**GHANA**

*The purpose of the Housing Rights and Human Rights Brief is to provide a succinct overview of housing rights and human settlements-related human rights within a specific country. It is designed for project designers to familiarize themselves with the human rights situation in the country that they are working in. The Housing Rights and Human Rights Brief is not intended to be a comprehensive analysis of all human rights, yet to provide an overview of housing rights and other human settlements-related human rights within the national and the UN Delivering as One contexts. Further, this Brief is not intended to cover the entire legislative and regulatory framework of the country concerned.*

*The Brief outlines specific articles of the Constitution, national and local legislation, and other human settlements-related policies and acts. It further explains specific international legal commitments, with particular emphasis on the key conventions that the country has signed and/or ratified. UN reviews and recommendations, particularly the Universal Periodic Review process, are also outlined. The final section provides information on previous UN-Habitat projects in the country and links for further information and elaboration.*

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**Revision History**

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| Revision | Date | Author |
| *1* | *15/12/2015* | *SN* |
| *2* |  *19/01/2016* | *SN* |
| *3* | *26/06/2016*  | *SG* |

**Summary**

Ghana is governed by its 1992 Constitution which was last amended in 1996. The Constitution of Ghana contains provisions for the right to protection of privacy and home and other property, and protection against deprivation of one’s property.

The Ministry of Water Resources, Works and Housing has the overall responsibility for the initiation, the formulation, implementation and co-ordination of policies and programmes for the systematic development of the country’s infrastructure requirements in respect of works, housing, water supply and sanitation. The government of Ghana has developed a national housing policy with the help of stakeholders, among them UN-Habitat. Ghana also has a Vision 2020, which also recognises the need to improve the housing sector in the journey towards economic and social development.

The State has ratified all of the major human rights conventions, including the Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

UN review mechanisms have recommended the State of Ghana to improve the well-being of its population, including construction of basic infrastructure and housing for low-income population. UN-Habitat activities in Ghana have up to date been related to housing and infrastructure, municipal finance, urban basic services and slum upgrading.

**Legal Framework**

***Constitution[[1]](#footnote-1)***

Ghana is governed under its 1992 Constitutions which was last amended in 1996. The Constitution contains provisions for the right to protection of privacy and home and other property under Article 18, and protection against deprivation of one’s property under Article 20.

‘Article 18: Protection of Privacy of Home and other Property

(2) No person shall be subjected to interference with the privacy of his home, property, correspondence or communication except in accordance with law and as may be necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights or freedoms of others.

‘Article 20: Protection from Deprivation of Property

1. No property of any description, or interest in or right over any property shall be compulsorily taken possession of or acquired by the State unless the following conditions are satisfied.

a. the taking of possession or acquisition is necessary in the interest of defence, public safety, public order, public morality, public health, town and country planning or the development or utilization of property in such a manner as to promote the public benefit; and

b. the necessity for the acquisition is clearly stated and is such as to provide reasonable justification for causing any hardship that may result to any person who has an interest in or right over the property.’

2. Compulsory acquisition of property by the State shall only be made under a law which makes provision for-

 a. the prompt payment of fair and adequate compensation; and b. a right of access to the High Court by any person who has an interest in or right over the property whether direct or on appeal from any other authority for the determination of his interest or right and the amount of compensation to which he is entitled.

3. Where a compulsory acquisition or possession of land effected by the, State in accordance with clause (1) of this article involves displacement of any inhabitants, the State shall resettle the displaced inhabitants on suitable alternative land with due regard for their economic well-being and social and cultural values.’

**Government**

***Political System***

Ghana is a presidential representative democratic republic which has the President as the Head of State. The President of Ghana is also the Head of Government. The government of Ghana exercises executive power while legislative power is exercised by both the government and the legislature. The judiciary exercises its power as an independent authority.

Ministry of Water Resources, Works and Housing[[2]](#footnote-2)

The Ministry of Water Resources, Works and Housing has the overall responsibility for the initiation, the formulation, implementation and co-ordination of policies and programmes for the systematic development of the country’s infrastructure requirements in respect of works, housing, water supply and sanitation, hydrology and flood control systems to ensure efficiency of the sector.

