tall among the nations in Africa. Democratic government was re-established in 1992 after years of military rule.

Ghana, like many developing countries has to contend with economic paradox. The country has abundant natural resources including gold, diamond, bauxite and manganese. It is currently one of the largest exporters of cocoa. Oil was discovered in commercial quantity six years ago and it is now an oil exporter and a member of OPEC.

With all the resources at its disposal, Ghana has not been able to live up its obligations under the ICESCR as expected. There are spatial inequalities in wealth and distribution of socio-economic opportunities between economically prosperous south and impoverished north.<sup>1</sup>

There is also gender dimension of poverty and inequality in Ghana. While females account for more than 51% of Ghana's population according to 2010 census they lag behind males in almost all economic and human development indicators.<sup>2</sup> Survey conducted by Ghana Poverty Reduction Strategy (GPRS) uncovered that "only 6% of females from 15 years and above had attained higher than senior secondary school education" as at 2003. The survey also revealed that less than 35% of

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<sup>1</sup> GPRS: An Agenda for Growth and Prosperity; 2003-2005, p. 15

<sup>2</sup> 2010 Population and Housing Census in Ghana



household heads in Ghana were females.<sup>3</sup> With Most households being headed by males, the decisions regarding access to and the use of household resources in most households in Ghana are more likely to serve the interest of men than women.

Another area where disparities in income and other socio-economic opportunities have been identified is between rural and urban communities in Ghana. The establishment of schools and colleges, health centres; provision of jobs and the expansion of infrastructural facilities such as roads, electricity and portable water have resulted in relative improvement in the well-being and standard of living of urban dwellers in Ghana. In contrast, rural Communities in Ghana are characterized by low income, limited job prospect, lack of social amenities and poor housing and sanitation.

The three dimensions of poverty and inequality namely: Spatial or North-South dimension; Gender dimension; and Rural-Urban dimension will later be discussed in detail. Meanwhile I will briefly present some of the socio-economic challenges confronting the country and their impacts on government's ability to meet its obligations under the ICESCR. Having insight into the socio-economic challenges facing the country I think is vitally necessary for the purpose of evaluating the government performance with regard to its obligations under the relevant provisions of the ICESCR.

Ghana faces the challenge of reducing poverty and income inequality between the rich and poor while ensuring the preservation of its property owned democracy. If the provisions of the ICESCR are to be implemented with any chance of success, then Ghana needs to address the problems of economic inequality and poverty which are more pronounced in the north of the country. The springing up of nice edifices, interspersed with slums and dilapidated structures in the largest cities is a visible manifestation of economic inequality and marginalization in the country.

Data from Ghana Statistical Service (GSS) and 2012 Budget Statement show that the country recorded economic growth rate of 13.6%, in 2011. Inflation has been reduced to a single digit (8.7%).<sup>4</sup> It is rated by the World Bank as Lower- middle income country. The World Bank Country Reports for Ghana show progressive decline in poverty from 51.7% in 1992 to 39.5% in 1998, and then to 28.5% in 2006. Primary school enrolment as at 2012 increased by 110%. Life

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<sup>3</sup> GPRS: An Agenda for Growth and Prosperity; 2003-2005,p.25

<sup>4</sup> GSS; 2011

expectancy as at 2011 stood at 64 years.<sup>5</sup> While these figures show positive signs, they may not necessarily translate into improvement in the living standards of many Ghanaians.

The fact that the number of people surviving on less than one dollar a day has declined is not a justification to conclude that most Ghanaians are better off. Poverty, inequality and marginalization remain rife in some part of the country and among some identified groups, particularly women. The country has not been able to achieve food security and substantial number of people survives on food aid. With all the resources at its disposal, the country still relies on budgetary support from Western governments without which the country will be plunged into crises.<sup>6</sup> Since these socio-economic indicators show significant progress and the fact that poverty and inequality remain high in some regions and among some groups explain the paradox which I intend to investigate.

Though high economic growth normally leads to corresponding rise in living standards and enhancement of the well-being of the masses in certain circumstances it can also result in growing inequality and marginalization if government fails to pursue the right policy that would ensure fair and equitable distribution of resources. In other words there can be economic growth without equity if such growth is not pro-poor. Economic growth without equitable redistribution of wealth can be a precondition for increasing inequality gap between the rich and poor.

In the case of Ghana, statistics on distribution of poverty suggest that it will be misleading to presume that the current high economic growth rate the country has achieved is translating into improvement of the well-being and living standards of all Ghanaians. The benefits of the growth have not trickled down to the poor because income and economic opportunities are unevenly spread. Ghana's high economic growth rate may thus conceal wide variations in allocation of socio-economic opportunities across the country.

In this research, I intend to evaluate and explain government policies on education, health as well as the improvement in living standard vis-à-vis its obligations under articles 11, 12 and 13 of the ICESCR. However, given time and page limitations, I will concentrate on the evaluation of government policies on education vis-avis its obligations under article 13. Nevertheless, for the purpose of enlightening the readers about what is expected of the government in pursuit of its

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<sup>5</sup> World Bank Official Website

<sup>6</sup> MoFEP; 2013 Budget Statement, p.13, 52; Wikipedia; Free Encyclopedia

obligations under articles 11 and 12 of the ICESCR, there will also be a discussion of government's obligations under these articles.

I will examine Ghana's obligations with respect to the following articles of the ICESCR:

Article 11 "The right to an adequate standard of living including adequate food, clothing and housing, and continuous improvement of living conditions";

Article 12 "The right to the enjoyment of the highest attainable standard of physical and mental health";

Article 13 "The right to education, primary education being compulsory and available to all and secondary and higher education being generally available". I will explore how Ghana which is grappling with poverty, inequality and economic marginalization is meeting its obligations under article 13 of the ICESCR; in particular, I will assess what have been achieved by the government with regard to the implementation of the provisions of article 13.

Since the quest to delve into the effects of poverty, inequality and economic marginalization on government capacity to fulfill its socio-economic obligations requires an investigation of the causes of poverty and inequality in Ghana, I will also examine various factors contributing to poverty, inequality and marginalization in Ghana and how these factors undermine government's efforts to meet its commitments with respect to the above provisions of ICESCR. My decision to ascertain the causes of poverty and inequality in Ghana is predicated on the conviction that any efforts to stamp-out poverty and inequality and to meet the obligations under the relevant articles of the ICESCR may require addressing the underlying causes of poverty and inequality.

In order to achieve this, I will identify different groups who have been plagued by poverty and marginalization and use them as proxies. I will critically examine the distribution of poverty and inequality between geographical regions, gender as well as between urban and rural residents in Ghana.

In order to examine gender disparities, I will also analyze the report by UN Special Rapporteur regarding the discrimination suffered by women and girls in Ghana as far as the enjoyment of their socio-economic rights is concerned.

I will evaluate government policy responses and their implications as far as the implementation of above provisions is concerned. In assessment of government policy interventions, I will like to reiterate that the attention will be focused on education particularly at the basic level.

Finally, I will conclude with recommendations as to the alternative policy measures that could be pursued in realization of government's policy objectives.

### **1.1 Justification of the Study**

While Ghana has been able to fulfill most of its obligations under the ICCPR, the situation is different with regard to its obligations under the ICESCR.

The most pressing human rights issue in Ghana today is not so much of denial of civil and political rights as to how the exercise of these rights (civil and political rights) by individual civilians will translate into improvement of their well-being including access to better health, education, employment opportunities, access to food and better nutrition, and the general enhancement of their living conditions. This argument is founded on the premise that some civil and political rights are often exercised for the purpose of ensuring the realization of socio-economic rights; people may exercise their right to vote, freedom of association and assembly in order to effect a political change that would eventually transform or improve their well-being. Some civil and political rights are thus not the end in themselves but the means to achieving a better living condition. This idea is well-established in many developing countries where economic well being has become one of the most important issues in national elections. Most people vote in elections because they want to see improvement in their living conditions. For instance what a starving woman in poverty endemic northern Ghana needs most is not the right to vote or freedom of speech, but rather how to secure enough food to suffice herself and her family. To such person, civil and political rights are meaningless in the face of starvation.

The attainment of the well-being of people cannot be realized without effective implementation of the social and economic rights by the government of Ghana. This requires addressing the problem of poverty especially in the Northern part of the country, resolving gender based inequalities in income and socio-economic opportunities as well as bridging the disparity gap between urban rich and rural poor. In pursuit of these objectives, the government needs to allocate resources fairly and equitably.

A careful study of the nature and extent of poverty, inequality and marginalization in Ghana will not only reveal detailed information on how distribution of national wealth and socio-economic opportunities is skewed between the geographical South and North, males and females, as well as urban and rural residents but will also provide general impression on the extent to which Ghana has been able to meet its obligations under the ICESCR with respect to articles 11, 12 and 13.

Finally, my findings will be used in formulation of some recommendations.

## **1.2 The Objective of the Study**

In order to have a better understanding of the nature and extent of poverty, inequality and marginalization in Ghana vis-a-vis the government's socio-economic rights obligations, the following objectives need to be pursued:

1. To evaluate government's performance in relation to its obligations under articles 11, 12 and 13 of the ICESCR.
2. To do this I will identify various vulnerable groups namely: people in the North, women and rural population and describe their situation as detailed as possible.
3. To discuss the consistency of government's policy interventions with its obligations under article 13 of the ICESCR.
4. Finally to make recommendations and suggestions regarding measures that can be taken to resolve the problems.

## **1.3 Economic History of Ghana**

I will at this juncture briefly present Ghana's economic history from the time of independence to the present era in order to give the readers insight into where the country began, the opportunities and challenges it has faced, how it came to be where it is today and the way forward. Having insight into this I believe is necessary for the purpose of evaluating the government's performance with respect to the relevant provisions of the ICESCR.

At the dawn independence Ghana's economy was on high pedestal and was considered as the hope of Africa.<sup>7</sup> Its Gross Domestic Product was higher than South Korea<sup>8</sup>. Many people from other countries migrated to Ghana to seek for economic fortunes. This era in Ghana's economic

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<sup>7</sup> Ernest K. Dumor (1993), Government for Senior Secondary Schools (1<sup>st</sup> edition; Evans Brothers Ltd), p 206 – 244

<sup>8</sup> Wikipedia; Free Encyclopedia

history is often described as “the best of time”. There were high expectations and optimism about Ghana’s economic future. However, this hope did not last; the economy began to crumble in the second half of the 1960s. The economic woes of Ghanaians were exacerbated by the 1966 coup which led to the overthrow of the first president, Dr. Kwame Nkrumah. Since then the country has had difficult and tortuous economic journey. The period between late 1970s and early 1980s has been described as “the worst of time” in Ghana’s economic history. The period was marred by political upheavals and economic instability. It was during the same period that the country experienced one of its worst droughts in living memory which brought starvation and humanitarian crisis on an unprecedented scale.<sup>9</sup>

Ghana’s development policies pursued since independence which concentrated on large-scale state-owned enterprise heavily dependent on imported raw materials. Coupled with the lack of adequate skilled labour, this resulted in most of the state-owned industries operating far below their productive capacity in the 1960s and 70s.<sup>10</sup> This crisis was compounded by severe drought and famine of alarming proportion which hit particularly the northern part of the country. The inevitable consequence of this predicament had been soaring external debt and drastic fall in revenue which compelled the country to seek financial aid from the Bretton Wood Institutions and Creditor countries in 1983 under the Structural Adjustment and Economic Recovery Programme. The conditions attached to the lending policies of World Bank, IMF and Western industrialized countries included the liberalization of the country’s economy, progressive shift away from direct state control and intervention towards greater reliance on the market forces, removal of subsidy on state-owned industries including agriculture, increase taxation and the retrenchment of public sector workers in order to reduce government expenditure and infuse efficiency in the economy.

While the adoption of the SAPs/ERP resulted in improvement in various sectors of the economy, it unleashed untold hardship on ordinary Ghanaians. Poverty and inequality increased during the period and the plights of the poor worsened as reflected in high poverty figures in 1990s. In response to this, the government introduced various social intervention policies to ease the economic burden on the poor. For instance, Programme for Action to Mitigate Social Cost of Adjustment (PAMSCAD) was initiated by the government during the period. The PAMSCAD

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<sup>9</sup> Ernest K. Dumor (1993), *Government for Senior Secondary Schools* (1<sup>st</sup> edition; Evans Brothers Ltd), p 206 – 244

was designed among other things to generate and accelerate employment in communities that were worst affected by the SAPs/ERP and to lighten the burdens of ordinary people.<sup>11</sup>

Economic programme similar in nature to that of SAPs/ERP was pursued in 2001 when Ghana joined a group of Highly Indebted Poor Countries (HIPICs) as part of the government efforts to have its external debt written off. Again, between 2009 and 2011 an IMF and World Bank backed policy agenda was pursued by the government which led to a slash in government spending and a freeze in public sector employment. On the whole, the impacts of these policies on ordinary people have been very severe. I presume that these policies are partly responsible for the government underfulfillment of many of its obligations under the ICESCR.

#### **1.4 Research Methodology**

The data for this study was largely derived secondary sources. The secondary data was obtained from the following sources:

- i) World Bank Reports, IMF Reports, UNDP Human Development statistical data, reports from Transparency International etc.
- ii) Ghana Statistical Service, Ministry of Finance and Economic Planning, and Government of Ghana website.
- iii) Global and Regional Treaties.
- iv) United Nations High Commission on Human Rights (UNHCHR) reports, the ICESCRs General Comments, Amnesty International etc.
- v) Relevant literature and journals.

In addition to going through selected literature listed above, I decided to conduct a sample survey in order to gather primary data. The interviews were conducted by targeted sampling of 120 respondents from selected communities in the North and South for the purpose of ascertaining the differential income levels and lifestyles of various communities in Ghana. The samples were carefully selected to ensure a balance between rural and urban residents as well as between males and females. The respondents were mainly traders, farmers and civil servants selected from different parts of the country. Most of them were interviewed during market days when people from different communities, urban and rural alike gather together at particular market centre to

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<sup>11</sup> Ernest K. Dumor (1993), Government for Senior Secondary Schools (1<sup>st</sup> edition; Evans Brothers Ltd), p.242 - 244

buy and sell goods and services. In Ghana, market days are usually the best days to meet or run into people from all walks of life as they converge at particular market centre to trade.

One of the major challenges encountered during the data collection process was the unwillingness on the part of the respondents to be interviewed. The respondents' initial reluctance to answer questions was mainly because of their suspicion and lack of trust for strangers. There was also a problem of language barrier especially in the North of the country. However, these hurdles were overcome with the help of local research assistants who were hired as translators.

