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1999 Country Reports on Human Rights Practices

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GHANA

Ghana is a constitutional republic dominated by a strong presidency. Flight Lieutenant (ret.) Jerry John Rawlings has ruled the country for 18 years. He became the first President of the Fourth Republic following controversial elections in 1992. This ended 11 years of authoritarian rule under Rawlings and his Provisional National Defense Council (PNDC), which had seized power from an elected government in 1981. The opposition fully contested the 1996 presidential and parliamentary elections, which were described as peaceful, free, and transparent by domestic and international observers. President Rawlings was reelected with 57 percent of the popular vote. Rawlings' National Democratic Congress (NDC) party won 133 of the Parliament's 200 seats, just short of the two-thirds majority required to amend the Constitution. The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the Commission for Human Rights and Administrative Justice (CHRAJ). In reality this system of checks and balances is circumscribed by a parliament dominated by the President's party, a hesitant judicial service, and a system-wide lack of resources that hobbles the effectiveness of all three branches. The presence of a significant number of opposition parliamentarians has led to increased scrutiny of the Government's activities. In 1998 in peaceful elections voters elected new district assembly representatives and, for the first time, unit committee members to complete the local government structure outlined in the Constitution. The judiciary appears subject to executive influence on occasion and lacks adequate resources.

Several security organizations report to various government departments. The police, under the jurisdiction of an eight-member Police Council, are responsible for maintaining law and order. A separate department, the Bureau of National Investigations (BNI), handles cases considered critical to state security and answers directly to the executive branch. Although the security apparatus is controlled by and responsive to the Government, monitoring, supervision, and education of the police in particular remain poor. Police committed some serious human rights abuses.

The economy remains dependent on agriculture, with about 41 percent of gross domestic product (GDP) and 59 percent of employment derived from this sector, according to government statistics. Gold, cocoa, and timber are the traditional sources of export earnings, although cocoa and gold revenues fell due to the drop in the prices of these commodities on the world market. Tourism is the third largest foreign exchange earner. Service sector growth outpaced both agriculture and industry, according to an International Labor Organization (ILO) study released in September. The economy grew at a rate of 4.4 percent, down from 4.6 percent in 1998, due to the fall in the world price of gold and cocoa and the increase in the price of crude oil. Inflation decreased from 15 percent to 13.8 percent. Per capita GDP decreased to approximately \$400.

There continued to be problems in the Government's human rights record; however, it continued its attempts to improve its practices. Police use of excessive force again resulted in a number of extrajudicial killings as well as injuries, although the use of rubber bullets and water cannons improved the ability of the police to manage crowd control situations without killings or serious injuries. Numerous incidents from earlier years remained unsolved. There were continued credible reports that members of the police beat prisoners and other citizens, and arbitrarily arrested and detained persons. Police corruption is a problem. Prison conditions remained harsh, and prolonged pretrial detention remained a problem. Inadequate resources and a system vulnerable to political and economic influence compromised the integrity of the overburdened judicial system. The Government sometimes infringed on citizens' privacy rights. The Government continued to prosecute two criminal libel cases. In 1998 three independent journalists were jailed following legally flawed contempt-of-court cases, strengthening the perception that the judiciary operates under the influence of the executive. In November a journalist was sentenced to 3 months in jail and fined about \$460 after being found guilty in a criminal libel case. The Government continued to pressure the media. Some journalists practiced self-censorship. The nongovernment press, nonetheless, continued its vigorous and outspoken criticism of various government policies. Police used force to disperse demonstrations. Government-supported demonstrations took place unimpeded, while demonstrations critical of the Government, when they occurred, were circumscribed. Violence against women is a serious problem. Traditional practices, including a localized form of slavery practiced in some rural areas, still result in considerable discrimination against and abuse of women and children. Female genital mutilation (FGM) still is practiced. In May mobs attacked three charismatic Christian churches in a seasonal conflict over a traditional ban on drumming. Some ethnic groups complain of discrimination. Child labor is a problem in the informal sector, and there were reports of forced child labor, and trafficking in women and children. Vigilante justice also is a problem. Legislation intended to provide additional protection to women and children came into effect, following similar legislation in 1998 intended to protect women and children.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Security forces committed a number of extrajudicial killings. The number of deaths reportedly caused by members of the security services remained the same, although the

use of rubber bullets and water cannons improved the ability of the police to manage crowd control situations without killings or serious injuries. In recent years, the police service in particular has come under severe criticism following incidents of police brutality, corruption, and negligence. Public confidence remains low and mobs attacked several police stations. In January the presidential Archer Commission issued a white paper critiquing police operations and providing specific directives as to how to address police manpower, training, and logistical needs. The Inspector General of Police publicly acknowledged these problems and attempted to address them through training in human rights and riot control.

On January 13, a farmer was fatally shot and 12 policemen injured during a riot at Juaso, outside of Kumasi in the Ashanti Region. A former chief held a year-end party for his supporters although the police prohibited the gathering. The 36-year-old farmer was reportedly hit by a warning shot fired by the police. The ex-chief and more than 60 townspeople were arrested by a joint police and military team in connection with the riot (see Section 5.)

On February 14, police fired live bullets indiscriminately into a Konkomba market crowd, while attempting to stop looting, killing a 15-year-old boy and injuring two other persons.

On June 24, an employee of the National Security Council allegedly shot and killed an agricultural officer following a traffic dispute near Abelemkpe in Accra. The suspect, who reported having shot an armed robber, was arrested and released on bail. The case is ongoing.

