



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/431/Add.3
1 October 2002

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Seventeenth periodic reports of States parties due in 2002

Addendum

GHANA*

[31 May 2002]

* This document contains the sixteenth and seventeenth periodic reports of Ghana, due on 4 January 2000 and 2002 respectively, submitted in one document. For the fifteenth periodic report of the Republic of Ghana and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/338/Add.5 and CERD/C/SR.1432 and 1436.

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction	1 - 7	3
I. GENERAL	8 - 84	4
A. Land and people.....	8 - 23	4
B. General political structure	24 - 44	14
C. General legal framework within which human rights are protected	45 - 61	18
D. Information and publicity	62 - 85	22
II. INFORMATION RELATING TO ARTICLES 2-7 OF THE CONVENTION	86 - 148	27
A. Article 2	86 - 106	27
B. Article 3	107 - 109	30
C. Article 4	110 - 116	31
D. Article 5	117 - 123	32
E. Article 6	124 - 127	35
F. Article 7	128 - 147	36
III. CONCLUSION	148 - 150	40

Introduction

1. Ghana is an extremely diverse country, home to numerous ethnic groups, over 100 indigenous languages and a wide variety of cultural and religious practices. Despite this, the people of Ghana have always endeavoured to live in peace, harmony and friendship with each other, avoiding severe ethnic conflict. This can be attributed first and foremost to the openness that Ghanaians of all backgrounds exhibit towards others. Ghana's recent move to democracy has reinforced this, reinvigorating efforts to protect and promote human rights and fundamental freedoms. By implementing the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter "the Convention") and other human rights instruments, the Government of Ghana hopes to build a unified and inclusive society that embraces the inherent equal moral worth of all individuals.
2. Although Ghana ratified the Convention on 7 September 1966, it was not actively employed in domestic law until the adoption of the Constitution of 1992 and the subsequent move to democracy. The Constitution entrenches Ghana's attachment to the principles of human rights contained in the Convention on the Elimination of all Forms of Racial Discrimination, as well as those found within the Charter of the United Nations, the Universal Declaration of Human Rights and the International Bill of Human Rights. Our democratic system of governance works to ensure that these instruments are enforced by allowing the voice of every Ghanaian to be heard.
3. While, of late, Ghana has been relatively free from major ethnic conflict, the Government recognizes that, unfortunately, such has not been completely eradicated; there have been some instances of conflict and violence directly attributable to racial discrimination. In acknowledging this, and the need to enact measures to eliminate this, the Government of Ghana hopes to aggressively combat the evils of discrimination within its territory.
4. The Government of Ghana also recognizes the direct link between human rights and democracy, development and good governance. Only by working to guarantee that all citizens of Ghana have basic civil and socio-economic rights - including the right to be free from racial discrimination - can Ghana ever be a strong, free and just society.
5. Therefore, the Government of Ghana has invested considerable resources into promoting human rights, working hard to eliminate racial discrimination. With the creation of the Commission on Human Rights and Administrative Justice, the National Commission for Civic Education and numerous other bodies, the Government of Ghana is taking progressive steps in seeking to encourage and enforce a strong human rights regime.
6. The report has been submitted at a time when Ghana is experiencing an extraordinary acceleration of democratic process and reform. In 2000, Ghana went through a democratic and peaceful change of government, an unprecedented achievement. The Government of Ghana sees this as an example of the benefits of enforcing human rights and as a catalyst for further human rights reforms. By educating the public about human rights, by providing the appropriate framework to investigate possible violations of human rights, and by ensuring that appropriate enforcement mechanisms are in place, the government of Ghana hopes to provide justice to its citizens and to continue Ghana's economic and political reform.

7. This report has been prepared according to the general guidelines regarding the form and contents of reports by States parties under article 9, paragraph 1, of the Convention on the Elimination of all Forms of Racial Discrimination.

I. GENERAL

A. Land and people

1. Geography

8. Ghana, located in the heart of West Africa, is bordered to the south by the Gulf of Guinea, to the north by Burkina Faso, to the west by Cote d'Ivoire and to the east by Togo. Most of Ghana's 238,537 square kilometres are flat or slightly undulating, with the exception of the territory between Lake Volta and the eastern border, home to the Akwapim mountain range. Lake Volta is the world's largest artificial lake; its dam supplies the majority of Ghana's power.

9. Numerous lagoons mark the coastal region of Ghana. Although the coast is relatively dry, a brief rainy season arrives with the months of May and June. The ecological forest zone covers most of the mid-section of Ghana. Here one finds tracts of primary and secondary rain forests and the bulk of Ghana's agricultural industries. The top third of Ghana is much hotter and dryer than the rest of the country. It has a truly sub-Saharan landscape, comprising of open savannah and sparse woodlands.

2. History

10. Present-day Ghana has been inhabited since about 4000 B.C., but little evidence of the early societies remain. Small, isolated settlements sporadically dotted the landscape until the thirteenth century, when a number of larger kingdoms were established. These kingdoms competed between one another undisturbed until, in the late fifteenth century, Portuguese traders discovered the riches of the "Gold Coast", exporting ivory and gold. The European presence in Ghana escalated rapidly in the sixteenth century; the boom in the slave trade brought with it fleets of British, Dutch and Danish merchants. Their countries fought for control of present-day Ghana from the late sixteenth century until the early nineteenth century, combining to capture and send off an average of 10,000 slaves a year. When the slave trade was eventually abolished, Britain took formal control of the territory.

11. In 1957 the country, then known as "Gold Coast", gained independence - the first sub-Saharan country to do so - under the leadership of Dr. Kwame Nkrumah. Nkrumah promptly changed the country's name to the Republic of Ghana, an act symbolizing the return of control back to Ghana's original inhabitants.

12. While the ideals that gave rise to independence included the right to self-determination, national sovereignty, freedom, justice, equality and progress, the Republic of Ghana's early political history was riddled with the opposite. After a military coup deposed Nkrumah's government in 1966, a number of non-democratic leaders came and went, none with a real respect for human rights. Finally, under the leadership of Jerry Rawlings this changed; his administration brought in the Constitution of 1992 and was the first to submit to fair elections.

After reaching his constitutionally imposed term-limit, Rawlings stepped aside. In the ensuing elections the leader of the leading opposition party, John Kuffour, was elected President, and a peaceful change of government took place, ushering in a new era of responsible and democratic government. (See the section below entitled “Political history” for a more complete understanding of Ghana’s political past.)

3. Demographics

13. Modern Ghana is a case study in diversity. With over 15 major ethnic groupings - each with its own distinct language, culture and traditional religious practices - spread over 10 main administrative regions, Ghana is home to a multiplicity of people. Ghana’s population, at just over 18 million, is mainly rural in composition; the highest concentration is found in the ecological forest zone (see table 1).

Table 1. Household population: urban and rural

	Population in households	Number of households
Urban total	6 700 000	1 700 000
Accra	1 900 000	550 000
Other urban	4 800 000	1 150 000
Rural total	11 400 000	2 510 000
Rural coastal	2 700 000	650 000
Rural forest	5 800 000	1 290 000
Rural savannah	2 900 000	570 000
Country total	18 100 000	4 210 000

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

14. While most of Ghana’s 10 administrative regions have a dominant (in terms of population) ethnic group, the majority are home to virtually all of the groups found within Ghana (see table 2). In the country as a whole, the Akan group (which includes the Asante and Fanti groups) are the most preponderant, comprising 52.6 per cent of the total number of household heads. The Akan group, like most of the people of Ghana, are found in the majority of the regions. The extensive mixing of ethnicities across Ghana has required a spirit of acceptance, and in the vast bulk of cases this spirit has allowed the people to resist the evils of intolerance.

Table 2. Household heads, by region and ethnicity (%)

Ethnicity	Western	Central	Accra	Volta	Eastern	Ashanti	Brong-Ahafo	Northern	Upper West	Upper East	Total
Asante*	4.1	2.7	6.8	0.2	7.9	76.4	13.7	0.6	-	-	17.6
Fanti*	20.5	66.3	7.7	0.5	5.4	5.1	1.7	-	-	-	12.9
Other Akan	45.1	23.3	14.7	0.9	46.2	4.7	57.4	0.3	-	0.4	22.1
Ga-Adangbe	4.5	1.0	48.3	0.9	16.8	0.8	0.7	0.8	-	-	10.2
Ewe	3.3	1.4	12.0	71.7	11.8	2.5	2.2	5.0	-	-	12.4
Guan	1.6	2.9	1.5	13.0	5.9	-	3.5	-	-	-	3.2
Hausa	-	0.4	2.8	1.7	1.3	0.8	2.0	1.7	-	1.5	1.3
Dagomba	1.1	0.3	1.7	0.8	0.9	1.3	0.6	47.5	0.8	1.9	3.8
Grussi/Frafra	0.8	-	0.9	-	0.4	1.2	1.7	2.2	-	25.8	1.9
Dagarti	0.5	-	-	-	0.4	0.5	1.9	5.3	99.2	0.4	2.7
Other	18.6	1.7	3.6	10.3	3.0	6.6	14.6	36.7	-	70.0	11.9
All	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

* Subgroups of the Akan peoples.

15. Making this ethnic mix more complex is the wide array of religious practices Ghanaians hold, traditional or otherwise (see table 3). While the majority of Ghanaians are Christian, a significant portion is Muslim (12 per cent), and many respect traditional religious practices (8 per cent). There appears to be complete freedom of religious practices in Ghana.

Table 3. Household heads, by religion and region (%)

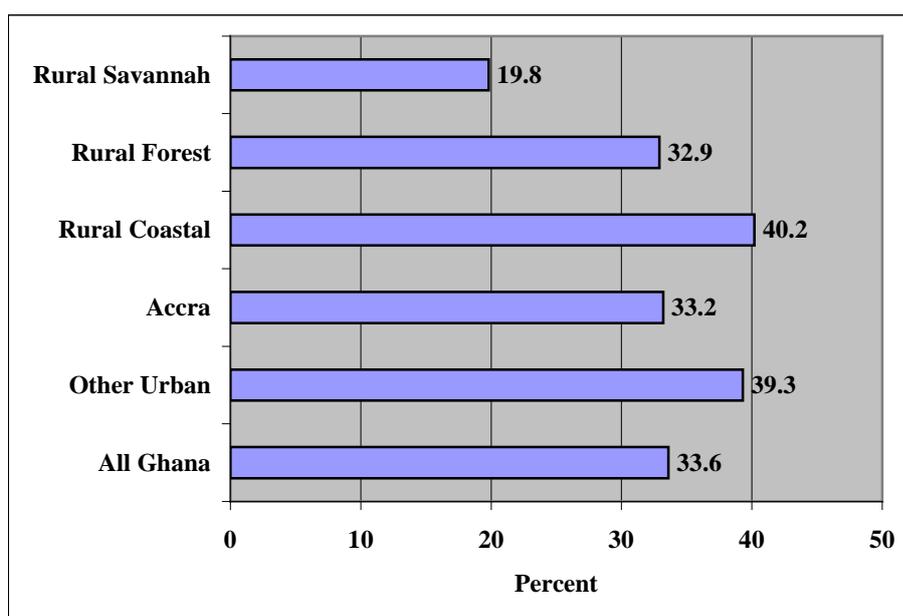
Religion	Western	Central	Accra	Volta	Eastern	Ashanti	Brong-Ahafo	Northern	Upper West	Upper East	Total
Catholic	21.4	17.3	6.3	24.2	9.5	13.6	20.4	11.7	71.7	11.9	16.0
Anglican	4.7	2.7	5.6	0.3	1.3	1.3	-	-	-	0.4	2.1
Presbyterian	3.3	3.1	18.0	21.3	26.0	6.7	8.3	3.6	-	0.8	11.3
Methodist	16.0	19.0	12.3	0.8	6.1	13.2	9.1	0.3	-	-	9.8
Pentecostal	16.0	8.3	20.1	8.9	16.0	17.6	14.4	3.3	-	-	13.3
Spiritualist	7.8	13.1	3.3	2.5	5.7	4.2	1.1	0.8	-	-	4.8
Other Christian	16.9	18.4	14.8	7.0	17.9	23.7	18.1	3.9	-	5.0	15.5

Table 3 (continued)

Religion	Western	Central	Accra	Volta	Eastern	Ashanti	Brong-Ahafo	Northern	Upper West	Upper East	Total
Muslim	8.1	8.7	9.9	7.5	5.7	10.1	10.9	57.8	2.5	14.6	11.8
Traditional	0.3	4.1	1.6	20.3	1.5	0.6	6.9	13.1	12.5	66.5	7.8
No religion	5.5	5.1	7.8	7.0	10.0	8.9	10.7	5.6	13.3	-	7.6
Other	-	-	0.2	0.2	0.2	0.1	-	-	-	0.8	0.1
All	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

16. Ghana is still very much a male-dominated society; the number of households headed by women is only a fraction of those headed by men (see figure 1). However, there are great efforts being made to educate the public in gender equality and to further empower women (see Ghana's report to the Committee on the Elimination of Discrimination Against Women).

