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**STUDY ON THE LEVEL OF AWARENESS BY WOMEN OF  
THEIR HUMAN AND LEGAL RIGHTS WITHIN THE FAMILY  
IN GHANA**

**SPONSORED BY:  
UNITED NATIONS, ECONOMIC COMMISSION FOR AFRICA**

**CONSULTANT:**

**JOAN ATTU LLB (GH) BL. LLM (UK)**

**P. O. BOX C2160  
CANTONMENTS, ACCRA  
GHANA**

**Tel: 233-21-777939**

**Fax: 233-21 223024**

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## TABLE OF CONTENTS

Acknowledgments .....	2
Executive Summary	5
1.0 Introduction	10
2.0 Objectives and Terms of Reference	12
3.0 Literature Review	13
3.1 Family Systems and Types of Family	13
3.2 Gender Relations and the Social Roles and Position of Women in Ghana	15
3.3 Women in the Family and the Rural & Urban Divide	17
3.4 The Legal Position, Status and Rights of Women	19
4.0 Methodology	23
4.1 Data Collection	23
4.2 Sampling Techniques/Survey Areas	23
5.0 Results of Field Data	25
Quantitative Analysis	25
6.0 The Nature of Women Involved in Survey	26
7.0 Level of Awareness of the Right to Education of Women and Girls	34
8.0 Level of Awareness of Property Rights During Marriage, Intestacy and Testacy	38
9.0 Knowledge of Dissemination, Awareness and Use of Health Rights in the Family	42
10.0 General Level of Knowledge and Awareness of Women's Human Rights in the Family	46
11.0 Results of Focus Group Discussions	48
11.6 Summary of Focus Group Discussions	53
12.0 Identifying Obstacles and Constraints to the Dissemination of Legal and Human Rights Information	55

13.0	Practical Measures for Resolving the Constraints and Obstacles to Dissemination of Legal and Human Rights Information	57
14.0	The Kind of Information Women Need In Order to Better Enjoy Their Legal and Human Rights	60
15.0	Institutional Arrangements and/or Mechanisms through which Legal and Human Rights Information can be Imparted	61
16.0	Identify One or More NGOs through which these Arrangements/Mechanisms could Be Established	63
17.0	Identify Organizations and Associations that are Working to Protect, Promote and Enhance Women's Human and Legal Rights in the Family	64
18.0	Sample Opinion of Civil Organizations and Associations About the Relevance and Adequacy of Legal Assistance Provided to Women	64
	Conclusion	66
	Bibliography	67
	Appendix A : Questionnaire	

## EXECUTIVE SUMMARY

### FINDINGS

1. The legal situation of women in Ghana reveals a *de jure* position of equality between the sexes. This is reflected in a constitutional and legislative framework that prohibits any form of discrimination except in a few cases of positive discrimination aimed at balancing male/female participation in public life. However, the *de facto* reality is the contrary as social and cultural practices play a significant role to marginalize women and discriminate against them. In this light the Ghanaian constitutional and legislative framework enshrines human and women's rights provisions meant to protect and promote the well being of Ghanaians.
2. The Ghanaian concept of family conforms to the conservative type of one man his wife or wives (as polygamy is an accepted legal and social reality) and children who may or may not live with extended family members. This family concept may fall within two "Genealogical connections" that is the patrilineal or matrilineal family systems which are practiced in Ghana amongst the various tribes. It is important to note that the nuclear and single parent types of family are new and emerging strains of family systems as a result of westernization, urbanization and new socio-cultural practices within the Ghanaian society.
3. Within the above context of family patriarchy is widely practiced and women's social roles and positions are traditionally delineated in a way that subordinates women to men in all aspects of life even though the degree of subordination varies from tribe to tribe.

Additionally, the rural-urban divide is a social dichotomy that impacts on women in the family further delineating how far this subordination is practiced because of choices that are open to women as a result of their financial independence, education and general emancipation. A majority of the Ghanaian population resides in rural areas. This consists of 51% women who make up the largest section of the population. Women in the rural areas are basically engaged in subsistence agriculture and trading activities. Their urban counterparts also engage in trading activities but have a broader scope of occupations. They are involved in paid employment both in the formal and informal sectors because of a general higher level of education.

4. The study of the level of awareness of women's human rights within the family covered all manner of women both educated and uneducated, rural and urban single, married, widowed and divorced from four regions in Ghana. The selection of regions reflected the two family systems practiced in Ghana, that patrilineal and matrilineal as well as the major religious affiliations that is Christianity, Islam and Traditionalism within different cultural systems.
5. The survey indicated that of all 134 women sampled through interviews, questionnaires and focused group discussions the majority indicated a high level of awareness of the right to education of both sexes within the family given an adequacy of resources the response to the awareness of this right however varied when respondents had to make choices of which child to educate if resources were scarce. In this latter situation more respondents indicated their willingness and choice to educate boys rather than girls thus reflecting a remnant of cultural beliefs which subordinate women to men.
6. Women involved in the survey revealed a high level of knowledge and awareness of customary provisions to the devolution of property upon the intestacy of a spouse. But in the peculiar situation of Northern women where Islam is predominant religious awareness of property devolution ranked high. The study observed therefore, that the prevailing culture in any particular situation of women dictates their level of awareness of rights either under the law culture or religion.

Distinctly however, only 5.7% of the total number of women involved in the survey had any level of legal awareness of their property rights as culture and religion dictate their day to day living and impact on their lives in a way in which law does not and cannot because of its abstractness and lack of dissemination irrespective of this, an interesting new trend of property devolution seemed to emerge from the survey as 43% of the total number of women under review were of the view that property from a spouses intestate estate should be given to the widow and children only. By this respondents seemed to be saying that other forms of devolution ie: Customary, Islamic and probably even legal where extended families benefited were no more acceptable. It is important to note in addition that even though respondents were generally ignorant of their legal and human rights with respect of property 78.2%, 66.6% and 85.9% of women in Greater Accra, Ashanti

and Western regions respectively indicated that they would use the legal process to enforce their property rights when abused. Northern regional respondents registered the least on the scale of women who would use the police or court process to enforce their property rights. They registered only 23% some of the reasons why they would not use the legal process are as follows :

- i. If I go to court my children will not be respected ever again.
  - ii. It will not speak well of me if I go to court especially if I have children with the deceased.
  - iii. In my hometown which is Tongo the custom does not allow women to go to court with marital issues or problems so I will not go to court.
7. Respondents in the study indicated a high level of awareness with respect to knowledge and awareness of health rights that have to do with access to health facilities. The study revealed that access to health facilities were basically high with most respondents traveling an average of 2 - 4 miles to reach health posts and or hospitals. Additionally respondents indicated that all these medical facilities disseminate reproductive health information.

In spite of this accessibility out of a total of 86 participants who answered questionnaires as many as 63 representing 73% indicated their non-use of family planning either due to disapproval from husbands or partners, disinterest, lack of agreement with their systems or a mere reluctance of want of use.

8. With respect to the general level of knowledge and awareness of other women's human and legal rights within the family the survey revealed a woeful dearth of such knowledge. Even though in Greater Accra, Ashanti and Western regions, 69.5%, 42.8% and 40.9% respectively indicated knowing their rights or some of them, further probe revealed that most women had inaccurate information as to what rights are or mistakenly referred to customary or religious norms as rights.
9. Together with the results of the focused group discussions an overview revealed a very low level of rights awareness amongst Ghanaian women irrespective of their various levels of education and occupations in the light of various levels of dissemination of women's human rights information.

10. The study further observed that many people both men and women involved in women's development initiatives or some area of rights awareness basically lack training and an understanding of women's human rights concepts. This therefore hampers the effective transmission of accurate information attributing somewhat to the inaccurate information disseminated amongst respondents.
11. The survey also revealed that culture, poverty, inaccurate transmission and communication of information to women amongst a lack of basic inter-connected material, illiteracy, lack of human and financial resources to aid women's education of their rights contributed largely to the obstacles and constraints to effective dissemination.
12. Practical solutions to the above mentioned constraints include the need for the interpretation and formulation of human and legal rights into basic and simplified material for women. Furthermore, field workers and disseminators needed effective training to understand women's human and legal rights concepts to enable effective transmission of accurate information. Culture which endemic in its grip over Ghanaian particularly the rural woman, needs to be endogenously addressed by informed members of the community if change is to be experienced. Poverty on the other hand can most probably be overcome by the establishment of income generating activities and the provision of credit or to its accessibility to women in their various communities.
13. To enable dissemination, Ghanaian institutions such as the National Commission for Civic Education, (NCCE) religious groups, market and office associations together with traditional institutions such as chieftancy and trade unions, both the electronic and print media are some avenues through which dissemination can be effectively channeled.
14. In Ghana the International Federation of Women Lawyers (FIDA) and Women in Law and Development in Africa (WiLDAF) are the two main NGOs known to deliver assistance even though several others such as The International Association for the Advancement of Women in Africa (ASAWA), The Forum for African Women Educationalists (FAWE), and 31<sup>st</sup> December Women's Movement are involved at various levels in the dissemination, training, service delivery and education of women's human rights.

15. Inasmuch as legal assistants to women is very relevant because without it the majority of women would be without redress, its adequacy is very low as is evident in the fact that only three organizations offer such assistance. Out of the three one is a governmental organization that is the National Legal Aid Scheme which leaves out many women because of its formal selection procedure as well as its basic conditions established for one to qualify for aid. FIDA and WILDAF, the other two organizations offering legal assistance have a less rigid procedure and qualification for beneficiaries. This therefore leaves them overburdened with the responsibility, as rights awareness slowly increases and women begin to look for cheap and accessible legal redress mechanisms
16. The study observes in the light of all the above that there is a great need for increased rights awareness programmes and dissemination of women's human rights information. But this dissemination needs to be incorporated into community based, service delivery programmes which inter-relate women's daily lives if such dissemination is to become effective and meaningful.

# STUDY ON THE LEVEL OF AWARENESS BY WOMEN OF THEIR HUMAN AND LEGAL RIGHTS WITHIN THE FAMILY IN GHANA

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## 1.0 INTRODUCTION

Ghana as a member of the global community has embraced many standards of international human rights principles starting from the Universal Declaration of Human Rights to the two international covenants on Civil and Political and Economic, Social and Cultural rights. Amongst various others, Ghana has ratified the International Convention on the Elimination of All Forms of Discrimination Against Women. Furthermore, Ghana identifies with and has signed the Charter on African and Peoples' Rights. As such, Ghana's constitutional and legislative framework reflects and to a large extent, enshrines the principles and spirit of these human rights instruments, which are to be upheld and observed irrespective of race or sex.

Human rights are meant to improve the quality of life of peoples or in the alternative, prevent its deterioration. Ghana, women in particular though not exclusively, are subject to certain socio-cultural factors which undermine their situation and therefore hamper the enjoyment of these human and legal rights.