The analysis of the data is based mainly on simple descriptive statistics such as percentages, bar chart and pie chart.

### **1.5 The Structure of the Thesis**

The thesis is divided into five chapters; it begins with chapter one which is an overview of the research question or the thesis topic. Chapter one comprises: the introduction and background to the study; objectives of the study; justification of the study; hypothesis; and methodology.

Chapter two is basically concerned with theoretical framework which includes: a research model explaining the correlation between poverty and human rights violations. The chapter two also includes: definition of concepts; in-depth analysis of the relevant socio-economic rights and state obligations under the ICESCR as well as the legal implications for not meeting these obligations.

Chapter three deals with data analysis which comprises the analysis of various relevant data derived from both secondary and primary sources. Among the issues addressed in chapter three include: various dimensions of poverty and inequality in Ghana; report by UN special Rapporteur regarding discrimination against women; and various factors contributing to poverty and inequality in Ghana.

Chapter four focuses on the government policies on education over the last decade; the policy outcomes and the implications for meeting its obligations under article 13 of the ICESCR.

Chapter five is the summary and conclusions of all the chapters with particular emphasis on the government policies on education addressed in chapter four as well as recommendations.



## **Chapter Two: Theoretical Framework**

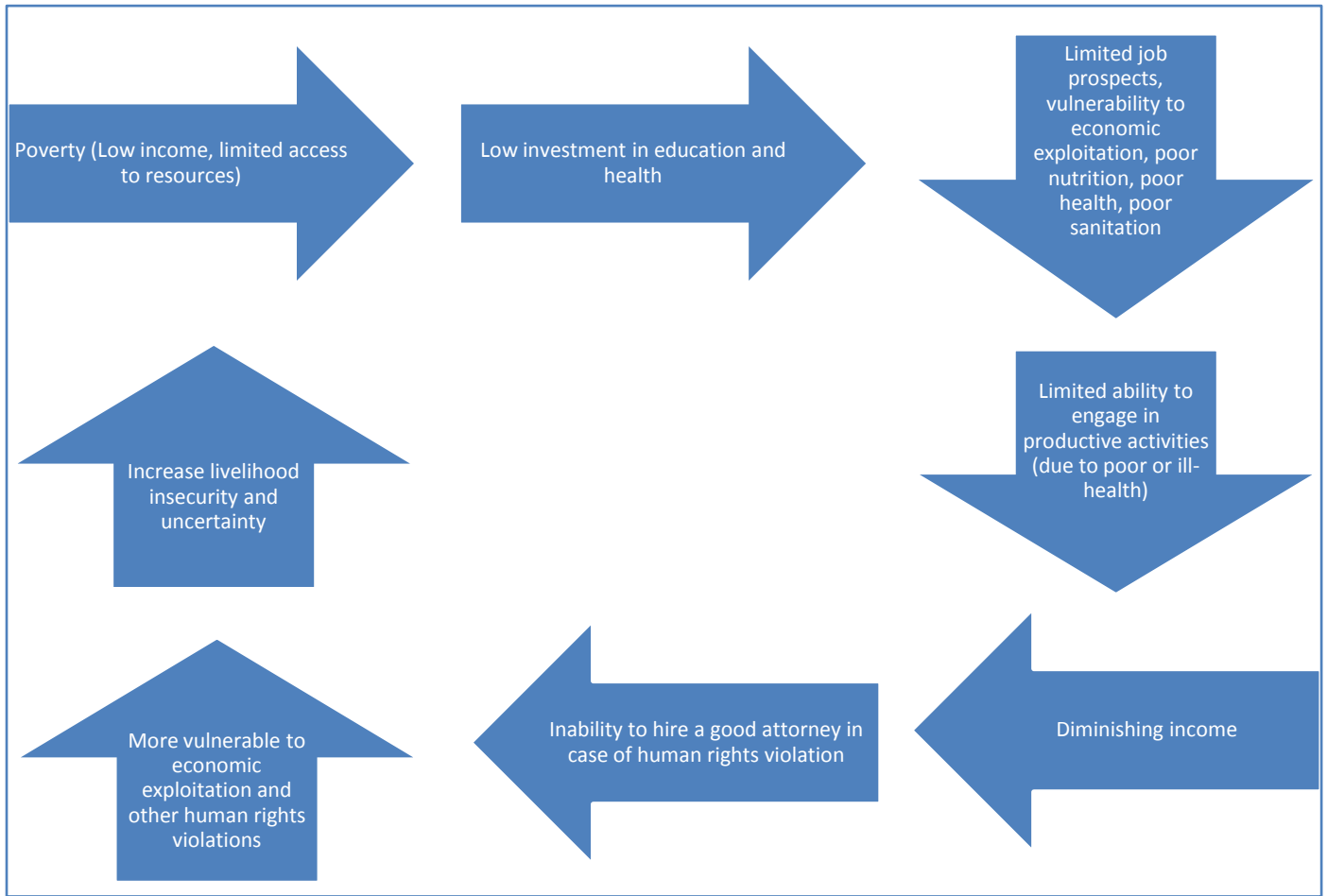
### **2.1 The Correlation between Poverty and Human Rights Violations**

Having presented the background to the study, various sources of data relied upon and the method used in collecting the primary data, I will at this juncture discuss the theoretical framework.

At a general level, a causal link can be established between poverty, economic exploitation and human rights violations. Poor people have limited income and are usually unable to afford education beyond basic level. They are therefore poorly educated. Their prospect of getting better jobs is thus severely eroded in the face of competition from better-off and well-educated people. With limited chance of getting decent jobs, poor people are more vulnerable to economic exploitation as they are often subjected to deplorable working conditions.

Given their harsh economic circumstances, they are compelled to survive on meager income. They are thus often unable to put their children in school. Children from poor households usually drop out of school to engage in income generating activities or help their parents at work (child labour). Poor people also have limited access to health care and are more vulnerable to preventable diseases like malaria, cholera and fever. They usually live in slums and ghettos which have poor sanitation and are often breeding grounds for mosquitoes. Poor people are also likely to have poor nutrition and are often malnourished. Some poor women are compelled by their predicament to engage in prostitution, making them more vulnerable to sexually transmitted diseases like HIV/AIDs. Their ability to work or engage in productive activities and earn better living is therefore severely hampered. Their ill- health would make them even poorer. This may create a serious livelihood crisis for them. Poor people in developing countries may therefore find themselves trapped in a cycle of poverty. It can thus be said that poor people are more vulnerable to human rights violations than well-to-do people. The fact that they may be too ignorant to know their social and economic rights and the fact that they may be too impoverished to hire a lawyer to fight for their rights tacitly prove their vulnerability to human rights violations which are very prevalent in many developing countries where economic exploitation is excessive. It is important to note that poverty itself and all its consequences such as poor health, poor nutrition, insanitary conditions and economic exploitation constitute blatant violations of socio-economic rights.

**Figure 2.1 Poverty and Human Rights Violations Nexus**



Source: The Researcher

**2.2 Definition of Concepts**

In order for the readers to have better understanding of the key issues and concepts of the research question or topic, I will at this juncture define the main concepts which underpin the research topic.

**Human Rights** – they are rights guaranteed by a state to all its citizens. Human rights impose erga omnes obligations (i.e. obligations owed to international community) on states with regard to the treatment of their own citizens.

**Inequality** – Inequality in the context of this study is imbalance or uneven in wealth and socio-economic opportunities often caused by inequitable and unjust distribution of resources. Inequality could constitute denial of socio-economic rights.

**Marginalization** – Marginalization in the context of this study is a situation where some persons or groups by the virtue of their gender, race, ethnicity, or geographical locations are excluded from the development process and are considered dispensable or less important. Marginalization of people or groups on the ground of their gender, race, geographical locations etc, could amount to a blatant violation of human rights.

**Poverty** – According to Dan Banik “poverty is a deprivation of any kind including the pain of persistent disregard of basic human rights.”<sup>12</sup> I adopted the Dan Banik definition of poverty because he perceived poverty as a violation of human rights and thus well suited in the context of this study. Nevertheless, the World Bank and IMF use of one dollar threshold in defining the poverty line is also relevant in the light of this study.

## **2.3 The Legal Rights and Obligations under the Relevant Provisions of the ICESCR**

### **2.3.1 Introduction**

As part of the theoretical framework, I will now discuss the obligations of Ghana and the rights of Ghanaians under articles 11, 12 and 13 of the ICESCR.

Article 25 of the Universal Declaration of Human Rights stipulates that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care.” Although the provisions of the UDHR are not legally binding, some of these provisions including the one quoted above have been reiterated in a number of legally binding international instruments notable of them is article 11 of the ICESCR. Article 25 of the UDHR might have therefore evolved into customary international law imposing obligation on states.

This means that a state has a duty to create the necessary conditions for realization of these human rights by people within its jurisdiction. In my opinion, this entails inter alia the obligations to

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<sup>12</sup> Dan Banik (ed.) (2006), *Poverty, Politics and Development; Interdisciplinary Perspectives* (Fagbokforlaget Vigmostad & Bjørke AS) p.9

provide decent jobs and housing, education, health care, and the protection of the environment. It also enjoins the government to address the issues of poverty and inequality and ensure equitable distribution of income. However, given the enormity of socio-economic challenges facing Ghana, the fulfillment of these obligations appears to be a distant dream or less feasible.

The allocation of more resources to the poor and marginalized may not be in the best interest of the rich and better-off people who often question the rationale behind government redistribution of resources. However, in the long run, addressing the socio-economic needs of all people would serve the general interests of the entire society since reduction of poverty, inequality and marginalization as well as giving equal opportunities to the under-privileged would not only contribute to the fulfillment of human rights obligations but also help reduce the potential for public resentments and violent unrests. A decline in poverty and inequality is both essential to the fulfillment socio-economic rights obligations as well as ensuring political stability and thriving economy.

Based on my understanding, international treaty process usually involves signatory, ratification, implementation and compliance. States become signatories to international treaty when they accept the provisions of such treaty in principle. States at this stage are not bound by the treaty provisions. The ratification process occurs when states agree to be bound by the provisions of the treaty. By ratifying international treaty, states are under binding obligation and are expected to implement the treaty provisions at national level. It is also possible for a state to accede to international treaty after it has entered into force. The internalization of the treaty provisions often involves change or amendment of existing national legislation to conform to or to be in harmony with the provisions of the treaty ratified. This is necessary to eschew potential inconsistency and conflict between the existing national legislation and the treaty provisions. A state-Party at this point has legal obligation to implement the provisions of international treaty in which it has voluntarily ratified. This also means that the state in question could be held liable or be legally challenged for violations of treaty obligations in which it is a party to.

One of the most fundamental and non-derogable principles that underpin the implementations of all the rights contained in the ICESCR is “the principle of non-discrimination and equality”. As stated in the ICESCR’s General No. 20, the principle of non-discrimination and equality which is also recognized in the preamble, articles 3(1) and 55 of the UN Charter and article 2(1) of the

UDHRs frown upon discrimination in the implementation of all the rights provided in the ICESCR, especially discrimination on the ground of gender.<sup>13</sup> Under article 2(2) of the ICESCR, States-Parties have legal obligation to ensure that all the rights contained in the Covenant are enjoyed by all persons subject to their jurisdiction without unjustified or arbitrary discrimination. The principle of equality and non-discrimination is non-derogable since its violation cannot be justified under any circumstance.

Like all other ratifying states, Ghana also has an obligation in pursuance of article 16 of the ICESCR to “report on various measures” being undertaken in fulfillment of its commitment and the progress made in attainment of the objectives of the Covenant.

### **2.3.2 Legal Obligations under Article 11 of the ICESCR**

Having briefly explained the concept of treaty and what it means for a state to have legal obligations, I will now discuss Ghana’s obligations under article 11 of the ICESCR.

Article 11(1) of the ICESCR enjoins the Parties to the Covenant to ‘recognize the right of people to adequate standard of living for themselves and their families including the rights to food, clothing, housing and progressive improvement of living conditions’. The above provision further provides that Parties shall adopt measures that are necessary and proportionate in fulfillment of this right. I will emphasize on the right to food.

In my view, the implementation of this provision requires the Parties to the Covenant to develop the capacity to feed their population and achieve food security. The state therefore has a duty in pursuance of this obligation to either build up the capacity to produce sufficient food domestically or have a strong and vibrant economy capable of generating enough revenue to import food for its citizens at affordable price without compromising its ability to meet other developmental needs of its people. Since not all countries have invested in production of food domestically to feed their population and that countries often invest in production of goods and services for which they have comparative advantage, I do not think that the intention of drafters of article 11 of the ICESCR was to ensure that all States-Parties become net food exporters or at least be independent in food production in order to meet the obligations under the Covenant. From my own perspective, the correct interpretation of article 11 of the ICESCR is that countries should develop the capacity or competence to feed their entire population either by investing in food production domestically or

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<sup>13</sup> The Committee on Economic, Social and Cultural Rights (CESCR) General Comment No.20, p.1-2

have sufficient financial resources to import enough food from abroad to suffice their population. Food whether imported or produced domestically must be affordable to all the citizens to ensure that the basic nutritional needs of every citizen are met.

According to General Comment no.12 of the CESCR the right to food is fundamental<sup>14</sup> which in my view may have acquired the status of rule of Jus Cogen or Peremptory norm.

Article 11(2) of the ICESCR emphasizes on the right to be free from hunger. Achieving adequate nutrition for all citizens and combating hunger and famine should therefore be the goal of the state in pursuit of the obligations under article 11 of the ICESCR. In my view, malnutrition and starvation are more often than not manifestations of the underlying problems of poverty, inequality and marginalization. It is a paradox that sometimes food could be readily available on the market and yet people die of malnutrition and starvation. Food shortage in this context is not so much of scarcity or unavailability of food as to lack of affordability. The state therefore has a responsibility to provide means of livelihood especially to under-privileged and marginalized groups to enable them to meet the basic needs including sufficient nutrition. The nourishment level of a household can be an important indication of the economic status of members of that household. Households plagued by poverty and malnutrition need to be provided with sustainable livelihood activities.

Even though the 2012 report of the FAO showed that significant progress has been made over the last decade in achieving global food security with the implementation of the Millennium Development Goals by a number of countries,<sup>15</sup> the issue of maldistribution is still problematic as many communities are cut-off from global food supply. This poses existential threat to many people.

With respect to the provision of adequate housing and clothing, article 11 of the ICESCR from my own point of view enjoins the state to guarantee decent and affordable housing to its population. The provision of places of shelter for homeless and curbing the problems of overcrowding and poor urban sanitation should be prioritized by the government. Slums, ghettos, shanty towns and other illegal settlements have to be dismantled and affordable houses with good sanitation should be made available and accessible to low income earners and not just the rich.