Figure 1. Percentage of female-headed households, by locality (%)

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

17. Ghana is still in the midst of a population explosion. Since 1985 the population grew from just over 12 million to 18 million; 54 per cent of the population is under 20 years old (see table 4), and the fertility rate is 0.9 higher than ideal (see figure 2). However, the fertility rate of Ghanaian women has been reduced dramatically since 1988 (see figure 3); efforts to dampen the fertility rate have met with much success.

Table 4. Age distribution of the population, by locality and sex (%)

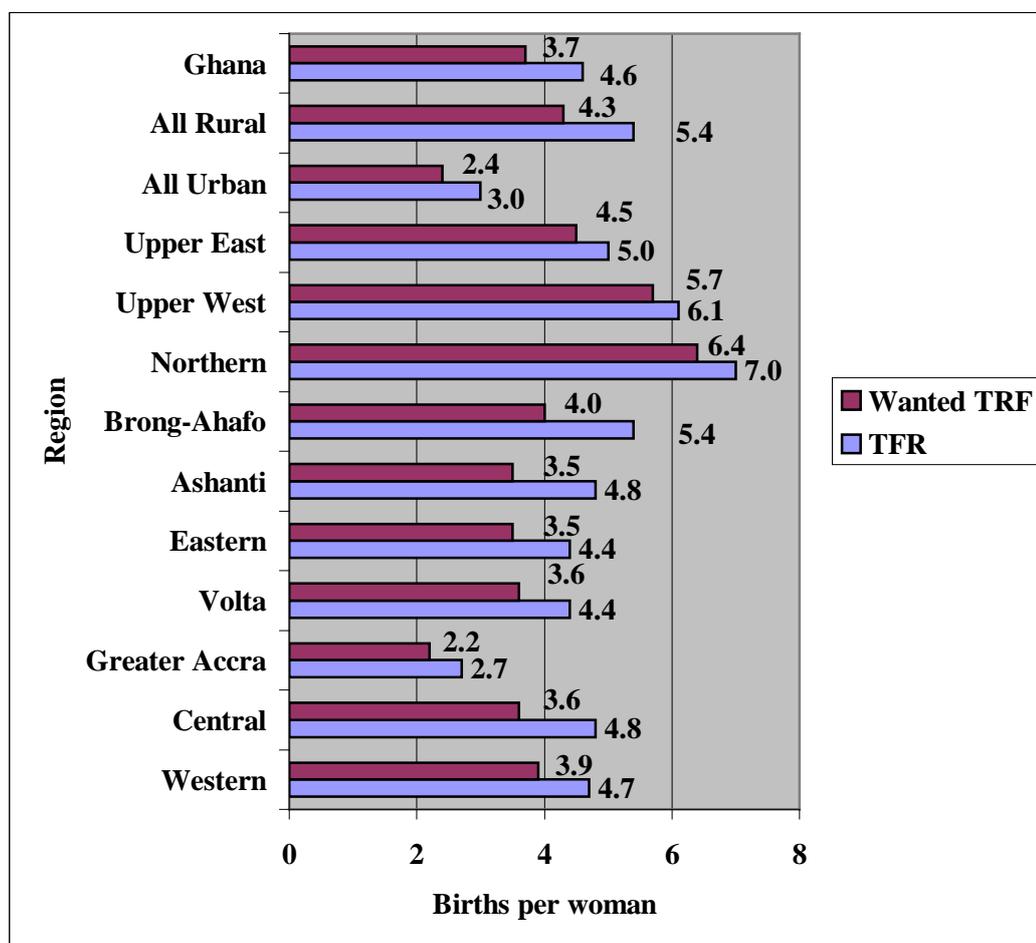
Age	Accra		Urban		Rural		All	
	Male	Female	Male	Female	Male	Female	Male	Female
0-4	4.6	5.2	5.4	5.4	7.2	7.1	6.6	6.5
5-9	6.2	6.2	7.4	7.3	8.4	8.0	7.9	7.7
10-14	6.2	6.7	7.2	8.0	7.5	7.3	7.3	7.5
15-19	5.4	6.1	6.0	6.0	5.2	4.5	5.4	5.0
20-24	4.4	5.3	3.9	4.3	3.2	3.0	3.5	3.5
25-29	4.7	4.4	2.6	4.1	2.3	3.7	2.6	3.8
30-34	3.0	4.3	2.4	3.4	2.2	3.3	2.3	3.4
35-39	2.7	3.8	2.5	2.9	2.4	3.1	2.4	3.1
40-44	2.6	2.5	1.8	3.0	2.0	2.3	2.0	2.5
45-49	2.1	2.1	2.1	2.0	1.8	2.1	1.9	2.1
50-54	1.9	1.6	1.3	1.6	1.7	1.9	1.6	1.8
55-60	0.9	1.4	1.2	1.1	1.1	1.2	1.1	1.2
60-64	0.8	0.7	0.9	1.3	1.0	1.4	0.9	1.3
65+	1.7	2.1	2.1	2.9	2.4	2.8	2.2	2.8
All	47.3	52.7	46.6	53.4	48.3	51.7	47.8	52.2

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

18. Dramatic improvements in rates of infant mortality, child mortality and under-five mortality have been made (see figure 4). Here, the biggest gains were made in under-five mortality rates, which dropped 26 per cent from 1986 to 1998. The growth of modern medical practices has been consistently and continually bettering our children's chances of surviving.

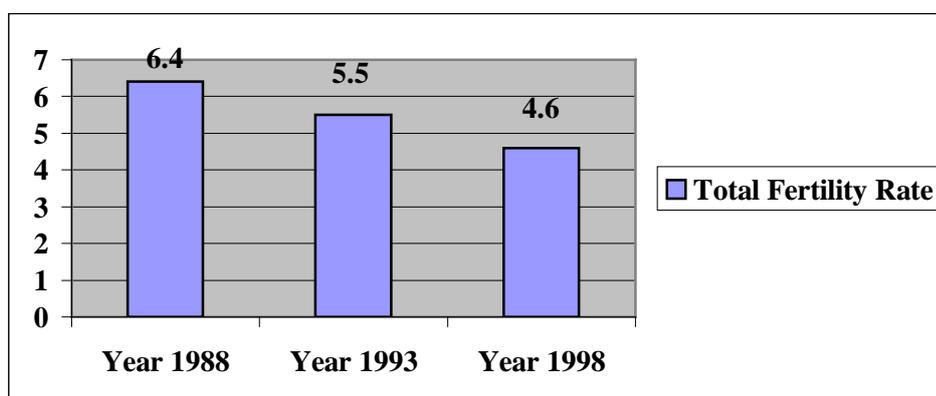
19. While Ghana is a country of many different tongues - each ethnic group has its own language or dialect - English serves as the national language and as a common link between Ghanaians. Taught in school and elsewhere, most Ghanaians have, at minimum, a spoken understanding of the language. Table 5 shows that over 45 per cent of the population are literate in English. In addition, over 38 per cent are literate in their native Ghanaian language. Although one of the lowest on the continent, Ghana's illiteracy rate remains a major issue, with 50.2 per cent of the population unable to write a letter.

Figure 2. Wanted and total fertility rates (TRF), by region

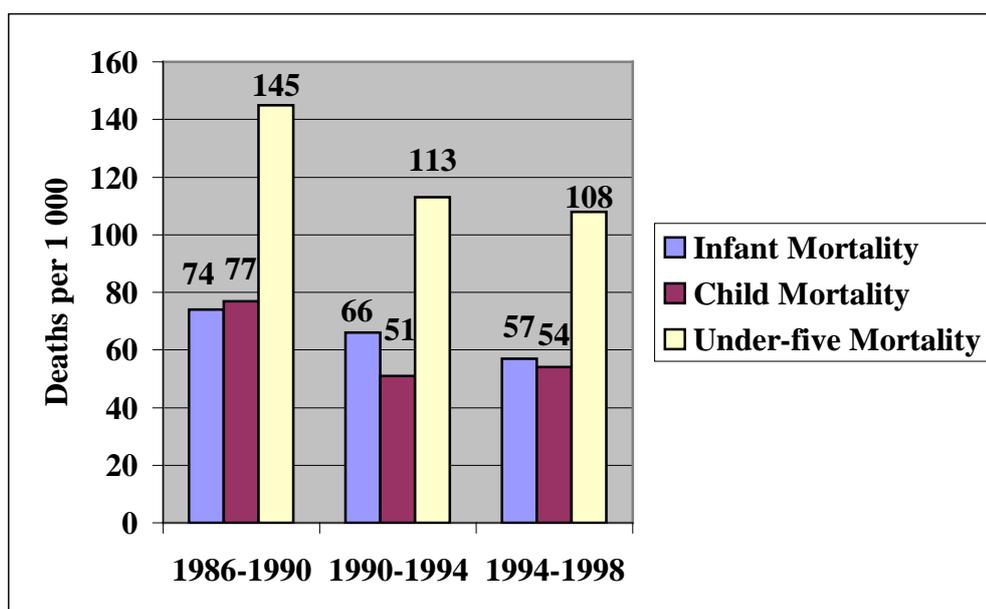


Source: Ghana Demographic and Health Survey, Ghana Statistical Service, October 1998.

Figure 3. Total fertility rate, 1988-1998



Source: Ghana Demographic and Health Survey, Ghana Statistical Service, October 1998.

Figure 4. Trends in childhood mortality, 1986-1998

Source: Ghana Demographic and Health Survey, Ghana Statistical Service, October 1998.

Table 5. Adult literacy rates in English and Ghanaian language, by sex and locality (%)

Sex	Locality	Ghanaian language only	Ghanaian language and English	English only	Illiterate
Male	Accra	1.3	50.2	32.6	16.0
	Other urban	3.9	53.3	18.0	24.9
	Rural coastal	5.0	46.4	10.9	37.6
	Rural forest	6.5	52.2	9.3	32.0
	Rural savannah	2.9	23.8	8.1	65.2
	All	4.5	46.1	13.7	35.8
Female	Accra	3.4	35.4	27.4	33.7
	Other urban	5.4	31.4	12.7	50.5
	Rural coastal	2.7	16.9	7.2	73.2
	Rural forest	6.7	23.1	6.0	64.2
	Rural savannah	2.5	8.5	3.7	85.3
	All	4.8	23.1	9.6	62.6
All	Accra	2.4	42.3	29.9	25.4
	Other urban	4.7	41.2	15.1	39.0
	Rural coastal	3.7	29.5	8.8	58.0
	Rural forest	6.6	36.6	7.5	49.2
	Rural savannah	2.7	16.1	5.9	75.3
	All	4.6	33.7	11.5	50.2

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

Note: Adult refers to those aged 15 and over. All those who said they could write a letter were considered as being literate.

