

Ghana

Amnesty International submission to the UN Universal Periodic Review

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Key Words: death penalty, forced evictions, violence against women, impunity.

In this submission, Amnesty International provides information under sections B, C and D (as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*):

- Under B, Amnesty International raises concerns over national legislation on the death penalty.
- In section C, we describe concerns related to violence against women, forced evictions and past human rights abuses.
- In section D, Amnesty International makes a number of recommendations in the areas of concerns listed.

B. Normative and Institutional Framework

The death penalty

1. Although Ghana retains the death penalty for a number of offences in its national legislation, the country is de facto abolitionist; the last executions were carried out in 1993. Death sentences have continued to be issued by different jurisdictions; to Amnesty International's knowledge the last death sentence was handed down in August 2005.
2. Amnesty International notes some positive developments regarding the government's position on the death penalty. Several influential figures have voiced their opposition to the death penalty, including the 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. Furthermore, 36 death row inmates had their sentences commuted as part of the 50th anniversary of Ghana's independence in March 2007, and President Kufuor commuted a further seven death sentences to life imprisonment on the occasion of the 47th anniversary of Ghana's republican status in June 2007. Despite these positive developments, no measures have been taken towards abolishing the death penalty in law, and according to the Ghanaian Prisons Service, there are still 106 prisoners on death row, as of August 2007, including three women and 16 prisoners over the age of 60.

C. Protection and promotion of human rights in Ghana

Forced evictions

3. In recent years, threats of as well as actual forced evictions, particularly of marginalized people, are reported to have occurred in Ghana.
4. 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, including women and children, of their homes and, in most cases, of their means of earning a living.
5. Amnesty International is also deeply concerned about the death of some of the evictees, when a ferry forcibly removing them from the island capsized on 8 April 2006.¹ Victims reported that the overloaded ferry, which was taking them from the island in the Afram Plains area to Abotoase in the eastern part of the region, capsized. 58 persons were confirmed dead and 71 were registered as survivors, although not all of them have been found.
6. The Dudzorme Island community were reportedly first threatened with eviction in June 2002. Despite a decision by the Minister for Land and Forestry to suspend the evictions in January 2003, the government served an eviction notice on the community on 5 February 2006, with less than one month's notice. In late March and early April of the same year, officials of the Forestry Commission forcibly evicted residents from Dudzorme Island.
7. Amnesty International is concerned that the forced evictions appear to have been carried out without adequate prior consultation, adequate notice and compensation or alternative accommodation. Evictees reported that they were forced out of their houses and onto the boat, and in the process some of them were beaten with sticks. These acts violate Ghana's regional and international human rights obligations, including the right to adequate housing and the right not to be forcibly evicted. Also, less than one month's notice was given to the residents, in contrast to the 90 days minimum notice period recommended by the UN Special Rapporteur on the right to housing as a component of the right to an adequate standard of living.²

Violence against women

8. Violence against women continues to be widespread in Ghana, with violence in the family thought to affect one in three women. After years of debate and discussions the Domestic Violence Act finally became law in 2007, allowing prosecution of marital rape. Despite this positive development, further legislative reforms are needed to

¹ Amnesty International Public Statement, *Ghana: Forced evictions in the Digya national park area must stop*, AI Index: AFR 28/001/2006, 19 April 2006,

² Basic Principles And Guidelines On Development-Based Evictions And Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18.

ensure equal rights between women and men. Furthermore, the Domestic Violence and Victims Support Units established in the police service remains under-resourced and thus suffers serious short-comings in ensuring protection and services to victims of violence.

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

Past Human Rights Violations

10. The National Reconciliation Commission (NRC) was established by the government in 2002 to address and record human rights violations committed during Ghana's periods of unconstitutional rule since independence in 1957, and to recommend reparations and reforms. Most of the witnesses heard by the NRC were victims of human rights violations under the military governments headed by former President J.J. Rawlings. Many of the over 2,000 testimonies that were heard spoke of summary executions, disappearances, torture and ill-treatment.
11. The NRC produced a report in July 2005 which concluded that the majority of human rights abuses were attributed to the unconstitutional governments. The recommendations included reparation for and rehabilitation of victims, and paid particular attention to rape and other sexual violence against women. Specific recommendations included a formal presidential apology to victims of abuses by state agents, financial compensation, restitution of property, medical care, and the creation of trauma and counselling centres in hospitals. The report also recommended reconciliation and institutional reforms such as training on human rights for the police, judges and prison officials.
12. In October 2006 the government began paying reparations to some 2,000 Ghanaians who had suffered human rights abuses under former governments, but more still needs to be done to address and give full implementation to all the Commission's recommendations.

D. Achievements, best practice, challenges and constraints

13. Amnesty International welcomes steps taken by the Ghanaian government, including the passing of the Domestic Violence Act and the financial reparations being paid for human rights abuses under former governments.
14. However, key challenges remain that the government must address to uphold its human rights obligations and commitments, including as a member of the Human Rights Council:
15. *Amnesty International calls on the government to adopt a moratorium on executions with a view to abolishing the death penalty in national legislation. This would be in line with the resolution adopted by the UN General Assembly in December 2007 calling*

for a global moratorium on executions. In addition, Amnesty International calls on President Kufuor to commute all death sentences.

- 16. Amnesty International calls on the authorities to immediately cease forced evictions in all areas of Ghana and to ensure, as a matter of urgency, that all evictees are provided with basic shelter and housing as well as access to food, safe drinking water and sanitation, and medical services. Additionally, the government must establish an independent commission of inquiry into allegations of human rights abuses in the context of the forced evictions from the Dudzorme Island in 2006.*
- 17. The government must ensure that effective measures are in place to fully implement national legislation to fight and eradicate domestic violence and female genital mutilation. Effective and prompt investigations must be carried out into all allegations of domestic violence and female genital mutilation, and those responsible must be brought to justice.*
- 18. The government must take action to ensure the full implementation of the recommendations by the National Reconciliation Commission with regard to the serious human rights abuses carried out since 1957 by former Ghanaian governments.*

Appendix: Amnesty International documents for further reference

- Amnesty International Annual Report entries on Ghana 2005-2007
- *Ghana: forced evictions in the Digya national park area must stop*, AI Index: AFR 28/001/2006, April 2006