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<sup>14</sup> CESCR General Comment No.12(1999) (Article 11.2 of the ICESCR; the right to food) p.1

<sup>15</sup> The FAO report entitled: "The State of Food Insecurity in the World 2012"

Article 11 of the ICESCR could also be interpreted to imply the obligation to protect and ensure sustainable utilization of forest, biodiversity and other natural resources that provide sustenance for people in rural communities since the deterioration of these resources can directly or indirectly affect the livelihoods of the people whose survival very much depends on the resources in their immediate physical milieu.

The effective implementation of these socio-economic rights obligations should aim at enhancing the standard of living and well-being of all citizens.

The next issue to discuss is the state obligations under article 12 of the ICESCR.

### **2.3.3 Legal Obligations under Article 12 of the ICESCR**

The links between the rights to healthy living, highest attainable standard of living and other human rights such as the right to life are inextricable. The significance of article 12 of the ICESCR is based on the fact that the health status of a person has implications for every aspect his or her life including the ability to enjoy all the other human rights.<sup>16</sup>

The strong connection between ‘the right to enjoy the highest attainable standard of health’, the right to life and ‘the right to an adequate standard of living’ cannot be ignored seeing as food, health and life are very much intertwined.

It is therefore hard for one to enjoy political and civil rights such as the right to life and freedom of speech without the rights to decent living and better health. This view is expressed in a maxim “A sound mind rests in a healthy body.” A malnourished and sick person is unlikely to make sound judgment and thus may not be able to exercise his/her political and civil rights effectively. The inseparability of these types of human rights therefore makes it untenable to draw a line of distinction between them.

In the light of this recognition, access to “highest attainable standard of physical and mental health” must be guaranteed by the state to its entire population without discrimination. This is necessary to enhance the health and well-being of people. The state thus needs to invest in health sector by building more hospitals and health centres equipped with modern facilities and distributed throughout its territory. The state has obligation under 12 of the ICESCR to make health centres available and easily accessible to all citizens including those living in remote

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<sup>16</sup> CESCR General Comment No.14 (2000) (Article 12 of the ICESCRs), P.1 - 5

communities. In my view the termed 'available and easily accessible' as used in article 12 could be construed as both affordability and geographical proximity. This may require the state to allocate more resources to establish rural health centres and clinics to cater for the health needs of people in remote communities who may not be able to travel over a long distance to urban centres to receive health care. This will ensure that people in distant communities are not denied access to health care. The establishment of teaching hospitals for medical research as well as for meeting the increasing health needs of urban population may be necessary.

The implementation of article 12 also entail investment in health education for the purpose of training more medical doctors, pharmacists, nurses and other health professionals to meet the growing demand for health care providers. In my view, article 12 of the ICESCR could be interpreted to include training of more environmental health and sanitary inspectors to enforce public sanitation law and educate the general population about the importance of good hygiene.

Measures to eradicate diseases like malaria, cholera, fever and guinea worm many of which are caused by poor sanitation should be on the government agenda. Awareness creation and dissemination of right information to the general public may be of essence in changing public attitude regarding the importance of good sanitation. Under article 12(2) (a) of the ICESCR, the state has obligation to adopt the necessary measures to improve maternal and child health care as well as the obligation to reduce maternal and child mortality. The state has obligation in pursuance of its commitment under article 12(2) of the ICESCR to undertake regular national immunization programme to immunize children against childhood diseases such as polio and measles. There is also the need to educate the general population about the importance of Family Planning, the practice of safe sex and the use of contraception.

From my own point of view, the interpretation of article 12(2)(b) of the ICESCR entails the right to clean air and healthy physical environment which includes freedom from the adverse effects of environmental degradation and climate change. The state has obligation to protect people from the harmful consequences of environmental problems such as drought, flooding and inundation of lowland and coastal areas, pollution of drinking water, as well as land and air pollution.

Article 12(2)(c) of the ICESCR also imposes legal obligation on the state to 'prevent, reduce and control endemic, epidemic and occupational diseases'. This involves the duty to embark upon



public education on the causes, symptoms, effects and prevention of various endemic, epidemic and occupational diseases. It may also include the obligation to ensure that anti-retroviral drugs for people with HIV/AIDs and drugs for treatment of other infectious diseases are readily available and affordable.

Better health care and good nutrition should be affordable to every individual regardless of his or her socio-economic status. Thus, the state is obliged to make health care not only available but also affordable to all the citizens without discrimination.

I will at this point proceed with the presentation of the state obligations under article 13 of the ICESCR.

#### **2.3.4 Legal Obligations under Article 13 of the ICESCR**

The right to education, like other socio-economic rights is crucially important in realization of other human rights. Education is the means by which under-privileged and marginalized groups can be extricated from the shackles of poverty and actively participate in the development of their societies.<sup>17</sup> “Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth.”<sup>18</sup> Education is thus indispensable for the establishment of free, democratic and civil society. In short, education is bulwark against government dictatorship and encroachment on individual rights and liberty.

The implementation of article 13(2)(a) of the ICESCR requires the state to ensure that basic education remains compulsory, easily accessible and free in every community within its territory. Based on my understanding, the above provision means the obligation to build more primary schools spread across all regions and districts, expansion of number and enrolment capacity of teacher training colleges to train more teachers for basic schools and improve teaching and learning facilities in all schools. The state is obliged to guarantee the right of every child to basic education without discrimination based on gender, ethnicity, race and spatial locations etc. There is also obligation under article 13(2)(b) to ensure that secondary school education is “generally available and accessible to all citizens”. As pointed out earlier in the interpretation of article 12, the issues of ‘affordability and geographical proximity’ are important in the

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<sup>17</sup> The ICESCR General Comment No. 13 (21<sup>st</sup> Session, 1999) , p. 1-3

<sup>18</sup> The ICESCR General Comment No. 13 (21<sup>st</sup> Session, 1999), p.1 - 3

interpretation of the term “available and accessible” used in article 13(2)(b). Again, the fulfillment of this obligation requires building of more secondary schools fairly and equitably distributed throughout the territory of the state, making secondary school education more affordable, training of teachers enough to teach various academic subjects in secondary schools and expanding teaching and learning materials.

The state again, has legal obligation to ensure that higher education is generally available and accessible to everyone who meets the admission requirement. The state must therefore invest in establishment of more public universities, polytechnics and other higher academic institutions and to encourage private companies to invest in higher education.

The pursuance of the objectives of article 13 of the ICESCR requires the expansion of educational infrastructure and improvement in the working conditions of teachers at all levels especially in rural communities for the purpose of improving the quality of education.

In my view the provision of quota for women and girls as well as marginalized groups may be crucially important to correct the disproportionate representation of these groups in educational sector. In situation where some groups remain disadvantaged as a result of either direct or indirect discrimination it is only prudent to create a quota system for less favoured groups.

According to the CESCR in certain circumstances adopting national legislations to ensure domestic implementation of the treaty provisions may be imperative. In particular, the Committee in General Comment No.3 pointed out that in matters regarding the rights to health and education, national legislation can be important. The Committee also recognizes that the capacity of each party to meet its obligations should be assessed in the context of its socio-economic circumstance.<sup>19</sup>

### **2.3.5 The Legal Rights of Ghanaians under the ICESCR**

I will now discuss the various substantive and procedural rights Ghanaians are entitled to as rights holders under the relevant provisions of the ICESCR. Like many other issues discussed earlier, this issue is of essence in the context of evaluating the government’s performance under the relevant provisions of the ICESCR.

While the substantive rights are explicitly provided for in the Covenant itself which include inter alia the rights to adequate standard of living (article 11), highest attainable standard of health

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<sup>19</sup> The Committee on Economic, Social and Cultural Rights (CESCR) General Comment No.3

(article 12) and education (articles 13), many of the procedural rights are provided for in the Optional Protocol to the ICESCR. These include the competence of the CESCR to receive and consider communications under article 1; the nature of the communication in article 2; the admissibility of the communication in article 3; and other dispute settlement mechanisms provided for in the Optional Protocol to the ICESCR.

One of the most fundamental and intransgressible rights of the alleged victims of violations contained in the Optional Protocol is the right to be heard (*Locus Standi*) or to resort to domestic remedies through a recourse to court. This right entitles the victims of violation to be granted court hearing and to pursue their case. The national courts have jurisdiction and competence to prosecute cases of denial or violation of the rights contained in the ICESCR. Those who have been denied the rights under the relevant provisions have the right to use the domestic court to seek redress. They also have the right to legal aid if necessary to ensure fair and transparent process in dispensation of justice.

The burden of proof lies with the one alleging or making the claim of denial of rights contained in the relevant instrument. The complainant must show that he/she has been victimized by the actions or inactions of the duty bearer and that he/she is entitled to compensation or reparation for the damages suffered.

The state or the duty bearer is expected to have in-depth knowledge of all the relevant rules in the ICESCR. This is necessary for the purpose of foreseeability and predictability of the consequences of state actions and inactions and to render it liable for violations of the relevant provisions.

In order to be granted *locus standi*, the claim by the complainants or the rights holders must be justiciable. In other words, such claim should be capable of being settled or determined by law court, be it domestic or international.

Article 3 (1) of the Optional Protocol stipulates that after exhausting all available domestic remedies, the alleged victims of violation of any of the rights contained in the ICESCR who feel they have been denied justice can petition the CESCR to seek redress. This right however, must be exercised within specific time frame, usually within one year after the domestic court has delivered its verdict. The Committee may consider a communication inadmissible unless all domestic remedies have been exhausted. Communication to the Committee should not be later than the required time frame after all domestic remedies have been exhausted.

So far no communication has been submitted by any individual or a group of individuals to the CESCR against Ghana nor has the country submitted annual report on the progress made in the implementation of the provisions of the Covenant since 2000.

Only cases of violation which occurred within the territorial jurisdiction of Ghana may be attributable to the government of Ghana. This implies that Ghana cannot be held liable for any violation of rights contained in the Covenant committed outside its territorial jurisdiction.

The provisions of the Covenants cannot be applied retroactively. This means that individual complainants may not be granted a locus standi for alleged violations which occurred prior the entry into force of the treaty provisions.

In the light of the information provided above, it can be concluded that the relevant provisions of the ICESCR namely: articles 11, 12 and 13 entail both state obligations as a duty bearer as well as the substantive and procedural rights of the citizens. These rights should be enjoyed by all people within the jurisdiction of Ghana without discrimination.

## **Chapter Three: Various Dimensions of Poverty and Inequality in Ghana and Data Analysis**

### **3.0 Introduction**

I will at this juncture proceed to chapter three which basically concerns the critical analysis of three proxies of poverty and inequality in Ghana, the field survey and the various factors responsible for poverty and inequality in Ghana. The importance of the issues in chapter three to this study is predicated on their indispensable contributions to the evaluation of the government's performance with respect to the relevant provisions of the ICESCR.

The study of poverty and inequality in Ghana requires analysis of various dimensions or proxies under which these phenomena can be measured. It is in this light that the three proxies namely: geographical, gender and rural-urban dimensions have been chosen for analysis.

### **3.1 The Spatial (North-South) Dimension of Poverty and Inequality in Ghana**

While disparities in development between administrative regions are not unusual phenomenon and are often expected, the wide inequality gap in wealth and development between the southern and northern Ghana which is more pronounced and visible can hardly be ignored. The variations in natural landscape, climate, rainfall amount, vegetations and natural resources endowment between the northern and southern Ghana constitute essential background to which spatial inequality in wealth and development has been defined. The northern Ghana which is relatively under-developed comprises Upper-East, Upper-West and Northern Regions. The region is characterized by Savannah and Sahel vegetation, low and unreliable rainfall, less productive soil, and extremely harsh climatic condition. The Southern Ghana on the other hand which is made up of Greater-Accra, Central, Western, Eastern, Ashanti, Brong-Ahafo and Volta Regions has predominantly dense forest vegetation, high rainfall, fertile and productive soil, favourable climate and well-endowed with natural resources such as gold, diamond, bauxite, oil and timber. The Southern Ghana is also a thriving and conducive place for the cultivation of cocoa and other cash crops which generate much revenue for the country. The South is well-developed vis-à-vis the North.

With respect to income level, the three Northern Regions have the lowest income per capita. Between 1998 and 1999 the poverty level in Upper-West Region was 84%, declining marginally

from 88% in 1991/1992. Upper-East Region had its poverty level rose from 67% to 88% between 1991/1992 and 1998/1999 while that of Northern Region increased from 63% to 69% during the same period.<sup>20</sup> In contrast, Greater-Accra Region in the South where the seat of government is located had its poverty level reducing from 26% in 1991/1992 to 5% in 1998/1999 while poverty in Ashanti witnessed a decline from 41% in 1991/1992 to 28% in 1998/1999. Western Region also experienced a drastic reduction of its poverty level from 60% in 1991/1992 to 27% in 1998/1999.

The table below shows regional variations in poverty and inequality between 1991 and 2006.