The concept of family in Ghana is generally the conservative type consisting of "a man, his wife (or wives) and children who live together with or without other relations". Recent research however reveals a changing trend in the above with an increase in single parent families or single headed households, due to various socio-economic factors, such as broken homes and early childbearing. Though there are two main types of family systems in Ghana, the matrilineal and patrilineal respectively, with their concomitant rights and responsibilities for their members, women in general are subject to similar experiences in the family environment irrespective of the family system they belong to,

The general situation of women in the Ghanaian socio-cultural set up subordinates women to men even though the constitutional and legislative framework exists to the contrary. Secondly, militating factors like a general lack of, or low education, legal illiteracy, cultural practices and many other factors constrain Ghanaian women by affecting them in a way that prevents them from the full enjoyment of their fundamental human rights. In recent years therefore, efforts have been made by the Ghanaian government, NGOs and donor agencies to enact and help enact laws, implement policies and enhance the status and general

situation of women to enable them enjoy these rights. In this respect government has enacted laws to regulate intestate succession, customary marriage, and divorce registration. Laws have also been passed to protect women from widowhood rites, female genital mutilation and sentences have been increased for rape offenders, to mention a few. In addition, NGOs like the Federation of International Women Lawyers (FIDA), Women in Law and Development in Africa (WiLDAF, Ghana), various self-help associations and the government women's machinery, the National Council for Women and Development, to mention a few, are deeply involved in working to protect women's human rights in Ghana, aided by various donor agencies. It is worthy to note generally that there is little awareness of various legal and human rights provisions in many parts of the country and even where some knowledge exists the laws are observed more in their breach than in their compliance (NCWD, 1995). In this light, there is the need to assess the impact and level of dissemination of such laws and of women's human rights in general in the family. In addition, there is a need to study the obstacles or constraints that prevent women from enjoying their rights and therefore to access the kind of information they need in order to better enjoy their human and legal rights.

## **2.0 OBJECTIVES AND TERMS OF REFERENCE OF THE STUDY**

### **DEVELOPMENT OBJECTIVES:**

- To identify the kind of information that women need in order to better enjoy their human and legal rights within the family
- To propose institutional arrangements and or mechanisms through which this information could be imparted to the women
- To identify one or more NGOs through which these arrangements/mechanisms could be established.

### **OBJECTIVES OF THE STUDY**

1. To assess the level of dissemination of existing laws related to human rights within the family among women both in the urban and rural areas.
2. To identify obstacles and constraints to the dissemination of the information.
3. To propose practical measures for resolving the constraints identified in No. 2.
4. Identify organizations and associations that are working to protect, promote and enhance women's human rights in the family.
5. Sample the opinion of civil organizations and associations about the relevance and adequacy of the legal assistance to women.

### **3.0 LITERATURE REVIEW**

#### **3.1 FAMILY SYSTEMS AND TYPES OF FAMILIES**

As in all societies including Ghana, the family is known to be the "basic social institution". The family has been defined to be "a group of persons linked by kinship connections of which the older members take care of the younger ones" (Giddens, 1989; de Graft Johnson, 1982). In Ghana, the family usually consists of a man, wife (or wives) and children who live together with or without other relations (Gyekye, Arthur, & Dankwa, 1995).

In Ghana as in many African societies, kinship plays a key role in the social organization of families. "Kinship refers to social relationships derived from consanguinity, marriage and adoption" (Gyekye, Arthur & Dankwa 1995). A distinguishing feature in the Ghanaian kinship system is the "genealogical connection" within which family members organize in interpersonal relations. The type of genealogical connection one belongs to determines the rules that apply to members with respect to descent inheritance and succession. In this respect therefore, there are two forms of descent or genealogical connections in Ghana- the patrilineal and matrilineal systems.

Patrilineal societies in Ghana generally trace their descent from the father, so that a father and his children belong to the same family or lineage to the exclusion of the man's wife (or wives) (Kuenyehia, 1990; de Graft Johnson, 1992). Some patrilineal societies in Ghana are the Ewes, Gas, Dagombas and Krobos. "Succession and inheritance also pass through the male line". It is important to note however, that "details of transmission of property and status differ considerably" from one patrilineal society to another depending on the tribe in question. Furthermore, it is noteworthy that in this context "inheritance is used to mean the transmission of property and status differ considerably" from one patrilineal society to another depending on the tribe in question. Furthermore, it is noteworthy that in this context inheritance is used to mean the transmission of property, while succession refers to the status of office" (Gyekye, Arthur & Dankwa; 1995).

Much as it is assumed that property in all patrilineal societies devolve to every child whether male or female, this is not always so. In some descent systems "both succession and inheritance pass from father to sons or to all his children" and in others "succession passes to brothers

whole inheritance passes to children. In yet a third scenario, it has been noted that "both status and property go first to a deceased's father's brothers before eventually reaching the children, even where the system requires that the property should go directly to the children" (Gyekye, Arthur, Dankwa; 1995).

Matrilineal societies in Ghana on the other hand trace their descent or blood ties from a common ancestress. Thus, "in a matrilineal ethnic group each wife and her children belong to a different lineage" (kuenyehia;1990; de Graft Johnson; 1992). In the matrilineal system therefore, succession and inheritance pass through the female line "from a man to his brothers before his sister's children, while office goes to younger brothers before sister's children" (de Graft Johnson;1992). It has however been noted that in practice, offices go first to sister's children before even brothers. In the matrilineal system, even though children do not inherit their deceased father daughters can inherit their mothers and in the absence of a daughter a son may inherit his mother. In Ghana, the matrilineal system of descent is practiced by the Akan-speaking peoples mainly the Ashanti, Akim, Fanti, Akwapim and Ahanta, to mention a some.

Within the two lineage systems discussed above there are three basic types of families in Ghana. These are:

- a) the polygamous family
- b) the extended family
- c) the nuclear family.

The Polygamous family has been defined in Ghana to be "a man, his wife ( wives) and children" (Gyekye, Arthur & Dankwa, 1995). This is the polygynous form of polygamy as against the polyandrous form which does not exist in any society in Ghana. The second type of family which is the extended family is "usually a lineage group with affinal attachments ... (or) a conjugal family with part of the lineage of either partner attached to it" (de Graft Johnson, 1992). This kind of family has also been identified to appear in two variations. The first is a "residential group comprising a series of close relatives built around either patrilineal or matrilineal lines, usually not of both (Gyekye, Arthur & Dankwa, 1995). It has been submitted also that the extended family in Ghana may appear as one which is a "social arrangement where a person is obliged to render certain duties and has certain responsibilities towards his/her relations beyond his/her immediate family (Nukunya, 1992).

The third kind of family which is gaining ground in Ghana as a result of urbanization, westernization and migration is the nuclear family. The nuclear family exists where two parents live together "in the same household with their children, real or adopted" (Benneh; 1992). A second variation of the nuclear family which is common in Ghana, operates when the two parents live apart in separate households but each have a child living with either parent at a time. In Ghana, the concept of parent is conservative and limited to a man and or a woman as against two males or two females having real or adopting children.

In recent times, research has shown that a fourth kind of family is rapidly emerging. This is the single-parent family which consists of either a man or woman living alone with a child or children. This is an emerging phenomenon due to such socio-economic factors as broken homes, early child births, etc. It is important to bear in mind however that it is more common to see women living alone with children than men alone with children (Kuenyehia, 1990).

The family system in Ghana is highly regarded in Ghana because it is the mechanism for survival. This is because it ensures "nurturing, caring, socialization, protection and material well-being of its members" (de Graft Johnson, 1992). The constitution of Ghana in this respect provides in Article 28 (1) (e) that "Parliament shall enact such laws as are necessary to ensure the protection and advancement of the family as the unit of society are safeguarded in the promotion of the interest of children".

### **3.2 GENDER RELATIONS AND THE SOCIAL ROLES AND POSITION OF WOMEN IN GHANA**

Women in Ghana make up 51% of the population and the greater number of them, as high as 51.2%, (Kuenyehia; 1990) live in the rural areas. It is a cultural as well as an accepted social fact that women in Ghana are in a subordinate position to men in "educational status, degree of participation in the modern economy and intra-household relations" (Kuenyehia, 1990). Patriarchy as a form of socialization is deeply ingrained in the social fabric of Ghanaian society and this reality of social organization sees households as production units whose heads should be male and are (more to a greater extent than not) controlled by them, even though this is changing. In 1984, the national census conducted indicated that there were 28.76% of women headed

households. This figure had increased to 29.1% in 1989 as indicated by the Ghana Living Standard Survey and there is further indication that the figure is rising.

The traditional *de facto* subordinate position of Ghanaian women does not necessarily prevent them from participating in the socio-economic and political spheres of society, as is evident from Ghanaian constitutional provisions on human rights. The 1992 Constitution in Chapter 5 contains provisions against discrimination on the basis of sex amongst other human rights provisions.

Traditionally, women work at home, cooking, providing water, producing children and nurturing families. Outside the home they are the producers of food engaging in subsistence agriculture or for sale but are seldom in cash crop production, which is basically the domain of men. This is because women hardly own land in their own right. Access to land for them is often through marriage or family ties. In the former situation therefore, security of tenure depends on the marriage relationship.

In the political or religious arena, women traditionally become chiefs known as queenmothers, but are of a subordinate nature to men (Stanlie, 1988). In traditional and religious matters women act as chieftains- queenmothers and ritually can be fetish priestesses of shrines as religious leaders. Queenmothers for example wield some political power in their societies, and are generally regarded as the head of all women in societies. In matrilineal societies for example queenmothers have an important say in who is enstooled as chief, even though this may be more of an advisory role than the exercise of actual power.

In modern Ghanaian society, increased access to education by women has facilitated their increased participation in socio-economic and political spheres, both in wage earning positions and self-employment (Kingsturn, 1971). In this respect "education has broadened the perspectives of women and has helped them to improve quality of life for themselves and their families" (Kuenyehia, 1990). This is reflected in the concentration of men and particularly women in the urban areas and this in turn is destabilizing established traditional social roles and position of women.

### **3.3 WOMEN IN THE FAMILY AND THE RURAL-URBAN DIVIDE**

In Ghana women are generally treated as a homogenous group. There is often no differentiation between the rural and urban woman in education, health, social and economic terms. It is important for analysis to understand the dynamics of the rural-urban divide and how it impacts on women in general and particularly women in the family.

The situation of women in traditional societies and therefore rural areas in particular, favour discriminatory practices of access to education in favour of boys to the detriment of girls (Greenstreet, 1972). Less education means a greater level of dependence economically which is revealed in women's dependence on parents, husbands and children [in old age] (Kingsturn, 1971).

Traditional law generally permeates the lives of Ghanaians in both the public and private spheres. Marriage for example affects potentially all adults in Ghana. Marriage in Ghana is the "formalized mechanism for linking two families or lineages through a male and female member as a recognized mating couple" who ensure "that new members are born into the family" (de Graft Johnson, 1992). In this respect there is legal pluralism in marriage as well as other interpersonal laws in Ghana (Kuenyehia, 1992).

In Ghana marriage may be contracted under customary law which is potentially polygamous and is a union between a man and woman when customary marriage rites are performed. Marriage may also be contracted under the ordinance or according to moslem law. Where marriage is contracted under the ordinance, the law requires one man to marry one woman unlike the polygynous form of polygamy that is allowed under Moslem law.

In 1974 it was estimated that out of all married females over 80% were married under traditional law. Out of this figure 84% were rural as against 73.6% of urban women married under custom (Kuenyehia, 1990). These traditional marriages exist accompanied by their traditional practices within the family. Thus, it is customary in the family for example that men are served their food first, then children and women last. This means women often have the least, especially where food is in short supply. It also follows that being less nourished, she is more susceptible to disease with less care since she is the nurturer of the family. The lack or low level of health facilities particularly in

rural areas further aggravates the rural woman's access to health care as she has to either walk long distances or self-medicate. It would appear therefore that in the family women are less cared for than men and children.

