

Ghana:

A seven point human rights
agenda for the new
government

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ARE HUMAN RIGHTS ON THE POLITICAL AGENDA?

As Professor John Evans Atta Mills takes office as President of Ghana, Amnesty International is calling on the new president to place human rights at the top of his political agenda.

There have been considerable improvements in the human rights situation in Ghana since 1992. However, there remain a number of human rights problems which require immediate action, such as violence against women, the death penalty, and unfair trials. The inauguration of the new government provides a good opportunity to show that Ghana is truly and fully committed to the protection of internationally recognized human rights.

Amnesty International is calling on the new President to make human rights central to his political programme and to commit himself to implement a clear agenda for human rights which should include the following seven points:

1. The new government should ensure full compliance with Ghana's international and regional human rights obligations and commitments, as explicitly set out in the treaties it has ratified.
2. The new government should commit itself to the abolition of the death penalty.
3. The new government should ensure an end to illegal detentions, and prompt and fair trials in accordance with international human rights treaties and standards.
4. The new government should ensure significant reductions in overcrowding in prisons and other places of detention.
5. The new government should commit itself to eradicating violence against women.
6. The new government should immediately stop and prevent forced evictions.
7. The new government should ensure effective protection against so called mob violence.

1.COMPLIANCE WITH GHANA'S INTERNATIONAL AND REGIONAL HUMAN RIGHTS OBLIGATIONS, AS EXPLICITLY SET OUT IN THE TREATIES IT HAS RATIFIED.

Ghana has international human rights obligations to respect, protect and fulfil the human rights for everyone within its jurisdiction, without discrimination on the basis of gender, ethnicity, social origin, political opinion or other prohibited grounds. These human rights include the right to life, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, the right to a fair trial, the right to freedom of expression, including freedom to seek, receive and impart information and ideas, and the right to an adequate standard of living. Ghana has explicitly accepted obligations in regard to these rights in the international and regional human rights treaties which it has ratified, including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights. Many of these rights are also recognised in Ghana's Constitution.

Amnesty International calls on the new government to:

- ensure that all international human rights obligations are fully implemented in Ghana's national legislation.
- take the necessary steps to ensure the prompt ratification, without reservations, of the second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty; and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- ensure that Ghana complies with its reporting obligations under international and regional human rights treaties, by presenting all overdue periodic reports to the relevant treaty monitoring bodies.

2.ABOLITION OF THE DEATH PENALTY

In recent years, several influential figures have voiced their opposition to the death penalty, including the former Minister of Justice and Attorney General, Mr Joe Ghartey, who is reported to have said in 2007 that the death penalty has no deterrent effect. In meetings with Amnesty International in April 2008, the former Minister of Justice as well as members of the Parliament underlined the need for a debate around death penalty in Ghana. While no death row prisoner has been executed since 1993, the death penalty continues to be in the statute books and death sentences continue to be imposed. Approximately 105 prisoners are on death row, including three women. In 2007, 43 death row prisoners had their sentences commuted. In 2008, 3 people were sentenced to death.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

Amnesty International calls on the new government to:

- commit to abolishing the death penalty in law.
- commute all death sentences.

3.A PROMPT AND FAIR TRIAL IN ACCORDANCE WITH INTERNATIONAL STANDARDS.

In many cases, the police fail to bring suspects before a court within reasonable time. Amnesty International received reports suggesting that rather than bringing suspects before a court of law, some police officers sign remand warrants themselves and bring suspects to prison directly.

Over a third of prisoners have not received a trial. Sometimes prisoners await trial longer than the maximum period prescribed as a sentence of imprisonment for their alleged offence. Some wait for up to 10 years. Cases of detainees are often not filed by the police or not sent to the office of the prosecutor to decide whether the suspect should be brought to trial. Amnesty International received several reports of prisoners whose case files were lost or whose court warrants had expired.

The effect of the 'Justice for all Programme', initiated in 2007 by the Ministry of Justice and the judiciary to speed up the trials of those remanded in prison by allowing the Court to sit in prison and review cases, is yet to be seen.