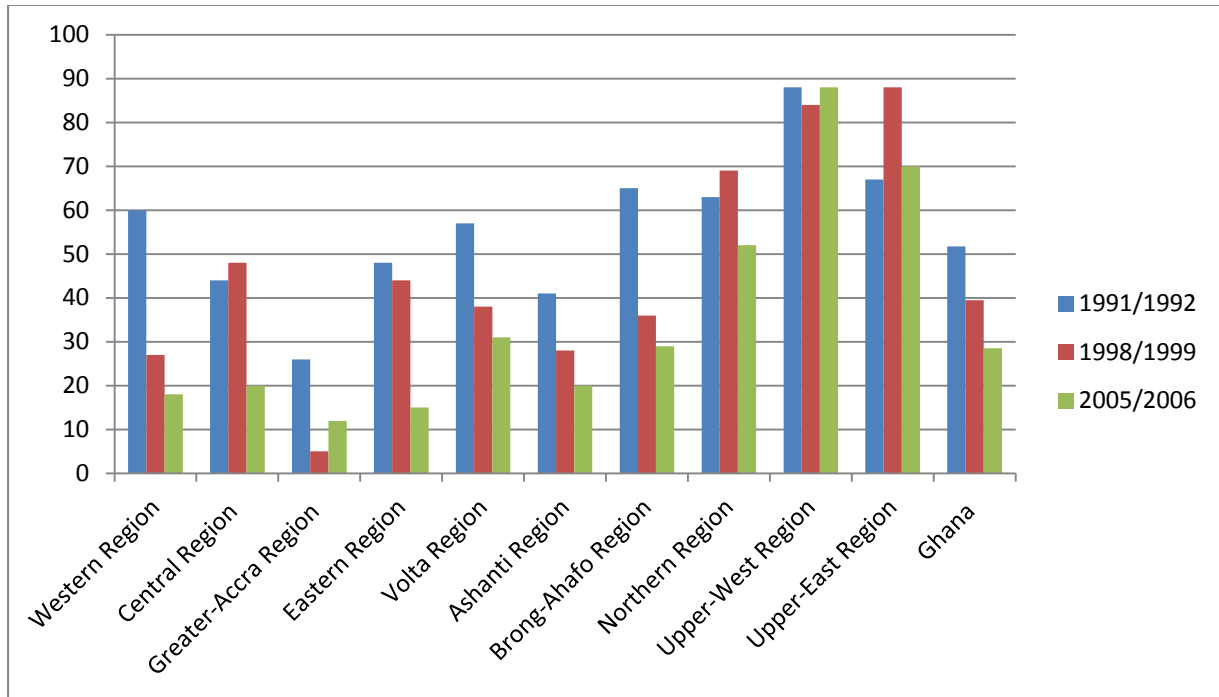
Table 3.1: Trends in Poverty Incidence by Administrative Regions of Ghana, 1991 – 2006

Regions in Ghana	1991/1992	1998/1999	2005/2006
Western Region	60%	27%	18%
Central Region	44%	48%	20%
Greater-Accra Region	26%	5%	12%
Eastern Region	48%	44%	15%
Volta Region	57%	38%	31%
Ashanti Region	41%	28%	20%
Brong-Ahafo Region	65%	36%	29%
Northern Region	63%	69%	52%
Upper-West Region	88%	84%	88%
Upper-East Region	67%	88%	70%
Ghana(National )	51.7%	39.5%	28.5%

Source: GLSS, GSS (2007) in The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.9

<sup>20</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.9

Figure 3.1 Trends in Poverty Incidence by Administrative Regions of Ghana, 1991 - 2006



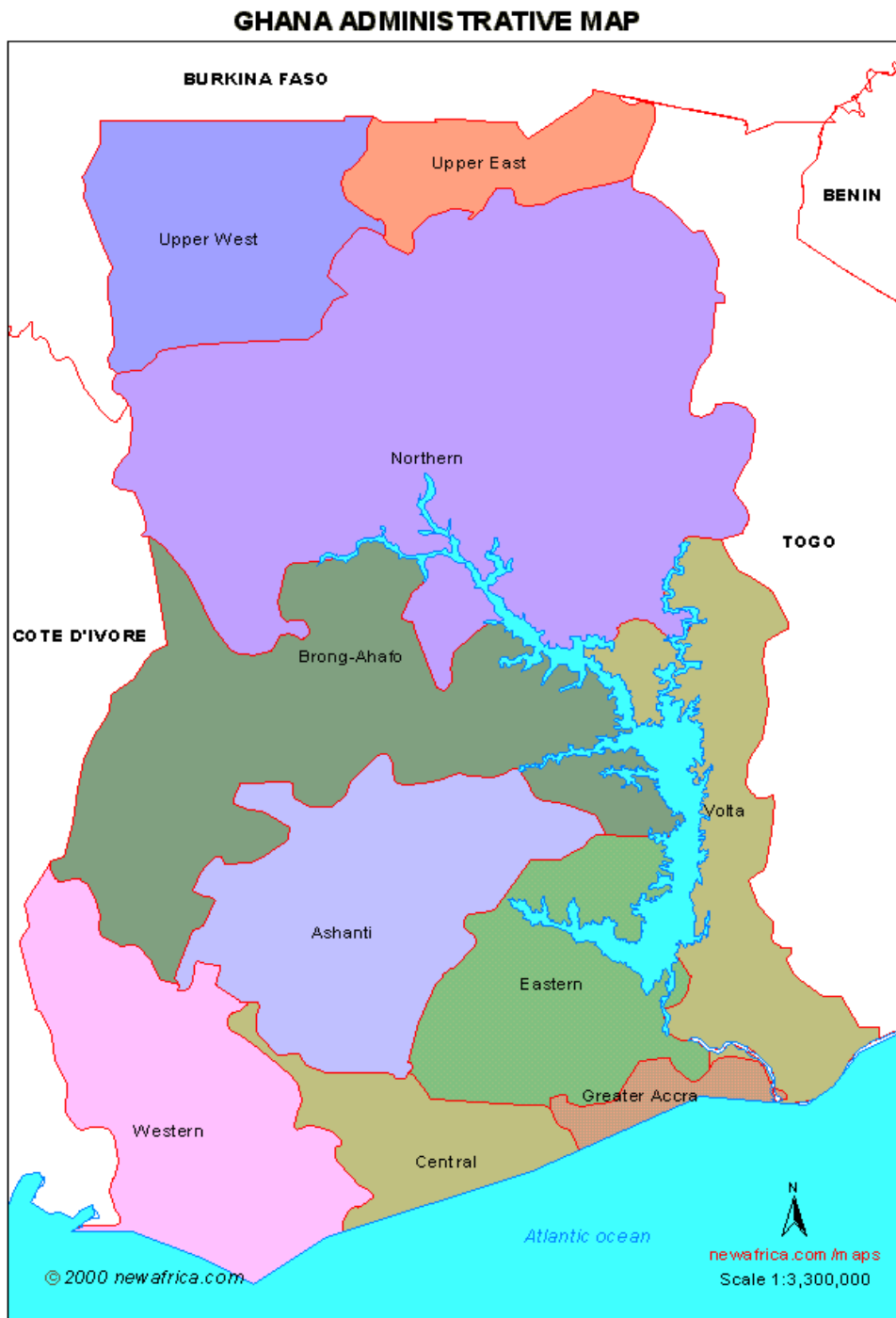
With regard to infrastructural development, similar pattern of inequality can be observed between the North and South of the country. The Regions in the North have limited infrastructural development compared to the South.<sup>21</sup> The North is characterized poor roads, and lack of adequate social amenities such as schools and health centres. Many of the roads in the North are in deplorable conditions. Hospitals and health centres are few, poorly equipped and usually understaffed. Many schools in the North are under-resourced and classes are often held either in dilapidated classrooms or under trees. Because of poor and run-down infrastructure coupled with harsh weather conditions, teachers, health workers and other public servants often refuse being posted to the North of Ghana.<sup>22</sup> Under the principle of equality and non-discrimination, Ghana has obligation to reduce poverty and inequality between the north and south. Although the implementation of the provisions of the ICESCR depends on particular conditions and economic

<sup>21</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.28

<sup>22</sup> GPRS; Agenda for Growth and Prosperity, P.31

capability of each State Party, in my opinion given the enormity of resources at its disposal, Ghana could have done better in reducing poverty and income inequality especially in the most affected regions in the north if these resources were to be utilized equitably and prudently. The current status quo or situation is thus unacceptable and needs to be improved.

Figure 3.2 the Administrative Map of Ghana





### 3.2 Gender Dimension of Poverty and Inequality in Ghana

Poverty and inequality in Ghana has significant gender dimension<sup>23</sup> which can best be understood in the context of local customs and cultural practices concerning treatment of women and girls.

Gender inequality and discrimination has been recognized by the government as one of the factors responsible for poverty, inequality and marginalization in Ghana. Ghana's Policy document for 2010 to 2016 revealed that women and girls continue to suffer discrimination in various sectors in spite of the government efforts to stem gender discrimination.<sup>24</sup> The discrimination against women and girls however, is not an exception in a patriarchal society like Ghana where males' domination and subservience of females are part of the fabric of the society. Based on my personal observation and experience as a Ghanaian as well as various data provided, the discrimination against women and girls permeates education, employment, and public life in Ghana. Women are under-represented in almost all the sectors particularly in politics. Women are lagging behind men in higher education and public sector employment. In general, women in Ghana have limited occupational mobility than men partly because of the burden of child bearing and nurturing. From my point of view the subordination of women is embedded in Ghanaian culture. In general, parents prefer to have baby boys. Right from infancy, girls are told to learn how to do household chores while boys are motivated to go to school and study hard for a better future. It is often said that women's main occupation is to cook, keep house cleaned and bear children for their husband. Although women are being empowered and inspired to take more responsible positions in societies where they live, the perception of female subordination still lingers in the minds of many and has become a drawback to women's socio-economic progress. The subordination of women in Ghana is manifested in their low representation in executive, legislative and judicial arms of government.<sup>25</sup>

The table below shows the proportion of women in executive, legislative and judicial arms of government in Ghana as at 2010

Table 3.2 Proportion of women in various arms of government in Ghana as at 2010

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<sup>23</sup> GPRS: An Agenda for Growth and Prosperity; 2003-2005.

<sup>24</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.25, 36

<sup>25</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.25

Arms of Government	Total number/percentage	Proportion of Women
Executive (Ministers) & Deputy Ministers	80 (100%)	15 (18.75%)
Legislature (members of parliament)	100%	8.7%
Supreme Court Judges	100%	29%
High Court Judges	100%	25%

Source: The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.25

In my view the discrimination against women constitutes an affront of justice and a flagrant violation of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), while discrimination suffered by girls amounts to a violation of their rights under the Convention on the Rights of Child (CRC).

The table below shows sex ratio in junior and senior secondary schools in all the 10 administrative regions as at 2003

Table 3.3 A number of Males for every 100 Females (Sex Ratio) Completing Junior and Senior High Schools in Urban Centres

Administrative Regions	Literacy Rate	Junior Secondary School Completed	Senior Secondary School Completed
Western Region	146	137	274
Central Region	178	161	303
Greater-Accra Reg.	130	113	180
Volta Region	146	160	230
Eastern Region	156	140	175
Ashanti Region	166	130	258
Brong-Ahafo Reg.	169	146	279
Northern Region	235	230	139
Upper-East Reg.	193	182	203
Upper-West	110	120	79

Source: GPRS (2003)

The data from the table above show that more boys were able to complete basic and secondary school education than girls as at 2003. The overall sex ratio in junior and senior secondary schools in 2003 was 100 girls to 201 boys in the urban areas and to 417 boys in the rural areas.<sup>26</sup> The proportion of males to females completing university and other institutions of higher learning is even more alarming.

In my view, lesser education for women in Ghana means limited job prospect for them and greater risk of them becoming poor. Poor women and girls are more vulnerable to sexual exploitation,

<sup>26</sup> GPRS: An Agenda for Growth and Prosperity; 2003-2005,p.21

rape and prostitution. According to Ghana AIDs Commission, the HIV/AIDs prevalent rate for women was more than two times as high as that of men in 2001.<sup>27</sup>

In order to further enlighten the readers on the subordination of women and girls and various forms of discrimination they suffer in Ghana, I will now summarize some of the issues raised by the UN Special Rapporteur on violence against women and gender discrimination in Ghana.

### **3.2.1 Report of the UN Special Rapporteur on Violence against Women, Gender Discrimination and Subordination of Women and Girls in Ghana (By Yakin Ertürk Addendum, MISSION TO GHANA: from 7<sup>th</sup> to 14 July, 2007)**

The report titled “Promotion and Protection of all Human Rights; Civil, Political, Economic, Social and Cultural including the Right to Development” addressed inter alia violence and other forms of discrimination against women and girls in Ghana. The report noted that customary law which is recognized by the Constitution of Ghana discriminates against women and girls.

The report stated with outrage that culture of violence against women and girls remains pervasive. Women who have low social and economic status such as women with low education and income levels are particularly more vulnerable to economic exploitation, sexual assault and other forms of domestic violence. The report mentioned early marriage, female genital mutilation and “ritual servitude (trokosi system) as some of the common cultural practices that undermine the rights of women and girls in Ghana and hinder their socio-economic advance. Again, the report showed how women accused of witchcraft are often banished or expelled from the society and end up in the so-called “witch camp”, a phenomenon which is very common in northern Ghana. The report further revealed that women and girls from poor families many of whom are illiterates are often compelled by their economic circumstances to undertake menial jobs like porter (or Kayaye as it is locally called). Many girls of school going-age and below working age have been forced by poverty to engage in income generating activities (child labour) and are in most cases vulnerable to exploitation, sexual assault and other forms of violence. The report also expressed dismay about the manner in which widows are maltreated and are often denied the right to inherit assets

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<sup>27</sup> GPRS: An Agenda for Growth and Prosperity; 2003-2005,p.20

belonging to their deceased husbands in spite of the existence of law (PNDC Law 111) to protect widows.

The report noted that the law enforcement institutions like the police and other stake-holders such as social service and health institutions are poorly trained and equipped to deal with the issues of violence and mistreatment against women and girls while the Domestic Violence Victims Support Unit (DoVVSU), a subsidiary body to Ghana Police Service with the responsibility of conducting proper investigation of violence against women lacks the capacity to do so because of limited financial and logistical support.

According to the report, abject poverty coupled with soaring external debt undermine or hamper the government's competence to allocate adequate" resources for universal basic education, gender parity in education and the socio-economic development of marginalized regions and districts".<sup>28</sup> The report appealed to the international community to assist Ghana in pursuit this objective.

Apparently, the discrimination against women and girls and inhumane treatment they suffer amount to a blatant violation of the principle of equality and non-discrimination which Ghana must adhere to in the implementation of its obligations under the ICESCR.

### **3.3 Rural-Urban Dimensions of Poverty and Inequality in Ghana**

I will now discuss rural-urban dimension of poverty and inequality in Ghana to provide the readers an understanding of the nature and extent of inequality between urban and rural residents.

The disparity in wealth and development between the rural and urban areas in Ghana has been in existence since time immemorial and is very compelling. Poverty in rural communities in Ghana could be attributed to low incentive in subsistence farming, overexploitation of arable land, limited economic opportunities, high number of illiterate population and lack of adequate infrastructural facilities.<sup>29</sup>

High unemployment and under-employment has been identified as one of the factors responsible for rural impoverishment in Ghana. Substantial numbers of youth in rural communities are either unemployed or under-employed. The growth of population in rural areas coupled with limited

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<sup>28</sup> UN Special Rapporteur on Violence against Women, Gender Discrimination and Subordination of Women and Girls in Ghana (By Yakin Ertürk Addendum, MISSION TO GHANA: from 7<sup>th</sup> to 14 July, 2007), p.2 - 3

<sup>29</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.61

employment opportunities has created a scenario where labour supply exceeds demand. The situation has been aggravated by the fact that much of the labour force in rural areas is unskilled.<sup>30</sup>

Urban communities on the other hand have relatively higher living standard, more economic opportunities, high number of skilled workers and well-paid jobs. Social amenities are more adequate, well furnished and easily accessible in urban areas in Ghana than in rural areas. The growing inequality in income and development between rural and urban communities is one of the factors which underpin mass exodus of youth from rural areas to urban centres.<sup>31</sup>

The table below shows incidence of extreme poverty in different urban and rural localities.