On August 12, the Deputy Superintendent of Police allegedly shot a vendor at Soe, near Bolgatanga in the Upper East Region, in a dispute over the siting of a kiosk. The vendor died 3 days later. One other person was injured by a stray bullet fired by police during the confrontation. The police are investigating. The Inspector General of Police (IGP) attended the vendor's funeral.

On August 19, a policeman allegedly shot and killed a passenger in a truck after the driver refused to stop when signaled to do so in Winneba in the Central Region. The policeman reportedly was on the lookout for armed robbers and tried to deflate the truck's tires with an AK-47, killing the victim by mistake. The incident is under investigation.

On September 25, a policeman reportedly shot and killed a driver at his residence in Korpeyia, near the border with Togo. The police maintain the deceased was a notorious criminal who threatened to kill a policeman who had gone into his house to arrest him and that the policeman shot him in self-defense.

On November 13, a plainclothes police inspector shot and killed the driver of a timber truck at a police barricade in the Ashanti region town of Barekese. Initial reports stated that the man was shot accidentally in a scuffle with the police, but eyewitnesses reported that there was no scuffle and the driver was killed deliberately. Police authorities suspended the inspector immediately and initiated an investigation that was underway at year's end.

On December 24, a patrol team of police and military personnel shot and killed two passengers in a taxi in Tema, a coastal town in the greater Accra region. The taxi driver

reportedly failed to stop at a checkpoint, and the police were making spot checks on vehicles following a report of an armed robbery. The police say they fired warning shots, but witnesses said there were more than 10 bullet holes in the vehicle and the tires were flat from the shooting. At year's end, there had been no further action.

In late 1998, the police established a special judicial tribunal to try officers suspected of unlawful and careless use of weapons. Of the fatalities that occurred in 1998, several remained under investigation, with the implicated police officers transferred. Police actions in the July 2, 1998 incident in the Brong Ahafo Region were determined to have been in self-defense. The case has been closed and the officer transferred to another region. In February the Government accepted the results of the inquiry into the October 28, 1998 murder of a man in Accra. The commander of the operation was found personally liable. The IGP instigated disciplinary action against all the policemen involved and ordered compensation for the victim's family. The Ministry of Interior acknowledged that police of all ranks needed to be retrained in the handling of weapons. The police officers involved filed a protest stating that they are not personally liable for the incident because they were performing official duties.

The committee investigating the police officer implicated in the May 31, 1998 killing of a bystander in Sekondi indicted the officer in charge. The police have not yet compensated the family of the victim.

The officers involved in the October 7, 1998 beating of a farmer in Pramkese were suspended pending investigation. At year's end, the case was still under investigation.

In June the Government released the report of the committee that investigated the March 1997 death of two youths. The deaths occurred when police opened fire on demonstrators in Kumasi. The committee found, and the Government concurred, that the police failed to follow riot control procedures and that the families of the deceased should be compensated with approximately \$2,900 (10 million cedis) for each family. Disciplinary action was ordered against the police officer in charge during the riot.

In June the family of a man who died on November 9, 1998 in a Western Region police cell reasserted that the deceased was brutalized by police and detained in handcuffs for 5 days. In response to a family petition filed a week after the death, the regional police command denied that police mistreated the deceased.

The Government again refused to launch an independent inquiry into the deaths of four demonstrators during a May 1995 protest against government tax policy after having closed the case inconclusively. The police report was never released to the public.

The Government continued to refuse to investigate extrajudicial killings in the early years of PNDC rule, despite the July publication of the names of 199 alleged victims in an independent newspaper.

During the year, chieftancy disputes led to several deaths and a number of injuries (see Section 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of

deaths and injuries.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution states that the dignity of all persons shall be inviolable and that no one shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment, or any other condition that detracts from human dignity; however, there were continued credible reports that members of the police and customs officials beat prisoners and other citizens. It is generally believed that severe beatings of suspects in police custody occur throughout the country but go largely unreported. On February 16, six soldiers from the 4th battalion reportedly stabbed a Kumasi man after one soldier stormed into his house and beat him. While the civilian was en route to the hospital with his brother, they both allegedly were assaulted by five more soldiers. The brother later lost hearing in one ear. In April another brother of the same man was brutalized and his room vandalized, allegedly by a forestry commission employee and hired "machomen" (private security enforcers). The incidents were reported to the Chief of Defense Staff and the Inspector General of Police. There were no reports of progress in these investigations.

Also in February, five Achimota police officers were suspended after detaining a woman in a cell with her husband and 15 other males. A local human rights group was instrumental in spurring the police administration to investigate. In July after a human rights activist alerted the CHRAJ, news media reported the story of a woman who had become pregnant by a suspected criminal also in police custody while she was held in remand for 16 months on an attempted murder charge in Anloga in the Volta Region. In August the police administration suspended the district officer and launched an investigation into the breach of the policy that female suspects not be detained in cells with male counterparts.

On May 27, a man suffered gunshot wounds when Customs, Excise, and Preventive Service (CEPS) officers fired warning shots against a mob of angry youth at Dodo-Aman from in the Volta Region. The clash followed CEPS' seizure of goods believed to be uncustomed. A CEPS' investigation found that the officers had acted within the law in self-defense.

In June three soldiers and a district forestry officer shot and wounded six persons at Nkunkum in the Eastern Region for allegedly violating timber harvesting regulations.

On August 13, police used water cannons and tear gas to disperse a student demonstration against increased university fees. Police beat several students, who required medical attention (see Sections 2.a. and 2.b.).