4. Economic statistics

20. The bulk of Ghana's gross domestic product (GDP) (nearly US\$ 8 billion or US\$ 390 per capita) comes from mining and agriculture. Ghana has been blessed with an abundance of natural resources, including vast reserves of gold, diamonds and oil. The production of cocoa, timber, pineapples and cotton lead the agricultural sector, which employs about 60 per cent of the workforce and accounts for approximately 44 per cent of GDP. The country has over 13.6 million hectares of arable land suitable for crops or livestock, and a potential annual production of 655,000 metric tons of fisheries products.

21. Hampering Ghana's economic efforts are the dual effects of a high inflation rate and large debt. At the end of September 2001 the official inflation rate stood at 28.3 per cent (projected to be reduced to 25 per cent by the year's end), while at the end of 2000 the national debt stood at US\$ 5.9 billion, US\$ 4.3 billion of which was external debt. The exchange rate now stands at approximately 7,000 cedis per US dollar (at the end of October 2001). Compounding difficulties of late has been the drop in cocoa prices (which recently hit a 27-year low) and a shortfall in donor assistance. Owing to these factors, real GDP growth slowed to an estimated 3.7 per cent in 2000, from 4.4 per cent the year before. However, GDP growth is expected to rise again in 2001, aided by falling oil prices and a rebound in crop prices.

22. Despite these troubles, Ghana appears to be in a relatively strong position, and should emerge as an African economic leader in the twenty-first century. Ghana has seen an average annual growth rate of almost 5 per cent over the past two decades and the new Government is taking concerted steps to break the cycle of increasing deficits and rising interest costs, action that has met with applause from the International Monetary Fund, the World Bank and other international financial institutions. In addition, Ghana has recently subscribed to the Highly Indebted Poor Country (HIPC) Initiative, which assists Ghana in paying off external debt by reducing interest-rate payments and downsizing debt service.

Table 6. Selected economic indicators, Ghana, 1996-2001, measured by annual percentage change

	1996	1997	1998	1999	2000	2001 (projected)
Real GDP	4.6	4.2	4.7	4.4	3.7	4.0
Nominal GDP	46.3	24.2	22.6	19.0	31.9	40.0
Consumer price index (annual average)	46.6	27.9	19.3	2.4	25.0	33.0
Consumer price index (end of period)	32.7	20.8	15.8	13.8	40.5	25.0
Export volume	28.9	4.6	12.3	-2.8	3.5	-1.7
Import volume	36.4	40.6	1.7	10.4	-24.9	1.5
Terms of trade	-1.7	1.5	9.0	-8.7	-20.3	4.7
Nominal effective Exchange rate (average)	-24.6	-15.6	-7.8	-9.7	-45.3	-
Real effective exchange rate (average)	9.0	6.1	8.2	0.5	-33.3	-

Source: IMF Public Information Notice, 2001.

Table 7. Selected economic indicators, Ghana, 1996-2001, in millions of US dollars (unless otherwise specified)

	1996	1997	1998	1999	2000	2001 (projected)
Current account balance	-215	-991	-371	-895	-457	-316
Overall balance of payments	-14	25	100	-156	-221	-19
Gross international reserves (end of period)	599	522	521	49	224	401
Nominal GDP (in billions of cedis)	11 339	14 113	17 296	20 580	27 153	38 014

Source: IMF Public Information Notice, 2001.

23. Ghana is committed to promoting economic equality across the 10 administrative zones. With a minimum wage of 5,500 cedis per day (approximately US\$ 0.75) and numerous economic incentive programmes, the Government of Ghana has worked hard to ensure that Ghanaians may be capable of financial security. However, as table 8 demonstrates, some variations in income exist between the different regions. Table 9 details the unemployment figures, showing some disparities between the urban and rural populations and age groups. Table 10 details income per household and per capita by quintile, exposing the income gap.

Table 8. Mean annual household and per capita income, by region*

Region	Mean annual household income (cedis)	Mean annual per capita income (cedis)
Western	2 671 000	568 000
Central	1 464 000	444 000
Greater Accra	3 356 000	932 000
Eastern	2 055 000	415 000
Volta	1 950 000	527 000
Ashanti	2 550 000	622 000
Brong Ahafo	2 302 000	548 000
Northern	1 552 000	210 000
Upper West	1 442 000	206 000
Upper East	1 446 000	321 000
All	2 267 000	527 000

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

* These numbers were compiled in March 1999. Because of inflationary pressures, they do not accurately represent current household and per capita income. In March 1999, mean annual household income and mean annual per capita income, converted into US dollars at an exchange rate of 2,394 cedis to the dollar, equals US\$ 947 and US\$ 220, respectively.

Table 9. Unemployment rates, by sex, age and locality of population aged 15-64

Sex	Age	Urban	Rural	All Ghana
Male	15-24	25.3	8.1	12.7
	25-44	14.4	3.2	7.3
	45-64	7.0	3.8	4.8
All		13.9	4.3	7.5
Female	15-24	25.9	14.8	18.7
	25-44	11.7	5.2	7.5
	45-64	6.6	3.5	4.5
All		13.0	6.4	8.7
Both sexes	15-24	23.5	11.5	15.9
	25-44	11.7	4.3	7.4
	45-64	6.1	3.6	4.7
All		12.0	5.5	8.2

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

Table 10. Mean annual household and per capita income, by quintile*

Quintile	Mean annual household income (cedis)	Mean annual per capita income (cedis)**	Mean household size
Lowest	979 000	166 000	5.9
Second	1 770 000	328 000	5.4
Third	2 009 000	419 000	4.8
Fourth	2 673 000	652 000	4.1
Highest	3 025 000	1 080 000	2.8
All	2 267 000	527 000	4.3

Source: Ghana Living Standards Survey, Report of the Fourth Round (GLSS 4), Ghana Statistical Service, October 2000.

* These numbers were compiled in March 1999. Because of inflationary pressures, they do not accurately represent current household and per capita income. In March, 1999, mean annual household income and mean annual per capita income, converted into US dollars at an exchange rate of 2,394 cedis to the dollar, equals US\$ 947 and US\$ 220, respectively.

** Mean per capita income is equal to total household income divided by total number of persons; it can be obtained by dividing mean household income by mean household size.

B. General political structure

1. Political history

24. On 6 March 1957, the independent State of Ghana became the first British territory in Africa to be decolonized. Three years later, Ghana became a republic under the leadership of Dr. Kwame Nkrumah, head of the Convention Peoples Party (CPP) and the first President of Ghana. Dr. Nkrumah oversaw gains in education, industry and infrastructure, and brought Ghana to the forefront of the international community, active in many global causes including forming the Non-Aligned Movement and promoting the cause of African unity.

25. In February 1966, a coup led by Colonel Emmanuel Kotoka overthrew the Government, the first in a string of Government changes by way of military force. Between 1966 and 1981, Ghana was ruled by six different Governments. This instability led to many difficulties that still haunt Ghana today, including a legacy of high inflation and heavy international debt. Also lost in this political frenzy was the respect for human rights. Many injustices were committed.

26. In 1981, Flight Lieutenant Jerry John Rawlings led the last coup in Ghanaian history, setting Ghana on a path towards democracy and effective government. While Rawlings twice gained power using military means (he also staged a successful coup in 1979 before stepping down), he sought to modernize Ghana's political and economic systems. Politically, Rawlings was responsible for the adoption of the 1992 Constitution that effectively democratized Ghana and entrenched human rights. Economically, Rawlings turned to the IMF and the World Bank, resulting in an average of 5 per cent annual growth in GDP over his almost two decades in power.

27. The Constitution of 1992 was approved by an overwhelming majority of Ghanaians who voted, by universal suffrage, on its adoption in a national referendum. The body of the Constitution was a result of extensive public hearings and deliberation, and continues to be the cornerstone of Ghana's commitment to democracy and human rights. In keeping with the rules of the Constitution, President Rawlings immediately submitted to an election; both Rawlings and his party, the National Democratic Congress (NDC), were elected with majorities. In 1996 Rawlings and his party were again re-elected.

28. Acting according to the 1992 Constitution, Rawlings stepped down after his two terms as elected President. The December 2000 election saw John Kuffour, leader of the main opposition party - the New Patriotic Party (NPP) - elected as President, with 57.4 per cent of the vote in the second round of the Presidential election. His party captured 100 of the 200 seats in Parliament with 45 per cent of the vote. As President, John Kuffour oversaw Ghana's first non-violent and democratic change of power, a remarkable step on the road to reform and democratic, effective, efficient, accountable and transparent government.

29. While the origins of support for the NPP is found in predominantly Akan regions of Ghana - and hence the majority of the legislative members of the NPP are themselves Akan - the Government has made efforts to include all groups in the decision-making process. As of

September 2001, of the 29 ministers of the Government, 9 are not of Akan descent, including the Vice-President, Alhaji Aliu Mahama, and the Minister of Agriculture, Major Courage Quarshigah. Furthermore, of these 29 ministers, 5 are women, one of the highest rates in Africa.

2. Political framework

30. The Constitution of the Republic of Ghana, 1992, provides Ghana's political and legal framework. According to it, the President and National Assembly are elected by universal suffrage in a vote held every four years. The President is limited to a maximum of two four-year terms. The members of Ghana's unicameral legislature - the National Assembly - are also elected every four years. There are 200 members of the National Assembly, distributed throughout the country according to population density. The sovereignty of Ghana resides exclusively in the people of Ghana.

31. The 1992 Constitution works to guarantee a complete range of political freedoms. There is complete freedom to form political parties; the latest election was fought between a number of competitors, including the NDC, NPP, the People's National Convention (PNC), the National Independence Party (NIP) and the National Convention Party (NCP). Likewise, the Constitution guarantees the full range of fundamental liberties that allows for democratic participation, including the right to free speech, the right to free association and the right to equal treatment before the law (for a more complete list of rights and freedoms protected by the Constitution, see the section entitled "Formal legal protection of rights and freedoms" below).

32. A number of the key articles in the Constitution are labelled as "entrenched provisions", including those regarding the laws of Ghana, fundamental human rights and freedoms, the executive, the legislature, the judiciary and the Commission on Human Rights and Administrative Justice. In order for an entrenched provision to be amended, the proposed change must be submitted to a referendum held throughout Ghana. For this bill to pass to a vote in Parliament it must gain consent from at least 75 per cent of persons voting, and at least 40 per cent of all persons entitled to vote must do so. Only upon approval in a referendum may Parliament vote on this bill, and only then can the President assent to it. Proposed amendments to non-entrenched provisions in the Constitution must be published multiple times with substantial waiting periods between its publication and consideration by Parliament, and must then be approved by two thirds of Parliament and gain Presidential assent before becoming law.

33. The 1992 Constitution establishes the three main bodies of Government, namely the executive, legislative and judicial branches. In brief, these bodies are organized as such.

