



The LAT analyses national legal frameworks across 30 legal indicators to provide prompt, targeted and effective policy support to Member Countries to achieve gender-equitable land tenure. The list of indicators below reflect to what extent a country has incorporated the indicator in their national legal framework. The results are shown in different colour ranges on a scale from 0 (absence of the indicator in the legal framework) to 4 (the indicator appears in multiple legal instruments).

Le LAT analyse les cadres juridiques nationaux à travers 30 indicateurs dans le but de formuler des recommandations rapides, ciblées et efficaces aux pays membres, pour des régimes fonciers équitables entre les sexes. La liste d'indicateurs reflète le stade d'un pays à l'égard de l'indicateur et son incorporation dans le cadre politique et juridique national. Les résultats sont présentés dans différentes couleurs et sur une échelle de 0 (absence de l'indicateur dans le cadre juridique) à 4 (l'indicateur a été intégré dans plusieurs instruments juridiques).

La herramienta LAT analiza el marco legal de los países a través de 30 indicadores legales con el fin de dar asesoría rápida, focalizada y oportuna a los Países Miembros de la FAO. El objetivo de este ejercicio es el de avanzar la tenencia equitativa de la tierra en cuanto al género. La lista de indicadores muestra la etapa en la que se encuentra el país en cuanto a la integración de este indicador en el marco legal nacional. Los resultados se muestran en diferentes colores y en una escala que va de 0 (ausencia del indicador en el marco legal) a 4 (el indicador está integrado en diversos instrumentos jurídicos).

| Ghana | | | |
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| Key element 1: Ratification of human rights instruments | | Yes/No | Basis |
| 1 | The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ratified. | Yes | N/A |
| 2 | The African Charter on Human and Peoples' Rights (ACHPR) is ratified. | Yes | N/A |
| 3 | The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is ratified. | Yes | N/A |



| Key element 2: Elimination of gender-based discrimination in the Constitution | | Stage | Basis |
|---|--|-------|---|
| 4 | The Constitution prohibits gender-based discrimination. | 3 | The Constitution, 1991, Section 17(2) |
| 5 | The Constitution recognises customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution. | 0 | The Constitution, 1991, Section 17 |
| 6 | The Constitution recognises religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution. | 0 | No provision could be located |
| 7 | The Constitution promotes the adoption of special measures for the advancement of women. | 0 | No provision could be located |
| Key element 3: Recognition of women's legal capacity | | Stage | Basis |
| 8 | Men and women have the ability to conclude contracts under the same basic conditions, rights and obligations. | 0 | No provision could be located |
| Key element 4: Gender-equality of rights with respect to nationality | | Stage | Basis |
| 9 | Men and women are able to apply for identity documents under the same conditions. | 3 | The Citizenship Act(Act 591), 2000 Section 10 |



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|--|---|--------------|---|
| 10 | A female national can confer citizenship to her non-national spouse under the same conditions as a male national. | 4 | The Constitution, 1991, Section 7(1) *** The Citizenship Act(Act 591), 2000 Section 10(2) |
| 11 | Women can confer citizenship to their children under the same conditions as men. | 4 | The Constitution, 1991, Sections 6(2) and 7(1) *** The Citizenship Act(Act 591), 2000 Sections 3 and 4 |
| Key element 5: Gender equality in property rights | | Stage | Basis |
| 12 | The law recognises gender-equality in the right to own or control property regardless of the type of marriage. | 2 | The Constitution, 1992, Section 36(7) *** The Property Rights of Spouses Bill, 2009 |
| 13 | The law recognises full or partial community of property as the default marital property regime. | 0 | The Matrimonial Causes Act (ACT 367)1971, Section 21 |
| 14 | Spousal consent is mandatory for any transaction involving matrimonial property. | 2 | The Property Rights of Spouses Bill, 2009, Section 14(1) |



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| 15 | The law establishes a presumption of joint ownership of property in consensual unions. | 2 | The Property Rights of Spouses Bill, 2009, Sections 3 and 23 |
| 16 | The legal framework includes special measures to guarantee women's equal rights to land ownership and control. | 0 | No provision could be located |
| Key element 6: Gender equality in inheritance | | Stage | Basis |
| 17 | The surviving spouse is granted user rights to the matrimonial house for life. | 2 | Intestate succession Bill, 2009, Sections 3 and 8 |
| 18 | Under the law of succession, the surviving spouse is entitled to a minimum share of matrimonial property. | 3 | The Constitution, 1991, Section 22 |
| 19 | The law allows partners living in consensual union to inherit from each other. | 2 | Intestate succession Bill, 2009, Sections 3 and 29 |
| 20 | Brothers and sisters have an equal right to inherit. | 3 | Intestate Succession Law, 1985 (PNDCL 111), Sections 3 and 18 |
| 21 | Brothers and sisters receive an equal share of inheritance | 3 | Intestate Succession Law (P.N.D.C Law 111), Section 14 |
| 22 | A right to compensation of other siblings giving up their claims on the family property exists. | 0 | No provision could be located |



| Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice | | Stage | Basis |
|--|--|-------|--|
| 23 | Decentralisation of land administration services is effected through recognised customary land institutions. | 4 | The Lands Commission Act (Act 767), 2008 *** The Chieftaincy Act, 2008 |
| 24 | Decentralisation of land administration services is effected through formal land institutions. | 4 | The Lands Commission Act (Act 767), 2008 *** The Land Registry Act (Act 122), 1962 *** The Land Title Registration Act (PNDCL 152), 1986 |
| 25 | The law guarantees equality before the law. | 3 | The Constitution, 1991, Section 17(1) |
| 26 | The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights. | 4 | The Constitution, 1991, Section 125 *** The Chieftaincy Act, 2008 |
| 27 | The law makes provision for legal support in civil procedures. | 4 | The Constitution, 1991, Section 294 *** Legal Aid Scheme Act, 1997 (Act 542), Section 2 |



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|---|--|--------------|--|
| 28 | A human rights commission or gender-specific institution is in place. | 3 | The Commission on Human Rights and Administrative Justice Act, (Act 456), 1993 |
| Key element 8: Women’s participation in national and local institutions enforcing land legislation | | Stage | Basis |
| 29 | The law sets quotas for the appointment of women in land management and administration committees. | 0 | No provision could be located |
| 30 | The law sets quotas for the appointment of women in land dispute resolution committees. | 0 | No provision could be located |