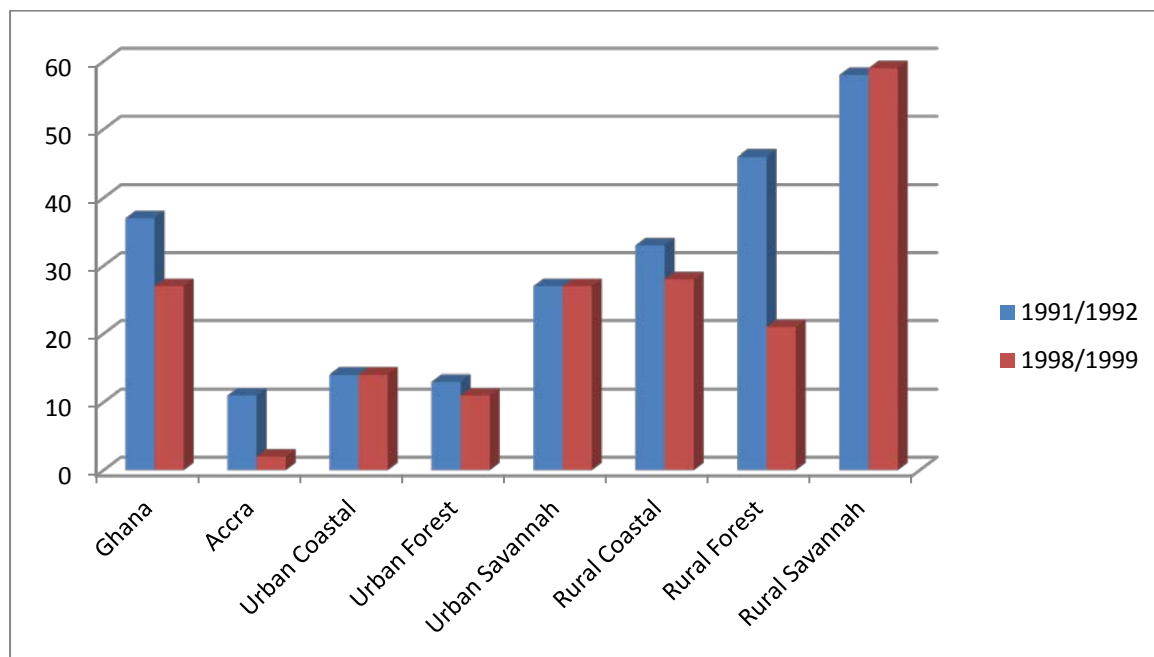
Table 3.4 Incidence of Extreme Poverty by Localities between 1991/1992 and 1998/1999

Locality	1991/1992	1998/1999
Ghana	37%	27%
Accra	11%	2%
Urban Coastal (South)	14%	14%
Urban Forest (South)	13%	11%
Urban Savannah (North)	27%	27%
Rural Coastal (South)	33%	28%
Rural Forest (South)	46%	21%
Rural Savannah (North)	58%	59%

<sup>30</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.61

<sup>31</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.60

Figure 3.3 Extreme Poverty Incidence by Localities



Source: Ghana Statistical Service (2003)

The data from the table and the chart indicate that extreme poverty was worst in rural communities of the North (Savannah); followed by rural communities of the South. Accra in the South recorded the least percentage of extreme poverty between 1991/1992 and 1998/1999.

Access to basic and high school education for males and females in urban and rural communities also remains unequal. Survey by Ghana Statistical Service showed that females in rural areas had the least access to basic and high school education as at 1998.

The table below shows the proportion of males to females from urban and rural areas that completed junior and senior secondary schools in 1998.

Table 3.5 a number Males to every 100 Females in Junior and Senior High Schools in 1998

	National	Rural	Urban
Literacy Rate	170	192	149
Junior Secondary School Completed	150	164	132
Senior Secondary School Completed	256	417	201

Source: Ghana Statistical Service, (1998)

It is clear from the information provided above that poverty and inequality in Ghana have significant geographical, gender and rural-urban dimensions with profound implications for government ability to fulfill its socio-economic rights obligations.

### 3.4 Findings of the Field Interviews

Having discussed the three dimensions of poverty and inequality in Ghana, I will now focus attention on the analysis of the data obtained from primary source through field administered questionnaires. The purpose of this is to supplement the existing secondary data.

The sample population was drawn from six communities; three communities from the northern part of the country and the other three from the southern half of the country. Twenty respondents were interviewed from each community. The interviews were conducted between 17<sup>th</sup> and 25<sup>th</sup> of January 2013 and were based on questionnaires designed to obtain views on factors responsible for poverty and inequality; various groups that are vulnerable to poverty; how poverty and inequality affect their ability to enjoy other rights; and how poverty and inequality are being addressed in their respective communities.

The views of the respondents were also sought regarding their living conditions, income levels and what they do for living. There were also questions about respondents' educational levels, their access to health care, good drinking water, electricity, housing conditions and nutritional status.

The field survey targeted men and women from both rural and urban areas. Most of the

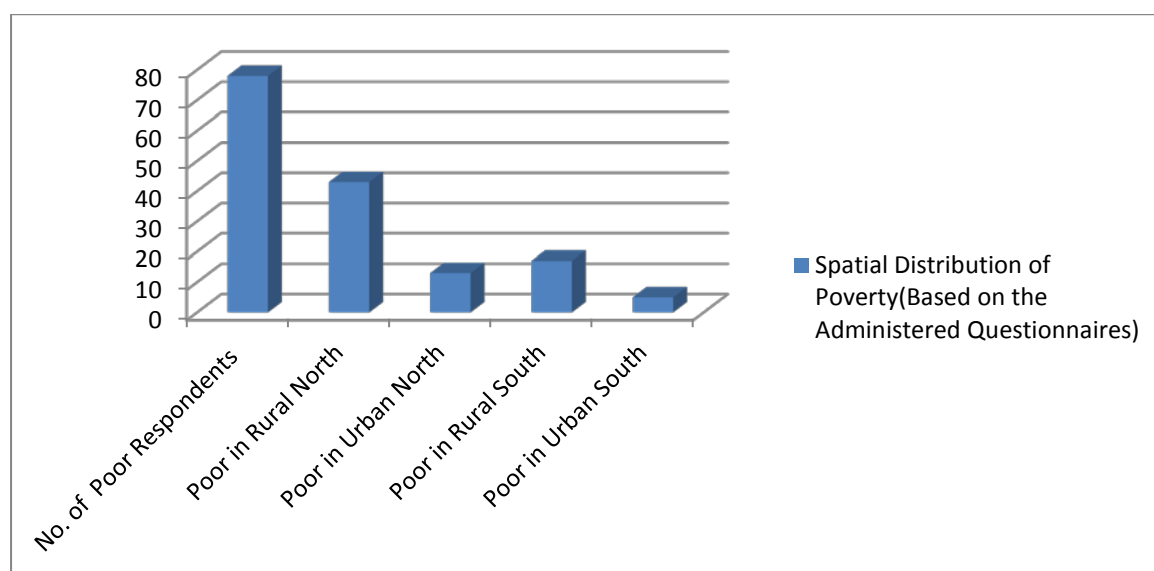


questionnaires were administered on market days when people from different communities converge at particular market centre to engage in trading. Men and women between the age 25 and 59 were randomly selected for interview. The respondents were asked about their average income or how much they earn every day. The responses as shown by the table below revealed that 78 out 120 respondents considered themselves as poor with average income of less than two dollars a day. 43 of them lived in rural communities in the three Northern Regions namely: Northern, Upper-East and Upper-West Regions. 30 of the poor lived in urban centres in the North and rural areas in the South. Only 5 of them resided in urban areas in the South.

Table 3.6 Spatial distribution of respondents below the poverty line

No. of Respondents considered as poor	No. of poor in rural North	No. of poor in urban North	No. of poor in rural South	No. of poor in urban South
78 (out of 120)	43	13	17	5

Figure 3.4 Spatial distribution of poverty (based on sample survey)



Source: Field Survey

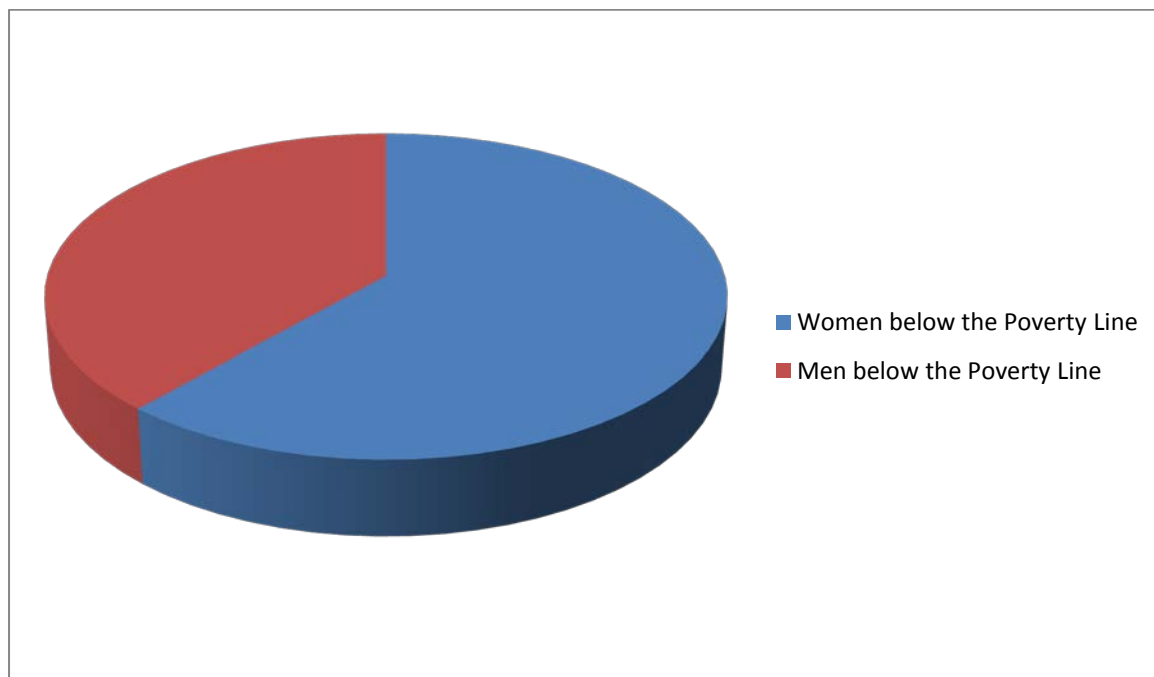
With respect to gender dimension of poverty, 48 out of the 78 respondents who were classified below the poverty line were women. They were mainly small-scale farmers in rural areas who had limited or no capital to expand production.

Table 3.7 Gender Dimension of Poverty

No. of Women below the Poverty line	No. of Men below the Poverty line
48	30
61.5%	38.5%

Source: Field Survey

Figure 3.5 Gender Dimension of Poverty



Regarding the educational background of the respondents, 54 out of the 120 people interviewed had only basic education; 34 of whom were women. 66 of the 120 respondents had education beyond basic level. 26 of the 66 were women.

The field survey also revealed a strong correlation between the educational background of the respondents and their income level or economic status.

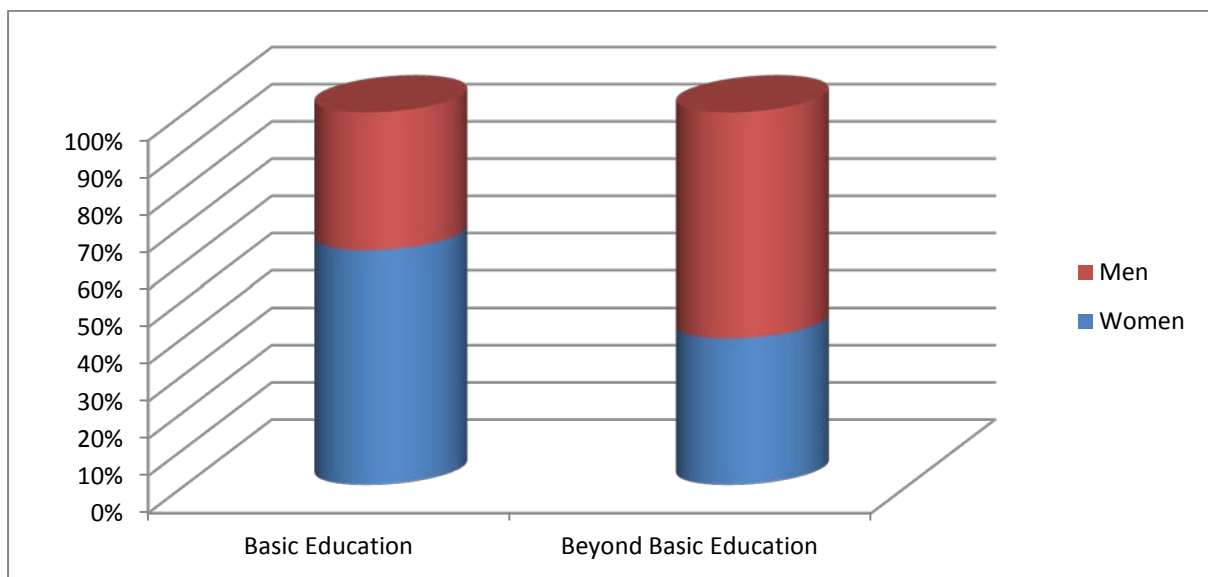
Most of the respondents with higher educational background had better income than those who had less education.

Table 3.8 Educational levels of the respondents

Gender	Basic Education(Primary and Junior High Schools)	Beyond Basic Education( Senior High school and beyond)
Women	34	26
Men	20	40
Total	54	66

Source: Field Survey

Figure 3.6 Educational levels of the respondents



While most of the respondents (103 out of the 120 respondents) stated that they had National Health Insurance Card and thus were entitled to free medical care, many of them complained about poor accessibility. Some of the respondents residing in rural communities especially in the North of the country said that the nearest hospitals and health centres were located outside 15 kilometers of radius from their place of residence.

More often than not, the roads to the nearest hospitals are in a deplorable condition with many potholes.

On the issue of access to good drinking water as many as 92 of the respondents claimed that they had limited access to portable water. 53 of them lived in the North of the country. They claimed that the only available natural sources water such as rivers and lakes in their vicinities were infected with guinea worm and sometimes contaminated by cattle. According to them, the situation had put intense pressure on the few existing bore-holes and underground wells in their communities.