34. The executive. The President of the Republic of Ghana is simultaneously the Head of State, Head of Government and Commander-in-Chief of the Armed Forces of Ghana. Underneath the President sits the Vice-President, the Speaker of Parliament and the Chief Justice, in descending order. The President is responsible for the implementation and maintenance of the Constitution and all laws made under or continued in force by the Constitution. The President must assent to all bills passed by Parliament before they become law. Any bill approved by Parliament and not assented to by the President can be amended as seen fit and reconsidered by Parliament. Upon reconsidering the previously rejected bill, if two thirds of Parliament vote in its favour, the President must assent to the bill within 30 days.

35. The Council of State, which acts as an advisory body, aids the President in his duties. In consultation with the Council of State, the President may appoint individuals to a number of government positions, including the Commissioner for Human Rights and Administrative Justice and the Commissioner's deputies.

36. The President is assisted in determining the general policy of the Government chiefly by the Cabinet, as appointed by the President. The Cabinet must consist of the President and Vice-President, and between 10 and 19 ministers of State. The majority of ministers of State must also be members of Parliament; the remainder must be persons qualified to be members of Parliament. The President also appoints deputy ministers, who assist ministers in their duties.

37. Other bodies with executive authority under the Constitution include the National Security Council, the National Development Planning Commission, and, as principal legal counsel to the Government, the Attorney-General. The National Security Council is entrusted with ensuring and taking appropriate measures to safeguard the internal and external security of Ghana. The National Development Planning Commission advises the President on development planning policy, initiates studies and makes strategic analysis of macroeconomic and structural reform options.

38. The legislature. The powers of legislature in Ghana are vested in Parliament, which currently consists of 200 members, each elected from a single specific geographic constituency using the first-past-the-post voting system. The Speaker of Parliament is elected by the members of Parliament, as are the two Deputy Speakers, who must belong to different political parties. Parliament has power to make laws and pass bills assented to by the President. In order for Parliament to pass a bill, it must (unless otherwise provided for in the Constitution) be approved by a majority of votes, with at least half of all the members of Parliament present. The Speaker does not have a vote. Parliament does not have the power to alter a decision or judgement of any court or to impose any limitations on, or to adversely affect the personal rights and liberties of, any person except in specific cases as outlined in the Constitution. Parliament is bound by the Constitution to dissolve 4 years from the date of its first sitting, unless, in the case of war or national emergency, two thirds of Parliament approve of an extension of not more than 12 months at a time, and not more than 4 years in total.

39. For effective and efficient Government, the members of Parliament are organized into a multi-layered committee and subcommittee system, whereby specific committees and subcommittees are charged with the task of undertaking duties of Parliament with regard to specific issues.

40. The Parliamentary Service Board is a body which is mandated, with the prior approval of Parliament, to make regulations by constitutional instrument, prescribing the terms and conditions of service of the officers and other employees in the parliamentary service. It is also charged with the general maintenance of effective and efficient administration. The Speaker of Parliament is the Chairman of the Board, who then appoints the other members.

41. In order to ensure that Parliament represents all Ghanaians equitably, the number of seats in Parliament per region is allocated according to that region's population. This also attempts to ensure that all ethnic groups of Ghana are represented equitably. According to table 11 below,

which draws population figures from the 2000 census, some minor adjustments in seat allocation need to be made; however, by and large, Parliament accurately reflects the adage “representation by population”.

Table 11. Members of Parliament and percentage of population, by region

Region	Percentage of Ghana's population	Number of MPs
Western	10	19
Central	8.6	17
Greater Accra	15.8	22
Volta	8.8	19
Eastern	11.5	26
Ashanti	17.3	33
Brong-Ahafo	9.9	21
North	10.1	23
Upper East	5	12
Upper West	3.1	8

Source: Ghana Review International, September 2001.

42. The judiciary. The judicial power of Ghana is vested in the judiciary, which administers justice in the name of the Republic of Ghana, as established by the Constitution of 1992. The Chief Justice is the head of the judiciary and is responsible for the administration and supervision of the judiciary. The judiciary has ultimate jurisdiction in all civil and criminal matters relating to the Constitution and all that is conferred on it by Parliament. The Constitution is very clear that the judiciary is completely independent from the President and Parliament and any organ related to the President and Parliament; the judiciary is subject only to the Constitution. The Chief Justice, other members of the Supreme Court and the judges of the Court of Appeal and High Court and the chairmen of regional tribunals are appointed by the President acting in consultation with the Council of State and/or the Judicial Council. All appointments to the Supreme Court are subject to approval by Parliament, and are undertaken only after the process of vetting, whereby each nominee is publicly subjected to, and must answer, questions from parliamentarians and others regarding their suitability for the position of Supreme Court Justice.

43. The judiciary consists of two main streams. The Superior Courts of Judicature include (a) the High Court and regional tribunals; (b) the Court of Appeal; and (c) the Supreme Court. The lower courts or tribunals include (a) community tribunals and family tribunals; and (b) circuit courts and tribunals. The Courts Act, 1993, regulates the relationships between these courts in civil and criminal matters.

44. These courts are subject to three parallel systems of law: statute law, common law and customary law. In case of a conflict between these systems, the Constitution is always regarded as the supreme law of Ghana. As article 11, section 6, reads: “The existing law shall be construed with any modifications, qualifications and exceptions necessary to bring it into conformity with the provisions of this Constitution, or otherwise to give effect to, or enable effect to be given to, any changes effected by this Constitution.”

C. General legal framework within which human rights are protected

1. Administrative jurisdiction - the Commission on Human Rights and Administrative Justice

45. The Commission on Human Rights and Administrative Justice (CHRAJ), mandated in the Constitution of 1992 (chap. 18), is charged with promoting human rights and with investigating cases of alleged abuses. Legally established in 1993 by an Act of Parliament (Act 456), the Commission consists of a Commissioner, two Deputy Commissioners (appointed by the President in consultation with the Council of State) and a staff of nearly 690 people. The Commission has a head office in Accra, 10 regional offices, and 89 district offices located throughout every region of the country. The Commission is a fully autonomous agency with complete powers to investigate the Government and any government body. In 2000, the Commission received 9,265 complaints nationwide and investigated 17,190 complaints in total - including a great number pending from previous years. In the seven years since it was formed, the Commission has received a total of 41,901 cases. Last year the Commission received the special honour of being named as one of the best three statutory national human rights instruments on the African continent by Human Rights Watch, an influential United States-based organization.

46. The main functions of the Commission include:

(a) Investigating alleged violations of fundamental rights and freedoms, injustices, corruption, abuse of power and unfair treatment of any person by a public officer in exercise of his or her official duties;

(b) Investigating complaints regarding the functioning of the Public Services Commission, the administrative organs of the State, the offices of the Regional Co-ordinating Council and District Assembly, the Armed Forces and the Prisons Service;

(c) Investigating alleged abuses of fundamental rights and freedoms by persons, private enterprises and other institutions;

(d) Taking appropriate action to call for remedying, correcting or reversing any actions that the Commission, after investigation, believes to be fair, proper and effective;

(e) Investigating allegations that a public officer has failed to comply with a provision of the Constitution;

(f) Investigating all instances of alleged or suspected corruption;

(g) Educating the public about human rights and freedoms and the rule of the Commission in protecting them.

47. The Commission may investigate an alleged violation of rights and freedoms either on its own prerogative or following a complaint. By minimizing the number of cases it investigates on its own prerogative, the Commission hopes to maintain its neutrality and objectiveness;

approximately 90 per cent of the Commission's investigations are a result of external complaints. However, in cases where the Commission believes that egregious violations of human rights have been, or are being, committed, and that these cases are not likely to be brought forward in the form of an official complaint, the Commission will intervene and investigate on its own prerogative. One such case involved the infamous "sex-slavery" practice of Trokosi, where young, vestal virgin girls are held in bondage in fetish shrines to atone for the alleged sins and crimes of their relatives. The Commission's actions on this matter led to national legislation banning this specific practice. In cases where the Commission suspects that the alleged violation of rights warrants a criminal investigation, it alerts the police, who may then conduct their own investigation.

48. The Commission recognizes that its policy of avoiding investigating cases on its own prerogative amplifies the importance of educating the public regarding human rights and the Commission's role in protecting them. It also obliges the Commission to be present in every region of Ghana, allowing citizens who may not have access to transportation or communication equipment to make complaints locally. Hence, as described in the "Information and Publicity" section below, the Commission has made great efforts to educate the public in every region of Ghana, and has 89 regional offices spread throughout the country.

49. After investigating an alleged violation, if the Commission finds that the given activity or non-activity:

- (a) Amounts to a breach of the fundamental rights and freedoms provided for in the Constitution;
- (b) Appears to have been contrary to law;
- (c) Was unreasonable, unjust, oppressive, discriminatory, or was in accordance with a rule of law or a provision of any Act or a practice that is unreasonable, unjust, oppressive or discriminatory;
- (d) Contravenes other sections of the Constitution or Act 456, 1993;

it may make such recommendations as it sees fit and shall report its decision and the reasons for it to the appropriate authorities.

50. The recommendations made by the Commission to remedy, correct or reverse such activities can include negotiation and compromise between the concerned parties, financial compensation, reporting the Commission's findings to various authorities including the offending person's superiors, bringing action to court and bringing proceedings to restrain the enforcement of legislation that is contrary to rights and freedoms.

51. If within three months from the time the recommendation is made still no appropriate action has been taken (after considering any comments made by the authority, persons or department against which the complaint was made), the Commission may bring an action before any appropriate court and seek such remedy as may be appropriate for the enforcement of the recommendation.

2. Legal jurisdiction - the courts

52. While the findings of the Commission on Human Rights and Administrative Justice are binding, in order to be legally enforceable, an order of court must be issued. Hence, legal jurisdiction on matters of human rights falls into the hands of the judiciary, which is charged with maintaining fundamental rights and freedoms as guaranteed in the Constitution.

53. In cases where the recommendations made by the Commission are not respected, the Commission may bring forth a complaint to the courts, which, acting on the evidence and advice presented by the Commission, may make legally enforceable rulings. This keeps ultimate legal jurisdiction in the hands of the courts, as well as providing a method of appeal to those found in violation.

54. A person or group of persons may also apply directly to the High Court for redress if they believe that a provision of the Constitution on fundamental human rights and freedoms has been, is being, or is likely to be, contravened in relation to them. Upon the application, the High Court may issue directions or orders or writs such as habeas corpus, certiorari, mandamus, prohibition, quo warranto and any other such action that it considers appropriate for the purposes of enforcing any of the constitutional provisions protecting fundamental human rights and freedoms. A person aggrieved by a determination of the High Court may appeal to the Court of Appeal, with the right of a further appeal to the Supreme Court.

3. Compensation and rehabilitation

55. There are currently no formal avenues other than those provided for by the Commission and the courts for compensation or rehabilitation for persons who have had their rights or freedoms violated. While the Commission and the courts provide ample and just avenues for determining and enforcing compensation, more needs to be done to rehabilitate victims of human rights abuses. This role is currently being taken by the charity, NGO, non-profit and international communities, who often and generously provide shelter, treatment and help for victims in their efforts to re-integrate into society. Ghana has upcoming obligations under the Economic Community of West African States treaty regarding the trafficking of humans to provide shelter and assistance to victims of human trafficking, which it fully intends to meet. The Government would like to do more to assist and rehabilitate victims of human rights, and intends to increase efforts in this area when more funding is available.

4. Formal legal protection of rights and freedom

56. The Constitution of 1992 is the ultimate law of Ghana and is the principal legal text protecting the rights and freedoms of the people of Ghana. Chapter 5 of the Constitution, entitled "Fundamental Human Rights and Freedoms", is an entrenched section of the Constitution. All the laws of Ghana must conform to chapter 5 and thus must respect the rights and freedoms protected by the Constitution. In the case of a suspected derogation of any of the rights and freedoms protected, the Commission on Human Rights and Administrative Justice and the courts, as outlined above, may be called upon to investigate the alleged derogation and enforce or uphold the Constitution as it sees fit.