On December 13, in the Western Region town of Abontiakoon near Tarkwa, soldiers and policemen reportedly shot and wounded nine people in a middle-of-the-night raid, apparently in response to a peaceful demonstration earlier that day. The demonstration was to protest the closing of an underground mine that had provided income for much of the community's youth. Press reports state the men arrested were severely beaten, and

some of them had not returned to their homes by the end of December. In addition, police and soldiers allegedly destroyed personal property and beat many other citizens. A curfew was imposed on the town and its electricity cut off. The Western Regional Security Council denied knowledge of any brutalities committed by security forces sent to keep order in the town.

In mid-December, two youths were treated for gunshot wounds after a confrontation between police and youths in Zabzugu, in the Northern Region. The youths threw stones and created roadblocks to protest the District Chief Executive's (DCE's) alleged misuse of the district common fund. Security forces escorting the DCE attempted to disperse the demonstrators by throwing tear gas and firing warning shots. On December 24, the minister for the Northern Region established a committee to look into the situation.

Police set up illegal barriers to elicit bribes from motorists (see Section 2.d.). There were credible reports that police abuse their authority by arresting citizens in exchange for bribes from detainees' disgruntled business associates and demanding that money before granting bail (see Section 1.d.). Police received a public trust rating of 49.6 percent in a survey released during the year. In March the IGP banned police from firing warning shots. He also warned the police against demanding money from suspects as a precondition of their release on bail. The IGP dismissed a constable who had been found extorting money randomly from drivers.

A number of cases from 1998 remained open, with the implicated police officers suspended in most instances. The police officers involved in the November 2, 1998 shooting of two girls in an arrest attempt near Accra were dismissed from the police force. Police stated that the officers were performing an unauthorized action (which would not obligate the police to compensate the girls' families). Of the remaining detainees in the November 24, 1998 killing of 2 police officers in Ablekuma, 6 of the accused are pending trial, 6 were dismissed for lack of evidence, and 14 are still in remand.

Reports continued of isolated incidents in which Accra Metropolitan Assembly (AMA) operatives known as the Chameleon Bombers, allegedly inflicted injury and destroyed property. However, the degree of violence decreased following media attention. The AMA officially dissolved the group in late 1998 following repeated public criticism, but continued to "decongest" vendors from the streets and destroy unauthorized structures. Kumasi, Ghana's second largest city, reportedly deployed a similar force called the Sanitation and Decongestion Tigers to eject unlicensed street vendors from city streets.

"Machomen" and land guards, private security enforcers hired by citizens to settle private disputes and vendettas caused injury and property damage. The machomen are not legally constituted, but organized privately and operate outside the law. In both Accra and Kumasi, some were arrested following attacks on land developers but were not prosecuted.

During the year, chieftancy disputes led to numerous injuries. Off-duty soldiers reportedly took part in one clash (see Section 5).

Prisons are in most cases very poorly maintained, and conditions are extremely harsh. In 1996 the CHRAJ published a report on prison conditions. It described prisons as unsanitary, overcrowded, and poorly ventilated. Prisoners are malnourished. Reports of

the daily food allowance per prisoner vary. In July the Minister of Interior informed Parliament that the country's prisons, with a total capacity of 5,000, house some 8,000 inmates. The Minister also reported that there were about 90 mattresses and few beds for the approximately 700 prisoners at the Kumasi central prisons. Overcrowding contributes to a high prevalence of skin and other communicable diseases among prisoners. In April the prisoners' daily food allowance was raised from approximately \$.41 (1,500 cedis) to about \$.50 (1,800 cedis), bringing the total daily allowance to approximately \$.83 (3,000 cedis), including housing, medical and clothing costs. Families still supplement prisoners' food and bribe prison guards for visitation rights. Prisoners also suffer from lack of medicine unless paid for or provided by the inmates or their families. The report concluded that prison conditions were "a flagrant violation of the individual's fundamental human rights." The CHRAJ's findings and recommendations continued to generate much press coverage and some changes; however, while the Government concurred with the 1996 findings, it stated that lack of funding prevented further improvements. In spite of a continued lack of funding, some improvements were made during the year: an increase in prisoners' food allowance and an amnesty to old and ill prisoners. Juveniles now more frequently are separated from the adult prison population. The Ghana Prisons Service Council has formed an assessment team to inspect facilities.

The Prison Service Council, established in 1998, visited Central and Volta Region prison facilities in early 1999. Following these inspections, the council suggested that prison authorities adopt a more humane approach to dealing with prisoners. The Council identified the number of remand prisoners due to the courts' inability to hear cases promptly as the greatest problem facing the prison system. The Council also criticized health hazards (including poor sanitation) and the state of prison structures.

While the CHRAJ has access to monitor the prisons, the Government resisted granting access to the press. In 1998 two journalists reported what they had experienced and observed during their 30-day incarceration. Inmates of the Sunyani Prison in the Brong-Ahafo Region demonstrated on September 2 to protest the alleged extortion of cash and seizure of food and belongings by some prison officials in the Central Region. Some suspects allegedly pleaded guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells. In a December 17 speech at a prison officers' graduation ceremony, President Rawlings stated that the Government is considering the introduction of parole, suspended sentences, and community service as a way to alleviate the overcrowding in prisons.

NGO's are not given access to prisons.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Constitution provides for protection against arbitrary arrest, detention, or exile and states that an individual detained shall be informed immediately, in a language that the detained person understands, of the reasons for the detention, and of the right to a lawyer and to an interpreter, at state expense. It also requires judicial warrants for arrest and provides for arraignment within 48 hours. In practice, however, many abuses occur, including detention without charge for longer than 48 hours and failure to obtain a warrant for arrest. Authorities do not routinely notify prisoners' families of their incarceration; such information is often obtained only by chance.