Amnesty International calls on the new government to:

- ensure the arrest and detention procedures followed by police comply with international law and standards, train police effectively to follow these and implement appropriate sanctions for police who fail to follow procedures. Ensure effective oversight of the police so that action is taken promptly to ensure lawful practices at all times.
- ensure that all detainees are able to effectively exercise their right to challenge promptly the lawfulness of their detention before a court, and ensure that they are immediately released if their detention is found to be unlawful.
- take effective steps to ensure prompt and fair trials for those accused of a criminal offence, in compliance with international and regional standards of fair trial.

4.SIGNIFICANT REDUCTIONS IN THE OVERCROWDING IN PRISONS AND OTHER PLACES OF DETENTION.

The government estimates that there are approximately 14,000 inmates in prisons in Ghana while there is capacity for only 8,000 prisoners. Amnesty International has received reports from Ghanaian civil society organizations that prisons are under resourced; there are poor medical and sanitary facilities and not enough beds or bedding. As cells are extremely overcrowded, people

sleep on the bare floor and some inmates are forced to take turns to sleep.

By the end of 2008, Nsawam Medium Security Prison, built for 800 inmates, incarcerated approximately 3000 people; more than 60 percent were awaiting trial.

Amnesty International urges the new government to:

- take all necessary steps to ensure that all awaiting trial prisoners are able to effectively exercise their right to promptly challenge the lawfulness of their detention before a court, apply for release pending trial and receive a prompt and fair trial.
- respect and fully implement the United Nations Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

5.STOPPING VIOLENCE AGAINST WOMEN.

Violence against women continues to be widespread in Ghana, with violence in the family estimated to affect one in three women. After years of debate and discussion the Domestic Violence Act finally became law in 2007, allowing prosecution of marital rape. Despite this positive development further legislative reforms are needed to ensure effective action against all forms of violence against women, whether inside or outside the home, and to ensure equal rights between women and men. Furthermore, the Domestic Violence and Victims Support Units (DoVVSU), established within the police service, remain under-resourced with serious short-comings in their services to victims of domestic violence. The Special Rapporteur on violence against women observed in 2008: *“DoVVSU is seriously under-resourced. At the time of my visit, it had only 66 desks and offices and 320 staff. Large parts of rural Ghana were not adequately covered.”*¹

Despite being made a criminal offence in 1994, female genital mutilation continues to be practiced, particularly in the North of Ghana.

Amnesty International urges the new government to:

- make a public commitment to prohibit all forms of violence against women and girls in law and in practice, and provide reparation and appropriate services for survivors of violence.
- repeal laws that allow violence and discrimination against women to persist, and ensure that laws against those who commit acts of violence against women are enforced.
- ensure a budget is allocated for the implementation of the national action plan for the Domestic Violence Act.

6.ENDING THE PRACTICE OF FORCED EVICTIONS.

¹ Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural, including the Right to Development, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, 21 February 2008, A/HRC/7/6/Add.3.

In recent years, threats of and actual forced evictions, particularly of marginalized people, are reported to have occurred in Ghana. Hundreds of residents from the Dudzorme Island, within the Digya National Park in the Tapa-Abotoase area of Lake Volta, were forcibly evicted in late March and early April 2006. These forced evictions deprived residents of their homes, including women and children, and, in most cases, of their means of earning a living. They were carried out without adequate prior consultation, adequate notice and compensation or alternative accommodation.

Amnesty International calls on the new government to:

- immediately cease all forced evictions.
- legislate and enforce a clear prohibition on forced evictions.
- develop and adopt concrete and effective measures to ensure to the entire population a minimum degree of security of tenure sufficient, at least, to protect them from forced evictions.
- develop and adopt guidelines for evictions which should be based on the Basic Principles and Guidelines on Development-Based Evictions and Displacement and must comply with international human rights law.
- respect the rights of all victims of forced evictions to an effective remedy, including access to justice and the right to reparations including restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

7. ENDING MOB VIOLENCE.

Amnesty International continues to receive reports of so called mob violence, in which people, including suspected thieves, have been killed. In 2008, the media reported dozens of deaths. Amnesty International received several reports suggesting no investigation was carried out into the killings.

Amnesty International calls on the new government to:

- take effective measures to protect all people against mob violence and investigate all such killings.
- develop a comprehensive approach to dealing with crime, including effective law enforcement measures to ensure adequate protection from mob violence.