57. The fundamental rights and freedoms provided in the Constitution applies to “every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender.” (art. 12, sect. 2)

58. The rights and freedoms protected in Chapter 5 include:

- (a) The right to life;
- (b) The protection of personal liberty;
- (c) The right to a fair trial;
- (d) Respect for human dignity;
- (e) Protection from slavery and forced labour;
- (f) *Equality from freedom and discrimination;*
- (g) Protection of privacy of home and other property;
- (h) Protection from deprivation of property;
- (i) A number of fundamental freedoms, including: freedom of speech and expression, of the press and media, of thought, conscience and belief, freedom to practise any religion, of assembly and to take part in processions and demonstrations, of association, of information, of movement, the freedom to form or join political parties and to participate in political activities;
- (j) The property rights of spouses;
- (k) Economic rights, including: the right to work under satisfactory, safe and healthy conditions, to equal work for equal pay without distinction of any kind, to a reasonable number of working hours and holidays, to form or join trade unions of the workers choice;
- (l) Educational rights, including: the right to a free basic education available to all;
- (m) Cultural rights, including: the right to enjoy, practice, profess maintain and promote any culture, language, tradition or religion, so long as they conform to the provisions of the Constitution and do not dehumanize or are injurious to the physical or mental well-being of persons;
- (n) Women’s rights, including: the right to special care before and after child-birth, paid maternity leave, to equal training and promotion without impediments from any person;

(o) Children's rights, including: the right to equal levels of special care, assistance and maintenance, against exposure to physical and moral hazards, against engaging in work that constitutes a threat to his health, education or development, against torture or other cruel inhuman or degrading punishment;

(p) Various rights of disabled persons, including: the right to live with their families or foster parents and to participate in social, creative and recreational activities, against all exploitation and treatment of a discriminatory, abusive or degrading nature;

(q) The rights of the sick.

59. Here, it is important to emphasize that the Constitution, while respecting traditional practices, does not see tradition or custom as an excuse for violating fundamental rights and freedoms. There are no legal excuses for violating any of the human rights or freedoms mentioned. In addition to the section of the Constitution just mentioned, article 272 (c) states, "The National House of Chiefs shall undertake an evaluation of traditional customs and usages with a view to eliminating those customs and usages that are outmoded and socially harmful." Hence, the constitutional ban on harmful traditional practices is reinforced by the constitutional responsibility of all Chiefs to re-evaluate their practices.

60. It should be noted that, in respect to the Convention, the Constitution explicitly singles out and protects equality and freedom from discrimination. Article 17 makes clear that "all persons are equal before the law," and that no person shall be discriminated against "on grounds of gender, race, colour, ethnic origins, religion, creed or social or economic status." Further, article 17, subsection 3, reads: "For the purposes of this article, 'discriminate' means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description."

5. Human rights instruments in the national legal system

61. In order for the various human rights instruments to be legally enforceable they must be ratified in Parliament with a majority vote and assented to by the President. Once this occurs, the instrument in question is legally enforceable and its provisions may be invoked for or by the courts. Internal domestic laws do not change automatically, and must be amended to conform to the instruments. However, where domestic law and ratified international instruments clash, the ratified international instrument takes precedence and may be applied above domestic law.

D. Information and publicity

62. The two principal bodies charged with educating the public regarding human rights are the Commission on Human Rights and Administrative Justice (CHRAJ) and the National Commission on Civic Education (NCCE). The high priority the Ghanaian Government, through these two bodies, places in educating the public on human rights issues reflects its explicit acknowledgment that without education in this field there can be no improvement or

enforcement. Only with a public well educated in their rights and freedoms can Ghana ever break itself free of oppressive practices, and hence education in this matter is a necessary prerequisite to advancing our aims of good governance, democracy and development.

63. The Government recognizes that, despite all its efforts, human rights awareness has yet to take firm root in Ghanaian society due to the lack of education, poverty and superstition which account for, and compound, a great deal of human rights abuses. Raising awareness is crucial to fighting these conditions, as well as indifference and acquiescence to human rights violations. Hence, the CHRAJ, the NCCE and the Government are committed to continuing their efforts to educate the public.

64. The Government also acknowledges and regrets the lack of necessary resources available to educate the public properly. Both the CHRAJ and the NCCE operate under difficult working environments with smaller than ideal staff, uncompetitive salaries and inadequate support resources as a result of Ghana's difficult economic situation and large government debt. The Government is working to rectify this situation in the near future with the help of the international community.

1. General efforts - the Commission on Human Rights and Administrative Justice

65. The Commission on Human Rights and Administrative Justice (CHRAJ) is the main body responsible for promoting human rights and fundamental freedoms in Ghana. While other governmental and non-governmental bodies have active roles in educating the public on human rights issues, the Commission holds direct constitutional and legislative responsibility for undertaking this most important task. Article 7 (1) (g) of the Commission on Human Rights and Administrative Justice Act (Act 456, 1993), mandates the Commission to "educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia." Accordingly, the structure of the Commission reflects this central task, employing a large Public Education Unit. Officers and lawyers in every office of the Commission are trained in human rights education and are required to undertake some educational responsibilities.

66. Because of Ghana's diversity, the Commission favours community based education programmes. The Commission runs such programmes through all of its regional offices. These programmes take the form of, among others, town-hall meetings, workshops, radio call-in shows, lectures and seminars. The stated goals of these programmes are to educate the public on all matters of human rights, including the elimination of racial discrimination. These community-based education programmes take into consideration the socio-cultural make-up of the communities in which they operate and are conducted in local languages, ensuring maximum effectiveness. These efforts received a boost in 2000 with the opening of many FM radio stations across the country. This allowed the Commission to spread the human rights message to more communities in a more targeted fashion. Every regional office reported an increase in its localized human rights efforts in 2000.

67. Appealing to wider audiences as well, the Commission used popular radio and television programming to propagate human rights. A senior staff member was a regular guest on a popular weekly radio legal clinic during which she fielded human rights and general legal questions from callers in the English, Akan and Ga languages. Other key staff members of the Commission regularly made themselves available for TV and radio programmes and public appearances. In mid-June the Commission took its turn at the “Meet The Press” series, a forum organized by the Ministry of Communication to provide an opportunity for various groups to present themselves to the Ghanaian public. This allowed the various staff members of the Commission, including the Commissioner, to address and answer questions from a national television and radio audience.

68. The year 2000 also saw the Commission pursuing the remaining elements in its “Five-Year Educational Programme”. This programme, started in February 1998, was created to focus the Commission’s efforts on raising awareness of human rights and administrative justice issues. It targets specific civil society organizations, including women’s groups, human rights NGOs, the media, persons with disability, the Ghana Employers Association and members of Parliament.

69. The Commission also organized a number of seminars and workshops to educate opinion leaders and others on human rights issues. On 22 and 23 August 2001, the Commission organized the National Consultation on Racism, Tribalism, Xenophobia and Related Intolerance. This consultation worked to educate Ghanaians regarding the dangers of racial discrimination in the context of the approaching World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. A number of speakers discussed a variety of issues, including multiculturalism, embracing diversity, cross-cultural communication and intercultural skills. In addition, the Commission organized a two-day workshop of chairpersons of community and circuit tribunals and panel members to heighten awareness among adjudicators to ensure that, as far as possible, their decisions are informed by human rights considerations. Further, the Commission and the United Nations Information Centre, together with various civil society groups, organized a National Consultation on “Building an Inclusive Society for the New Millennium”. The Consultation focused on strategies for enhancing the full and equitable participation of all persons in Ghanaian society, without any unwarranted distinction based on gender, ethnicity, political creed or affiliation, religious orientation or belief, physical or mental disability and age, among others. Another seminar in Kumasi, the second largest city in Ghana, provided an open debate on the role of traditional and religious leaders in the promotion of human rights. This afforded opinion leaders the opportunity to address human rights issues in respect to traditional customs and cultural practices that need to be reviewed.

70. All these activities reflect the Commission’s goal to educate the public in human rights by bringing messages of human rights to people in their own language and in a manner consistent with their own cultural framework and reference points. Hence the messages contained in the Convention and other such instruments are promoted in a manner that is understandable, bringing about the best possible result.

71. The Commission also prides itself on learning from the public and getting feedback on its efforts to educate the public on human rights. Through its regional and district offices, the Commission reaches into the depths of Ghanaian society to dialogue with community leaders,

State officials and youths (including students) on strategies for promoting the Commission's message. All the programmes offered by the Commission focus on the public expressing their views on the Commission's performance, encouraging them to make suggestions and contributions for future improvements. Several of the Commission's educational programmes were evaluated by a random sample of participants. The feedback was generally very positive and encouraging while a number of constructive criticisms were received. The Commission has also organized a number of in-house seminars to raise the level of performance and education of its own staff.

72. Because education in human rights is such an important and large task, the Commission has made efforts to team up with other government organizations and civil society organizations in spreading its message. The Commission also meets, once a month, with various human rights NGOs in Ghana, cooperating and collaborating with these helpful organizations as much as possible. Other State bodies, such as the National Commission on Civic Education, the National Media Commission, the National Commission on Children, the National Council on Women and Development and the Ghana National Electoral Commission, also work to advance the general message of human rights but not necessarily that relating to racial discrimination.

73. Although the Commission disseminates widely its annual reports, by their very nature these reports tend to be submitted well after the end of the reporting year. To overcome this time-lag problem, the Commission has begun to publish details of its work in print and electronic media, enabling the public to be more rapidly and accurately informed of the Commission's work. Bolstering this effort were the various public relations efforts of the Commission, including issuing press releases and holding press conferences on various issues and efforts the Commission has been undertaking.

2. General efforts - National Commission on Civic Education

74. The National Commission for Civic Education (NCCE) is responsible for educating and encouraging the public to defend the Constitution at all times, against all forms of abuse and violation. It thus formulates programmes at national, regional and district levels aimed at realizing the objectives of the Constitution, implementing and overseeing programmes intended to inculcate in the citizens of Ghana awareness of their civil responsibilities. While the Commission on Human Rights and Administrative Justice is explicitly responsible for educating the public on all matters of human rights, the NCCE, in defending the Constitution, works only to promote the Constitution's role in defending human rights. The NCCE is present in every area of Ghana; it has 1,280 staff members distributed throughout its 10 regional offices, 110 district offices and head office.

75. Like the CHRAJ, the NCCE spreads its message through various town-hall meetings, durbars, lectures, television and radio programmes and in schools and places of work. While it defends all aspects of the Constitution, it gives a high priority to defending those rights protected under chapter 5.

76. Apart from general education measures, the NCCE has instituted a number of programmes that educate the public on racial discrimination. During the national election of 2000, the NCCE instituted the Programme on Political Tolerance. This national programme

spread the message, by way of community education efforts and the mass media, that voting should be conducted not on the grounds of racial or ethnic affiliation with candidates but on the basis of policy and political platform.

77. In April 2001 the NCCE launched “National Constitution Week” aimed at spreading knowledge of the Constitution, including chapter 5. It utilized every form of local and mass media, from community meetings to national television. Interestingly, in a survey conducted by the NCCE after “National Constitution Week”, 80 per cent of respondents said that the most important thing they learned as a result of the NCCE’s efforts that week related to the protection of their fundamental human rights and freedoms offered by the Constitution.