The court has unlimited discretion to set bail, which can be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. The Constitution allows judicial authorities to hold citizens for up to 48 hours without filing charges against them. However, in practice it is common to remand a prisoner to investigative custody. The Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that he appears at a later date for court proceedings. In June the CHRAJ reported that there were a number of remand prisoners held for periods ranging from 1 week to 8 years. The Kumasi central prison had 338 in 1996-97. As of early July, about 23 percent, or 1,840 of the 8,000 inmates nationwide, were remand prisoners.

Despite the provisions of the law, abuses occur. Persons sometimes are detained for trivial offenses or on unsubstantiated accusations. Twenty suspects in the November 24, 1998, murder of two policemen in Ablekuma remained in custody without bail since December 1998. Four others were granted, but did not fulfill the requirements of, bail on December 12.

The Government has not implemented any meaningful policy to reduce the numbers of pretrial detainees, although the independent press has called for reduction of harsh bail conditions for suspects who do not pose a threat to society. Many credible sources report that private citizens pay the police to arrest business associates in deals gone awry. The 1996 CHRAJ report on prison conditions recommended improvement in the administration of criminal justice, which currently denies many citizens their constitutional rights to be charged within 48 hours, to have bail posted within the same period, and to a speedy trial. Similarly, in March the CHRAJ discovered that 10 Nigerian nationals, 2 Lebanese, and 4 Ghanaians were detained at the Osu police station for periods ranging from 1 to 5 weeks. No bail had been set, nor had the suspects appeared before court for allegedly committing various offenses, including immigration offenses. A farmer in the Volta Region has been in remand for 9 years. He is suspected of poisoning and killing another farmer, but has yet to be formally charged.

In December the IGP warned policemen not to refuse to grant bail to suspects in order to settle personal scores and reminded police that the law is there to protect citizens and not to harass them. Lawyers for a former army sergeant accused in an alleged 1994 plot to overthrow the Government continued their appeal of an Accra High Court decision to retry him for treason. His original trial ended in 1996, but judgment was postponed because of the illness and subsequent death of one of the trial judges. The defendant has been in custody since 1994.

In November, after a Muslim-Protestant conflict in the Central Region town of Agona Nyakrom, police arrested over 700 men and brought them to Accra for investigation (see Section 2.c.). Over 650 of them then signed bonds to be on good behavior. Thirty others, including a chief, were detained. The case still was pending at year's end. The Commissioner of the CHRAJ called for police to improve their ability to screen suspects at the scene of the crime rather than effect mass arrests.

Rural women can be punished with banishment by traditional village authorities for teenage pregnancy or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional

authorities such as a shaman. In 1997 2 villages contained 400 elderly women, and 1 village contained 2,000 women and family members, all sentenced by village authorities who claimed to have the power to divine witches. Although the women face no formal legal sanction if they leave, most fear that they would be beaten to death if caught outside the penal villages (see Section 5).

The Presbyterian Church sponsored a "go home" project to reintegrate into society women accused of witchcraft and forced to live at the Gambaga "witches" village. A total of 55 of 200 such women have reunited with their families. The project also provided for loans to enable the liberated women to become more financially independent and to contribute to the well being of their families.

The Government does not practice forced exile and encourages citizens, including dissidents, living abroad to return. Some former government and PNDC officials have returned and resumed careers and political activities.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary appears to be subject on occasion to executive influence. The Constitution allows the Government to nominate up to 15 members of the Supreme Court; confirmation is the responsibility of a Parliament currently dominated by the President's party. The Chief Justice is empowered to impanel the justices of his choice to hear cases. These provisions, along with a debilitating lack of resources, have called into question the court's role as a balance to the power of the executive branch and contributed to the perception that the judiciary is occasionally subject to executive influence.

This perception was furthered by the judiciary's crackdown on members of the privately owned press in 1998. In late July, the courts incarcerated two journalists for 30 days and fined the publishers heavily, following a contempt-of-court case widely viewed as legally flawed. Two other journalists, with criminal libel lawsuits pending, had their passports seized under court order. An editor was jailed for 9 days in another questionable contempt-of-court case in July 1998. All the affected journalists are known to be avowed opponents of the Government and aggressive in their highly personal criticism of the President and his family (see Section 2.a.).

The integrity of the legal system is compromised by a severe lack of financial, human, and material resources. There were no official charges of corruption on the part of judges; however, in September a privately owned paper published an alleged report by the Serious Fraud Office that found evidence of malpractice in the awarding of contracts by the judicial service. In August 1998, the BNI reportedly questioned a judge, the chairman of an Accra regional tribunal, about allegations that he and his staff accepted a \$9,000 bribe to grant bail for a Nigerian woman arrested for drug smuggling. He has not been charged. A 1997 survey revealed that 66 percent of citizens believe that money influences the judicial system.

The Constitution establishes two basic levels of courts: superior and lower. The superior courts include the Supreme Court, the Appeals Court, the High Court, and regional tribunals. Parliament may establish lower courts or tribunals by decree. The CHRAJ provides a forum to which citizens with grievances against government agencies or

private companies can bring cases for mediation and settlement (see Section 4).

The CHRAJ's charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies.

The Chieftaincy Act of 1971 gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, a number of laws passed during the PNDC era (1981-92), as well as the 1992 Constitution, have eroded steadily the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice the authorities generally respect these safeguards.