National Housing Policy 2015[[3]](#footnote-3)

Ghana developed its national housing strategy with the help of various stakeholders and in partnership with UN-Habitat. The policy has the overall goal of realizing the right to adequate housing by providing decent and affordable housing that is accessible and sustainable. The policy recommends the establishment of a National Housing Fund which will be used for affordable mortgages, construction finance, slum upgrading and support for small-scale local building material producers. It also recommends the establishment of a National Housing Authority to oversee the implementation of the policy.

Vision 2020: The Coordinated Programme of Economic and Social Development Policies (2014-2020)[[4]](#footnote-4)

The strategy for implementing the Transformation Agenda identifies key areas of focus which will include power generation; roads and railways; the logistics sub-sector; affordable housing; water, health services and sanitation; and public safety. Under the social development pillar, “social development” broadly encompasses matters of education, health (including nutrition), water and sanitation, affordable housing (including rental and home ownership), employment and decent work, and social protection programmes.

**Judiciary**

No legal decisions regarding housing could be sourced.

**International Conventions[[5]](#footnote-5)**

The State has ratified all of the major human rights conventions, including the Covenant on Economic, Social and Political Rights, which includes the right to adequate housing as a component of the right to an adequate standard of living.

|  |  |  |  |
| --- | --- | --- | --- |
| Treaty Description | Treaty Name | Signature Date | Ratification Date, Accession(a), Succession(d) Date |
| Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | CAT |  07 Sep 2000 | 07 Sep 2000 |
| International Covenant on Civil and Political Rights | CCPR |  07 Sep 2000 | 07 Sep 2000 |
| Convention on the Elimination of All Forms of Discrimination against Women | CEDAW |  17 Jul 1980 | 02 Jan 1986 |
| International Convention on the Elimination of All Forms of Racial Discrimination | CERD |  08 Sep 1966 | 08 Sep 1966 |
| International Covenant on Economic, Social and Cultural Rights | CESCR |  07 Sep 2000 | 07 Sep 2000 |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | CMW |  07 Sep 2000 | 07 Sep 2000  |
| Convention on the Rights of the Child | CRC |  29 Jan 1990 | 05 Feb 1990 |
| Convention on the Rights of Persons with Disabilities | CRPD |  30 Mar 2007 | 31 Jul 2012  |
| Convention Relating to the Status of Refugees | Refugee Convention  |  | 18 Mar 1963 (a) |
| Protocol Relating to the Status of Refugees | Protocol Relating to the Status of Refugees  |  | 30 Oct 1968 (a) |

**UN Agencies**

UN review mechanisms have recommended the State of Ghana to improve the well-being of its population, including construction of basic infrastructure and housing for low-income population.

***Universal Periodic Review (2008 and 2012)***

*The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.*

First UPR[[6]](#footnote-6)

Ghana was first reviewed in 2008. The Report of the Working Group noted that in relation to the right to adequate housing, Ghana was in the process of amending its Rent Act.

‘Recommendation 22: To include a gender perspective and a rights-based approach in the implementation of its Rent Act (right to adequate housing) with the goal of overcoming gender-based inequalities.’

Second UPR[[7]](#footnote-7)

The second review found that Ghana is still committed to its development programmes, particularly in matters affecting health, education, housing and delivery of other basic services.

‘Recommendation 125.66: Continue redistributing income from petroleum exports to improve the well-being of its population, including construction of basic infrastructure and housing for low-income population as well as public health programmes.’

***Report of the United Nations High Commissioner for Human Rights (2008 and 2012)[[8]](#footnote-8)***

*The Report provides a comprehensive review of the Human Rights situation in a given country and is presented to the Human Rights Council.*

In 2008, the Report found that noted that Ghana’s 1992 Constitution does not expressly protect the right to adequate housing. It nevertheless provides for the right to own property alone or in association with others, the right of non-interference with the privacy of one’s home, and the protection from the deprivation of one’s property, all of which can be found in Chapter 5 of the Constitution. It was also noted that to address the problems in the housing sector, the President had announced in the State of the Nation Address in 2005 the commencement of a programme to build 100,000 housing units over a ten-year-period through public-private-partnerships aimed at providing decent, affordable accommodation for middle- and low-income groups.