With customary marriages being potentially polygamous, it would seem that women in general, but particularly rural women, tolerate the practice more out of necessity than choice. Rural women are normally poorer than urban women as a result of lower educational opportunities, inimical customary practices, lower access to health, and credit, to mention a few. It would therefore seem that marriage in the rural areas which is mostly customary are in addition to their fulfillment of social norms, an avenue of financial security. As such they normally act as a disincentive to women to divorce unlike the urban woman who is comparatively better placed and therefore has more choices.

In the Ghanaian family system, be it patrilineal or matrilineal, wives are not members of their husband's family. Wives are either the source of descent as in the matrilineal family system or belong to their father's lineage and until 1985 when the Intestate Succession Law Provisional National Defence Council Law 111 (hereafter PNDCL 111) was enacted women from patrilineal societies could only inherit from their fathers.

It has been submitted that the position of the woman in the family is to a great extent dictated by her marital status and age (Kuenyehia, 1990). Women are valued and respected for their reproductive roles and therefore as guarantors for family continuity. This reveals that a barren woman in Ghanaian society is a reproach.

As the vehicle of reproduction, the woman is the nurturer of the family. She is the provider of water, the hewer of wood and is responsible to prepare and serve food. In this light, "she cooks, washes and takes care of the children, the sick, the aged and promotes health and well-being of other family members and yet her status is one of subordination (Kuenyehia, 1990).

The Ghanaian family set up, reveals obvious gender inequalities in the division of labour, in decision making and even in the acquisition of wealth and property. A case in point is the preference of male children to females in the Buem traditional area where succession to property is concerned or the choice to educate male children as against female ones in many tribes in Ghana where family incomes are inadequate. Inequality in relation to position of authority for example replicates

itself even in women-headed households. In such cases women often have to refer matters and decisions in relation to children to the male kin as in the case of the marriage of a child.

The peculiar situation of rural women dictates an economic existence in an environment quite different from her urban counterpart within the family. "Farming is the single most important occupation for rural women who constitute more than 50% of all workers in agriculture and animal husbandry in addition to their traditional roles as wives and mothers (Highmere, 1979; Kuenyehia, 1990). In urban areas women dominate in trading activities and full time employment due to better and higher education. As such, the changing status of women in the urban areas reveals that they are hardly anymore full time housewives but full time workers. Thus most domestic activities traditionally performed by women in the family and household are gradually being taken over by househelps or maids in the urban areas (Asante, 1978).

Generally, for both urban and rural women, financial responsibilities between them and men are shared, with men taking the higher portion. But on conjugal power structure, due to an increasing economic autonomy of urban women they are less dependent on their husbands as compared to rural women. Consequently, the "traditional dominance over and supervision of the wife's behaviour by the husband is reduced" in the urban woman's situation (Asante, 1978). In this respect, for both the urban and rural woman, a wife's power position is directly related to her financial contribution to the family budget just as her contribution to decision making.

### **3.4 THE LEGAL POSITION, STATUS AND RIGHTS OF WOMEN**

Ghana as a member of the international community has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the process for integrating its provisions into national laws have been initiated (NCWD 1995). The *de jure* legal position of women in Ghana is one of equality between the sexes as guaranteed by Article 17 of the 1992 constitution and in other legislative provisions, which prohibit discrimination except where it serves as positive discrimination as in the Labour Decree of 1967. Ghanaian law further guarantees equal work for equal pay and equal opportunities for the sexes under 24 (1) of the 1992 Constitution as well as equality in social, economic and

political spheres. However, the *de facto* situation is that women suffer many forms of discrimination many of which stem from cultural and religious practices, social norms and prejudices.

Male dominance is replicated in political, economic and social institutions. Marriage, property issues, divorce, other interpersonal relationships, employment and others entrench the dominance of elders over juniors and men over women, revealing the obvious inequalities. There is thus a "dissatisfaction with their legal status and disparities in their rights especially under customary and ordinance marriages" for example. In addition there is a tendency in employment opportunities for employers to prefer males to female applicants in certain positions (Greenstreet, 1978).

In the traditional setting "women had a clearly defined place in social relationships with unequivocal rights and obligations. As a result of constitutional modifications provided for under Article 25 of the 1992 Constitution women today are guaranteed equal rights to education meaning better job opportunities. The right to hold property within and without marriage and to choose her own marriage partner are all protected. Divorce is no more the preserve of men as was once held in certain societies like the Frafra, due to changed marriage and divorce laws as evidenced in Customary Marriage and Divorce law, PNDCL 112 and the Marriage Ordinance Cap, 127.

In the area of property rights of spouses either upon the death intestate or not of a spouse or within marriage and upon its dissolution, the legal position of women in Ghana is protected in a way in which traditional law did not in the past. Under traditional family law, inheritance and property rights of spouses and children were dealt with in accordance with the particular family system in question, be it patrilineal or matrilineal. Pristine traditional law provided that women were only helpers of their spouses in their stations in life. This meant that although they assisted their spouses in acquiring property, women were not considered a part of their husband's economic unit or family and therefore could not inherit him. In the case of children at traditional law, they could only stay in their father's house upon his death intestate in matrilineal societies subject to good behaviour.

To address the above, Article 22 of the 1992 Constitution presently protects the property rights of spouses and in this regard women, in that it provides that "no spouse may be deprived a reasonable portion of the estate of a spouse whether the estate be testate or intestate". In

addition the provision puts a duty on Parliament to enact laws which will regulate the property rights of spouses within marriage such that ~~spouses shall have equal access and be entitled to an equitable~~ distribution of property upon the dissolution of a marriage or within it. Unfortunately, the inability of Parliament to rise to this challenge hampers women's security in this area since they tend to suffer due to entrenched inimical traditional practices of property devolution upon the dissolution of marriage or access to it even within marriage. Nevertheless, PNDCL 111 (as discussed supra) protects spouses' property rights upon the death intestate of a partner. In this vein the Administration of Estate (Amendment) Law 1985 PNDCL 113 has also been enacted to support these rights.

Another area in which women's legal and human rights is protected is the area of customary practices. Irrespective of the fact that Article 26 (1) of the 1992 Constitution gives individual the rights to "subject only to constitutional checks, Article 26(2) prohibits any customary practice which dehumanize or are injurious to the physical and mental well-being of a person. It is noteworthy in this light that most inimical cultural and religious practice in Ghana are against women. There is one such customary practice engaged in by the Ewe tribe in Ghana called "tro-kosi", where virgin girls are given away to fetish shrines to serve as pacification to the gods for offenses committed by members of their families. There also exists widowhood rites which are widely practiced by many tribes in Ghana where widows are subjected to various forms of harassment and ill treatment in a bid to ward off the ghosts of their deceased husbands. Furthermore, some Northern tribes in Ghana also practice female genital mutilation forced and early marriages of girl children.

In a bid to give teeth to Article 26 (2) laws against widowhood rites, female genital mutilation and forced marriages have been enacted. Further more, the legislative framework has also increased the penalty for rape, evidenced in the Criminal (Amendment) Act 1993, Act 458.

Additionally, women's maternity rights are protected in Article 27 of the 1992 Constitution. The provision states that women shall be accorded special care before, during and after childbirth and they shall be allowed paid leave within that period. In this respect the Constitution further accords women the right to appropriate facilities for care of children below school going age so as to enable women realize their full potential. Consequently, no one shall have the right to hamper the equal access to training and promotion of women.

The Directive Principles of State Policy provided for in Chapter 6 of the 1992 Constitution further promotes women's well being and rights by providing for the active integration of all peoples of Ghana prohibiting discrimination on grounds of gender, religion, creed or beliefs. These Principles of State Policy therefore direct that the state take appropriate measures to achieve reasonable regional and gender balance in recruitment and appointment to public offices.

Despite the plethora of the above women-friendly laws and provisions, it would appear there is little awareness by women of these provisions and related legislation in many parts of the country. Even where some awareness exists, embedded cultural practices, low or complete lack of education and financial resources, coupled with the reluctance of women to use the formal legal system due to intimidation and cultural barriers contribute to a low level of access to and protection from these rights.

## **4.0 METHODOLOGY**

### **4.1 DATA COLLECTION**

In order to achieve the objectives set out for the study, a four-pronged approach was adopted for the collection of data.

The review of existing literature on the general situation of women, their legal, social and economic status was done.

1. Questionnaires were administered to all kinds of women; educated, uneducated, rural, urban and from Dagomba, Ashanti, Fanti, Ahanta and Ga tribes, taking into account women who had had some level of dissemination of women's rights issues and those who had not.
2. In-depth interviews were conducted with some women randomly picked from the sampling areas to reflect a reality of women's voices.
3. Focus group discussions were held with women groups ranging from 5 to 10 women in a group in urban and rural areas of all four sampling regions.
4. Interviews were conducted with representatives or members of organizations and associations in civil society on the adequacy and relevance of legal assistance provided to women.

### **4.2 SAMPLING TECHNIQUE / SURVEY AREAS**

Sampling technique and areas chosen for the survey was based on practical and theoretical considerations. The study was planned to cover the rural/urban divide in all regions, different ethnic groupings, the two main systems that operate - the matrilineal and patrilineal as well as to cover the three main religions that exist in Ghana namely Christianity, Islam and Animism.

The following regions were chose as sample areas:

Greater Accra Region - representing a cosmopolitan area of mixed tribes with both patrilineal and matrilineal family systems.

Ashanti Region - representing the matrilineal family system and the Ashanti tribe with mixed religious practices - Christianity, Islam and Animism.

The Western Region - representing also the matrilineal system with Fantis and Ahantas basically practicing Christianity and Animism.

The Northern Region - representing the patrilineal family system with basically the Dagomba tribe.

## **5.0 RESULTS OF FIELD DATA**

### **QUANTITATIVE ANALYSIS**

1. Centred on identifying the awareness of women's human rights in the family, the survey was completed by interviewing, administering questionnaires and holding focus group discussions in the four chosen regions. These three methods were administered to women both in the rural and urban areas of these regions, except in Greater Accra which is basically metropolitan and therefore did not reflect the rural/urban divide.

It is noteworthy that even though the study chose four regions to satisfy different tribal considerations, Greater Accra region did not register any particular tribe because of its metropolitan nature.

Respondents in Accra included the native Ga, but in addition Ada, Ashanti, Fanti, Guan, Ewe and Akwapim.

2. Altogether, 86 questionnaires were administered to all manner of women whose ages ranged from 15 years to above 60 years.
3. A total of 7 focus group discussions were held comprising women in groups ranging between 5 and 9. The total number of women interviewed with this method were 45 in all four regions.
4. In addition a few individual women were interviewed to represent random women's voices from various backgrounds to give life to the collective data. The total number of women interviewed under this head were 3.

5. Altogether, the total number of women involved in this survey is as follows:

a. Questionnaires -	86
b. Focus group discussions -	45
c. Individual women -	3
Total	134

6. In all the regions where the survey was conducted research assistants were recruited to aid the consultant efficiently collect the required data and take the necessary notes. It is important however to note that the following factors influenced the number of questionnaires administered or focus group discussions held.