Clearly, the above data depict negative skew with respect to distribution of income, access to education and health care not only between men and women but also between urban and rural residents as well as between the South and North of the country. The data may be considered as a microcosm of the general trend as far as the distribution of wealth and other socio-economic opportunities across the country is concerned. This situation has significant implications for enjoyment of socio-economic rights.

### **3.5 Factors Contributing to Poverty, Inequality and Economic Marginalization in Ghana and their Implications for Social and Economic Rights**

#### **3.5.0 Introduction**

I will at this point discuss various factors contributing to poverty and inequality in Ghana.

The idea that the development gap between the haves and have-nots is widening has gained the foothold among scholars and policy-makers. The World Bank Country report puts the percentage of Ghanaians living below the poverty line at 28.5%.<sup>32</sup>

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<sup>32</sup> World Bank Country Report website

Table 3.9 Income, Poverty and Inequality, 1991-2006

	<b>1991/92</b>	<b>1998/99</b>	<b>2005/2006</b>
Gini coefficient	0.373	0.388	0.394
Poverty head count index (%)	51.7	39.5	28.5

Source: the Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.9

Apparently, the above table shows that the decline in poverty in Ghana has been inversely proportional to inequality. According to the Ghana Living Standards Surveys while the overall poverty in the country has significantly declined between 1991/1992 and 2005/2006, inequality across the country and among some income groups has exacerbated.<sup>33</sup> Clearly, the benefits of the economic growth are not evenly spread across the country and that substantial number of people in deprived communities lack access to basic material needs.

The data from the table above perhaps is an indication that the pace of socio-economic development and living standard has been unequal in different parts of the country. The data may lend credence to inequalities between the north and south; urban and rural residents; as well as between men and women. While the economic performance of Ghana in the last ten years has been quite phenomenal, it may be that this has not translated into improvement in the living conditions of many Ghanaians. In other words, the country has probably achieved economic growth without equity. Economic growth without equitable distribution of resources will inevitably exacerbate income inequality.

I will now discuss a number of factors acting either in isolation or in combination with each other to perpetuate poverty, inequality and marginalization in Ghana. The discussion of these factors is

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<sup>33</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.28

essential for the purpose of evaluating the government's performance with regard to its obligations under the relevant provisions of the ICESCR.

### **3.5.1 High Unemployment and Under-employment**

High unemployment and under-employment has been identified as one of the major factors responsible for impoverishment in Ghana. According to the Wikipedia 25% of Ghanaians of working age currently remained unemployed.<sup>34</sup> This however, comprises only registered unemployed people. In my opinion Ghana's unemployment figures may not be very alarming given the economic situations in other countries but the effects could be more severe than in other countries. This is because Ghana does not have a welfare system and unemployed people do not receive any social benefits from the government. There is no social safety policy to protect those excluded or marginalized. Unemployed people are therefore left to survive on the benevolence of some family members and friends who may not earn much income to suffice themselves and their children let alone others.

In my view unemployment in Ghana can have a heavy toll on the living conditions of many people since those who are working have been compelled to cater for those who are unemployed thereby increasing the dependency ratio. Youth unemployment in the country is one of the key issues highlighted in Ghana's policy document for 2010 to 2016.<sup>35</sup>

### **3.5.2 Low Income**

Low income has been cited in various government documents, the World Bank and IMF reports as one of the factors responsible for poverty and inequality in Ghana.<sup>36</sup> It is in the light of this admission by the government that led to the introduction of the Single Spine Salary Structure in 2011 to resolve the discrepancies in the remuneration of public sector workers and to improve wages. However, most of the people who survive on low income are in the informal sector consisting of small-scale self employed traders. These small-scale traders are neither paid by the government nor private employers and therefore are not direct beneficiaries of the new salary structure.

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<sup>34</sup> Wikipedia: Free Encyclopedia

<sup>35</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p. 48 -49

<sup>36</sup> , 39, Ghana Shared Growth and Development Agenda (GSGDA), (2010 -2013), p.24; The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.26 – 27, 46 – 47

### **3.5.3 Corruption**

In my opinion, low and insufficient income is partly responsible for the heightening pace of bribery and corruption in Ghana. From my point of view, the quest to combat poverty and inequality in Ghana cannot be realized if practical measures are not taken to stem corruption in public sector. It is important to discuss the nature and extent of corruption in Ghana for the purpose assessing the government's performance under the relevant provisions of the ICESCR.

There is a growing perception among Ghanaians about corruption in government and public sector. Many people believe that corrupt practices of those holding political offices and other public officials are partly responsible for the country's economic woes. Corruption level of a country is one of the elements used by the World Bank in measuring good governance.

Interestingly, despite the growing perception of corruption, the country seems to be doing well in various facets of good governance such as accountability, political stability, absence of violence, and the respect for rule of law. According to the Transparency International's recent data, Ghana is rated as 69<sup>th</sup> least corrupted country scoring 3.9 (with 10 being the highest) ahead of Greece.<sup>37</sup> Although Ghana seems to be in a comfortable position in the ranking, the actual mark scored is far below the average and leaves much to be desired. Whether the perception of corruption reflects the reality or not, the fact remains that corruption by politicians and public officials has left many people impoverished. Various studies show that millions of dollars are lost every year through corruption.<sup>38</sup> From my own perspective, corruption is one of the grossest acts of injustice committed against ordinary people. The issues of corruption and economic crimes have been on the government agenda over the years and have been emphasized in Ghana's policy document for 2010 to 2016.<sup>39</sup>

### **3.5.4 Illiteracy and Low Level of Education**

Having insight into how illiteracy and low level of education contribute to poverty and inequality in Ghana is important in assessing the government's performance particularly with respect to article 13 of the ICESCR.

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40 Transparency International; Corruption Index for 2011

<sup>39</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.26-27

Notwithstanding the significant advance made over the years to increase enrolment in basic schools and improve access to higher education, illiteracy in Ghana remains a challenge. Recent statistics from the World Bank and Ghana Statistical Service showed that a significant headway has been made over the last decade to increase literacy rate. However, it may take some years before the success chalked will translate into real improvement in the living conditions of many Ghanaians. According to the World Bank, school enrolment at the basic level increased by 110% as at 2012.<sup>40</sup> Adult literacy rate in 2007 was 65%. The proportion of male literacy stood at 71.7% while that of female was 58.3% in the same year (2007).<sup>41</sup> This is perhaps the result of gender disparity in access to education. Amnesty International puts Ghana's adult literacy rate at 66.6%.<sup>42</sup>

Not only does illiteracy severely erode a person's chance of securing a better job, but also make him or her more vulnerable to economic exploitation and other human rights violations.

### **3.5.5 Poor Health**

Poor health also contributes to poverty in Ghana thus deserves attention. High incidence of tropical ailments such as malaria, cholera and fever threatens to undermine the productive capacity of many Ghanaians and contribute to poverty and inequality in Ghana. Malaria in particular has been identified by the government as the single most threatening ailment affecting millions of Ghanaians. The government report also indicates that pregnant women and children are the most vulnerable to malaria.<sup>43</sup> HIV/AIDs infection continues to have a heavy toll on national productivity even though the current prevalent rate which stands at 2.2 is relatively low.<sup>44</sup> According to the WHO report for 2012, despite the significant advance made over the years to curb diseases like malaria and HIV/AIDs, they remain major killers in Sub-Saharan Africa which has the highest prevalent rates.<sup>45</sup> Poor health has a debilitating effect not only on socio-economic rights such as the rights to work, health and decent living but also the capacity to exercise some civil and political rights.

The table below shows percentage of Ghanaians with easy access to hospitals or health centres.

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<sup>40</sup> World Bank Country Report website

<sup>41</sup> Wikipedia

<sup>42</sup> Amnesty International Official Website

<sup>43</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.12

<sup>44</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.51

<sup>45</sup> The WHO: Millennium Development Goals(MDGs)



Table 3.10 Percent Reaching Health Facility within 30 Minutes, 1997 and 2003

	1997	2003
Ghana	52.9%	61.0%
Rural Areas	38.6%	45.5%
Urban Areas	80.3%	79.3%

Source: Ghana Demographic and Health Survey (GDHS),

The table portrays a wide disparity in access to health between urban and rural areas; which is further proof of existing development gap between urban and rural areas.

Despite the overall improvement in access to health care with the introduction of the National Health Insurance Scheme, it (NHIS) is not without drawbacks. The NHIS does not cover all ailments or sickness; in other words, the scheme does not cover most threatening ailments that are very expensive to treat. Also, in spite of being relatively cheaper than the erstwhile ‘Cash and Carry System,’ the NHIS is beyond the affordability of many people. Again, like many other government programmes, the substantial part of the NHIS fund comes from the government and donor countries and there is a growing fear that the scheme may collapse without foreign donor support.<sup>46</sup> The long term sustainability of the NHIS can only be guaranteed so long as the donor countries maintain their financial support and that in the absence of foreign financial aids, the viability of the scheme may be in doubt.

### 3.5.6 Environmental Problems

The importance of environmental problems to this study lies with their potential direct and indirect effects on the rights to food, health and decent living. Even though environmental problems are often caused by natural forces which may be beyond human control, government’s domestic environmental policies can either mitigate or accelerate (speed up) environmental catastrophes. The discussion of environmental problems is therefore necessary for evaluation of the government’s performance.

<sup>46</sup> MoFEP; 2013 Budget, p.12; 2013 State of the Nation’s Address, p.6

Environmental problems such as desertification, soil erosion, and flooding are particularly common phenomena in the northern part of the country while deforestation and bush fire have been plaguing many communities in the south every year.<sup>47</sup> Environmental problems, particularly in farming communities are of essence in terms of the capacity of the land to afford crop production needs and the provision of basic necessities like food, shelter and household energy needs of the farmers. The unsustainable land-use practices such as cutting down of forest trees and excessive exploitation of the land make it more vulnerable to degradation as the land loses its productive and regenerative capacity. Many people living in areas worst affected by land degradation are on the brink of starvation because the environmental conditions may be too severe to afford basic material needs. Such people may find themselves in economic or livelihood deprivation. According to government's policy document for 2010 to 2016 Ghana's forest dwindled from 32.7% to 24.2% between 1990 and 2005.<sup>48</sup> The policy document also recognized that "Ghana's forest remains a valuable asset in providing sustainable livelihoods for poor communities" where farming is predominant economic activity. The policy document mentioned logging, erosion, bad farming practices and destruction of biodiversity as major threats to the livelihoods of many farming communities.<sup>49</sup>

In light of the issues discussed above, it suffices to say that poverty, inequality and marginalization in Ghana cannot be attributed to a single factor but rather the consequences of diversity of factors acting either together or in isolation. The study of poverty and inequality in Ghana has also revealed that the phenomenon has taken geographical, gender and rural-urban dimensions. This has profound implications for Ghana's capacity to meet its obligations under the relevant provisions of the ICESCR. Given the nature and extent of poverty and inequality in Ghana as discussed above and the fact that poverty is attributed to complexity of factors acting in various ways the government has herculean tasks and there are many challenges to overcome if the obligations under the relevant provisions of the ICESCR are to be met.

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<sup>47</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.61

<sup>48</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p20, 61

<sup>49</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.20, 61

## **Chapter Four: Government's Policy Interventions and their Implications for Meeting its Commitments under Article 13 of the ICESCR**

### **4.0 Introduction**

This chapter will focus on the government policies on education and their implications for meeting its commitments under article 13 of the ICESCR. The chapter will discuss what have been achieved by the government over the last decade with respect to its obligations under article 13 and base on these accomplishments to evaluate the overall performance of the government vis-à-vis its obligations under the relevant provisions of the ICESCR.

A policy can be construed as a process of attaining state or societal goals. The success or otherwise of government policy depends on its capacity to achieve the ends pursued by it. Policy-makers are expected to foresee the long term consequences of the policies they make for the society, evaluate other options (alternative policies), analyze the costs and benefits of each policy option and make informed decisions. Various policies have been pursued by the government over the last decade as part of its efforts to address the socio-economic needs of ordinary people and to meet its legal obligations under international treaties; particularly, the commitments made under the ICESCR, CEDAW, and CRC as well as to execute the Millennium Development's Goals (MDGs) agenda. The impacts of each policy on the value or interest it seeks to accomplish can be determined on case-by-case basis. Since the beginning of 2001 the government has been allocating substantial amount of its budgetary spending to reduce poverty and improve the well-being of the general population under the Ghana Poverty Reduction Strategy (GPRS).<sup>50</sup>

### **4.1 Policies on Education**

I will now concentrate on the government policies on education over the last ten years; their outcomes and implications for meeting its obligations under article 13 of the ICESCR. My decision to evaluate only government performance in education has been informed by the availability of information in the sector. Given the indispensable role education plays in lifting people out of poverty, I intend to lay much emphasis on the government policies aimed at

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<sup>50</sup> The IMF Country Report on Ghana Poverty Reduction Strategy Paper, Volume II (Ghana Shared Growth and Development Agenda) (2012), IMF Country Report No.12/204 p.1 – 11, 18 – 27

improving access to education at all levels and the consistency of these policies with its obligations under the relevant provisions of the ICESCR. The study recognizes that well-educated people are more likely to have decent jobs, better access to health-care, well-nourished and less likely to be impoverished. And it is this realization that has partly accounted for the emphasis on government policies on education and their impacts on meeting its obligations under the relevant provisions of the ICESCR.

## **4.2 Basic Education**

Between 2009 and 2011 the government provided over 3 million free school uniforms to pupils in basic schools across the country. This accounted for about 60% of the school children enrolled in public basic schools during the period.<sup>51</sup> Most of these uniforms were given to school children in deprived communities where parents are usually unable to afford school uniforms for their children. Government also distributed over 83 million free exercise books to basic school children throughout the country between 2010 and 2011.<sup>52</sup>

In its quest to improve teaching and learning environment for both teachers and pupils, 1,250 new schools were built across the country between 2009 and 2011 to reduce a number of schools without classrooms (where classes are held under trees) from 4,320 to 3,070. Many school buildings are currently under construction to further reduce the number of schools where classes are held under trees.<sup>53</sup> The government has in addition, expanded the enrolment capacity of basic schools in urban centres. Many of the basic schools in big cities like Accra and Kumasi used to run shift system because of lack of adequate classrooms. Under the shift system, each class is divided into two groups; one group goes to school in the morning and the other group in the afternoon. However, with the construction of additional classrooms for many basic schools in big cities the shift system has been drastically reduced.<sup>54</sup>

The government has since 2009 expanded the 'School Feeding Programme' to cover over 1.4 million school children across the country. Priority has been given to school children in marginalized communities.<sup>55</sup> The 'School Feeding Programme' aims at providing adequate

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<sup>51</sup> The Overview of the Better Ghana (April, 2012), p.16

<sup>52</sup> The Overview of the Better Ghana Agenda (April, 2012), p.16; Ministry of Finance and Economic Planning (2013 Budget Statement), p.44

nutrition to school children and increase the enrolment capacity in basic schools especially in deprived communities where there is high incidence of school dropout due to poverty.

