



# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### List of issues prior to the submission of the initial report of Ghana\*

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, at its fourteenth session in April 2011 (A/66/48, para. 26), established a procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its report. The replies of the State party to the list of issues constitute its report under article 73, paragraph 1, of the Convention.

A list of issues may also be transmitted to a State party in cases where the Committee decides to examine the implementation of the Convention in accordance with rule 31 bis of the provisional rules of procedure (A/67/48, paras. 25-26).

### I. General information

1. Please indicate whether the State party is planning to seek assistance from the Office of the United Nations High Commissioner for Human Rights or other parts of the United Nations system in the implementation of the Convention and in particular for the submission of periodic reports.
2. Please submit general and factual information about the country, in accordance with the harmonized reporting guidelines under the international human rights treaties, including the Convention (HRI/GEN/2/Rev.6). Please also submit the State's common core document in line with the reporting guidelines (ibid.). The common core document will complement the responses to the present list of issues.
3. Please provide information on the measures taken by the State party for the harmonization of its legislation with the provisions of the Convention.
4. The Committee has received information stating that the International Organization for Migration signed a cooperation agreement with the State party in August 2010, in order to create a platform for the Organization to address migration challenges in the country. Please inform the Committee on the results of this agreement and if this agreement is still in force.
5. Please provide statistical data and information, disaggregated by sex, age and nationality, on migration flows, including returns, and on other migration-related issues. Please also provide statistical data, or if precise data are not available, then studies or estimates, with regard to migrant workers in an irregular situation. Furthermore, please provide information on measures taken by the State party to establish a coherent and cross-comparable system of data collection for the above. Please also provide information on how the regulatory committees as well as other relevant institutions intervene, especially the Migration Management Bureau and the consultation centre on migration.
6. Please provide information on the cooperation of the State party with the Commission on Human Rights and Administrative Justice. In doing so, please indicate the measures taken to provide sufficient human, technical and financial resources to ensure it can effectively protect and promote human rights, including the rights of all migrant workers and members of their families.
7. Please indicate whether the State party has established a procedure for involving non-governmental organizations (NGOs) in the implementation of the Convention and the preparation of the State party's periodic reports under article 73 of the Convention.
8. Please indicate whether the State party has taken, or plans to take, any steps to ratify International Labour Organization Conventions No. 189 (2011) concerning Decent Work for Domestic Workers and No. 97 (1949) concerning Migration for Employment.
9. Please indicate whether the State party has taken or plans to take steps to make the declarations provided for in articles 76 and 77 of the Convention, recognizing the competence of the Committee to receive communications from State parties and individuals.

### II. Information relating to the articles of the Convention

#### A. General principles

10. Please indicate whether the Convention has been directly applied by officials in the administration and/or invoked directly before the courts and whether the courts have applied it; if so, please give examples. Please give information on the progress made by the Migration Unit in streamlining the fragmented legal framework governing migration. Please also provide information on: (a) judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including workers in an irregular situation; (b) the complaints examined by such mechanisms since the date of entry into force of the

Convention and their outcome; (c) any redress, including compensation, provided to victims of such violations; and (d) any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

## **B.Part II of the Convention**

### **Article 7**

11. Please clarify whether the national legislation ensures that all migrant workers and members of their families have the rights provided for in the Convention without distinction of any kind and whether it covers all the prohibited grounds of discrimination enumerated in the Convention (art. 1, para. 1, and art. 7), including sex, language, national, ethnic or social origin, nationality, age, economic position, property, marital status and birth or other status. Please also provide information on the gender sensitivity of the domestic migration laws. In addition to legislation, please provide information on all the measures taken by the State party to ensure non-discrimination, both de facto and de jure.

## **C.Part III of the Convention**

### **Article 16**

12. Please describe measures taken by the State party to promote training programmes, including on gender sensitivity, for government staff dealing with migration issues, in particular those providing legal and consular assistance to Ghanaian nationals abroad seeking justice against abuse in the workplace, as well as regarding migrant workers or members of their families who have been arrested, held in prison, placed in custody pending trial or detained in any other manner.

### **Article 18**

13. Please provide information on measures taken to ensure that in criminal and administrative proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with legal assistance and interpretation, as necessary, and that they have access to information in a language they understand. Please also provide information on measures taken to separate migrant workers from convicted persons, adolescents from adults and women from men. Please also clarify what measures the State party has taken to ensure that women migrants are supervised by female officials.