**Table 6.0 a : Frequency Distribution of Respondents per Survey Area**

REGION	URBAN (Questionnaire)	URBAN FGDs	URBAN POOR FGDs	RURAL (Questionnaire)	RURAL FGDs
Greater Accra	23	2	-	-	-
Ashanti	11	-	2	3	1
Northern	18	-	1	8	-
Western	12	-	-	10	1

\* FGDs means focused group discussions.

- a. In the Northern Region a language barrier between the consultant and respondents necessitated the use of interpreters. However, it was observed that the interpreters began to influence respondents in the manner they interpreted questions and answers. Even though it was explained to the respondents that the survey was a nationwide one, the peculiar situation of Northern Ghanaian women, being generally less educated and more oppressed by their culture in comparison to Southern women, the attempt by a Southern woman (which the consultant is) to extract information was viewed with suspicion. With this background it became necessary to administer more questionnaires than hold focus group discussions. This approach facilitated a less interactive method which would have needed the willing participation of respondents.
- b. In the Ashanti region in the centre of a market in an urban area it was observed that the women were generally unwilling to volunteer information because the subject matter touched their private lives.

## **6.0 THE NATURE OF WOMEN INVOLVED IN SURVEY**

### **Age Distribution :**

#### **6.1a (i) : Frequency distribution of Ages of Rural Respondents**

REGION	15-25	26-40	41-60	Above 60	Don't know age
Gr. Accra	-	-	-	-	-
Ashanti	-	3	-	-	-
Northern	-	5	2	1	-
Western	3	6	1	-	-

#### 6.1a (ii) : Frequency distribution of Ages of Urban Respondents

REGION	15 - 25	26 - 40	41 - 60	Above 60	Don't know age
Gr. Accra	8	11	2	1	-
Ashanti	4	2	5	-	-
Northern	3	7	7	-	1
Western	5	4	3	-	-

#### Marital Status :

#### 6.1b: Percentage Distribution of Marital Status of Respondents

REGION	Single	Widowed	Divorced	Married
Gr. Accra	54.6%	-	4.5%	40.9%
Ashanti	35.7%	-	-	64.3%
Northern	11.5%	3.8%	7.69%	76.9%
Western	27.2%	-	4.7%	68.1%

7. From the above percentage distribution of marital status from the four regions, it is evident that most women involved in the survey are either single or married, compared to divorced or widowed women. It is noteworthy also that 76.9% of married women involved in the survey is highest in the Northern region. From the survey the factors that account for this are the following :

- i. Northern women are mostly Moslems who engage in polygynous marriages. This ensures that most women are married irrespective of the male/female ratio in their urban and rural areas.
- ii. Secondly, it was also observed that forced and early marriages still exist in many areas. Additionally, poverty and the lack of job opportunities after school militate against education of children in general but particularly of girls. Thus there is pressure from family members for girls to marry as soon as they reach puberty.
- iii. In all the other regions the figures of marital status reflect the general trend of culture in Ghana as a whole. It is prestigious and socially more acceptable for a woman to be married than

not. So in all four regions married women ranked high : as high as 77% in the North, 68% in Western Region and 40% in both Accra and Ashanti.

iv. In the incidence of the high figures of single women, the following factors it appears are responsible for this situation :

- Of all the single respondents 18 of them fell between the ages of 15 - 25 and were students at various levels from the secondary school level to the Tertiary level in the University as undergraduates.
- The rest of the single women fell between ages 26 - 40 and had either just finished various levels of schooling or were petty traders and working women, most of whom are secretaries or typists.

#### Types of Marriages :

**6.1c (i) : Frequency Distribution of types of marriages entered into by Rural Respondents**

REGION	Customary	Ordinance	Moslem
Gr. Accra	-	-	-
Ashanti	2	-	-
Northern	4	-	3
Western	7	-	-

**6.1c (ii) : Frequency Distribution of types of marriages entered into by Urban Respondents**

REGION	Customary	Ordinance	Moslem
Gr. Accra	2	8	-
Ashanti	3	-	3
Northern	1	-	13
Western	6	1	-

I Data collected revealed that most women in both rural and urban areas are married under custom. The two extreme situations from this position is recorded in the Northern and Greater Accra regions which registered a high incidence of Moslem and ordinance marriages respectively. The reasons for this can be found in the fact that the North is predominantly Moslem in religious orientation and therefore its culture permeates the fabric of socialization. In the case of Accra the

influence of western culture and urbanization have both contributed to women having more ordinance marriages.

**Parental Status :**

**Table 6.1d (i): Frequency Distribution of Parental Status of Rural Respondents.**

REGION	Single Parent	Married Parent	Resps. Who did not answer
Gr. Accra	-	-	-
Ashanti	1	2	-
Northern	1	7	-
Western	1	8	1

**Table 6.1d (ii) : Frequency distribution of Parental Status of Urban Respondents**

REGION	Single Parent	Married Parent	Resps. Who did not answer
Gr. Accra	3	8	-
Ashanti	2	5	-
Northern	4	12	1
Western	2	6	1

**8. Educational Background, Occupation and Religious Affiliation of Respondents.**

It is trite learning that educational background often influences or affects the type of occupation one engages in. Secondly, religious affiliations often dictate how one behaves and sometimes even the culture one adheres to, since religions are practiced within their own norms and practices.

Education is no doubt a determinant factor of how one views issues, social, cultural, political and in economic terms. It follows therefore, that educational background helps in delineating what choices are or may not be made and how those choices affect the development of the individual, communities and society as a whole.

In this survey therefore data collected on the various women included the need to indicate the level of education acquired and therefore

occupations engaged as well as the religious affiliation of respondents. This was to enable the study assess whether the three were inter-related in explaining the level of awareness and dissemination of laws related to women's human rights in the family. Here below are the results of the data.

**Table 6.1e : Frequency Distribution of Respondents' Educational Background**

REGION	Nil	Primary	Middle	Sec/Tech/Voc	Tertiary	Arabic Sch.	Adult Edu.
Gr. Accra	-	-	2	11	10	-	-
Ashanti	3	1	3	6	-	1	-
Northern	18	-	3	1	2	-	2
Western	1	1	11	8	1	-	-

**Table 6.1e (i) : Frequency Distribution of Educational Background of Rural Respondents**

REGION	Nil	Primary	Middle	Sec/Tech/Voc	Tertiary	Arabic Sch.	Adult Edu.
Gr. Accra	-	-	-	-	-	-	-
Ashanti	-	-	2	1	-	-	-
Northern	7	-	-	-	-	-	1
Western	1	-	7	2	-	-	-

**Table 6.1e (ii) : Frequency Distribution of Educational Background of Urban Respondents**

REGION	Nil	Primary	Middle	Sec/Tech/Voc	Tertiary	Arabic Sch.	Adult Edu.
Gr. Accra	-	-	2	11	10	-	-
Ashanti	3	1	-	6	-	1	-
Northern	11	-	2	2	2	-	1
Western	-	1	4	6	1	-	-

- i. In this survey it is important to note that respondents were randomly chosen depending on their willingness to cooperate. The distribution revealed that Northern Region topped with the least number of educated women, standing at 18 out of 26 of total respondents representing 69.2% to the questionnaires. Furthermore,

Greater Accra Region evidenced the highest level of educated women in the whole survey with as many as 10 out of 23 respondents having attained tertiary education, followed by 11 who had attained secondary, technical or vocational training with only two having acquired the Middle School Leaving Certificate. No woman interviewed in Greater Accra had had no education whatsoever. It also noteworthy that Table 6.1 e revealed that majority of women in the whole survey had received a secondary, technical or vocational education in all the regions with the exception of Northern region that ranked lowest.

Occupations reflected in the various classes of women sampled in the four regions reveal great diversity but correlated strongly to respondents' educational backgrounds. In the Greater Accra Region, respondents were engaged in a number of occupations as follows:

- Students
- Secretaries
- Fire Officers
- Registrars of Schools
- Jeweler

In the Northern region most of the women were traders being uneducated and sheabutter processors. A few were secretaries/typists, field workers and weavers of cloth. Again, in the Ashanti region occupations ranged from trading to farming with some as housewives, dressmakers, students and typists. In the Western Region many women were dressmaker- apprentices, traders, farmers, with a few nurses and one banker. Over all, more women in all the regions both in the rural and urban areas were engaged as traders than in any other occupation, thus reflecting what illiterate and semi-literate women do for a living. This was followed by secretaries, typists and teachers and administrators basically in the urban areas with farmers and a few others in some rural areas.

### Religious Affiliation

**Table 6.1 f : Frequency Distribution of Religious Affiliations of all Respondents**

REGION	Christian	%	Moslem	%	Traditionalists	%
Gr. Accra*	20	91.3	-	-	-	-
Ashanti	9	67.7	5	32.3	-	-
Northern*	2	8	23	92	-	-
Western*	20	95.2	-	-	1	4.8

\* Gr. Accra : Three respondents did not answer to the question of their religious affiliation.

\* Northern : One respondent did not answer to the question of her religious affiliation.

\* Western : One respondent did not answer to the question of her religious affiliation.

**Table 6.1 f (i) : Frequency Distribution of Religious Affiliations of Rural Respondents**

REGION	Christian	Moslem	Traditionalists
Gr. Accra	-	-	-
Ashanti	3	-	-
Northern	-	7	-
Western	8	-	1

**Table 6.1 f (ii) : Frequency Distribution of Religious Affiliations of Urban Respondents**

REGION	Christian	Moslem	Traditionalists
Gr. Accra	20	-	-
Ashanti	12	-	-
Northern	2	17	-
Western	6	5	-

### Overview of nature of women surveyed:

9. An overview of the nature of women interviewed reveals that majority of women were either single or married as evident in table 6.1 b. Out of all married women those married under the ordinance were highest in the Greater Accra Region showing 77% out of 19 married women. This probably reflects the influence of western culture made possible by the electronic media, education and the fact that Accra being metropolitan has the highest density of people in one place and therefore the highest incidence of cosmopolitan influence. On the other hand the highest incidence of customary marriages were in the Western Region while the moslem marriages were reflected in the study of the Northern Region where Islam prevails and is most concentrated with 75% of women married under it.
10. In relation to age distribution, the majority of women interviewed fell between ages 26 - 40 followed closely by the youngest group of women of ages 15 - 25. The distribution of women interviewed declined drastically as the age gap increased. Thus the survey reflects that only between 2 - 9 women from each region interviewed fell between ages 41 - 60 while only one each from two regions were above 60 years. The explanation for the above age distribution is grounded in the fact that all interviews were conducted during working hours and in the evenings at gatherings where women could easily be reached. Places visited for the administration of questionnaires were work places, market places and households, and since most women engaged in trading activities are mothers and wives in their middle age. The high incidence of young women is attributable to the fact that most of them were available in market places and in homes because they had finished various levels of schooling and were either awaiting exam results while helping their mothers or were not going to continue schooling. The other category of young women were those still in school as undergraduates in the university or working after school but unmarried.

## 7.0 LEVEL OF AWARENESS OF THE RIGHT TO EDUCATION OF WOMEN AND GIRLS

11. To assess the level of awareness of the right to education of the girl child and women in general, respondents had to answer questions relating to which of their children they would educate if they had enough resources and also where resources were inadequate. The objective of these two questions were to assess whether respondents had any knowledge that irrespective of the level of resources of parents or individuals, Article 25 of the Ghanaian Constitution made education a right for both sexes.