The government has also introduced Science and Technology Innovation Programme in basic schools dating back to 2009. This programme is intended to inculcate interest in science among school children and promote science and technology education. In realization of this objective, the government has since the inception of the programme distributed over 66,000 laptop computers to school children across the country. The intention of the government is to ensure that each school pupil has one laptop.<sup>56</sup> Government expenditure on each school pupil in public basic schools has doubled since 2009.<sup>57</sup>

### **4.3 Second Cycle Education**

As many as 672 new classrooms and dormitories were built for various senior high schools nationwide between 2009 and 2012 to meet the growing demand for accommodation due to high enrolment.<sup>58</sup> This is in fulfillment of government's obligation to make secondary school education available and accessible to all citizens in accordance with article 13(2)(b) of the ICESCR.

Abandoned science resource centres in a number of senior high schools have been renovated and replenished with modern facilities.<sup>59</sup> Over 5000 government scholarships have been awarded to Mathematics and Science students in senior high schools since 2009 in fulfillment of its commitment to promote science education. The government has also proposed the construction of 200 new community senior high schools which are expected to be completed by 2015 as part of its efforts to increase access to secondary school education in all districts.<sup>60</sup>

With respect to vocational education, the government has taken some measures to promote skills training among the youth. Vocational skills programmes such as Local Enterprise and Skills Development Programmes (LESDEP) and National Apprentice Programme have been launched by the government to instill interest in vocational skills education in the youth and make them more employable and competitive in the job market.<sup>61</sup>

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53, 54, 55, 56, 57, 58, 59 The Overview of the Better Ghana Agenda (April, 2012), p.16; MoFEP (2013 Budget )p.44

<sup>58</sup> The Overview of the Better Ghana Agenda (April, 2012), p.17

<sup>59</sup> The Overview of the Better Ghana Agenda (April, 2012), p.17; MoFEP (2013 Budget Statement), p.44

<sup>60</sup> The Overview of the Better Ghana Agenda (April, 2012), p.17

<sup>61</sup> The Overview of the Better Ghana Agenda (April, 2012), p.17

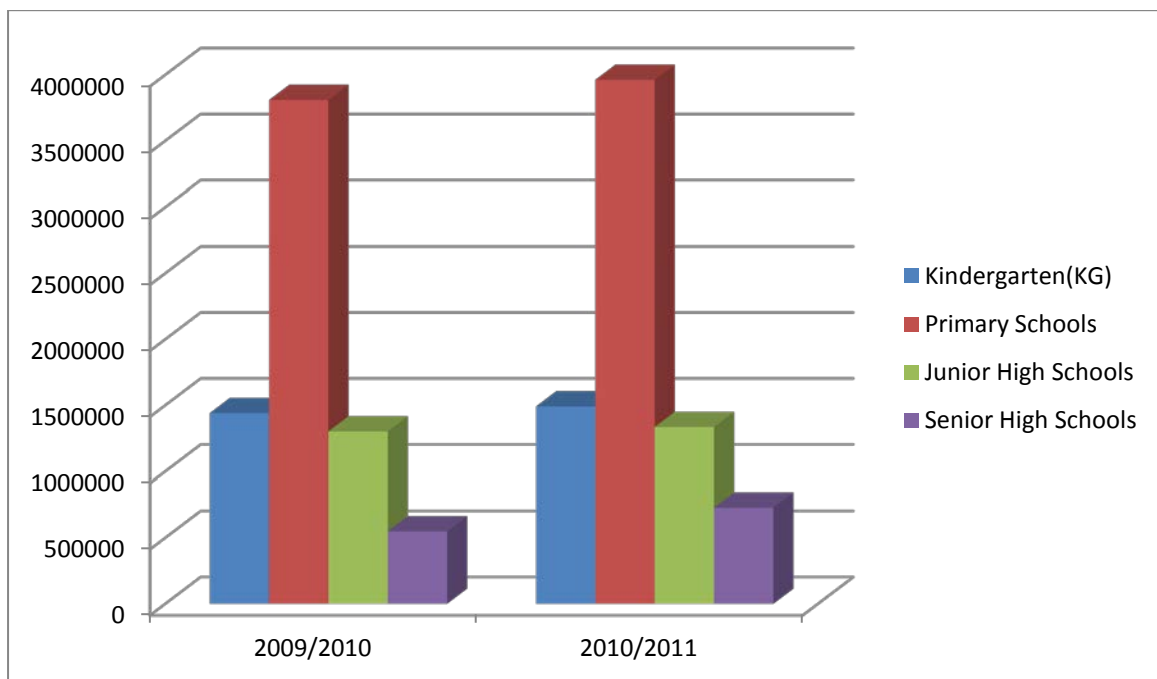
Table 4.1 the growth in enrolments in Pre-tertiary education between 2009/2010 and 2010/211

Academic Year	Kindergarten (KG)	Primary Schools	Junior High Schools	Senior High Schools
2009/2010	1440732	3809258	1301940	548697
2010/2011	1491450	3962779	1335400	728076

Source: Ministry of Finance and Economic Planning (2012, Budget Statement, p.18)

The expansion of the ‘Capitation Grant and School Feeding Programme and the introduction of policy measures such as ‘Free Text Books, Free School Uniforms and Free Computers in public basic schools across the country by the government partly accounted for high enrolment in primary schools between 2009 and 2011. For instance an estimated GH¢15.3 billion was made available for “payment of Capitation Grant for 5,252,683 pupils in all public basic schools during the second and third terms of the 2010/2011 academic year”.<sup>62</sup>

Figure 4.1: the growth in enrolments in Pre-tertiary education between 2009/2010 and 2010/211.



<sup>62</sup> Ministry of Finance and Economic Planning; 2012 Budget, p.17

While there has been overall increase in school enrolment particularly in primary schools, the data also indicate progressive decline in the enrolments at both Junior and Senior High Schools.

#### **4.4 Higher Education**

The government has since 2009 established two more public universities namely: the University of Allied Health in Volta Region and the University of Energy and Natural Resources in Brong-Ahafo Region. This has increased the number of public universities from six to eight.<sup>63</sup> The government has also expanded infrastructural facilities in the existing public universities and polytechnics for the purpose of increasing their enrolment capacity and improving teaching and learning process.

The creation of two additional public universities has been motivated by the rising demand for university education and the growing needs for human resources in health and energy sectors. More importantly, the establishment of new public universities has been inspired by the government quest to make higher education more accessible to Ghanaians in accordance with its obligations under article 13(2)(c) of the ICESCR.

#### **4.5 The Living Conditions of Teachers**

I will now discuss the government policy intended inter alia to improve the living conditions of teachers and quality of education at all levels.

Under the Single Spine Salary Structure which was implemented in 2011, the living conditions of teachers have significantly improved.<sup>64</sup> The increased in salaries is expected to enhance the efficiency of teachers and improve the quality of education at all levels.

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<sup>63</sup> The Overview of the Better Ghana Agenda (April, 2012), p.19

<sup>64</sup> The Overview of the Better Ghana Agenda (April, 2012), p.19

Table 4.2 Salary Rise for various Categories of Teachers between 2009 and 2012

Grade of Teachers	Salary as at February 2009 in Ghana Cedis (GH¢)	Salary as at 2012 in Ghana Cedis (GH¢)
Pupil Teacher	80	310
Certificate 'A' Teacher	230	520
Diploma Teacher	310	580
Degree Holder Teacher	385	780

Source: The Overview of the Better Ghana Agenda, (April, 2012) p.19

The next issues to be discussed are government policy programmes intended to ensure gender equality in access to education and promote the education and empowerment of women and girls who have been victims of discrimination since time immemorial.

#### **4.6 Gender Equality in Education**

The majority of impoverished Ghanaians are women, many of whom have more mouth to feed as mothers who are often abandoned by their husbands and are left with the burden of caring for the children. Women and girls again, constitute the majority of the illiterate population in Ghana. Many girls who have the privilege to go to school are usually unable to advance to the higher level and often drop out of school because of lack of financial support or are forced to marry at early age against their wish.

In admission of the discrimination and marginalization suffered by women and girls in the society, the government has over the past decade adopted policy measures aimed at addressing gender related discrimination and the grievances of women. These include measures intended to empower women and improve their representation and participation in public life at all levels of governance.<sup>65</sup> To realize this objective, the government for the first time created ministry of Women and Children's Affairs (currently called Ministry of Gender and Social Protection) in 2001 to address the legitimate needs of women and children and to deal with the underlying factors which impede women's socio-economic progress and deprive them of equal rights as men.

<sup>65</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.25, 66



The Ministry supposed to promote girls and women’s education from basic to university level by mobilizing resources to support brilliant girls who need financial assistance as well as by providing quota for women and girls at all levels of education. ‘Girl Child Education’ Programme has been established for the purpose of promoting and prioritizing the education of girls especially in deprived communities. A quota arrangement for women in public sector employment has also been considered by the government to correct the imbalance and disproportionate representation of women in the sector.<sup>66</sup>

The Ministry of Gender has been prevailing upon parents to prioritize the education of girls. The government through Ministry of Gender has taken measures to bring to halt certain cultural practices such as Female Genital Mutilation, early marriage and widow’s rites which undermine women and girls’ rights and curtail their socio-economic mobility.

Education of girls and women is the key to transform their fortunes and make them more economically independent and to change social misconceptions and stereotype against women.

With these policy interventions, the expectation of the government is to meet its obligations under the ICESCR through increase equitable access to and participation in quality education at all levels; improve quality of teaching and learning; and reduce spatial and gender disparities in access to education.

#### 4.3 Gender Parity Index (GPI) for Basic Schools between 2009 and 2011

Basic Schools	2009/2010	2010/2011
Kindergarten (KG)	0.98	0.98
Primary Schools	0.96	0.97
Junior High Schools(JHS)	0.92	0.93

Source: Ministry of Finance and Economic Planning (2012 Budget, p.18)

The table indicates that gender inequality in basic education remains high despite the government efforts to promote the education of girls.

<sup>66</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.25, 66

Having discussed the government policies on education, I will at this juncture test the consistency of these policies with its obligations under article 13 of the ICESCR to determine whether or not these obligations have been met.

#### **4.7 The Tests of Consistency of the Policies on Education with Article 13 of the ICESCR**

Comparison of the various government policies discussed above with the provisions of the ICESCR; particularly article 13 of the Covenant which is the subject of investigation, constitutes the essential basis for testing or determining the consistency of these policies with the relevant provisions of the ICESCR.

Based on the information presented above it may suffice to say that the government has performed fairly well in meeting its obligation under article 13(2)(a) of the ICESCR to make basic education free and compulsory. In Ghana, basic education supposes to be free and compulsory and all children of school going age are expected to be enrolled irrespective of where they reside and regardless of their socio-economic background. However, critics have contended that the ‘so-called’ free and compulsory basic education in Ghana only exists in law (i.e. de jure or de lege) and that there is no de facto free and compulsory basic education.

Critics of free and compulsory basic education may stand accused of cynicism but the growing menace of child labour and street children in cities, towns and villages in Ghana is a glaring reality and one does not need national statistics to back this claim. Not a single day will pass by without seeing on the streets and market centres in Accra, Kumasi and other populated urban centres filled with street hawkers and porters (or Kayaye as they are locally called) many of whom are children of school going age.<sup>67</sup> Some of these Children migrated from the Northern part of Ghana where poverty is most severe to seek for economic fortunes in the South.<sup>68</sup> According to the IMF Country Report, 30% of children of school going age in Ghana are out of school.<sup>69</sup> There have been several reported cases where children in cocoa growing communities have been used as farm labour instead going to school. Government and parents are often accused of being neglectful of their responsibilities as far as the education of children is concerned. The reality however, is that even though basic education supposes to be free in Ghana, the term ‘free’ is only

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<sup>67</sup> , 67, Medium-Term National Development Policy Framework; Shared Growth and Development Agenda, The IMF Country Report No. 12/203 (2012) p. 90

<sup>69</sup>Medium-Term National Development Policy Framework; Shared Growth and Development Agenda, The IMF Country Report No. 12/203 (2012) p. 90

limited to tuition fees. There are other fees that are borne by parents such as Parents and Teachers Association fee, Examination fee, Sports fee and many others. Coupled with other related costs that have to be borne, some parents often cite such reason as a pretext to justify their decision to withdraw their children from school and engage them in income generating activities.

It is important to clarify what may appear to be contradictory report about increase in school enrolment as the government statistics indicate on the one hand and on the other hand the IMF Country Reports which indicate that 30% of children in Ghana are out of school. The facts that basic school enrolment increased by 110% in 2012 does not necessarily mean all children have access to basic education. Based on my understanding what it means is that if on the average each basic school could admit for instance 50 pupils every academic year in the previous years, every basic school can now admit over 100 pupils as a result of the expansion of school infrastructure at the basic level and in addition to the establishment of new schools, access to basic school is likely to be better than before. Expansion of school enrolment and improving access should not be misconstrued as providing access to every child. It should be taken into cognizance that the population of Ghana is increasing and it is only natural or normal for the government to expand educational infrastructure to keep up with the growing population. I am even skeptical as to whether the increase in school enrolment in recent years has been proportional to the exponential growth of the country's population. The population of Ghana stood at 24,658,823 in 2010 and with the growth rate of almost 3.0% it is estimated to surpass 25 million in 2013.<sup>70</sup> Perhaps the proportion of children who were out of school was much higher than 30% in the years before and if that was the case, then it will be valid to say that the government has improved access to basic education in recent years but this does not undermine the credibility of the IMF reports either.

With the introduction Free School Uniforms and Exercise Books, School Feeding Programme, One Laptop Per Child, increase in Capitation Grant and subsidization of examination fees, it will be fair to argue that the government has by and large made significant advance in ensuring free and compulsory basic education. For instance, an amount of GH¢7,518,157 was paid by the government as a subsidy for the 2012 Basic Education Certificate Examination (BECE) according to the 2013 Budget report.<sup>71</sup> What the government has not done is to adopt strict legislation that will allow punitive measures to be meted out to employers and companies that use children as

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<sup>70</sup> Ghana Statistical Service; Population and Housing Census (2010)

<sup>71</sup> Ministry of Finance and Economic Planning; 2013 Budget, p.44

source of labour or engage children in active work and thus keep them out of school. However, such legislation will be meaningless and perhaps counter-productive in the face inadequate access to basic education and maybe it is this consideration that account for government hesitation to adopt legislation of such nature.