78. In October 2001, the NCCE launched its Programme To Eradicate Inimical Customs and Practices. This programme, focused in the Northern and Volta Regions of Ghana, seeks to eliminate any traditional practice that discriminates between people of racial or ethnic groups. Among other issues, this programme has focused on the rights of people in situations of interracial or inter-ethnic marriages.

79. Currently, the NCCE is in the final stages of planning an exchange programme between people in different regions of Ghana with the express purpose of promoting friendship and inter-ethnic understandings and friendships.

80. The NCCE has also made a great effort to abridge and translate the Constitution, including chapter 5, into local languages, making it available for the general public.

3. Dissemination of human rights instruments

81. Because of the lack of basic education on, and knowledge about, human rights, the CHRAJ has focused more on general education in this field than on attempting to disseminate the texts of the various human rights instruments, including the Convention. However, the general spirit of, and even some of the specific protections afforded by, the various human rights instruments are often brought up and discussed in the Commission’s education efforts. From 1993 to 1997 the Commission made an active effort to distribute copies of the Universal Declaration of Human Rights and other documents of this nature. These were distributed during the Commission’s public information programmes, especially those focused at training police officers and other figures of authority.

82. While the Commission and other government agencies have not made concerted efforts to disseminate the text of the CERD, copies are readily supplied to the general public on their asking. In addition, some NGOs, such as CIVITAS, have made small-scale efforts to distribute such texts.

4. Reports

83. The International Law Division of the Ministry of Justice/Attorney-General's Office is responsible for preparing reports on some human rights instruments, including the Convention. This report has been prepared with assistance from a Junior Professional Consultant sponsored by the Canadian Department of Foreign Affairs and International Trade in conjunction with Acadia University in Wolfville, Nova Scotia, Canada.

84. As a result of this report, a recommendation to consolidate and centralize Ghana's reporting on United Nations instruments is being considered.

85. Plans are being made to publicize this report.

II. INFORMATION RELATING TO ARTICLES 2-7 OF THE CONVENTION

A. Article 2

1. Legislative measures

86. Ghana has implemented legislation aimed at satisfying every section and subsection of article 2. Chapter 5 of the Constitution actively bans all forms of racial discrimination. It is the policy of the Government, the judiciary and the Commission on Human Rights and Administrative Justice (CHRAJ) to actively enforce these provisions of the Constitution.

87. Paragraph 1 (a) calls on each State party to engage in no act of racial discrimination and to ensure that no public authority or institution engages in acts of racial discrimination. Ghana meets this requirement, in terms of legislation, by banning all acts of racial discrimination.

88. Ghana's Constitution explicitly singles out and protects equality and freedom from discrimination. Article 17 makes clear that "all persons are equal before the law," and that no person shall be discriminated against "on grounds of gender, race, colour, ethnic origins, religion, creed or social or economic status." But what does "discrimination" mean? Article 17, subsection 3, reads: "For the purposes of this article, 'discriminate' means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description." As outlined above, the Commission on Human Rights and Administrative Justice (CHRAJ) is explicitly mandated to investigate alleged violations of human rights and freedoms protected by the Constitution (and thus racial discrimination) made by any government ministry, agency, institution, or public officer. As also mentioned above, this applies equally to local institutions and authorities as well as to national ones. By emphasizing that cultural and historical practices cannot contravene the human rights and freedoms protected by the Constitution, there is no double standard or special treatment - all instances of racial discrimination, no matter where they occur or who commits them, are unlawful.

89. Paragraph 1 (b) calls on each State party not to sponsor, defend or support racial discrimination by any persons or organizations. The sections of the Constitution referred to directly above are relevant here as well; such action would contravene chapter 5 of the Constitution.

90. Paragraph 1 (c) calls on each State party to review, rescind and nullify any domestic laws, regulations, or policies which create or perpetuate racial discrimination. Here, again, chapter 5 of the Constitution works to ensure that all laws, regulations or policies that discriminate between persons or groups on the basis of race are legally unsupportable. Any person or persons who wish to challenge a law, regulation or policy of the Government on the basis that it perpetuates racial discrimination may bring their claims either to the CHRAJ or to the courts. Because the Constitution is the supreme law of Ghana, its articles protecting people against racial discrimination take precedence over any other law or regulation that may be in place, automatically nullifying any law or regulation that could potentially perpetuate racial discrimination. A review of legislation conducted in preparation of this report found no instances of Ghanaian laws that could be considered discriminatory in any way.

91. Paragraph 1 (d) calls on each State party to bring an end to practices of racial discrimination that any persons, groups or organizations may be undertaking. Here, again, any such activity is expressly banned under chapter 5 of the Constitution. The section on article 4 below provides an outline of the provisions of Ghana's Criminal Code that criminalize such activity.

92. Paragraph 1 (e) calls on each State party, where appropriate, to encourage integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything that strengthens racial divisions. While the Government has enacted various administrative measures to strengthen relations between the various groups of Ghana (see below), the primary legislative measure taken in this respect is, again, chapter 5 of the Constitution. By banning any activity that propagates racial discrimination, the Constitution goes a long way in discouraging racial divisions.

93. Paragraph 2 calls for States parties, when the circumstances warrant, to take special measures to ensure the development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and freedoms. Ghana has been blessed that there has been no single dominant or repressed ethnic or racial faction within its territory; by and large, each racial group enjoys equal status in decision-making processes. However, some efforts have been made to close Ghana's "education gap"; traditionally, people in the northern regions have had fewer educational opportunities than those in the south, a result of the official British colonial policy to use the people of the north as Ghana's "labour reserve". After independence, Dr. Nkrumah established the Northern Scholarship Scheme, which pays boarding fees for students of northern extraction at certain schools in the north. To this day, the people of the north receive less education than those in the south; however, the Northern Scholarship Scheme continues to work to bridge the education gap and to give all Ghanaians equal access to the protections of rights and freedoms as guaranteed in the Constitution and protected by the CHRAJ.

2. Administrative measures

94. As already stated, within Ghana there is no one single dominant ethnic group, as there is no one single subordinate ethnic group. That being said, enough discrimination and intolerance exist between all ethnic groups in Ghana to warrant considerable attention. A 1997 survey by the International Foundation for Electoral Systems found that 25 per cent of the respondents felt discriminated against due to their tribal origins.

95. Hence, apart from the legal measures aimed at eliminating racial discrimination, Ghana has enacted various administrative measures with the same aim. Because of its tribal history, lack of modern methods of communication, dearth of higher education and poor infrastructure, Ghana recognizes that it must do more than simply enforce legal barriers to discrimination; it must aim at destroying the ignorant societal attitudes which create and nourish racial discrimination.

96. One of the main functions in this respect is the quest to educate all citizens of Ghana on matters of human rights and racial discrimination. As outlined above, the CHRAJ is mandated with the task of educating the public on their human rights. It is assisted in this task by the National Commission for Civic Education (NCCE), a body in charge of educating the public on the Constitution.

97. In the small number of incidents of racial conflict, the Government and the CHRAJ have been quick to employ experts in community mediation and reconciliation to put a stop to them. Most of these incidents have been a result of isolated tribal conflict and chieftaincy issues relating to succession and land. There have been no larger, constant, systemic and violent incidents of discrimination against one group by another in Ghana. Most of the violence and conflict due to racial discrimination have been isolated incidents. Recent incidents of this nature, and efforts to end them, include the following.

98. In 1994/1995, in the largest incident of this nature in recent Ghanaian history, several thousand citizens died in the northern part of Ghana in a chieftaincy conflict dating from pre-colonial times. As a result, in 1995 the Government created the Permanent Peace Negotiating Team (PPNT), a body made up of religious leaders, NGO representatives, Council of State members and other parties, for the purpose of mediating disputes. The PPNT investigated and attempted to solve the remote and underlying causes of the hostility and conflict between the two main factions in this dispute, the Konkombas on one hand and the Nanumbas, Gonjas and Dagombas on the other. Since that time the conflict has simmered down and no deaths resulting from the conflict have been reported.

99. In 1998, eight persons died in a chieftaincy dispute in Kue, a small farming village in the Volta Region. Twelve were injured and four houses were burned. The PPNT was once again dispatched and managed to quell tensions.

100. In 1999, tensions arose in Frankadua, a fishing village in the Volta Region, where opposing ethnic groups took to arms after a series of verbal insults between two community leaders. The CHRAJ was summoned, and after a community mediation process involving over 140 individuals, a resolution was reached and the two sides were reconciled. No violence occurred.

101. In November 1999, over 200 houses were burnt in a racial conflict in the town of Agona-Nyakrom in the Central Region. Here, tensions between locals and recent settlers in the area flared up after a football match between the two groups. While no deaths occurred immediately, five people later died of smoke inhalation. The CHRAJ was notified and stepped in to monitor the situation and offer some mediation between the two groups. No subsequent violence has occurred.

102. In September 2001, a conflict arose in Agogo, a small town in the Volta Region. This arose out of tensions resulting from perceived discrimination based on religious practices. After both sides armed themselves preparing to battle, conflict was averted after a CHRAJ mediation process similar to that in Frankadua.

103. In December 2001, a bloody three-day armed conflict occurred in Bawku in the Upper Eastern Region of Ghana, the result of a long-standing ethnic conflict between the Kusasi and Mamprusi tribes. The official death toll from this conflict stands at 60; however, unofficial estimates are higher.

104. Largely as a result of the deportation of 1 million Ghanaians by Nigeria in 1983, many Ghanaians harbour some resentment towards Nigerians. While little violence has resulted, tensions still remain; many Ghanaians are openly disrespectful and biased against the Nigerians within their borders.

105. Since 1999 there has been an increase in media coverage of incidents where expatriate employers have abused their Ghanaian staff. In some cases, these incidents have been reported as being racially motivated. While none of these incidents has resulted in complaints being made to the CHRAJ, the public perception of this form of racial discrimination should be noted.

106. Despite the fact that Ghana has had few violent incidences of serious racial conflict in comparison to its neighbours in West Africa, any racial conflict is too much. The Government is committed to educating its citizens regarding the evils of intolerance and discrimination. However, because of the Government's financial situation and educational infrastructure difficulties, some patience must be exercised. The Government of Ghana welcomes all help from the international community in combating this problem.

B. Article 3

107. All forms of racial segregation and apartheid are condemned by Ghana in the strongest manner possible. Accordingly, no form of racial segregation or apartheid is practised in Ghana. The Government strongly believes that there should be no artificial barriers on racial grounds anywhere in Ghana, or anywhere else in the world.

108. Any such activity is banned by the Constitution. Article 17 of the Constitution provides, inter alia, for equality and freedom from discrimination. It reads: “All persons shall be equal before the law. A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.”

109. Historically, Ghana has always taken a hard-line approach with countries that practised racial segregation. When South Africa supported apartheid, Ghana openly condemned the practice and offered sanctuary to victims of that most inhuman practice. It is well known that in its post-independence years Ghana offered victims of apartheid Ghanaian passports, refugee status, and scholarships for pre-tertiary and tertiary education.

C. Article 4

110. Unfortunately, Ghana has insufficient domestic laws to meet the requirements of paragraphs (a), (b) and (c) of article 4. The Ministry of Justice/Office of the Attorney-General has been notified of this deficiency, and it is currently conducting a review and revision of the Criminal Code of Ghana to ensure that domestic legislation matches its obligations under the Convention.

111. While Ghana’s Constitution does prohibit all forms of racial discrimination under article 17, there is no corresponding section of Ghana’s Criminal Code that makes any of the acts mentioned in paragraphs (a) and (b) illegal or subject to criminal prosecution. In addition, while various articles that ban *acts* of racial discrimination, nowhere is there a ban or prohibition against *promoting or inciting* racial discrimination, as required by paragraph (c).