Responses of all who answered the said questions revealed that respondents had a high level of awareness that both sexes of children should be educated whether resources were adequate or not. This high level of awareness cut across rural/urban divide, illiterate and literate women as well as cultural and religious ties.

12. The reasons given for their responses were varied but as follows:
- i. I feel everyone of them should be educated
  - ii. I will struggle to educate them all because they all need to be educated and to lead their lives / to achieve their goals
  - iii. Education is the key to the 21<sup>st</sup> century
  - iv. Education is important
  - v. Education of children is a guarantee for care in old age - they are my investment
  - vi. Education of both sexes is important because they both have a part to play in nation-building
  - vii. Education is a right to both boys and girls because both boys and girls are equals
  - viii. Education helps one have a better standard of living
  - ix. Education of girls ensures the education of a nation and same goes for boys.
  - x. Education is important to help gain knowledge.

**Table 7.1 a (i) : Frequency Distribution of Children who would be educated if Resources are Adequate in Urban Areas.**

REGION	Only Girls	Only Boys	First Born	Both Sexes
Gr. Accra*	-	2	1	19
Ashanti	-	2	-	9
Northern	-	-	-	18
Western	-	-	-	12

\* Gr. Accra : One Respondent did not answer to this question.

**Table 7.1 a (ii) : Frequency Distribution of Children who would be educated if Resources are adequate in Rural Areas**

REGION	Only Girls	Only Boys	First Born	Both Sexes
Gr. Accra	-	-	-	-
Ashanti	-	-	-	3
Northern	-	1	-	7
Western	-	1	-	9

**Table 7.1b (i) : Frequency Distribution of Children who would be Educated if Resources are Inadequate in Urban Areas.**

REGION	Only Girls	Only Boys	Both Sexes	Some Boys Some Girls	Most Intelligent	Eldest
Gr. Accra*	5	3	12	-	-	1
Ashanti	1	7	1	-	1	1
Northern	1	1	11	2	-	3
Western	-	3	7	-	3	-

\* Greater Accra: Two respondents did not answer this question at all.

**7.1 b (ii) : Frequency Distribution of Children who would be educated if resources are inadequate in Rural Areas**

REGION	Only Girls	Only Boys	Both Sexes	Some Boys Some Girls	Most Intelligent	Eldest
Gr. Accra	-	-	-	-	-	-
Ashanti	-	-	2	-	1	-
Northern	-	2	3	3	-	-
Western	5	1	4	-	-	-

13. Tables 7.1a and 7.1b both reveal in all regions that whether or not resources are adequate, respondents would rather educate both sexes. However, 39.3% of respondents in the four regions indicated that where resources were scarce or inadequate they would rather educate only boys than only girls. Ashanti Region topped the list with 50% of its respondents answering they would rather educate only boys than only girls if resources were scarce. The fact that Ashanti is matrilineal in family system and inheritance, played no role at all in the response to this question. Rather it seems the fact of patriarchy was the deciding element considered. The reasons for educating only boys are as follows:

- i. Girls get pregnant, drop out of school and/or marry so education of boys is better
- ii. Boys' education is more important because boys who do not go to school will not run errands at home, but girls will and can do household chores
- iii. Education of boys is more important because boys can go higher and need to but girls can get married
- iv. Boys' education is better because they can assume the role of parents if parents pass away.

14. Incidentally, the education of only boys ratio was followed quite closely by the number of respondents who indicated that they will rather educate only girls if they had scarce resources and this group was headed by Greater Accra. Respondents' reasons for this choice were as follows:

- i. Education of girls ensures the education of a nation
- ii. Education of girls is better because they have greater sympathy for / care of mothers
- iii. Education of girls because it is time more attention was paid to them.

15. The other distributions show that if parents or women are forced to make choices of which child to educate, their choices will be based on considerations such as who is the most intelligent and/or willing to attend school, irrespective of sex. The other consideration would be to educate the oldest child so he/she may assist in educating the younger ones when he/she attains better or higher standard of living and a good job.

16. i. It would appear from the study that the high incidence of respondents' awareness that both boys and girls be educated stems from the general trend of economic affairs in Ghana. The less educated one is, the less opportunity one has to get a "white-collar" job and therefore regular and better wages. Additionally, electronic media campaigns have recently been stepped up on the need to educate the girl child which is widely disseminated because of the existence of electricity even in the remotest parts of Ghana.
- ii. Secondly, interaction with respondents revealed that development in general has brought about enlightenment of the benefits of education. Asked what benefits education has, respondents answered as follows amongst many others:
- a. Education brings enlightenment
  - b. Education helps you get a better job
  - c. Education prevents anyone from cheating you
  - d. Education helps you read and write and to find out directions
  - e. Education helps you speak English - thus communicate
  - f. Lack of education makes one suffer a lot
  - g. Education brings knowledge which can be applied in any vocation or occupation, like farming, nursing, etc.
  - h. Education helps one know his/her rights
  - i. Education is an asset
  - j. Education of children can guarantee a parent's care in old age.

## **8.0 LEVEL OF AWARENESS OF PROPERTY RIGHTS DURING MARRIAGE, INTESTACY AND TESTACY.**

The survey revealed that there was a general dearth of knowledge of legal and human rights provisions with respect to property rights.

Most respondents were more familiar and aware of customary or religious (particularly Islamic where Islam prevails) provisions on the devolution of property (which are not the most favourable to women) than of statutory provisions.

**Table 8.1a : Percentage Distribution of Knowledge of Legal, Religious and Customary Provisions for the Devolution of Intestate Property of a Man.**

REGION	PNDC L 111	Customary	Islam	Wife & Children	Wider Family	Children Only
Gr. Accra	22.7	9	-	68.1	-	-
Ashanti	21.42	14.32	21.42	42.84	-	-
Northern	3.8	19.2	42.3	-	-	34.6
Western	4.7	4.7	-	57.1	19	14.5

**Table 8.1 a (i) : Frequency Distribution of Knowledge of Legal, Religious and Customary Provisions for the Devolution of a Man's Intestate Property in Urban Areas**

REGION	PNDC L III	Customary	Islam	Wife & Children	Wider Family	Children Only
Gr. Accra	5	2	-	15	-	-
Ashanti	-	2	-	9	-	-
Northern	1	-	13	-	-	4
Western	-	1	-	8	-	2

\* Greater Accra: One respondent did not answer at all how property is to be distributed on the death intestate of a man.

\* Western : One respondent did not know the answer to the question.

**Table 8.1 a (ii) : Frequency Distribution of Knowledge of Legal, Religious and Customary Provisions for the Devolution of a Man's Intestate Property in Rural Areas**

REGION	PNDC L 111	Customary	Islam	Wife & Children	Wider Family	Children Only
Gr. Accra	-	-	-	-	-	-
Ashanti	2	1	-	-	-	-
Northern	-	-	4	1	-	3
Western	1	5	-	4	-	-

17. Obviously, the level of awareness of intestate property rights of widows is very low. Apart from Greater Accra which registered some level of awareness, and even here it is very low considering that more education in this legal rights is higher in all respects than in other regions, other regions registered a very low level of awareness and therefore dissemination. 17 out of a total of 26 women in the North had a high level of religious specifically Islamic awareness of devolution of property than any other category of devolution. This reveals that the culture of Islam has more deeply permeated the fabric of Northern society and is practiced more and acknowledged than any other form.

Responses to questions as to who a man's intestate property should go to revealed that most respondents believed the widow and children should inherit same. This reveals a new trend of thinking where majority of women seem to be saying that the customary form of devolution is generally no more acceptable or adequate, and neither should other forms apply but the widow and child only should benefit.

18. It is important to note however that even though most respondents are ignorant about legal provisions on the devolution of intestate property both in rural and urban areas the highest percentage of respondents showed a tendency and willingness to use the legal process more than any other avenue to gain redress from abuse of such rights as revealed in column 2 of Table 8.1b below. This trend reveals that cultural barriers against the use of the formal legal process to address family issues is fast breaking down.

**Table 8.1b(i) : Frequency Distribution of What Actions Respondents Will Take to Address Abuse of Intestate Property Rights in Rural Areas**

REGION	Police/Court	NGO eg. FIDA	Elders	Chief	No Action
Gr. Accra	-	-	-	-	-
Ashanti	3	-	-	-	-
Northern	3	-	-	-	5
Western	8	-	1	-	-

**Table 8.1 b(ii) :Frequency Distribution of what Actions Respondents will take to Address Abuse of Intestate Property Rights in Urban Areas.**

REGION	Police/ Court	NGO eg FIDA	Elders	Chief	No Action
Gr. Accra	18	2	1	-	-
Ashanti	7	-	1	-	2
Northern	3	-	-	-	14
Western	10	-	-	-	2

\* Greater Accra: One person did not answer what action she would take if property rights were abused.

19. The Distribution from Table 8.1b reveals that Northern women scored highest on the chart, that they would take no action whatsoever if their intestate property rights were abused. Out of 26 respondents 77% stated that they will take no action whatsoever. Only 23% indicated that they will go to court or the Police. Reasons assigned to this trend are deeply ingrained and embedded in culture and are as follows:

- i. If I go to court my children will not be respected ever again
- ii. My children will be maltreated if I go to court
- iii. I will not go to court because I will be told that the property belongs to the deceased or his brother and that it does not belong to me
- iv. It will not speak well of me if I go to court especially if I have children with the deceased
- v. If I go to court I may be harmed (referring to black magic)
- vi. I will not go to court because by Dagbani custom I will be accused of having taken my children to court, not my husband's family

vii. In my hometown which is Tongo, the custom does not allow the woman to go to court with marital issues or problems so I will not go to court.

20. The majority of Dagomba and related Northern tribes women were absolutely sure they would never go to court or take any legal process to enforce their intestate property rights. This response cut across educated and uneducated women. Thus the level of enlightenment/education had little or no impact on what women in this area would generally do to redress violations of their property rights. It was obvious that the grip of custom and culture in this area was so strong that little if nothing could be done to change this attitude, from outside influence. Any change that may occur has to be endogenous.

## 9.0 KNOWLEDGE DISSEMINATION, AWARENESS AND USE OF HEALTH RIGHTS AND FACILITIES

21. Respondents in the survey indicated a high preference of medical health facilities and services both in the rural and urban centres of the regions surveyed. However, this patronage indicated further that most people would not go to the hospital immediately they fall ill. Most people would wait a day or two to see whether the illness became serious. Others would self-medicate first and this self medication varied from traditional medicine in the rural areas to modern medicine in most urban and semi-urban areas.
22. Responses revealed that rural women in particular would mostly deliver their children at home and would only send birthing mothers to hospital where there are complications or difficult births. In the above light respondents indicated that highest above all problems in access to health were financial problems. Out of a total of 86 respondents, 37 representing 43.02%, listed financial problems as the highest ranking problem. Lack of finances was the factor that often dictated whether rural respondents walked between 1km to 5km to access facilities or they took the fastest means of transportation being taxis or the cheapest and sometimes slowest form, "tro-tro" to hospital. Ranking second were a conglomeration of problems such as lack of transportation, available drugs, financial problems and/or delays at the hospital. 17.44% (15) of the respondents indicated the conglomeration of problems as their obstacles. Correspondingly, another 17.44% answered that they had no problems in accessing health facilities. In addition, about 13.9% of the respondents (12) indicated that delays at hospitals were their highest ranking problems. Only 2 respondents indicated transportation as a problem.