There were no reports of political prisoners. The trial of five defendants for allegedly plotting to overthrow the Government in 1994 concluded. In February a special court sentenced four of the defendants to death after finding them guilty. The fifth defendant was acquitted for lack of evidence. Attorneys for the four condemned defendants appealed the judgment. A former army officer also alleged to be a part of the plot was arrested in Sierra Leone and flown to Ghana. He is in remand awaiting trial. At year's end, the defendants were still in prison and have appealed for a stay of judgment on the basis that the judgment was in error.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides that a person shall be free from interference within the privacy of his home, property, correspondence, or communication; however, this article has yet to be tested in court, and in practice the Government sometimes infringed on these rights. In April a combined municipal and military team demolished a private hotel in Accra, said to be blocking a drainage route. The owner of the hotel allegedly had fallen out with the ruling party prior to the demolition. The demolition occurred without due process. Although the law requires judicial search warrants, police do not always obtain them in practice. Observers assumed that the Government continued surveillance of citizens engaged in activities that it deemed objectionable, including monitoring of telephones and mail. Several opposition political activists reported being followed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and in practice these provisions generally were respected, although the Government continued to pressure the media. Opposition political parties and others frequently criticize the Government, and the Government has allowed more control of print and electronic media to be transferred to the private sector. Nonetheless, the Government continued to pressure some journalists

and media organizations, sometimes directly (e.g., through telephone calls), and increasingly by filing libel suits when it found coverage to be offensive. Consequently, some journalists exercised self-censorship. The criminal libel laws provide for 10 years' maximum imprisonment for reporting intended to injure the reputation of the State. At year's end, there were an estimated 120 libel suits before the courts, some of which had been in progress for over a year. Two of the pending suits were criminal libel suits filed by the Government, and the rest were filed by government officials in their personal capacities or by private individuals. A civil libel case brought by the First Lady was resolved successfully by the National Media Commission. In November the editor of the Free Press was sentenced to 90 days in prison and a fine of approximately \$460 in a criminal libel case involving allegations about the First Lady.

There are more than a dozen newspapers including two government-owned dailies, two government-owned weeklies, and several privately owned newspapers published weekly, biweekly, or triweekly. One of the government-owned dailies has national circulation. However, most newspapers circulate only in regional capitals, and many of the smaller private newspapers are available only in the capital. Some independent newspapers claim that they are unable to obtain advertising revenues due to government pressure on businesses.

According to the National Communications Authority, Accra has 1 government-owned and 12 private FM radio stations, and there are about 40 private FM stations across the country. Most stations are independent and air a wide range of viewpoints. There are 12 regional television stations in Accra, Kumasi, and Takoradi, and one government-owned station that broadcasts nationwide. There are six Internet service providers in the country.

The Government-owned media occasionally reported charges of corruption or mismanagement in government ministries and government-owned enterprises, but they rarely criticized the Government's policies or President Rawlings' activities. In the past, the Government occasionally disciplined or dismissed journalists working in government-subsidized media for articles deemed unacceptable. The Government ended subsidies to the state-owned publishing companies, and the newspapers are published by profit-making printing companies but these have not been privatized.

In late October, a tape which appeared to implicate President Rawlings in several infamous extralegal actions of the predemocratic era, including murder, bombings, and arson, was published and broadcast by some private media. The Government denied the authenticity of the tape and arrested the journalists and publisher involved. The journalists were released on bail of approx. \$3,000 (10.5 million cedis), and three of them, including an opposition Member of Parliament (the publisher), were provisionally charged with publication of false news. The private radio announcer who broadcast part of the audiotape was fired, allegedly for failing to abide by the station's procedures. By the end of the year, there had been no formal government investigations into the allegations on the tapes or prosecutions of the journalists.

Some privately owned newspapers were harshly critical of the Government's policies and of President Rawlings, his wife, and his regime generally, and some reporters and editors were alleged, at times, to have failed to abide by professional ethical guidelines. Parties affected by such lapses--most often Government officials--showed a tendency to go to court. The Government, government officials, and private individuals filed a record

number of civil libel suits (over 120 before the courts), and one criminal libel suit remains in progress at year's end. The Government continued to prosecute two independent journalists under a rarely used sedition law for allegedly libeling President Rawlings and his wife, and, through them, the State. The trials, repeatedly postponed, were seen by many observers as a sign of press harassment. For example in July 1998, after being found in contempt of court, two newspaper editors were sentenced to 1 month's imprisonment and each publisher was fined approximately \$4,350 (10 million cedis)(see Section 1.e.). According to the Minister of Communications, the criminal libel law and other such laws simply check the excesses of journalists. The National Media Commission is researching comparative freedom of information (FOI) legislation with the intent to propose draft FOI legislation for the Government's consideration. This draft legislation had not been presented to the Government by year's end.

In addition on November 11, after a 5-year libel trial, the editor of an independent paper, which had printed allegations against the First Lady, was sentenced to 90 days in prison. He was also fined approximately \$460 (1.5 million cedis) for two counts of intentional libel. He was released on December 29 after serving his full term, including time in remand before his conviction and sentencing.

The Government readily granted accreditation to foreign journalists. The British Broadcasting Corporation (BBC) and Radio France International (RFI) have full-time FM rebroadcasting stations in Accra, and several foreign radio broadcasts, including Voice of America (VOA), have part-time affiliations with local stations in several cities. Foreign periodicals were sold in Accra and other major cities and circulated freely even when they contained articles critical of the Government. Most citizens obtain their news from the electronic media, the VOA, and the BBC radio service. Several companies have cable or satellite rebroadcasting stations that serve the country's three major cities.