The increase in enrolment at all levels of education in recent years can to a large extent be attributed to the prudent government policies and investment to improve access to education across the country. It is without any doubt that access to education at all levels has witnessed significant progress over the last four years as reflected in the various data provided above and supported by the World Bank Country Report which showed 110% gross increase in primary school enrolment as at 2012.<sup>72</sup>

However, while there has been overall increase in school enrolment this has not led to a significant reduction in gender disparity in access to education despite the implementation programmes such as Affirmative Action and Quota for women and girls. As shown in the Gender Parity Index Table above, changes in access to basic education for boys and girls were very infinitesimal between 2009 and 2011. This means that much more needs to be done to abridge the existing gender disparity gap particularly in rural and deprived communities.

Progress is being made to address spatial or regional disparities in access to education. Many of the deprived schools in the three Northern Regions without classrooms where classes are held under trees have received new classroom blocks and many more schools are expected to have classrooms in the years to come.<sup>73</sup> The expectation of the government is that the provision of infrastructure such as classrooms for schools under trees, teachers' bungalows as well as improving teaching and learning facilities in the three Northern Regions will eventually reduce spatial inequalities in access to education. However, it remains unclear to what extent this objective has been achieved since access to data regarding government policy impacts in the North of the country is difficult to come by, although the existing overall national data show that progress has been made.

With the establishment of new schools and renovation of many dilapidated classroom blocks in rural communities and the introduction of policy programmes such as School Feeding Programme, Free School Uniforms and Exercise Books, and One Laptop Per Child all of which

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<sup>72</sup> World Bank Country Report Website

<sup>73</sup> 2013 State of the Nation's Address, p.4: MoFEP; 2013 Budget Statement, p.45

have targeted schools in deprived regions and districts the government's expectation is that disparity in access to education between urban and rural areas will drastically decline.

It may thus be valid to say that the government has lived up to its commitment over the last four years with respect to improving access to education at all levels under article 13(2) of the ICESCR as a result of the establishment of new schools at all levels and the expansion of enrolment capacity in existing schools.

However, the quality of education in Ghana remains a problem. The government has admitted that while there have been increase in enrolment at all levels of education there has not been corresponding improvement in the quality of education offered to Ghanaians.<sup>74</sup> Low quality education threatens to undermine government's efforts to improve access to quality education at all levels.

Again, like many other socio-economic policies, some of the government programmes on education such as the 'School Feeding Programme and One laptop Per Child which in part account for the high enrolment in basic schools are partly funded by the Millennium Development Account and foreign developed countries<sup>75</sup>. And given the country's worsening balance of payment deficit coupled with the global financial crisis which has resulted in drastic reduction in foreign donor support<sup>76</sup> there is a growing public apprehension about the government's capacity to sustain these programmes in the absence of foreign donor funding. This therefore casts a huge shadow on the sustainability of these policies. The importance of sustaining these programmes is founded on the premise that in implementation of its obligations, the state-party is required to guarantee sustainable enjoyment of the relevant human rights by its citizens. The enjoyment of all the rights should be permanent and not temporal. The fact that a state-party has been fulfilling its socio-economic rights obligations in the past is not a justification for it to be excused from fulfilling these obligations in the future or to be relieved of its obligations in the future. As far as human rights are concerned, there is no time limit to the fulfillment of state obligations.

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<sup>74</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.11, 47

<sup>75</sup> The IMF Country Report on Ghana Poverty Reduction Strategy Paper, Volume II (Ghana Shared Growth and Development Agenda) (2012), IMF Country Report No.12/204 p.1 – 11; Wikipedia; Free Encyclopedia

<sup>76</sup> MoFEP; 2013 Budget, p.13,16,17,18,23,52

## 4.8 Summary

Notwithstanding the investment and progress made by government over recent years to improve access to quality education in compliance with the provisions of article 13, the sector is beset with problems relating to access and quality. The overall increase in school enrolment at the national level may conceal the geographical and gender disparities in access to education. Such disparities continue to plague the country and pose serious challenges to the government.

Another problem confronting education in Ghana is the low motivation and poor quality teaching particularly in rural and deprived communities. Among the objectives for the introduction of the Single Spine Salary Structure was to motivate teachers to improve their efficiency or the quality of teaching at all levels. However, the quality of education in the country remains low. Low teaching quality; lack of adequate supervision; and inadequate educational infrastructure are responsible for the overall insufficient access to quality education in Ghana.<sup>77</sup>

The government may have reduced the number of children who are out of school as a result of the expansion of enrolment in existing schools, building of new schools and other educational policies pursued, but having 30% of children out of school as provided by the IMF Report is still high and reflect the enormity of the problem confronting the country.

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<sup>77</sup> The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana, p.11, 47

## **Chapter Five: Conclusion and Recommendation**

### **5.1 Conclusion**

All the major indicators of socio-economic well-being show that the people of Ghana are better-off now than they were over a decade ago. With the creation of more jobs in both public and private sectors within the last ten years, the standard of living is better today than the years before. Access to health has improved; both maternal and child mortality have witnessed progressive decline;<sup>78</sup> access to education at all levels particularly at the basic level has also improved significantly with the establishment of new schools, provision of classrooms for many schools under trees and the expansion of enrolment capacity in existing schools across the country. All these accomplishments have contributed to the fulfillment of the government obligations under articles 11, 12 and 13 of the ICESCR. These socio-economic indicators show that government's obligations under the relevant articles of the ICESCR are being progressively realized albeit at a slower pace than expected.

However, in spite of the success chalked over the last decade regional inequalities in distribution of income and wealth remain high particularly between the North and South. The three Northern Regions namely: the Northern, Upper-East and Upper-West Regions remain the most impoverished regions with more than 50% of their population languishing in poverty.

Income disparity between rural and urban residents is yet another problem which undermines the government effort to meet its obligations under the ICESCR. Greater reliance on peasant farming and limited opportunity to diversify rural economy account for the high incidence of poverty in rural communities in Ghana.

Inequalities in distribution of wealth and income between males and females are a grave concern. Perhaps this is so because of gender disparity in access to education.

With respect to access to better health care, a pattern of inequality can be observed between the geographical North and South, and between rural and urban dwellers. In spite of the improvement in infrastructure and health facilities in the three deprived Northern Regions and rural

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<sup>78</sup> The Overview of the Better Ghana Agenda (April 2012), p.1 – 7, 20

communities over the last ten years, access to better health care in these communities remains inadequate.<sup>79</sup>

As far access to education is concerned similar inequality trend between the North and South, rural and urban, as well as males and females exist, although the situation as it is today is of lower magnitude than a decade ago. Government policy interventions over the last decade account for the improvement in access to education at all levels.

While some of the government policies on education may have contributed in no small way to the realization of some of its obligations under article 13 of the ICESCR, there are still challenges to overcome and much more needs to be done if inequality in access to education between the North and South, rural and urban communities as well as between males and females is to be tackled with any chance of success.

It remains to be seen whether these policies will achieve their long term objectives of securing the right to education for all people in Ghana. This will depend on whether the government will continue to commit itself to improving access to education without discrimination.

The government reliance on foreign financial support for the implementation of many of these policies has raised doubt as to their sustainability in the absence of foreign aids. Foreign financing of the 2013 budget amounted GH¢1,630.6 billion against a target of GH¢1,908.4 billion.<sup>80</sup>

Given all the resources at its command, the government could reduce its dependent on foreign financial support in the implementation of some of these policies if the national resources were to be managed prudently. Combating corruption, incompetence and mismanagement of resources in this context may be vitally necessary.

In the light of all the information provided, it will suffice to conclude that the government has not been able meet many of its obligations under articles 11, 12 and 13 in view of the spatial and gender disparities in income, access to health and education. The government has not also fulfilled its obligation to provide report on the various measures being taken to meet its obligations and the progress made in accordance with article 16 of the ICESCR.

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<sup>79</sup> The Overview of the Better Ghana Agenda (April 2012), p.20

<sup>80</sup> MoFEP; 2013 Budget, p.13,16,17,18,23,52



Nevertheless, the study acknowledges efforts being made by the government to meet its obligations under the relevant provisions of the ICESCR.

## **5.2 Recommendations**

Based on all the information provided, it is clear that some notable progress has been made by the government over the last decade in its quest to meet or fulfill its obligations with respect to article 13 of the ICESCR. However, much more needs to be done to ensure full compliance with the obligations particularly, the obligations under articles 11 and 12 of the ICESCR. There are still significant number of Ghanaians below the poverty line many of whom do not have access to better health-care and basic education. Poverty, limited access to better health-care and illiteracy are very high in the three Northern Regions, among women and in rural areas. These are three most vulnerable groups who need urgent government's attention.

The government therefore has to prioritize the education of women, girls, people in the deprived Regions in the North and rural communities. This may entail further expansion of school facilities in rural and marginalized communities at all levels of education particularly at the basic level. Teachers should also be encouraged to accept posting to rural and deprived Regions. Improving teaching and learning facilities in schools in deprived regions and communities including provision of teachers' bungalows will suffice in attracting more teachers to such schools. Government also needs to improve infrastructural facilities like roads, electricity and portable water in deprived communities.

Increased investment in girls and women education may be necessary. Girls from poor households and deprived communities should be assisted financially to enable them to meet the cost of education from basic to tertiary level.

Adequate teaching, supervision and monitoring at all levels of education is equally essential in ensuring quality education. The educational system should equip learners with the requisite practical and employable skills to enhance their competence and job prospect. The educational system ought to be consistent with and reflect job market demand. Providing the right and good quality education for all citizens who will be equipped with relevant job skills can be a panacea for stemming poverty and inequality in deprived communities. The essence of good quality education is predicated on its capacity to stamp out poverty, improve access to health and enhance living standard and quality of life in otherwise impoverished and backward societies.

The government also needs to create more economic opportunities for people particularly in communities worst affected by poverty and economic deprivation. Creation of more jobs and expansion of food production in the three Northern Regions which have traditionally endured high impoverishment, malnutrition and other health related problems will contribute to poverty reduction and ease the economic burden of the poor in these regions. Low investment in food crop production coupled with poor harvest due to variations in climate and environmental conditions in part account for low productivity, poverty and malnutrition in the North of Ghana. Poverty has fuelled many conflicts in the North and threatened the stability of the region. Improving food security and enhancing the living conditions of the people in the North are therefore not only necessary for meeting government's obligations under the ICESCR but also important for achieving national and regional security.

Government also needs to take measures to combat environmental degradation such as deforestation and biodiversity loss. Both measures to mitigate climate change as well as to adapt to its effects need to be adopted as part of the government obligations under articles 11 and 12 of the ICESCR. The rural economy also needs to be diversified.

To be able to achieve all these objectives, the government needs to mobilize sufficient resources both internally including funds generated from taxation and externally through grants from Donor countries and international development agencies while building up the capacity to meet the socio-economic and developmental needs of its people without foreign aids in the future. It is crucially important for government to utilize all the resources at its disposal efficiently and prudently so as to be able to meet socio-economic needs of all the citizens and to wean itself from dependent on foreign aids.

The government has to adopt new legislations to combat corruption in public sector, while anti-corruption institutions such as Economic and Organized Crimes Office (EOCO), Commission on Human Rights and Administrative Justice (CHRAJ) and Internal Audit Service need to be empowered and strengthened with the capacity to deal with corruption related cases. The judiciary needs to be strengthened to protect and nurture the rights of the citizens.

In fulfillment of its obligations, the government needs to take into account the 'principle of equality and non-discrimination' since the commitment to meet the obligations under Covenant will be self-defeating without strict adherence to the 'principle of equality and non-

discrimination'. So long as there is inequity in distribution of wealth and other socio-economic opportunities particularly between the South and North, males and females as well as urban and rural residents, the government quest to fulfill its obligations will not come to fruition unless measures are taken to address poverty, inequality and marginalization in the country. This requires the adoption of legislation to outlaw unjustified de jure and de facto discriminations in both traditional and government institutions.

## **References**

Treaties/Statutes

### **UN Documents**

FAO - Food and Agriculture Organization (FAO) report entitled: "The State of Food Insecurity in the World 2012"

ICCPR - International Covenant on Civil and Political Rights, 16 December 1966, by UN General Assembly resolution 2200A (XXI), entered into force 23 March 1976

ICESCR - International Covenant on Economic, Social and Cultural Rights, 16 December 1966, by UN General Assembly resolution 2200A (XXI), entered into force; 3 January 1976,

UDHR - Universal Declaration of Human Rights, 12 December 1948, Adopted by UN General Assembly Resolution 217(III)

GC- 1990 CESCR General Comment No.12 (1999) (Article 11.2 of the ICESCRs; the right to food) UN Committee on Economic, Social and Cultural Rights

    CESCRs General Comment No.14 (2000) (Article 12 of the ICESCRs),

    CESCRs General Comment No.13 (1999) (Article 13 of the ICESCRs)

    CESCR General Comment No.3

    CESCR General Comment No.20,

UN Special Rapporteur on Violence against Women, Gender Discrimination and Subordination of Women and Girls in Ghana (By Yakin Ertürk Addendum, MISSION TO GHANA: from 7<sup>th</sup> to 14 July, 2007),

WHO - World Health Organization:

MDG - Millennium Development Goals

### **Secondary Literature**

Dan Banik (2006)(ed.), Poverty, Politics and Development; Interdisciplinary Perspectives (Fagbokforlaget Vigmostad & Bjørke AS)

Ernest K. Dumor (1993), Government for Senior Secondary Schools (1<sup>st</sup> edition; Evans Brothers Ltd),

Ghana Poverty Reduction Strategy (GPRS); Agenda for Growth and Prosperity ; 2003-2005

Ghana Statistical Service; Population and Housing Census (2010)

IMF Country Report on Ghana Poverty Reduction Strategy Paper, Volume II (Ghana Shared Growth and Development Agenda) (2012), IMF Country Report No.12/204

Ministry of Finance and Economic Planning (MoFEP); 2012, 2013 Budget,

The Overview of the Better Ghana (April, 2012),

Transparency International; Corruption Index for 2011

Medium-Term National Development Policy Framework; Shared Growth and Development Agenda: The IMF Country Report No. 12/203 (2012)

The Co-ordinated Programme of Economic and Social Development Policies, 2010 – 2016: Agenda for Shared Growth and Accelerated Development for a Better Ghana

World Bank Country Report website