Table 9.1a : Choice of Health Facility

REGION	Hospital	%	Herbalist	%	Hospital & Herbalist	%
Gr. Accra	23	100	-	-	-	-
Ashanti	14	100	-	-	-	-
Northern	22	84.6	1	3.8	3	11.6
Western*	19	86.3	-	-	2	9.09

\* Western Region: One person did not answer at all which health facility she resorted to when ill.

**Table 9.1b : Distance to Health Facility in Rural Areas (Distances are in approximate miles)**

REGION	< 2	%	2 - 4	%	5 - 8	%	9 - 12	%
Gr. Accra	-	-	-	-	-	-	-	-
Ashanti	-	-	2	66.6	-	-	1	33.4
Northern	5	62.5	3	37.5	-	-	-	-
Western	1	10	2	20	3	30	4	40

**Table 9.1c : Distances to Health Facility in Urban Areas (Distances are in Approximate Miles)**

REGION	< 2	%	2 - 4	%	5 - 8	%	9 - 12	%
Gr. Accra	13	56.5	3	13	6	26	1	4.3
Ashanti	2	18.1	6	54.5	2	18.1	1	9.09
Northern	11	61.1	6	33.3	1	5.55	-	-
Western	3	25	4	33.3	4	33.3	1	8.33

#### **REPRODUCTIVE HEALTH RIGHTS**

**Table 9.1d (i): Frequency Distribution of use and knowledge of Family Planning in Rural Areas**

REGION	Total No. FP* Users	Users whose H/P* capitals approve	Users whose H/P don't approve	Users whose H/P don't know they use FP	Users who don't know whether H/P approve
Gr. Accra	-	-	-	-	-
Ashanti	1	1	-	-	-
Northern	-	-	-	-	-
Western	-	-	-	-	-

\* FP means family planning

\* H/P means Husband/Partner

\* Northern Region: One person did not answer whether or not she uses FP.

**Table 9.1d (ii) : Frequency Distribution of use and knowledge of Family Planning in Urban Areas.**

REGION	Total No. of FP Users	Users whose H/P approve	Users whose H/P don't approve	Users whose H/P don't know they use FP	Users who don't know whether H/P approve
Gr. Accra	5	5	-	-	-
Ashanti	-	-	-	-	-
Northern	6	3	-	1	2
Western	6	6	-	-	-

**Table 9.1e (i) : Frequency Distribution of non-use and knowledge of Family Planning in Rural Areas**

REGION	Non-users of FP	Non-users whose H/P approve	Non-users whose H/P don't approve	Non-users who don't know whether H/P approve	Non-users who did not answer whether H/P approve
Gr. Accra	-	-	-	-	-
Ashanti	2	1	-	1	-
Northern	8	-	4	-	4
Western	10	3	1	3	4

**Table 9.1e (ii) : Frequency Distribution of non-use and knowledge of Family Planning in Urban Areas**

REGION	Non users of FP	Non-users whose H/P approve	Non-users whose H/P don't approve	Non-users who don't know whether H/P approve	Non-users who did not answer whether H/P approve
Gr. Accra	17	4	4	1	8
Ashanti	11	-	3	-	8
Northern	10	1	5	2	4
Western	5	-	2	2	2

23. Tables 9.1d and 9.1e reflect the users and non-users of family planning. The overall picture revealed that most respondents do not use family planning. The figures reflected in Table 9.1e show that a total of 65 respondents (75.5% of total respondents) in all the regions

do not use family planning while only 19 respondents admitted using family planning to space their children.

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The survey revealed that with the exception of Greater Accra and Ashanti regions where all partners of family planning users approved its use, most partners disapprove of family planning. It would appear therefore that most women do not use family planning because their spouses or partners disapprove. A small number of non-users did indicate that they had used or tried family planning but discontinued it because it disagreed with their body systems. Some non-user respondents also indicated that they were not using family planning because they are single, widowed or had passed their reproductive years.

An important observation made with regard to reproductive rights and use of family planning is that almost all respondents in the four regions who responded negatively to using family planning also did not indicate whether they knew about it and if they knew, how they got to know about its use. In the same vein, non-users in all four regions did not know whether their partners approve of it or not. It would appear therefore that the level of awareness of reproductive rights is very low which probably accounts for its low use in addition to the fact that spouses/partners mostly disapprove of it. Another observation that was made was that culturally, the use of family planning is related to the possibility of being promiscuous since men generally believe that if a woman uses contraceptives it cannot be detected when she is promiscuous.

Additionally, it was observed that in this area of reproductive rights more respondents in all four regions refused to answer questions relating to family planning. The reason most probably is that tradition and custom keeps sex matters private and away from the public eye. Thus the collection of data on the level of awareness was less successful compared to other areas of women's rights.

## 10.0 GENERAL LEVEL OF KNOWLEDGE AND AWARENESS OF WOMEN'S HUMAN RIGHTS IN THE FAMILY

**Table 10.1a (i) : Frequency Distribution of general level of awareness of Women's Human Rights in the Family of Rural Respondents**

REGION	Respondents who know rights	Respondents who know some rights	Respondents who don't know any rights
Gr. Accra	-	-	-
Ashanti	-	2	1
Northern	2	-	6
Western	5	-	5

**Table 10.1a (ii) : Frequency Distribution of general level of awareness of Women's Human Rights within the Family in Urban Areas**

REGION	Respondents who know rights	%	Respondents who know some rights	%	Respondents who don't know any rights	%
Gr. Accra*	11	47.8	5	21.7	6	26.08
Ashanti	3	27.2	2	18.1	6	54.5
Northern	4	22.2	-	-	14	77.8
Western	5	41.3	2	16.6	5	41.3

\* Greater Accra Region : One respondent did not answer at all whether she knew her rights.

24. Analysis of the data collected to show how much knowledge and awareness women have of their rights within the family, revealed very poor results. Greater Accra region being metropolitan revealed the highest level of rights awareness with 69.5% of respondents indicating that they knew some and/or all rights. Northern and Ashanti regions did not register any respondents who knew all their rights. However, 42.8% of the respondents in Ashanti region indicated they knew some rights while 57.14% had no knowledge whatsoever. In Western region, 50% of respondents revealed that they did not know any rights while 40.9% indicated they knew their rights with 9% showing that they knew some rights.

25. It is important to note that many respondents who indicated that they knew all or some rights, when asked to indicate what they

knew, revealed a mixture of customary rights, common-sense facts and issues that could not be considered rights at all. Many such respondents revealed that their knowledge of women's human and legal rights were clouded by religious and customary norms together with day to day common sense issues. Here following are some responses of women who said they knew some or all of their rights :

A. URBAN NORTHERN WOMEN

- i. "To know what is good for me to help take decisions in the family".
- ii. "If you feel you are being cheated you have to hit back but in our culture you can't do anything about it".

RURAL NORTHERN WOMEN

"If he marries a new wife without telling me"

B. URBAN GREATER ACCRA WOMEN

- i. "Taking care of the house - washing, cleaning, etc."
- ii. "We both take decisions together when it comes to family issues".
- iii. "To be submissive or obedient to my husband to be able to care for my family".
- iv. "To be loved by my husband".

C. RURAL WESTERN REGION WOMEN

"I should do what I'm expected to do in the house."

D. URBAN ASHANTI WOMEN

- i. "Not to be defrauded"
- ii. "As a woman I should listen to my husband and obey him and there should be complete compatibility between the husband and wife".

## 11.0 RESULTS OF FOCUS GROUP DISCUSSIONS

Study Objective : To find out what respondents think of education in general and the education of children both boys and girls.

### 11.1

All participants in the 7 focus group discussions in all four regions sampled in both rural and urban areas agreed that education is a very good thing. Participants indicated amongst many others that education prevents one from being cheated, it guarantees care of aged parents, it broadens one's outlook and gives knowledge. Respondents however generally agreed that the problem with education was that it was too expensive and financial problems hindered the education of all children and even of some of the participants. Respondents indicated that given adequate resources and the right environment they would rather educate all their children than choose between males and females.

"Education is very good but school fees is a problem".

*Urban Northern Dagomba Woman*

"Education is very good but financial problems hinder one from educating all my children. So I will educate the most intelligent irrespective of their sex."

*Rural Ashanti Woman*

"Education enlightens one's mind. In addition, in Ghana today everything is written so it is important to be able to read. You asked me my age and I could not tell you, If I had been educated I'd have been able to tell you".

*Rural Western Woman.*

"Education is very important because through education you can get a good job, you can look after your children to become responsible citizens. Education helps you read sign boards and maps."

*Urban Accra Woman*

"My children are many but as for women we suffer a lot and we are often not educated. So I will want to use all my money to educate the only daughter I have, so she can become better educated."

*Rural Ashanti Woman*

Study Objective:- To find out whether women know and are enjoying their health rights as well as whether they have access to adequate

health facilities and information. The objective was also to find out problems, constraints or obstacles they face in accessing their health rights and needs.

### 11.2

All participants were definite that they generally did not enjoy good health and attributed this to women's heavy work load of being hewers of wood, drawers of water, nurturers of families, and working outside the home as well to supplement family income. Respondents generally agreed that family planning information was available from clinics, electronic media advertisements and from friends and relatives. Additionally, respondents agreed that hospitals were accessible but finances were their biggest obstacle to health needs.

"Out of the 24 hours, I have only 6 hours' sleep. Inadequate finances make us toil all the day. Hospital should be free for women. A single operation costs about ₵300,000.00. Women are under pressure due to the cost of living and we toil all day. So if you are unfortunate and you fall ill, that is your end." *Semi-urban Ashanti Woman.*

"Ghana has become very difficult economically and we can't even get good food to eat. When there are many children in the family as in mine, by the time I share the little food available there is nothing much left for myself, so it affects my health."  
*Rural Western Region Woman*

"Family Planning is good for the health of women and every clinic in our community teaches family planning, while radio and television programmes publicize the use of family planning."  
*Urban Ashanti Woman*

"We are not enjoying good health. I have a lot of leg pains and stomach ache but I have no money to buy drugs." *Urban Northern Dagomba Woman*

"At night I can't sleep because I am worried about many things and poverty." *Urban Northern Dagomba Woman*

"During menopausal years women do not enjoy good health and a lot of management has to be done." *Urban Accra Woman*

"If the men can take care of the wife and children there is no need for family planning."  
*Urban Ashanti Woman*

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Study Objective :- To find out what participants knew of property rights of spouses within marriage and upon the death testate or intestate of a spouse in accordance with the Intestate Succession law PNDCL 111 and the Wills Act.

### 11.3

Participants were generally more familiar with customary or religious devolution of property upon the death intestate of a male spouse. However, in most discussion groups participants knew of the making of wills and their effect. Many women were of the view that men should make wills to prevent the customary practice of extended family members depriving widows and children of the property of their deceased husband and father. Women in the Western and Ashanti region who are matrilineal in family system were more of this view than other tribes that are patrilineal as is the case of Northern Dagomba women.

It was observed that very few women in all discussion groups knew about the Intestate Succession Law, PNDCL 111.