In 2012, the Report noted that slums are mushrooming in urban areas, and there is not much being done to regulate and address the challenges associated with slums in Ghana. Furthermore, with a housing deficit of 200 per cent, Ghana needed a minimum output of 500,000 houses a year for the next 10 years to wipe out this deficit. [[9]](#footnote-9)

***Committee on Economic, Social and Cultural Rights (1998)[[10]](#footnote-10)***

*The Committee specifically reviews states that have ratified the ICESCR on their compliance with the rights enshrined in it, including the Right to Adequate Housing.*

The Committee has not made any concluding observations in the case of Ghana.

***United Nations Country Team (UNCT)[[11]](#footnote-11)***

*The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government.*

No information relevant to housing could be sourced.

***United Nations Development Assistance Framework (UNDAF)[[12]](#footnote-12)***

*The UNDAF is the strategic programme framework that describes the collective response of the UN system to national development priorities. The UNDAF forms the overall framework for the UNCT’s work between 2012 and 2016.*

Ghana’s UNDAF outcomes provide that by 2016, at least 15% of the slum and disaster-prone communities including women will have improved livelihoods through better access to affordable and sustainable housing and skills training in 5 major regions. Additionally, knowledge and skills for effective housing delivery, the use of sustainable low cost/local building materials and technology, as well as low cost housing finance opportunities will be created.

**UN-Habitat[[13]](#footnote-13)**

UN-Habitat has worked on a number of projects in Ghana.

Amui Djor Housing Cooperative (2009-2012)

The Amui Djor housing and infrastructure project is located in the Amui Djor community (formerly known as Tulaaku) in the Ashaiman Municipal Assembly area.  It is a residential/commercial housing and infrastructure development for the permanent housing and income-generation for members of the Amui Djor Housing Cooperative.  The project sought to build new multi-storey housing with some commercial spaces on the ground floor and shared spaces for cooking (both domestic and commercial), toilets and baths as well as other household activities. These units would be owned by the cooperative and would be for both rental and ownership as the cooperative decides. This project was geared at ensuring the ownership of a rental or ownership home by cooperative members with tenure security.

Ghana Municipal Finance and Management Initiative (2005-2006)

The Ghana Municipal Finance and Management Initiative was an initiative by the Government of Ghana, represented by the Ministries of Finance and Economic Planning and the new local government. The Cities Alliance, with the support of the World Bank and UN-HABITAT, sponsored the initiative. The objective of the project was to assist the Metropolitan, Municipal and District Assemblies (MMDAs) to significantly increase their Internally Generated Funds (IGF), identify and find ways of blocking financial leakages and significantly improve their management and accounting systems. This would help to raise enough funds to meet the backlog of infrastructure and service delivery requirements, adequately provide for citizens’ needs, and gain public confidence.

Increasing access to safe drinking water and sanitation in Sabong Zongo (2006-2007)

The objective of the project was to support the implementation of integrated water and sanitation interventions in a select low income area of Accra in order to increase access to water and sanitation facilities and services and manage wastes (liquid, excreta, garbage) as a contribution to efforts to achieve the water and sanitation related Millennium Development Goals in the city.

Slum Upgrading Facility Pilot Phase (2004-2009)

The central objective of the Slum Upgrading Facility (SUF) as a global technical cooperation and seed capital facility, was to help developing countries attract domestic capital into their slum and urban upgrading activities, including the development of new low-income housing and associated infrastructure. SUF was to achieve this objective by facilitating links among the slum dwellers, field-testing financial instruments and packaging the financial, technical and political elements of development projects to attract such investments.

Support to the National Poverty Reduction Programme through Implementation of Strengthening Community Management Programme and Accra Sustainable Programme Experiences

The Regional Office for Africa and the Arab States of UN-Habitat and the Government of Ghana worked on preparing a comprehensive support programme to the Government's poverty reduction programme through application of principles of community development and the Sustainable Cities Programme (SCP), lessons learnt through implementation of the Strengthening Community Management Programme (SCMP) and the Accra Sustainable Programme (ASP).  The SCMP and the ASP experience were replicated and expanded to the rest of the country.  The knowledge base of the two programmes would be used to prepare a proposal with external expertise providing critical analysis of the methodology.