### **Article 22**

14. The Committee is concerned about reports stating that the State party has deported more than 27,000 irregular immigrants between 2001 and 2007. Please supply up-to-date information, including disaggregated statistical data, on undocumented and irregular migrant workers and their families who have been expelled and on which deportation procedures were used. Please indicate whether collective expulsion is prohibited in the domestic laws of the State party. Please indicate whether migrant workers can challenge expulsion orders and whether such remedies have suspensive effect.

### **Article 29**

15. Please specify measures the State party has taken to ensure the right of children of migrant workers abroad, including children of migrant workers who are undocumented or in an irregular situation, to be registered at birth and to have their nationality of origin ensured in law and in practice. Please provide information on the measures taken to ensure the birth registration of foreign migrant children in the State party. Please also specify whether children of migrant workers who are undocumented or in an irregular situation enjoy the right to education and how this right is realized in practice.

### **Article 33**

16. Please inform the Committee about any steps taken to inform Ghanaian pre-departure migrants and migrant workers in, or in transit through, the State party, as well as members of their families, of their rights and obligations in the State of employment. Please also indicate whether the State party has conducted any specific information and training programmes on the Convention for relevant public officials, such as police officers, embassy and consular staff, social workers, judges, prosecutors and government officials.

## **D.Part IV of the Convention**

### **Article 41**

17. Please provide information on the steps taken by the State party to facilitate the exercise of its nationals residing and working abroad of the right to vote and to be elected at elections held in the State party. Please also include information on the impact of double nationalities on the right to vote and to be elected at elections held in the State party.

### **Article 44**

18. Please explain whether measures have been taken to ensure the protection of the unity of the families of migrant workers and to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent children.

### **Article 47**

19. Please inform the Committee about the policies in place to facilitate remittance. Please indicate whether there is an applicable legal framework in place ensuring the right of the migrant workers to transfer their earnings and savings from the State of employment to their State of origin.

20. The Committee is concerned about the reintegration of migrant workers into the domestic labour force and the challenges encountered resulting from the failure of the Ghanaian system to recognize the practical work experience gained abroad. Please inform the Committee about legislation concerning the recognition of occupational qualifications acquired outside its territory and on other measures taken to assist the returning migrant workers.

### **Articles 48 and 61**

21. Please provide detailed and updated information on the bilateral and multilateral agreements concluded in the field of migration, in particular temporary labour programmes and other agreements concerning employment, protection, double taxation and social security.

### **E. Part VI of the Convention**

#### **Article 64**

22. Please provide information on how bilateral and multilateral agreements ratified by the State party guarantee sound, equitable and humane conditions for migrant workers and address the social, economic, cultural and other needs of migrant workers and members of their families.

#### **Article 66**

23. Please provide information on the measures taken to review the role of private recruitment agencies and to strengthen the existing government-regulated licensing system for recruitment agencies, migration regulation and control mechanisms to ensure that private recruitment agencies abstain from charging excessive fees for their services and from acting as intermediaries for abusive foreign recruiters.

#### **Article 67**

24. Please explain if there are cooperation programmes in place between certain countries and the State party for the voluntary return of Ghanaian migrant workers and members of their families, as well as the use of development assistance to facilitate resettlement and reintegration in Ghana. Please also provide information on the results obtained.

#### **Article 68**

25. Please provide information on measures taken, including collaboration with neighbouring countries, to prevent illegal or clandestine movements of migrant workers and members of their families, including through organized smuggling, especially of children. Please indicate whether migrant workers who are victims of trafficking are protected from prosecution. Please also provide information on the number of persons trafficked to, from, through and within the State party, disaggregated by sex, age, nationality and purpose of trafficking, and also indicate what measures the State party has taken to prevent the irregular migration of its citizens, including unaccompanied children. Please inform the Committee on all the measures taken to counter the dangers of irregular migration. Please also indicate the role of the Commission on Human Rights and Administrative Justice with regard to the protection of irregular migrants, especially the protection of women and children in an irregular situation.

26. The Committee has been informed about the existence of irregular migration of unaccompanied girls to work in the markets and streets as head-load carriers (*kayaye*), informal petty traders or in other menial jobs. Please inform the Committee about this type of migration, and provide relevant statistical data. Please also provide information on the measures taken regarding prevention and for the recovery and social reintegration of *kayaye* victims.

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