"Where a man does not write a will and he just leaves property by word of mouth, the man's family can take the property"  
*Rural Western Woman*

"It is important that men prepare wills to prevent any problem after their death".  
*Rural Western Woman*

"I don't know about PNDCL 111"  
*Urban Accra Woman*

"We have heard of PNDCL 111 but don't know what it says".  
*Two Urban Accra Women*

"My father died a long time ago and his property has not been shared but the law does not affect it."  
*Urban Ashanti Woman*

"We have been hearing from the Southerners that there is a law which prevents family heads from taking away a deceased's property, but

among the Dagombas if you go to court like we are hearing you can do, the family will curse you and you will die."

*Urban Northern Dagomba Woman.*

"My father wrote a will so his family cannot take the property."

*Urban Ashanti Woman*

"We don't know about PNDCL 111". *Rural Western Woman*

"In this area the family takes the property when a man dies"

*Rural Western Woman.*

"Can a woman make a will?" *Rural Western Woman.*

#### 11.4

Study Objective :- To find out what women consider to be violence against women and whether they know or are aware of what to do when they are victims of violence and that the Ghanaian law protects them.

Almost all respondents were very clear and minced no words in stating what they believe bad treatment of women in the family is thus reflecting a high level of awareness of violence against women as they experience it. Thus when it came to what actions they would take if they were victims, responses varied from taking legal action to doing nothing about the situation. This attitude was generally based on cultural/religious precepts of behaviour for women. Below are the responses of participants:

"Lack of maintenance of women is bad treatment against women in the family. Recently, my sister's husband died and his family insists that my sister killed her husband and so there is no peace in that house."

*Rural Western Region Woman.*

"I my husband/partner beat or slap me I'll give him a warning the first time depending on what happened. Even if it was my fault there should be no beatings, otherwise I'll see his family because I can't fight a man"

*Urban Accra Woman*

"It is bad treatment of women in the family to make us overwork ourselves and when we have helped them make some riches their attitude changes towards us"

*Urban Ashanti Woman*

"Drunken men beat up their wives and men neglecting their responsibilities at home".  
*Rural Ashanti Woman*

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"Our cultural beliefs are so entrenched that we women cannot get out of them and there is nothing we can do."

*Urban Northern Dagomba Woman.*

"There are many forced marriages with girls as young as 15 years and below being forced to marry when they reach puberty. Mostly, it is the men who force their daughters to marry so early."

*Urban Northern Dagomba Woman*

"Yesterday a girl was beaten to death because she was resisting a forced marriage. When she died she was just buried at the side of the road."

*Urban Northern Dagomba Woman*

Study Objective:- To find out whether women know their human and legal rights under the constitution and laws. In this light the survey tried to find out what they know as their rights and whether they have problems accessing legal institutions to enforce their rights.

### 11.5

Generally women did not know their legal and human rights. Those who felt they knew fell into two categories. There were those who actually knew their legal and human rights and there were some who equated customary rights to legal and human rights as is reflected below:

"You should not allow yourself to be cheated. In such a case we should consult a FIDA like you."

*Urban Ashanti Woman*

"If there is any dispute, first it must be settled at the family level before any place like the Police Station or court."

*Urban Ashanti Woman*

"When we go to the Police station for marital issues like when our husbands beat us up they often tell us to go home because it is a family issue. So the government should take this matter up."

*Urban*

*Accra Woman*

"We don't know our rights. If we knew we would take up issues with the men so they can change."

*Urban Accra Woman*

## **11.6 SUMMARY OF FOCUS GROUP DISCUSSIONS**

1. Participants in the focus group discussions were similar in responses to those who answered questionnaires in their general level of rights awareness. Rights awareness and knowledge of legal and human rights provisions are generally very low.
2. Women responded that they suffer and toil a lot without enough rest, good food, maintenance and resources. As such they generally do not have good health. Even though health facilities were readily available together with information for reproductive health rights, lack of finances often prevented women from accessing such health facilities.
3. Participants also generally agreed that education was very important. Given the necessary resources, almost all respondents were certain they would educate all their children, both boys and girls. The reasons assigned to this position were that educated children were an investment against old age for parents, and that children needed the said education to be able to find jobs, be enlightened, knowledgeable and help build the nation as a whole, among many others. It was also generally agreed amongst respondents that in this day and age cultural beliefs against the education of girls do not hold even in the rural areas.
4. Respondents in the discussions had a long list of what they considered to be violence against women. These included:
  - i. Polygamy
  - ii. In-law ill-treatment of women
  - iii. Oppressive culture
  - iv. Lack of maintenance of wives and children, leaving the whole burden on women
  - v. Forced and early marriages
  - vi. Leaving all household chores to women
  - vii. Wife battery
  - viii. Rape in marriage
  - ix. Girl-child taking all household chores
  - x. Denying women the right to make or contribute to family decisions
  - xi. Lack of respect for women and cruel treatment.

5. With respect to property rights most participants knew of the making of wills and stressed on the need for men to make wills. However, in the absence of wills, respondents had little or no idea of the provisions of the Intestate Succession Law which regulates intestate property.
6. Many women both in rural and urban areas kept asking to be educated on their rights, while some went ahead and asked mind-boggling questions on legal and human rights issues while the study was being conducted. This showed the need for more programmes on legal rights awareness.

## **12.0 IDENTIFYING OBSTACLES AND CONSTRAINTS TO THE DISSEMINATION OF LEGAL AND HUMAN RIGHTS INFORMATION**

1. One of the biggest obstacles to the dissemination of legal and human rights information observed from the survey is culture. Women are constrained by customary practices in such a way that they are prevented from imbibing any other form of information contrary to its tenets and norms. As such even where women know their rights they do not and/or will not use them by accessing the legal process. In the North of Ghana for example it has more to do with the spiritual and cultural fabric of the people as to what they understand by family than mere legal provisions that should be protecting their lives.
2. A second major obstacle in the dissemination of legal and human rights is the difficulty in transmitting and communication of the concept of rights in local languages within the context of the various traditions. Language barrier in general is a constraint to dissemination.
3. A third obstacle to dissemination of legal and human rights is apathy and ignorance on the part of many women. Due to women's heavy work load and day to day activities, they exhibit apathy during educational programmes and there is a general dearth of zeal to be involved in education.
4. Illiteracy is a big obstacle to the dissemination of legal and human rights information. All rights information is written and a lack of ability to read and comprehend information hampers the spread of such information.
5. Poor communication networks constrain the dissemination of legal and human rights information. To be able to go into a community to educate its members there is a need for effective communication to prepare the people. Where such preparation is absent, the community is apathetic and suspicious.
6. Another major obstacle to dissemination of legal and human rights information is the lack of understanding of women's rights concepts by the disseminators. It was discovered in the field that many disseminators or people involved in dissemination had a low or non-

existent level of awareness themselves of women's rights issues. This contributes to the transmission of inaccurate information.

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7. There is also a general dearth of basic, simplified and inter-connected information material which has a bearing on women's daily lives to aid the dissemination of women's legal and human rights.
8. Poverty largely plays a huge part in obstructing the dissemination of information. Where members of a community are poor and have to toil long hours to be able to take care of themselves, an attempt to disseminate legal and human rights information which on the face of it has no bearing on women's lives is viewed as a waste of time. It is thus not given much attention.
9. It was discovered in the rural areas that climatic seasons can be a serious obstacle to effective dissemination of legal and human rights awareness. Rural folk being basically farmers are regulated by seasons. Thus the raining season for example can prevent disseminators from getting audience.
10. In many rural areas, participants in programmes expect incentives from educators and disseminators due to their poverty stricken situation. As such a lack of adequate resources does act as an obstacle to dissemination since the grant of an audience means the giving up of their working hours. Therefore, they expect some returns to make up for such time. Furthermore, a lack of resources on the part of educators would prevent them from accessing many of the remote rural areas and even some urban or semi-urban centres that have bad road networks.
11. Accommodation has been identified to be an obstacle to disseminators. In many rural and some urban/semi-urban areas the lack of adequate accommodation may prevent educators from disseminating legal and human rights information in such places, more so if they cannot be reached in a day's journey.

### **13.0 PRACTICAL MEASURES FOR RESOLVING THE CONSTRAINTS AND OBSTACLES TO DISSEMINATION OF LEGAL AND HUMAN RIGHTS INFORMATION**

1. To overcome the constraint or difficulty in explaining legal and human rights concepts in local languages, there is the need for organizations and associations involved in dissemination to employ language experts to will break down, interpret and incorporate the said concepts into the local languages to facilitate easier transmission.
2. An alternative practical redress to the above obstacle would be to identify already existing concepts in the various traditions and local languages to work with rather than attempt to create new ones.
3. As a result of the huge obstacle culture poses which makes it difficult for other standards such as legal or human rights standards to supersede it, there is a need to ingrain or work into existing social or service programmes such as those providing clean water, income generating activities and the like certain legal and human rights training and education. This approach will inter-connect women's daily activities to rights awareness, thereby be introduced in a way that is not in direct conflict with culture. This the basic needs going hand in hand with the basic rights approach.
4. To further address the culture barrier again, disseminators and already accepted self-help associations and organizations in the communities have to encourage dialogue amongst community members to re-examine their customary practices and culture in the light of modern developments. Such an endogenous approach will generate the needed confidence from within the community than from an external approach with outsiders imposing information. In this respect there is a great need for educated members, opinion and traditional leaders of the community to be trained and sensitized to encourage such dialogue.
5. There is a great need to train disseminators of women's rights information, particularly those involved in community-based self-help associations. Consistent and proper training in the form of "train-the-trainer's" programmes is important to equip already accepted members of the community to better understand and appreciate women's human rights concepts to enable them disseminate accurate information..

6. To overcome the problem of illiteracy which seriously affects dissemination, NGOs, self-help associations and governments must establish, increase and extend informal adult education programmes in local languages as well as in simple English. The increase of adult literacy will ensure a more effective and successful dissemination of information.
7. NGOs, local and foreign organizations involved in the promotion of women's human rights must simplify and create basic legal and human rights material to aid in the propagation of the said rights through simplified reading and visual materials.
8. There is a great need for human, financial and other resources to overcome the lack of trained and effective disseminators as well as incentives to facilitators and participants of programmes for dissemination of legal and human rights information. This means NGOs and foreign organizations have to identify possible sources of funding to support effective dissemination.
9. The problem of poverty amongst women particularly rural women which indirectly prevents their active participation in educational programmes can and must be alleviated through the establishment of income-generating activities and the provision of credit and easy access to credit mechanisms. Such provision can take the form of establishing food or other processing self-help associations in communities by the provision of simple technological equipment as cornmills, cassava crushers, farming implements and chemicals, looms for weaving, local and adaptable ovens for smoking fish, and so on.
10. With regard to climatic conditions seasons and related, disseminators must familiarize themselves by researching effectively into the social culture of the communities they intend to carry legal and human rights information into. This also means disseminators must learn the culture of communities to ascertain which rights are acceptable or not with respect to their circumstance.
11. There is the need to establish monitoring units within NGOs and associations involved in women's human and legal rights awareness to ensure that accurate information is being transmitted and that meaningful and effective training of disseminators is ongoing.

12. In the short and long terms governments must be pressurized to improve communication and road networks to various parts of the country to facilitate easy access.