112. As described above, international instruments can be applied above domestic law. However, without the appropriate changes to the Criminal Code, it is difficult to apply article 4 of the Convention to Ghanaian criminal law procedures. Hence, Ghana’s Criminal Code should be changed to conform to article 4.

113. This being said, Ghana does have on record some legislation that, although incomplete, can be interpreted to work to criminalize racial discrimination. Section 49A of the Criminal Code, 1960, sentences to death any person who commits genocide. Under article 49A, section (2), “A person who commits genocide where, with intent to destroy, in whole or in part, any national, ethnical, racial or religious group, he (a) kills members of the group; (b) causes serious bodily or mental harm to members of the group; (c) deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposes measures intended to prevent births within the group; or (e) forcibly transfers children of the group to another group.”

114. Further, article 182A, section (1) could be used to ban organizations that incite racial hatred. It reads: “Whenever the President is satisfied with respect to any organization either (a) that its objects or activities are contrary to the public good; or (b) that there is danger of the organization being used for purposes prejudicial to the public good; he may, if he thinks fit, by executive instrument declare that organization to be a prohibited organization.” However, this section of the Criminal Code is under the chapter entitled “Offences Against the Safety of the

State,” and is intended to ban treasonous activities. Its use against organizations that incite racial hatred could be challenged and the overzealous use of this executive instrument could create political instability.

115. Article 17 of Ghana’s Constitution dictates that a person shall not be discriminated against on grounds of ethnic origin. However, this article does not protect against the promotion or incitement of racial hatred or superiority as required by article 4 (c). Although article 55, section (4), disallows any political party based on ethnic, religious, regional or any other sectional division, this provision applies only to political parties, not to all public institutions, authorities as required.

116. Article 35, sections (5) and (6), of the Constitution direct Ghana to foster a spirit of racial harmony. It reads in part: “(5) The State shall actively promote the integration of the peoples of Ghana and prohibit discrimination and prejudice on the grounds of origin, circumstances of birth, ethnic origin, gender or religion, creed or other beliefs. (6) Towards the achievement of the objectives stated in clause (5) of this article, the State shall take appropriate measures to (a) foster a spirit of loyalty to Ghana that overrides sectional, ethnic and other loyalties.” Given this article, and Ghana’s current deficiencies in the Criminal Code with respect to article 4, the Ministry of Justice has begun a review of the Criminal Code in order to amend it appropriately.

D. Article 5

117. Ghana protects all the relevant rights mentioned by article 5 in chapter 5 of the Constitution.

118. Paragraph (a) calls for States parties to protect the right to equal treatment before tribunals and all other organs administering justice. The Constitution of Ghana, 1992, states directly: “All persons shall be equal before the law,” and that “A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed, or social or economic status.” (art. 17, sects. 1 and 2). Further, article 19 of the Constitution protects the right to a fair trial. Included in this lengthy article is that a person charged with a criminal offence shall be given a fair hearing within a reasonable time by a court. Furthermore, a person charged with a criminal offence shall be presumed to be innocent until he is proved or has pleaded guilty and shall be informed immediately, in a language that he understands and in detail, of the nature of the offence charged, be given adequate time and facilities for the preparation of his defence, be permitted to defend himself before the court in person or by a lawyer of his choice. The trial of a person charged with a criminal offence shall take place in his presence unless he refuses to appear before the court after he has been duly notified of the trial.

119. Paragraph (b) calls for States parties to protect the right to security of person and protection by the State against violence or bodily harm. The Constitution of Ghana protects this, offering protection of the right to life (art. 13), protection of personal liberty (art. 14), protection of human dignity (art. 15), protection from slavery and forced labour (art. 16), protection from deprivation of property (art. 20), and protection of fundamental freedoms (art. 21). The Criminal Code, 1960 (Act 29) of Ghana also provides for offences involving assaults and battery, intentional acts and causing unlawful harm.

120. Paragraph (c) calls on States parties to protect political rights, in particular the right to participate in, vote in, and stand for elections, on the basis of universal and equal suffrage, and the equal right to take part in Government at any level and to have equal access to public services. The Constitution of Ghana protects all these political rights. Article 21, section (3), states: “All citizens shall have the right and freedom to form or join political parties and to participate in political activities.” Article 42 reads: “Every Citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda.” Article 55, section (1), reads: “The right to form political parties is hereby guaranteed.” Likewise, the Constitution guarantees the full range of fundamental liberties that allows for democratic participation, including the right to free speech, the right to free association, and the right to equal treatment before the law. Importantly, the Constitution protects against political parties and organizations that may be based on discriminatory principles. Article 55, section (4) reads: “Every political party shall have a national character, and membership shall not be based on ethnic, religious, regional or other sectional divisions.” Further, article 55, section (5), reads: “The internal organization of a political party shall conform to democratic principles and its actions and purposes shall not contravene or be inconsistent with this Constitution or any other law.” Hence, this protects against political parties that discriminate in membership.

121. Paragraph (d) calls on States parties to protect a long list of civil rights. The Constitution of Ghana works to protect, in name or in spirit, all the rights listed here:

(a) The right to freedom of movement and residence within the borders of the State is protected by article 21. Section (1) (g) of the article protects the “freedom of movement which means the right to move freely in Ghana, the right to leave and to enter Ghana and immunity from expulsion from Ghana.”;

(b) The right to leave any country, including one’s own, and to return to one’s country, is protected by the Clause mentioned directly above;

(c) The right to nationality is protected under chapter 3 of the Constitution, which outlines Ghana’s rules of citizenship;

(d) The right to marriage and choice of spouse is protected, in effect, under article 21, which protects general fundamental freedoms;

(e) The right to own property alone, as well as in association with others, is protected by article 18, section (1), which reads: “Every person has the right to own property either alone or in association with others.”;

(f) The right to inherit is conferred by article 36, section (7), which reads: “The State shall guarantee the ownership of property and the right of inheritance.” Article 20 (which protects from deprivation of property) and article 21 (which grants fundamental freedoms) also work, in effect, to protect the right to inherit. The right to inherit is given directly to spouses in article 22, section (1), which reads: “A spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will.”;

(g) The rights to freedom of thought, conscience and religion are protected under article 21, section (1), subsections (b) and (c), which read: “All persons have the right to (b) freedom of thought, conscience and belief, which shall include academic freedom; (c) freedom to practice any religion and to manifest such practice.”;

(h) The right to freedom of opinion and expression is protected in the Constitution of Ghana, 1992, under article 21, section (1), subsection (a), which reads: “All persons have the right to (a) freedom of speech and expression, which shall include freedom of the press and other media.”;

(i) The right to freedom of peaceful assembly and association is protected under article 21, section (1), subsections (d) and (e), which read: “All persons have the right to (d) freedom of assembly including freedom to take part in processions and demonstrations; (e) freedom of association, which shall include freedom to form or join trade unions or other associations, national and international, for the protection of their interest.”

122. Paragraph (e) calls on States parties to adhere a list of economic, social and cultural rights. Chapter 5 of the Constitution works to protect, in name or in spirit, all the rights listed below:

(a) The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and favourable remuneration are all protected in the Constitution. Article 24, section (1), reads: “Every person has the right to work under satisfactory, safe and healthy conditions, and shall receive equal pay for equal work without distinction of any kind.” Article 24, section (2), reads: “Every worker shall be assured of rest, leisure and reasonable limitation of working hours and periods of holidays with pay, as well as remuneration for public holidays.”;

(b) The right to form and join trade unions is protected under article 21, section (1), subsection (e), which reads: “All persons have the right to (e) freedom of association, which shall include freedom to form or join trade unions or other associations, national and international, for the protection of their interest,” and by article 24, section (3), which reads: “Every worker has as right to form or join a trade union of his choice for the promotion and protection of his economic and social interests.”;

(c) The right to housing, while not protected directly by the Constitution, is nonetheless indirectly addressed by article 37, section (1), which reads: “The State shall endeavour to secure and protect a social order founded on the ideals and principles of freedom, equality, justice, probity and accountability as enshrined in Chapter 5 of this Constitution; and in particular, the State shall direct its policy towards ensuring that every citizen has equality of rights, obligations and opportunities before the law.” In addition, article 20 protects against the deprivation of property, which includes housing;

(d) The right to public health, medical care, social security and social services, while not directly protected by the Constitution, are addressed in effect by article 37, section (6), which reads: “The State shall - (a) ensure the contributory schemes are instituted and maintained that will guarantee economic security for self-employed and other citizens of Ghana; and (b) provide

social assistance to the aged such as will enable them to maintain a decent standard of living.” In keeping with this article, Ghana currently has legislation offering old age benefit, invalidity benefit, survivors’ benefit, medical care benefit, sickness benefit, maternity benefit and employment injury benefit. These are provided for in the following laws: Social Security Law, 1991; Workman’s Compensation Law, 1987 and Labour Decree, 1967; sickness benefit and medical care benefit are being applied by collective bargaining agreements and administrative regulations;

(e) The right to education and training is protected under article 25, section (1), which reads in part: “All persons shall have the right to equal educational opportunities and facilities and with a view to achieving the full realization of that right - (a) basic education shall be free, compulsory and available to all; (b) secondary education in its different forms, including technical and vocational education, shall be generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education; (d) functional literacy shall be encouraged or intensified as far as possible”;

(f) The right to participation in cultural activities is guaranteed under article 26, section (1), of the Constitution, which reads: “Every person is entitled to enjoy, practice, profess, maintain and promote any culture, language, tradition or religion subject to the provisions of this Constitution.” Further, article 39, in part, reads: “(1) The State shall take steps to encourage the integration of appropriate customary values into the fabric of national life through formal and informal education and the conscious introduction of cultural dimensions to relevant aspects of national planning. (2) The State shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of the society as a whole; and in particular that the traditional practices which are injurious to the health and well-being of the person are abolished. (3) The State shall foster the development of Ghanaian languages and pride in Ghanaian culture.”

123. Paragraph (f) calls on States parties to protect the right to access any place of service intended for use by the general public. The Constitution, in effect, protects this right under article 17, section (2), which reads: “A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status.” Hence, to deny a person of his or her right to access any place intended for the general public on grounds other than to preserve the safety or well-being of those within that place would constitute an unwarranted and unlawful act.

E. Article 6

1. General

124. The CHRAJ (as outlined above) is mandated by chapter 18 of the Constitution to investigate alleged abuses of the fundamental rights and freedoms protected under chapter 5 of the Constitution. It is also charged with the tasks of issuing rulings and recommendations based on its investigations of these alleged violations, and educating the public regarding their fundamental rights and freedoms and the role of the Commission in protecting these rights and freedoms. The fundamental rights and freedoms protected by the Constitution, and hence by the

Commission, are outlined above, specifically, under article 5. The Commission is located in every region of Ghana, with 89 regional offices, ensuring every Ghanaian access to the mechanisms that work to protect them against racial discrimination.

125. Ultimate legal jurisdiction in all cases of human rights abuses, including those involving racial discrimination, falls into the hands of the judiciary, as explained above.

2. Just reparation

126. Chapter 17 of the Constitution guarantees that all people are equal before the law, and protects people from discrimination of all kinds, including racial discrimination. In doing so, it works to ensure that everyone has an equal right to seek from the authorities just and adequate reparation for any damages as a result of such discrimination. The CHRAJ is charged with issuing recommendations as to the appropriate reparation for damages in such cases. Hence, everyone has an equal constitutional right to seek adequate reparation for violations of their human rights.

