

COMMONWEALTH HUMAN RIGHTS
INITIATIVE, AFRICA OFFICE

STATEMENT ON THE STATE OF HUMAN
RIGHTS IN GHANA IN
COMMEMORATION OF INTERNATIONAL
HUMAN RIGHTS DAY

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December 10, 2008

December 10, is the day the world marks International Human Rights Day. This day was symbolically selected to mark the United Nation's adoption of the Universal Declaration on Human Rights (UDHR) on December 10th, 1948. This year, December 10, 2008 will mark the 60th anniversary of the UDHR as an instrument that has heralded universal human rights principles and one that has formed a model that UN member states have used in the protection of fundamental rights that can be enforced at the national level.

As the world commemorates this year's International Human Rights Day, under the theme; **'Dignity and Justice for Us All'**, it is an evident that 60 years since the UDHR was adopted; the human rights profile of several states shows that this theme has not resonated into the daily lives of most citizens and thus continued to undermine the aspirations of the founding fathers of the UDHR. It is therefore an opportune time for us to reflect on our nation's profile as we seek to forge ahead and maintain a growing reputation in respecting human rights and strengthening our democratic practice.

Ghana has been a UN member state since it became an independent state in 1957 and has taken efforts over the years to guarantee the realisation of fundamental human rights for its citizens. Ghana has demonstrated its commitment to human rights protection through ratification of key human rights instruments and legislative steps undertaken at the national level to implement obligations prescribed by these treaties.

In addition to the 1992 Constitution Chapter 5 on the Bill of Rights, laws now exist in Ghana to provide protection for some minority rights, for example, the Domestic Violence Act, the Children Act, the People with Disabilities Act, and the Human Trafficking Act.

In 2006, Ghana was nominated among the 13 African states constituting the UN Human Rights Council. In May this year Ghana became the first West African country to be reviewed by the United Nations Human Rights Council under its Universal Periodic Review system. This assessment revealed that Ghana has progressively sought to ensure the respect and protection of human rights. It also revealed that the human rights situation in Ghana had improved especially in the areas of minority empowerment for Women, Children and Persons with Disabilities. Media freedoms have also been notably progressive with the repeal of the Criminal Libel Law in 2001.

Nevertheless, there are continued social injustice and human rights violations throughout many aspects of Ghanaian life, which should be highlighted as we

reflect on Ghana's performance in the observance of human rights standards at this occasion of the UDHR's 60th Anniversary. Some of these include police brutalities, human insecurity as a result of mob justice, illegal forced evictions, mistreatment and harassment of vulnerable groups such as women and mentally-ill patients, inadequate access to justice and general reluctance in entrenching certain fundamental legislations needed to protect human rights issues.

In Ghana, the intensity of police brutalities has been noted as a persistent obstacle to the enjoyment of the citizens' human security. These practices, as covered in media reports reveal that security agents including the police, military and private agents are the principal perpetrators who frequently resort to violence and disproportionate measures in the course of their duty. These include the shooting at Dansoman, Takoradi Polytechnic, Anloga, Ga Manshie and several individual incidents where the police were identified for succumbing to arbitrary use of force against civilians in police cells.

The inadequate enforcement of human rights standards within the Police Service can be largely attributed to the limited capacity and resources and effective oversight bodies like the Police Intelligence and Professional Standards Bureau (PIPS) and Police Council.

Furthermore, human security in Ghana has been undermined by the prevailing displacement of persons from their homes and properties during forced evictions. Incidents where local government authorities with the help of the police arbitrarily and randomly displace people in a bid to effect city beautification and reconstruction projects have been commonplace in the past 3 years. Forced evictions were witnessed in Nkwanta, Kumasi, Soddom and Gommorrhah, Glefe in 2007. These actions were normally been undertaken without giving sufficient notice to the victims or providing them with alternative measures in accordance with international human rights procedures such as General Comment No.11 of the Committee on the International Covenant on Economic, Social and Cultural Rights.

Inadequate access to justice for Ghanaian citizens is also another serious human rights problem. Currently, there are insufficient judicial structures to administer justice throughout the country. This is especially critical in the rural areas. The whole of the Northern region with a cumulative population of 3.3 million has only 5 High Courts.

Furthermore, district courts suffer from chronic shortages of magistrates. In 2006, there were 131 District Courts but only 50 appointed magistrates. According to the Judicial Service Report 2005/2006, there were 50 percent vacancies of magistrate courts in Ghana. Similarly the legal aid system is poorly resourced, both human capital and finances hence struggling to meet its objective to secure adequate legal representation for vulnerable citizens of Ghana.

Similarly, despite the noticeable gains, discrimination against People with Disabilities (PWDs) and women continues to be an issue in Ghana today. In the past three years we have observed significant increase in cases of domestic violence, as well as rape and defilement of women. There are also issues of violations against women through harmful traditional practices such as trokosi, widowhood rites and the existence of witch camps in Northern Ghana that are still to be adequately redressed.

Likewise, access to mental health is woefully inadequate with only 3 psychiatric hospitals in the whole country all situated in the South and less than 10 psychiatrists in the entire country. This has resulted in the proliferation of prayer camps throughout the country that commit human rights violations whereby inmates are continuously chained and denied food and adequate shelter. In spite such gaps, Government is yet to pass a mental health law, which has been in draft form for 4 years now.

More notably, the problem of corruption continues to affect the nation's socio-economic progress. A legal framework to enable the exercise of the Right to Information, which is guaranteed under the 1992 Constitution, has still not been passed by Parliament. The Coalition on the Right to Information has persistently called upon the government since 2003 to pass the 'Right to Information Bill', which will enhance greater accountability and transparency and aid in the fight against corruption but still, the Bill is yet to be tabled at Parliament.

Similar concerns have been raised on the retention of the death penalty in Ghana's criminal legal system. Ghana is yet to ratify the Second Protocol of the ICCPR, which requires signatory states to abolish capital punishment in all its forms. This has had a serious knock-on effect for the state which, despite being an abolitionist in practice, has failed to protect its citizens from execution for serious crimes committed in foreign countries most recently in Libya in the absence of being an exemplary model.

Similarly, cases such as the Gambia killings that led to the atrocious deaths and disappearance of 44 Ghanaians remind us that there are harsh brutalities occurring against Ghanaians within the sub-region. In this specific case, the Government has for the past three years still failed to achieve justice on behalf of the 44 Ghanaian victims who were killed and those who disappeared in the Gambia in July, 2005. While we applaud efforts from the international community to investigate this case, we continue to implore the Ghanaian Government to use its authority and good intentions to ensure that all necessary assistance is provided to bring this matter to a close and bring justice to the victims and their families.

These are to say the least an indication of some of the human rights challenges Ghana is currently grappling with and issues that have attracted considerable concern from the populace. It can only be hoped that as Ghana advances into a new administration, these issues will be addressed and will soon become matters of history as we seek to make this nation stand tall on the international spectrum and continue to set a leading example on the African continent.