#### **14.0 THE KIND OF INFORMATION WOMEN NEED IN ORDER TO BETTER ENJOY THEIR LEGAL AND HUMAN RIGHTS**

1. Women need all available information on women's legal and human rights. However, it is important that all such information is simplified, basic and interrelated to women's daily activities to impact on them.
2. Women need information that has been translated into local languages and simplified English for all literate women to be able to read. This will also aid the traditional concepts if experts are employed to do the translation into local languages or very simple English. This kind of information will also aid educated women who may not necessarily understand and grasp technical legal language.
3. Women need other women from their own communities who have been trained to understand legal and women's human rights concepts and can impart same to them in a language and environment conducive to them without the intrusion of outsiders or foreigners who generally make women uncomfortable.
4. Women bound in inhibiting and inimical cultural practices need information on their effects and avenues to circumvent culture. There is thus the need for education that is endogenous and not a top-down approach. This calls for dialogue within the community between all stake holders in such customary practices to aid them deconstruct such practices to identify the usefulness or not and general impact.
5. Women in Ghana need formal education to enable them have access to legal and human rights information as in most cases (except for Northern women) enlightenment helps people break free of inimical customary practices. It has been observed that formal education enlightens and broadens one's knowledge.

## **15.0 INSTITUTIONAL ARRANGEMENTS AND/OR MECHANISMS THROUGH WHICH LEGAL AND HUMAN RIGHTS INFORMATION CAN BE IMPARTED**

### **1. NCCE**

The 1992 Constitution of Ghana established the National Commission on Civic Education. This Commission amongst others has been charged with the duty to increase awareness and educate civil society on their rights and duties. Thus women's human and legal rights should and must be made a strong feature of their education.

### **2. CHURCH GROUPS**

In Ghana many church women's groups are fora for the dissemination of women's issues. Already many of them are involved in educating themselves on women's legal and human rights issues.

### **3. MARKET AND OFFICE ASSOCIATIONS**

Ghana is resplendent with many market and office or departmental women's associations. Such associations are already organized and need only rallying to act as local points for the dissemination of women's legal and human rights information.

### **4. TRADITIONAL INSTITUTIONS OF CHIEFTANCY AND QUEENMOTHERS' ASSOCIATIONS**

Ghanaian traditional institutions like Chieftancy and Queenmothers' associations are well recognized institutions nationally and locally. Being traditional heads of communities their sensitization and acceptance of women's legal and human rights will go a long way to disseminating information to their subjects who often do what they are told or encouraged to do by such traditional heads.

5. Self-help Associations and Organizations which are community-based involved in service delivery are well placed institutions to disseminate women's legal and human rights information.
6. District Assemblies are the lowest tier of governmental organization and exist in all districts in Ghana. Dissemination is possible through them since they are local authorities that organize human resource amongst others.

7. An effective institution is the media, both electronic and print. Electricity is being extended to the remotest parts of Ghana which is aiding rural folk acquire television sets and radios with locally run programmes. Radios are the most widely circulated form of electronic media in Ghana and are therefore very effective in disseminating women's human and legal rights information.
8. The Trades Union Congress is one well organized institution in Ghana with a women's wing. Dissemination of women's rights therefrom would be most effective since they have many women's organizations under their umbrella.
9. In Ghana the Armed Forces Wives Association is a nationally well organized group of women married to military men. They are already involved in women's rights dissemination.
10. Islamic Congregational Women's Organizations are also well organized groups that can be used to disseminate women's legal and human rights amongst Moslem women.

## **16.0 IDENTIFY ONE OR MORE NGOs THROUGH WHICH THESE ARRANGEMENTS/MECHANISMS COULD BE ESTABLISHED**

1. The International Federation of Women Lawyers (FIDA) is an international NGO which is a non-profit making association of women lawyers and is committed to promoting and enhancing the status of women and children in the society.
2. Women in Law and Development in Africa (WiLDAF) is an African network of NGOs in 22 African countries committed to the development, promotion and enhancement of women's status and rights in Africa and it has a branch in Ghana.
3. Centre for the Development of People (CEDEP) - this NGO is involved in maximizing human development through :
  - a. Development Education
  - b. Publication
  - c. Gender Awareness
  - d. Advisory Service
  - e. Research
  - f. Training
  - g. Capacity Building
  - h. Advocacy
  - i. Networking
4. Gub-Katamile is a self-help community based Association in the North.
5. Maalizaali is an NGO set up to promote women's human rights and support women's development initiatives in the North of Ghana.

## **17.0 IDENTIFY ORGANISATIONS AND ASSOCIATIONS THAT ARE WORKING TO PROTECT , PROMOTE AND ENHANCE WOMEN'S HUMAN AND LEGAL RIGHTS IN THE FAMILY**

1. FIDA - The International Federation of Women Lawyers
2. WiLDAF - Women in Law and Development in Africa
3. 31<sup>st</sup> December Women's Movement
4. The International Association for the Advancement of Women
5. The Forum for African Women Educationalists

## **18.0 SAMPLE OPINION OF CIVIL ORGANIZATIONS AND ASSOCIATIONS ABOUT THE RELEVANCE AND ADEQUACY OF LEGAL ASSISTANCE PROVIDED TO WOMEN**

1. Ghana has established a National Legal Aid scheme to assist Ghanaians who cannot afford legal services. The constraint about the scheme is that to qualify under it one must earn less than the minimum legal wage. The problem this proviso encourages is that most Ghanaian women are in the informal sector of employment, trading and farming, which cuts them out from benefiting under the national legal aid scheme. Apart from this many women earn the minimum wage but cannot afford legal services which are very expensive.

Secondly, the national legal aid scheme has a formal process of selection which would-be beneficiaries particularly women are intimidated by. Many women therefore lack adequate legal assistance and this puts the burden on NGOs like FIDA and WiLDAF As well as self-help associations.

2. The peculiar situation of NGOs like FIDA and WiLDAF which are the only two known NGOs involved in giving legal assistance and which are again perennially in need of resources to execute their objectives has made it very difficult for them to meet the demand of legal assistance. Thus the adequacy of legal assistance to women in Ghana is very low and demand as awareness increases far outweighs supply due to lack of human and financial resources.

3. Legal Assistance provided to women is very relevant because the assistance given is related to the day to day needs of women. This makes it easy for them to identify with it.
4. Without this legal assistance offered by the above named NGOs many women would be bereft of redress via the legal process as they are financially handicapped and cannot engage regular lawyers. They are also intimidated by the whole Legal system that is prolific with some unsympathetic men like the Police and Judiciary Administrative Staff.
5. Despite all the above advantages of legal assistance to women, it should be stated that in some areas in Ghana like the Northern region, women hardly ever recourse to the legal process to redress certain intra-family issues such as violence against women, though they may access legal assistance for criminal and other civil matters.

## CONCLUSION

The present study has revealed that the level of awareness by women of their human and legal rights in Ghana is very low irrespective of the plethora of women-friendly laws and provisions.

It was observed that socio-cultural and religious norms and practices impact on women's lives in a way in which women are either unable or find it difficult to access their legal and human rights. Thus even where they know their rights these constraints sometimes hamper their ability to access legal processes that will protect and guarantee those rights. Thus there is the need for increased educational campaigns and programmes to effectuate rights awareness dissemination through established institutions.

## **BIBLIOGRAPHY**

Constitution of the Republic of Ghana 1992

Intestate Succession Law (1985) PNDCL 111

The Criminal Code (Amendment) Act 1994 Act 484

The Marriage Ordinance 1884 Cap 127

The Customary Marriage and Divorce (Registration) Law (1985)  
PNDCL 112

The Status of Women in Ghana (1985-1995) National Report for the 4<sup>th</sup>  
World Conference on Women :NCWD (1995)

Gyekye, Arthur , Dankwa **Family law And Customary Practices for  
child Maintenance in Ghana 1995**

Benneh George " Family And Development in Ghana: An Overview"  
1992 (ed) Elizabeth Ardayfio- Schandorf

K. E de Graft Johnson "Family Research: The Ghanaian Situation"  
(1992) (ed) Elizabeth Ardayfio- Schandorf

Kuenyehia Akua " The General Situation of Women in Ghana"(1990)

Kuenyehia Akua " The Legal Status of Rural and Urban Poor" (1993)  
conference Paper presented at ICJ/WilDAF /FIDA Ghana Seminar

Asante Emmanuel Kwame "Changing Status of the Wife: a study of the  
wife in Dormaa -Ahenkro" (1978)

Greenstreet Miranda " Social change and the Ghanaian Woman"  
**Canadian Journal of African Studies** Vol VI No 2 1972

Greenstreet Miranda " Women's position in society : their role status  
and legal rights" **Report of the seminar on rural women in West  
Africa, Ghana** November 1978

**QUESTIONNAIRE**

Age: 15 - 25 / 26 - 40 / 40 - 60 / Above 60

Occupation: \_\_\_\_\_

Educational Background: \_\_\_\_\_

Marital Status: Single / Married / Widowed

Are you married under the ordinance (law) / Customary

Parental status: Single / Married / Parent

who takes care of the family when they are sick? \_\_\_\_\_

Are sick members of the family taken to the hospital/herbalist Yes/No

If so when and how often? \_\_\_\_\_

How far away is the hospital/health post/ herbalist? \_\_\_\_\_

Who pays for the bills when sick members are sent to the hospital? \_\_\_\_\_

What means of transport is used when taking the sick members to hospital? \_\_\_\_\_

For what sickness or reasons do you go to the hospital? \_\_\_\_\_

Do you use any family planning method? Yes/No

If you do, how did you get to know about it? \_\_\_\_\_

Does your husband/ partner approve Yes/No

Do you discuss family planning with your husband/partner? Yes/No

If No why? \_\_\_\_\_

What problems do you encounter when trying to access health services? \_\_\_\_\_

When you are ill who takes care of you? \_\_\_\_\_

Do you enjoy good health? If Yes why and if No why? \_\_\_\_\_

Do you think education is important? Yes/No

If Yes why and if No why? \_\_\_\_\_

Who among your children should be educated and why? \_\_\_\_\_

If you had scarce resources who among your children would you educate and why? \_\_\_\_\_

Are there any cultural beliefs against the education of children? If yes what are they? \_\_\_\_\_

Do you face any problems trying to educate your children both boys and girls If yes what are they? \_\_\_\_\_

What kind of property do you own as a family? \_\_\_\_\_

Who is the bread winner in your family? \_\_\_\_\_

Who makes decisions about how the family income is used and why? \_\_\_\_\_

Who owns the property acquired by a married couple and why? \_\_\_\_\_

Can you own property and which kind of property can you own? \_\_\_\_\_

What would happen to a man's property if he died leaving a wife and children? \_\_\_\_\_

What would happen to a woman's property if she died leaving a husband and children? \_\_\_\_\_

If your husband's property was taken away from you when he died what would you do? \_\_\_\_\_

Would you go to court? If Yes why If No why? \_\_\_\_\_

Do you think a woman should acquire property? \_\_\_\_\_

What do you consider to be bad treatment against women in the family? \_\_\_\_\_

If your husband /partner slapped or beat you what would you do? \_\_\_\_\_

Do you think that your husband/ partner can beat, slap or do anything he likes to you when he likes?

If Yes why and if No why? \_\_\_\_\_

Do you know your rights as a woman Yes/No

If yes what are they? \_\_\_\_\_

How did you get to know them? \_\_\_\_\_

If you don't know your rights, do you know where to look for them? \_\_\_\_\_

What would you like to know about your rights? \_\_\_\_\_

Do you insist on your rights? If Yes why and If No why? \_\_\_\_\_

What would you do if your rights were abused? \_\_\_\_\_