The Government again refused to launch an independent inquiry into the deaths of four demonstrators during a protest against government tax policy in May 1995 and in 1997 finally closed its case inconclusively (see Section 1.a.). Some of the privately owned media renewed calls for a thorough investigation on the anniversary of the incident.

There was no restriction of academic freedom. Academics are allowed to publish and pursue research. The National Union of Ghanaian Students, one of the more vocal critics of the Government, is allowed to organize and hold meetings. However, in late 1997, following a serious student brawl, the public university in Accra imposed a ban on campus demonstrations, which remained in effect at year's end. In August students demonstrated against increased university fees, and police forcibly broke up the demonstration (see Sections 1.c. and 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice. The Government does not require permits for demonstrations. Parliament passed a public order law in late 1994 requiring that all organizers of "special events" or "processions" inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures. The law also provides for curfews and arrest without warrants in specified instances. In November a presidential aide called street demonstrations by registered political parties "a

provocative attempt to destroy the democratic order" and "a declaration of war on the national democratic order and an act totally against the national interest." Other government and ruling party officials echoed this view, as did other organized bodies who were widely believed to have done so at the Government's behest.

The Government dissuaded two groups from demonstrating during the year. In the first case, a popular radio personality and comedian, who has been openly critical of both the Government and opposition, was pressured not to hold a "million man march" in Accra in October. This march was supposed to show male opposition to violence against women, following a spate of murders of women in an Accra neighborhood. Although the organizer provided the requisite advance notice, police had indicated they could not provide adequate security for the march. Earlier in October, an opposition Member of Parliament (MP) was implored not to organize a demonstration against the unsolved murders of women in her constituency. The MP settled for a press conference and a limited march within the immediate area rather than throughout Accra. However, shortly thereafter, the National Council on Women in Development staged a government-sanctioned demonstration on the same issue (see Section 5).

In the second case, the Jubilee 2000 group (whose platform is debt forgiveness for developing countries) gave the greater Accra police the required 5 days' notice of their planned demonstration. The police denied them permission to demonstrate, stating that the police needed more time to investigate the Jubilee 2000 organization. Jubilee 2000 is considering legal action. The IGP later stated that the regional police command did not have the authority to refuse permission for the demonstration, which was scheduled at the end of a donors' meeting. In contrast demonstrations against those who publicized a tape alleging the President's role in several human rights abuses during the PNDC era (see Section 2.a.) occurred without the required 5 days' notice.

On September 23, concerned citizens marched in Kumasi to protest the continued tenure of the Kumasi chief executive, who had allegedly ordered the assault on an opposition Member of Parliament and a district assemblyman. Police used tear gas, water cannons, and rubber bullets to disperse the crowd that threw objects at the police. There were several injuries but no fatalities.

A joint opposition demonstration against alleged government mismanagement took place in Accra November 25, despite numerous calls to cancel the demonstration by government officials, local traditional leaders, and trade bodies, who reminded the planners of the fatal results of the 1995 anti-VAT demonstration. There were threats of a simultaneous counter-demonstration. In addition, the Government tightened security around the capital, in response to an alleged coup plot announced over the Internet for the following day. The demonstration took place without incident on a route announced by the police, but was sparsely attended. Organizers felt that government pressure had discouraged participants.

The 1997 ban on campus demonstrations remained in effect, but was not enforced, at the public university in Accra. On August 13, police used water cannons and tear gas to disrupt an off-campus protest against increased university fees. Several injuries resulted from alleged police beatings (see Section 1.c.).

The Constitution provides for freedom of association, and the Government generally

respects this right in practice. NGO's are required to register with the Registrar General's office and the Department of Social Welfare, but this registration is routine.

The Electoral Commission (EC) must accredit political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The EC evaluates whether the party has shown evidence of a viable national support base before granting accreditation and can annul the registration of a party that fails to meet the criteria for being a viable party. In July the EC certified a breakaway faction of the ruling party as a political party in its own right.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

Religious institutions that wish formal recognition are required to register with the Registrar General's Department. This is a formality only. Most traditional religions, with the exception of the Afrikania Mission, do not register. Formally recognized religions receive some tax relief. However, beyond a certain point the institutions are required to pay tax. In 1989 during the Provisional National Defense Council (PNDC) regime, which ruled the country from 1981 to 1992, a law requiring the registration of religious bodies was passed in an effort to regulate churches. The Ghana Council of Churches interpreted this law as contradicting the concept of religious freedom in the country. The PNDC repealed the law in 1992.

About 35 percent of the country's estimated population of 18 million are at least nominally Christian. Christian denominations include Roman Catholic, Methodist, Anglican, Mennonite, evangelical, Presbyterian, African Methodist Episcopal Zionist, Christian Methodist, Evangelical Lutheran, F'eden, numerous charismatic faiths, the Church of Jesus Christ of Latter-Day Saints (Mormons), Seventh-Day Adventist, Pentecostal, Baptist, and the Society of Friends. Christianity often includes an overlay of traditional beliefs.

About 31 percent of the population adhere to traditional indigenous religions. These religions include a belief in a supreme being, referred to by the Akan ethnic group as Nyame or by the Ewe ethnic group as Mawu, and lesser gods who act as intermediaries between the supreme being and man on earth. Veneration of ancestors is also a characteristic, as they too provide a link between the supreme being and the living and may even be reincarnated at times. The religious leaders of those sharing these diverse beliefs commonly are referred to as priests and are trained in the arts of healing and divination. These priests typically operate shrines to the supreme deity or to one of the lesser gods, relying upon the donations of the public to maintain the shrine and for their own maintenance.

