

THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ)

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1. Introduction

The Commission serves as a Human Rights institution, an ombudsman and anti-corruption agency. Its constitutional mandate is to promote and protect fundamental human rights of all persons in Ghana. The Commission has over the years, educated the public on human rights, investigated complaints pertaining to Human Rights, corruption and administrative justice; researched into the socio economic and cultural violations and abuses of the citizenry; especially women and children.

The Commission has also in the past assessed the Human Rights situation in detention institutions- such as Police cells and prisons. Recently, we have established an online system to register allegations of discrimination and stigmatization on the basis of sexual orientation and gender identity.

In our work, we have encountered people from different religious backgrounds, and the impact of religion on them cannot be underestimated. Religion provides a sense of belonging with the doctrines enshrined in the holy books, seeking to create a peaceful co-existence with each other and with other groups. Hebrews 10:25 states “we should not neglect meeting together...” Research Centre Forum on Religion and Public Life estimates that about 84% of the World’s population as at 2010 was affiliated with religious tradition(s).¹ And in Ghana, about 94% of the population are affiliated with a religion.

2. Gender Based Violence

It has been said that religious extremism is a key cause of gender-based violence, with women and children being the most affected. According to Bloom,

¹ Martin S. Fiebert, “References Examining Assaults by women on their Spouses or Male Partners: An Annotated Bibliography,” *Sexuality and Culture* 1 (1997): 273-286.

Gender-based violence (GBV) is the general term used to capture violence that occurs as a result of normative role expectations associated with each gender, along with the unequal power relationships between the two genders, within the context of a specific society.²

It is widely acknowledged that the majority of persons affected by gender-based violence are females because of un-equal distribution of power in society between men and women: “Violence against women has been called the most pervasive yet least recognized human rights abuse in the world.”³

The Convention on the Elimination of all forms of Discrimination against women (CEDAW) and article 19 of the Protocol to the African Charter of Human and Peoples’ Rights (ACHPR) state that “*all peoples shall be equal, they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.*”⁴

In line with this, goal 5 of the Sustainable Development Goals (SDG) (Eliminate all forms of violence against all women and girls in public and private sphere...) requires all State Parties to provide systems to ensure equality of rights for both men and women. This goal adopted by the United Nations (UN) General Assembly in September 2015 is fundamental to the mandate of the Commission (CHRAJ), as it shines a spotlight on women and children. After all, did the Almighty not create man and woman in His own image?

GBV is one of the most significant Human Rights issues in Ghana and it is estimated that in 2015, about 28% women and 20% men suffered

² Shelah Bloom, “Violence against Women and Girls. A Compendium of Monitoring and Evaluation Indicators,” 2008. Available in English at <https://www.measureevaluation.org/resources/tools/gender/violence-against-women-and-girls-compendium-of-indicators>

³ Women Helping Women, “About Gender Based Violence.” Founded in 1973, Women Helping Women (WHW) prevents gender-based violence and empowers all survivors. WHW provides evidence-based prevention and expert crisis intervention and support services for survivors of dating violence, sexual violence, domestic violence and stalking. Available at <https://womenhelping-women.org/about-gender-based-violence>

⁴ The African Charter on Human and Peoples’ Rights: Article 19 (also known as the Banjul Charter) is an international human rights instrument that is intended to promote and protect human rights and basic freedoms in the African continent.

one type of domestic violence or another. Each year, 834,000 men are raped or physically assaulted by an intimate partner.

In relation to abuse of women, the CHRAJ's 2017 Case Statistical Report shows that verbal or psychological abuses were most common. So also, controlled movement, speech, association, religious expression, denial of women over their own bodies, in respect of reproductive health, spousal maintenance, marital dispute and spousal battery are prevalent in the country.

Our 2013 State of Human Rights Report (SOHR) identified many cultural practices that are in violation of fundamental human rights. These practices defended in the name of culture infringe human rights and are gender specific. Examples are widowhood practices of shaving the hair, wearing black clothing months on-end and staying by the corpse. dehumanizing. These practices which cut across all cultures in Ghana are dehumanising.⁵

Early marriage may be found in some communities in Savelugu, Nkwanta South of the Northern and Volta Regions; forced marriages in some communities in Walewale, female genital mutilation in and around Bawku, Builsa and Bongo districts in the Northern region. Trokosi found in South Tongu, Volta region and Dangme East in the Greater Accra region, to mention a few, are all targeted against women. It is important to note that such practices though cultural in nature, emanate from traditional religious beliefs.

Religion is a driver of various practices that are harmful to people, particularly females. Most religions have placed women below men, reinforcing patriarchy. Many religions have used the name of God or their deity to subdue, suppress and discriminate against women.

The conflict between culture or religion and gender equality has become a major issue in the global arena. Both cultural practices and religious norms have been frequently involved in the international and

⁵ The objective of monitoring the state of human rights (SOHR) is to assess State's compliance with its international human rights obligations and the MDGs, specifically with regard to Economic, Social and Cultural Rights (ESCR). The year 2013 marks the 8th year of the Commission's continuous focus on monitoring Economic, Social and Cultural Rights (ESCR) since the year 2005, when the Commission shifted attention from monitoring civil and political rights.

the constitutional law contexts as a form of defence in the order to oppose gender equality claims. Religious values, often undefined can be a phrase used to oppose equality for women.

A growing trend is the Lesbian, Gay, Bisexual and Transgender (LGBT) community in Ghana. It is very active and present whether we like it or not. All religions in Ghana frown on LGBT community. The Christian Counsel have stated clearly that no amount of pressure will change their stance against homosexuality. So also, the Moslem Counsel have pushed for a law to criminalize homosexuality. There are so many instances of brutalities and human rights abuses against this community. This needs to be addressed because the victims are creations of God, like all of us.

3. Way Forward

Religious tolerance in the important attribute to the handling and addressing issues of gender – based violence.

The past decades have witnessed an impressive increase in the focus of diverse development institutions around the role of religious ideas, beliefs in the different facets of developmental work. New forms of partnerships are taking shape, and engagement with religious actors are more frequent than during earlier times when explicit involvement was rarely noted.

In view of the influential role of religious leaders in reducing GBV, and in the attempt to achieve goal 5 of the SDGS (End all forms of discrimination against women and girls everywhere..), there's the need to equip religious communities with tools to deepen their awareness and understanding of GBV, Strengthen their capacity to respond to GBV and continue to promote faith-based activities regarding GBV.

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