Water for African Cities - Phase I & II (2003-2009)

The Water for African Cities was a comprehensive initiative by UN-HABITAT to support local and national governments and their partners in effectively managing the growing urban water crisis. It also strived to help protect threatened water resources and the aquatic ecosystem from the increasing volume of land-based pollution from the cities.

The New Takoradi Housing Improvement Project (2009-2012)

This project aimed at assisting households and individual in the community to improve their houses as well as the facilities in the community. The houses required different levels of improvement and upgrading and the levels depended on the ability of a land lord to pay. The Landlords Association in new Takoradi championed the project with technical support from the Slum Upgrading Facility. The project also had the objective of upgrading the market area in the north of the settlement to improve livelihoods and therefore improve the potential of the residents of the community to improve their living conditions.

**Further Information**

* The Constitution of Ghana: http://www.ghana.gov.gh/images/documents/constitution\_ghana.pdf
* The Ministry of Water Resources, Water and Housing: <http://www.mwrwh.gov.gh/>
* Ghana Vision 2020: <http://www.presidency.gov.gh/coord.pdf>
* National Housing Policy: <http://www.ghana.gov.gh/index.php/media-center/news/342-national-housing-policy-launched-in-accra>
* OHCHR Convention Ratification Status: <http://indicators.ohchr.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/NGIndex.aspx>
* Report of the United Nations High Commissioner for Human Rights (2012): <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/160/10/PDF/G1216010.pdf?OpenElement>
* CESR**:** <http://www.refworld.org/publisher/CESCR.html>
* UNCT: <https://unghana.org/site/index.php?option=com_content&view=article&id=78&Itemid=473>
* UNDAF: [http://www.undp.org/content/dam/ghana/docs/UNDAF/UNDP\_GH\_UNDAF%20Action%20Plan%20Ghana%20(2012-2016)\_revised%2009.2013.pdf](http://www.undp.org/content/dam/ghana/docs/UNDAF/UNDP_GH_UNDAF%20Action%20Plan%20Ghana%20%282012-2016%29_revised%2009.2013.pdf)
* UN-Habitat Ghana Summary: http://mirror.unhabitat.org/list.asp?typeid=13&catid=198
* OHCHR: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
* UN-Habitat: <http://unhabitat.org/>
* Universal Periodic Review: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
* Special Rapporteur on Adequate Housing: <http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>
1. http://www.ghana.gov.gh/images/documents/constitution\_ghana.pdf [↑](#footnote-ref-1)
2. http://www.mwrwh.gov.gh/ [↑](#footnote-ref-2)
3. http://www.ghana.gov.gh/index.php/media-center/news/342-national-housing-policy-launched-in-accra [↑](#footnote-ref-3)
4. http://www.presidency.gov.gh/coord.pdf [↑](#footnote-ref-4)
5. <http://indicators.ohchr.org/> [↑](#footnote-ref-5)
6. http://www.ohchr.org/EN/HRBodies/UPR/PAGES/GHSession2.aspx [↑](#footnote-ref-6)
7. http://www.ohchr.org/EN/HRBodies/UPR/Pages/GHSession14.aspx [↑](#footnote-ref-7)
8. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/125/02/PDF/G0812502.pdf?OpenElement [↑](#footnote-ref-8)
9. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/160/10/PDF/G1216010.pdf?OpenElement [↑](#footnote-ref-9)
10. http://www.refworld.org/publisher/CESCR.html [↑](#footnote-ref-10)
11. https://unghana.org/site/index.php?option=com\_content&view=article&id=78&Itemid=473 [↑](#footnote-ref-11)
12. http://www.undp.org/content/dam/ghana/docs/UNDAF/UNDP\_GH\_UNDAF%20Action%20Plan%20Ghana%20(2012-2016)\_revised%2009.2013.pdf [↑](#footnote-ref-12)
13. http://mirror.unhabitat.org/list.asp?typeid=13&catid=198 [↑](#footnote-ref-13)