3. Protection against racial discrimination in practice

127. The protection granted against racial discrimination under chapter 5 of the Constitution, and enforced by the CHRAJ under chapter 18 of the Constitution, has been exercised in practice numerous times. Of the 9,265 complaints heard by the Commission in 2000, a total of 1,022 were classified as general human rights complaints and approximately of these 40 complaints concerned discrimination. While detailed statistics relating to these cases are not available, fewer than five related directly to racial discrimination. The majority of the complaints of discrimination received were cases of religious discrimination which, because religion in Ghana is often related to ethnicity, could be classified indirectly, in some cases, as racial discrimination. In ruling on the majority of these cases, the Commission issued recommendations ordering the action or non-action in violation of the complainant's human rights to be reversed. In a few cases, monetary compensation was offered. In virtually all cases the complainant was satisfied that justice had been administered. While it can never be perfect, the Commission prides itself on its reputation for fairness and justness among the general population as well as among those who have brought complaints to it.

F. Article 7

128. Ghana recognizes the importance of increasing and concentrating its efforts to educate the public regarding human rights. While the Constitution provides, by and large, adequate legal obstacles to abusing human rights, unless the general public is educated about human rights these legal obstacles are of little use. Hence, the CHRAJ and the NCCE have been working hard to educate the people of Ghana. While progress has been made, much more needs to be done.

129. Under the guidelines adopted by the Committee on the Elimination of Racial Discrimination, this section is broken down into three general categories: education and teaching, culture and information. Most of what is stated here is also covered above in the section entitled "Information and Publicity". As was previously noted, there have been no wide-ranging efforts taken by any government agency to disseminate the actual text of the

Convention to the people of Ghana - basic human rights education must precede the dissemination of more complicated legal texts for the latter action to be effective. Thus, the rest of this section addresses efforts to spread and foster the spirit, rather than the actual text, of the Convention.

1. Education and teaching

130. As described above, the CHRAJ and the NCCE are the main bodies that develop and implement programmes designed to educate and teach the people of Ghana about human rights.

131. On the legislative side, both the CHRAJ and the NCCE are mandated by Parliament to educate the public about human rights. Article 7 (1)(g) of the Commission on Human Rights and Administrative Justice Act (Act 456, 1993) commands the CHRAJ to “educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures and symposia.” The NCCE is mandated by the Constitution, in chapter 19, article 233, to “(b) educate and encourage the public to defend this Constitution at all times, against all forms of abuse and violation; (c) to formulate for the consideration of Government, from time to time, programmes at the national, regional and district levels aimed at realizing the objectives of this Constitution; (d) to formulate, implement and oversee programmes intended to inculcate in the citizens of Ghana awareness of their civic responsibilities and an appreciation of their rights and obligations as free people.” Here, the NCCE is charged with the duty to educate the public on all aspects of the Constitution, including those rights found in chapter 5 of the Constitution, and article 17, which deals with racial discrimination.

132. On the administrative side, both organizations have made concerted efforts to realize the goals set forth for them by implementing various programmes and activities aimed at educating the public on issues of human rights and fundamental freedoms. These efforts are not limited to the general public, but also seek to target specific groups, including schoolchildren and vulnerable people. Programmes to teach schoolchildren about the Constitution and chapter 5 are generally initiated and overseen by the NCCE. In general, these administrative programmes can be classified into two groupings.

(a) To combat prejudices which lead to racial discrimination

133. The CHRAJ undertakes a wide variety of programmes which include educating the public regarding their rights and the rights of others, combating prejudices and raising awareness of the Commission’s role in investigating and ruling on alleged violations of fundamental rights. The Commission has set up various non-specific community-based education efforts aimed at bringing the message of human rights, including racial discrimination, to the people of Ghana on their own terms and in their own languages. This includes education efforts through public lectures, symposia, town-hall meetings, durbars, and through local radio programmes. The Public Education Unit of the CHRAJ, with trained officers in every regional office, leads the Commission’s efforts on this front.

134. The CHRAJ has also launched similar programmes to appeal to wider audiences, utilizing mass media to spread the word about rights and the Commission’s role in protecting them. National television and radio programmes have been used in this regard. All in all, the

totality of these small efforts has elevated the CHRAJ to a position of high profile: the activities of the CHRAJ are constantly on the front pages of Ghana's newspapers, making the Commission a household name.

135. The NCCE has initiated several similar community-based projects aimed at educating the public about their rights and the rights of others. Each of the NCCE's 110 regional offices has staff dedicated to educating the public and schoolchildren about human rights through classroom lessons, lectures, durbars, and other mediums similar to those which the CHRAJ use. The NCCE's activity in this respect is wide ranging, touching the lives of many Ghanaians.

(b) To promote understanding, tolerance and friendship among nations and racial and ethnic groups

136. The CHRAJ organized a two-day National Consultation on Racism, Tribalism, Xenophobia and Related Intolerance in August 2001. This conference, part of Ghana's lead-up efforts to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance focused mainly on methods to build understanding among racial groups, discussing items which included multiculturalism, embracing diversity and cross-cultural communication. Over 100 participants, drawn from NGOs, CHRAJ, activist groups, communities, the media and the United Nations, attended.

137. Apart from initiating projects to combat racial discrimination, the CHRAJ has also begun programmes aimed at solidifying the ideals of tolerance and understanding of others. Recently, the Commission organized a two-day workshop with the objective of heightening awareness among adjudicators to ensure that, as far as possible, their decisions are informed by human rights considerations.

2. Culture

138. Both the CHRAJ and the NCCE have been pivotal in the efforts to form a national culture of understanding and tolerance. The key to undertaking this task is to bridge traditional tribal divisions without removing the importance of people's traditional affiliations and practices. The Constitution of 1992 directs the leadership of Ghana to build just such a culture of tolerance. Article 35, section (4), reads: "The State shall cultivate among all Ghanaians respect for fundamental human rights and freedoms and the dignity of the human person." Section (9) of the same article reads: "The State shall promote among the people of Ghana the culture of political tolerance." Article 37, section (1), reads, in part: "The State shall endeavour to secure and protect a social order founded on the ideals and principles of freedom, equality, justice, probity and accountability as enshrined in Chapter 5 of this Constitution." Article 39, sections (1), (2) and (3) read: "(1) Subject to clause (2) of this article, the State shall take steps to encourage the integration of appropriate customary values into the fabric of national life through formal and informal education and the conscious introduction of cultural dimensions to relevant aspects of national planning. (2) The State shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of the society as a whole; and in particular that traditional practices which are injurious to the health and well-being of the person are abolished. (3) The State shall foster the development of Ghanaian

languages and pride in Ghanaian culture.” With these directives in mind, the CHRAJ and the NCCE have both worked to educate the public in a manner that creates and fosters this type of national culture.

(a) To combat prejudices which lead to racial discrimination

139. In order to work toward building a national culture free from racial discrimination, the CHRAJ recently launched a seminar in Kumasi that provided an open debate on the role of traditional and religious leaders in the promotion of human rights. By bringing traditional and religious leaders to the conference, the CHRAJ was able to hear the views of these leaders on this topic and was able to work to educate the leaders on issues of human rights and how they might be implemented in traditional settings. This also afforded opinion leaders the opportunity to address human rights issues with respect to traditional customs and cultural practices that need to be reviewed.

140. During the national election of 2000, the NCCE instituted its Programme on Political Tolerance. This national programme spread the message, by way of community education efforts and the mass media, that voting should be conducted not on the grounds of racial or ethnic affiliation with candidates but on the basis of policy and political platform. This helped to combat racial prejudices and to promote a culture of political tolerance.

141. In addition, in October 2001 the NCCE launched its Programme To Eradicate Inimical Customs and Practices. This programme, focused in the Northern and Volta Regions of Ghana, seeks to eliminate traditional practices that discriminate between people on racial or ethnic grounds. Among other issues, this programme has focused on the rights of people in situations of interracial or inter-ethnic marriages. Here, by working to educate Ghanaians on the dangers of such practices, the NCCE hopes to eliminate discrimination from Ghanaian culture.

(b) To promote understanding, tolerance and friendship among nations and racial and ethnic groups

142. In an effort to build a culture of friendship and understanding among the people of Ghana, the CHRAJ and the United Nations Information Centre, together with various civil society groups, organized a National Consultation on “Building an Inclusive Society for the New Millennium”. The Consultation focused on strategies for enhancing the full and equitable participation of all persons in Ghanaian society, without any unwarranted distinction based on gender, ethnicity, political creed or affiliation, religious orientation or belief, physical or mental disability and age, among others.

143. In April 2001, the NCCE launched “National Constitution Week”, aimed at spreading knowledge of the Constitution, including chapter 5. It utilized every form of local and mass media, from community meetings to national television. Interestingly, in a survey conducted by the NCCE after “National Constitution Week”, 80 per cent of respondents said that the most important thing they learned as a result of the efforts by NCCE that week related to the protection of their fundamental human rights and freedoms offered by the Constitution. The NCCE hopes this will further enhance friendships between Ghanaians by working to eliminate ignorance.

144. Currently, the NCCE is in the final stages of planning an exchange programme between people in different regions of Ghana with the express purpose of promoting friendship and inter-ethnic understandings and friendships.

3. Information

145. The Government, the CHRAJ and the NCCE have used all forms of media in their efforts to educate the people of Ghana about racial discrimination and to foster a spirit and culture of tolerance. From television to local news pamphlets to the spoken word, every form of communication has been employed in reaching the public on issues of human rights, and specifically on racial discrimination.

(a) To combat prejudices which lead to racial discrimination

146. Generally, the CHRAJ favours using local media outlets for the communication of its messages. Each of its 89 regional offices works on a local basis to combat racial discrimination. Alternatively, the NCCE has moved away from the community-based approach. While, through its 110 regional offices, the NCCE still promotes local education, it has increased efforts to use mass media outlets. This, it believes, is more cost efficient and more effective in reaching younger audiences. Together, the CHRAJ and the NCCE cover much ground and are known to almost every Ghanaian. The specifics of how they use the media to promote human rights and racial discrimination is discussed directly above in this section.

(b) To promote understanding, tolerance and friendship among nations and racial and ethnic groups

147. See the information above for an outline of the role played by State media and the mass media in promoting understanding, tolerance and friendship among the people of Ghana.

III. CONCLUSION

148. Ghana's most significant obstacle on the path to becoming a society free from racial discrimination is the lack of education. Despite the great efforts currently under way, Ghana's poor infrastructure, the influence of inimical traditional practices, the dearth of funding and general illiteracy all combine to place serious restraints on the possible successes of any efforts to educate our public about human rights and racial discrimination.

149. With the exception of the changes needed to the Criminal Code to comply with article 4 of the Convention, Ghana's legal system offers strong and appropriate legal obstacles to block racial discrimination. Chapter 5 of the Constitution explicitly bans any discrimination on racial or ethnic grounds. The Commission on Human Rights and Administrative Justice provides a comprehensive and, for the most part, reliable system for receiving and processing complaints of alleged human rights violations, including those regarding racial discrimination. The judiciary, the holder of ultimate legal jurisdiction in cases of human rights abuses, has upheld human rights laws with force. And, fortifying these efforts, each organ in Ghana's legal support network for human rights is independent of the Government and each other.

150. Yet, despite this legal blockade, some instances of racial discrimination still occur, and many go unreported. This cannot stop until all the people of Ghana are made aware of the issues surrounding racial discrimination and understand that the appropriate venues for combating this problem are available. Progress is being made. The Criminal Code is being reviewed. Education efforts are increasing. Democracy is taking hold. The economy is strengthening. The people are now being heard. But this will be a long process, and help from the international community of experts will be essential. But Ghana, standing free and proud at last, is now ready to take on this challenge with vigour.