About 27 percent of the population are Muslim. Three principal branches of Islam are represented in the country: the orthodox Sunnis and Tijanis, and the less orthodox Ahmadis. The Shi'a branch is virtually absent from the country's Islamic community.

About 7 percent of the population practice other religions. This includes the Baha'i Faith, Buddhism, Judaism, Hinduism, Shintoism, Ninchiren Shoshu Soka Gakkai, Sri Sathya Sai

Baba Sera, Sat Sang, Eckanker, the Divine Light Mission, Hare Krishna, Rastafarianism, and other international faiths, as well as some separatist or spiritual churches or cults, which include elements of Christianity and traditional beliefs such as magic and divination. Some consider the ethnic Ga tradition to be a religion.

The followers of the more traditional religions mainly dwell in the rural areas of the country. Both Christians and Muslims live throughout the country.

The Government lacks the resources to prevent seasonal clashes between traditionalists and some charismatic Christian churches and has not pursued suspects in such attacks (see Section 5).

There is no state-favored religion and no apparent advantage or disadvantage attached to membership in any particular sect or religion. Foreign missionary groups generally have operated throughout the country with a minimum of formal restrictions.

In November a dispute during a Central Region soccer game between an Islamic middle school and a Methodist middle school resulted in arson and other destruction of Muslim property (corn mills, livestock, approximately 100 houses, and 3 mosques) in the town of Agona Nyakrom. A group of youths also attacked Muslims in the area, including the headmaster of the Islamic school, who was severely beaten. Five people suffered gunshot wounds. Newspapers reported that as a result of the conflict large numbers of Muslims had moved out of the area (see Section 1.d.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights as an aspect of the provision for personal liberty, and the Government generally respects these provisions in practice.

Citizens and foreigners are free to move throughout the country. Police checkpoints exist nationwide to prevent smuggling, but most are unmanned during daylight hours. There were numerous reports that police used checkpoints to solicit bribes. Citizen complaints about police harassment caused the Government to reduce the number of checkpoints from 125 to 38 in 1997 and to 31 by the end of 1998. Government roadblocks and car searches are a normal part of nighttime travel in larger cities. In February and August, taxi drivers struck in Koforidua to protest extortion by motor transport and traffic unit police. The police administration has admitted that the force has a problem with some members occasionally erecting illegal barriers to solicit bribes from motorists. Citizens are generally free to travel internationally and to emigrate or to be repatriated from other countries.

The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, and the law conforms in all particulars to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Ghana has a liberal policy of accepting refugees from other West African nations. The Government provides first asylum. The country continued to provide first asylum to approximately 11,669 Liberians, 1,046 Togolese, 902 Sierra Leoneans, 102 Sudanese, 28 Nigerians, and 22 Rwandans. It also provided first asylum to citizens of: Ethiopia (7), Libya (6), Burundi (6), Congo Brazzaville (5),

Cameroon (3), Burkina Faso (3), Somalia (1), Uganda (1), and the Democratic Republic of the Congo (1).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right through a democratic process in presidential elections held in December 1996. The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system includes recognized opposition parties, which express their views freely within Parliament.

President Rawlings was reelected in 1996 for a final 4-year term with 57 percent of the popular vote. The NDC retained control of the 200-member Parliament with 133 seats, while opposition parties took 67 seats. The NDC fell one seat short of commanding the two-thirds majority required to amend the Constitution. Three seats were disputed, including those of two opposition members and one NDC member. The courts found in favor of one of the opposition members in 1998. The courts initially found in favor of another opposition member in July 1997, but the NDC appealed the ruling, and the NDC MP continues to sit while the case is under appeal. In a third case, a high court found in favor of the NDC candidate in a Central Region constituency in November and ordered him to assume the parliamentary seat. A subsequent injunction blocked him from doing so. Attorneys for the opposition candidate sought a retrial before another judge, and the case was still pending at year's end. The opposition MP's vacating the seat would give the NDC a two-thirds' majority in parliament. Opposition members expressed frustration about impediments that the executive branch imposes by its refusal to support opposition amendments to proposed legislation. In two undisputed by-elections in March and May, voters elected Members of Parliament from the same parties as the previous incumbents. Parliament still is working to develop effective oversight of the workings of the executive branch. Although all Members of Parliament can introduce bills, not one has ever done so; however, some have introduced motions.

In 1998 citizens elected representatives to the district assemblies and, for the first time, unit committees, which form the basis of the local government structure. Of the 16,000 units, elections still must be held in the 3,724 units that failed to produce a quorum of candidates in 1998. These elections were held on a nonpartisan basis, as called for in the 1992 Constitution. However, opposition groups contend that the local government system is stacked in favor of the ruling party, which appoints approximately one-third of the district assembly and unit committee members, as well as the district chief executives (DCE). DCE's must be confirmed by two-thirds of the district assembly members. In May police and military forces were highly visible in Kintampo in the Brong Ahafo Region the day the district assembly was to vote on a controversial nominee for the DCE. The presence of security forces may have influenced some district assembly members to vote in favor of the ruling party's nominee, despite an earlier petition by the chiefs and residents of Kintampo against the nomination.

There are no legal obstacles to the participation of women in government; however, they constitute a small minority in government and politics. There are 19 female parliamentarians. Several ministers and Council of State members are women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

NGO's interested in human rights continued to grow in strength, and there were 18 NGO's in the field at the end of the year. These NGO's operated without government interference (see Section 2.b.). The Government appears to cooperate with and to be responsive to human rights NGO's, with the exception of granting access to prisons (see Section 1.c.). Prominent NGO's include the Red Cross, Amnesty International, the International Federation of Woman Lawyers (FIDA), Women in Law and Development in Africa, and Ghanalert. The Government cooperates with international humanitarian organizations, including the International Committee of the Red Cross.

