

VIOLENCE AGAINST WOMEN

A memorandum by the Government of GHANA

In this country it is claimed statistically that there are more women than men. If this is true then it means that women by sheer numerical strength have a greater role to play in national development but this is not the case at present. Why is this so? There are a number of reasons. The woman has been relegated to the subordinate position of a mere housekeeper because of lack of education of the woman. Without education the woman's earning capacity is either nil or not very strong, and she is destined therefore to remain in the home and rely on the man, either husband or brothers. Without financial support of her own a woman is reduced to a willing, obliging nonentity, with the resultant violence against her in the home especially emanating from the husband who knows that she cannot retaliate or even report to police for action for fear of losing her livelihood. Because of this the violence against her may continue unabated and unchecked and even unreported. There are millions of women suffering in this way unnoticed.

2. In respect of other forms of violence against the woman the Criminal Law of Ghana provides punishment. The offences connecting violence include rape, defilement of female under ten years or between ten and fourteen years old, abortion, causing harm, assault, kidnapping, abduction of unmarried female under 18 years, carnal knowledge of female idiot, unnatural carnal knowledge, incest, householder permitting defilement of young female on his premises, procuration, causing or encouraging the seduction or prostitution of a girl under 14 years, compulsion of marriage, male person trading in prostitution, persons keeping brothel, and gross indecency in public places. All these are criminal offences which are directed mainly against women and involves the element of force or violence and or indecency.

3. In respect of the above mentioned criminal offences directed at women the criminal law provides adequate punishment for the offenders. But after punishing the offender there is the question of rehabilitating victims of crimes such as rape, forced marriages, forced abortions and use of force by a husband against the woman in the home when in a drunken or angry state. The effects of such use of force on a woman is greatly damaging, and affects even the personality and self respect of the woman. All appropriate measures should therefore be taken to inform women of their rights and where to report such use of violence on them.

4. In the case of the use of force in the family by a husband or relative she should be able to report to the Social Welfare Department for redress instead of at first instance to the police. This would encourage the woman to report use of force in family matters. There should be free legal aid centres where advice should be made available to the woman. The minimum age should be made uniform for all types of marriages to save girls from sexual violence at an early age without their consent. Ghana is in the process of amending the marriage age to 21 years for both boys and girls.

5. Girls should receive the same education just as boys and this would lead to the liberation of the woman and prevent all forms of political, economic and social discrimination against her. There should also be an all out effort to educate public opinion on the need to eradicate all customary practices and traditional attitudes that are degrading to the status of women, and involves the use of violence, and to this end Ghana has over the past few months passed legislation to this effect namely, degrading and violent widowhood rights have been abolished and a new Intestate Succession Law and Administration of Estates Amendment Law which give adequate protection to the woman have been passed. The Customary Marriage and Divorce Registration law has also recognised the rights of the woman in this type of marriage and preserved her dignity and inheritance rights. Before the passing of these laws a widow was subjected to violence and degrading widowhood rights, and very often she and her children were driven out of the home of the deceased husband with nothing to live on. The only way to check the effects of violence on women is by passing legislation to abolish obsolete and inhuman customs and practices, to award adequate compensation to victims of violence, and rehabilitate and treat them medically and spiritually at counselling centres.

6. The psychological effects of use of violence on the woman is more serious and difficult to eradicate and consideration should be given to this. In this country the handling of complaints from women are treated and handled the same way as any other complaints, but it might probably be best to train women officers in the handling of these cases exclusively in the future. The hearing of such cases in court should also so far as possible be in camera for often it is the fear of adverse publicity to the woman victim during the trial of a case in public that prevents her from reporting such criminal case to police at all.

7. Member States should co-operate to find solutions to the problem of violence against women bearing in mind that a woman is weaker than the man physically, and needs the protection of society from men who misuse what-ever greater physical strength God has in his wisdom endowed them with. The woman may be physically weaker than the man, but she is an important member of society without whom the society cannot continue to exist as it is now. Activities at educating men to respect womanhood should be mounted in all member countries together with effective legislation to protect women against violence.