Although not an NGO, the Commission on Human Rights and Administrative Justice's (CHRAJ) charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. The CHRAJ continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies.

Parliament established the CHRAJ in 1993. By 1996 the CHRAJ had received a total of 12,409 petitions in its offices around the country and completed action on over 8,775. Forty percent of the cases were resolved through mediation. On average, the CHRAJ receives between 4,000 and 5,000 new petitions a year, steadily increasing each year. The majority of the complaints lodged with the Commission were from those who believed that they suffered injustice as a result of abuse of power, unfairness, and high handedness.

In October 1996, the Commission concluded its lengthy corruption probe of high government officials. The Commission's report, which detailed adverse findings against three public officials and exonerated a fourth, evoked an aggressive government rebuttal and a questioning of the scope of the CHRAJ's mandate that finally led the CHRAJ to request in 1996 a Supreme Court interpretation of its rights and responsibilities.

In 1997 the Government issued a white paper rejecting some of the adverse findings against the three government officials in the CHRAJ report and recommended that the Attorney General investigate the CHRAJ's rights and responsibilities. The CHRAJ issued a rebuttal to the white paper. In 1998 the Supreme Court decided in favor of the Commission concerning its right to investigate matters preceding the 1992 Constitution; however, the Court ruled that the Commission did not have jurisdiction to investigate property confiscated by the special courts or tribunals during the rule of the Armed Forces Revolutionary Council (AFRC), the military force that staged President Rawlings' first coup, and during the PNDC period.

The CHRAJ continues to investigate corruption allegations filed against public officials. In 1997 the CHRAJ issued a report on its investigations at the "witches" camps in the Northern Region. The report detailed the living conditions of the women in the camps and proposed their reintegration into society, involving an educational campaign in conjunction with the Center for National Culture and the House of Chiefs. The Commission also has provided periodic updates to various sections of its report on prison conditions.

The Commission operates with no overt interference from the Government. Its biggest obstacle is a lack of adequate funding. Low salaries and poor working conditions result in the loss of many CHRAJ-trained personnel to other government agencies that are able to pay their employees more. In late 1998, the Commission submitted a petition on this matter to the Government and had not received a response by the end of 1999.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, sex, religion, disability, language, or social status. The courts are empowered specifically to order enforcement of these prohibitions, although enforcement by the authorities is generally inadequate, in part due to limited financial resources.

Women

Violence against women, including rape and domestic violence, remains a significant problem. A 1998 study revealed that particularly in low-income, high-density sections of greater Accra, at least 54 percent of women have been assaulted in recent years. A total of 95 percent of the victims of domestic violence are women, according to data gathered by the International Federation of Women Lawyers (FIDA). These abuses usually go unreported and seldom come before the courts. The police tend not to intervene in domestic disputes. However, 1998 legislation doubled the mandatory sentence for rape. The media increasingly report cases of assault and rape. In late 1998, the police administration established a "women and juvenile unit" to handle cases involving domestic violence, child abuse, and juvenile offenses. In the first quarter of the year, this unit recorded 199 cases, including 30 assaults on women and 9 rapes. Located in Accra, the unit works closely with the Department of Social Welfare, FIDA, and the Legal Aid Board. In late 1998, a series of "mysterious" murders of women began to occur in the Mateheko area of Accra. Three of the 20 murders reportedly involved husbands' suspicion of their wives' infidelity. The men subsequently were arrested but not convicted. On several occasions, women of Accra demonstrated in a concerted effort to attract attention to violence against women (see Section 2.b.).

In 1998 Parliament passed legislation that amended the 1960 Criminal Code to provide additional protection for women and children. The legislation added new definitions of sexual offenses and strengthened punishments for others. The provisions of the bill ban the practice of "customary servitude" (known as Trokosi), protect women accused of witchcraft, double the mandatory sentence for rape, raise the age of criminal responsibility from 7 years to 12, criminalize indecent assault and forced marriages, and raise punishments for defilement, incest, and prostitution involving children. In August the Cabinet endorsed the Government's proposal to appoint women to 40 percent of public office positions.

In January the CHRAJ announced its decision in the country's first sexual harassment case, involving a flight attendant for a private airline and her immediate supervisor. The CHRAJ determined that the 22-year-old attendant was terminated for her refusal to submit to her supervisor's sexual advances over a 10-month period. The CHRAJ awarded her compensation for legal costs. The company's chief executive, however, did not comply with the terms of the decision, and in December the CHRAJ went back to court to seek

enforcement of the judgment.

Rural women can be punished with banishment by traditional village authorities for teenage pregnancy or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities, such as a shaman. In 1997 2 villages contained 400 elderly women, and 1 village contained 2,000 women and family members, all sentenced by a village authority who claimed to have the power to divine witches. Although the women face no formal legal sanction if they leave, most fear that they would be beaten to death if caught outside the penal villages (see Section 1.a.). Forced labor also occurs at the camps for women accused of witchcraft. Legislation passed in 1998 provides some additional protection to women banned from their communities for alleged witchcraft. The CHRAJ and human rights NGO's are mounting a campaign to end this traditional practice, which violates the victims' constitutional rights. The challenge lies not only in persuading custodians of the witches' homes to abolish the practice, but also in educating the community so the women will be allowed to return