



Fédération internationale des ACAT – Action des chrétiens pour l'abolition de la torture
International Federation of ACATs – Action by Christians for the Abolition of Torture

**FIACAT and ACAT Ghana
alternative report for the fourth
Universal Periodic Review of Ghana**

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Authors of the report

FIACAT

The International Federation of Action by Christians for the Abolition of Torture, FIACAT, is an international non-governmental human rights organisation, set up in 1987, which works towards the abolition of torture and the death penalty. The Federation brings together some thirty national associations, the ACATs, present in four continents.

FIACAT – representing its members in international and regional organisations

It enjoys Consultative Status with the United Nations (UN), Participative Status with the Council of Europe and Observer Status with the African Commission on Human and Peoples' Rights (ACHPR). FIACAT is also accredited to the International Organisation of *la Francophonie* (OIF).

By referring the concerns of its members working on the ground to international bodies, FIACAT's aim is to encourage the adoption of relevant recommendations and their implementation by governments. FIACAT works towards the application of international human rights conventions, the prevention of torture in places of detention, and an end to enforced disappearances and impunity. It also takes part in the campaign against the death penalty by calling on states to abolish capital punishment in their legal systems.

To give added impact to these efforts, FIACAT is a founding member of several campaigning coalitions, in particular the World Coalition against the Death Penalty (WCADP), the International Coalition against Enforced Disappearances (ICAED) and the Human Rights and Democracy Network (HRDN).

FIACAT – building up the capacities of the ACAT network in thirty countries

FIACAT assists its member associations in organising themselves, supporting them so that they can become important players in civil society, capable of raising public awareness and having an impact on the authorities in their country.

It coordinates the network by promoting exchanges, proposing regional and international training events and joint campaigns, thus supporting the activities of the ACATs and providing them with exposure on the international scene.

ACAT Ghana

ACAT Ghana had its exploratory meeting in Ghana in 2000 and was formally inaugurated in 2002. Through the years ACAT Ghana has been working alongside other ACATs worldwide to uphold and realize the objectives of the organization mainly to abolish the death penalty worldwide and fight against torture in whatever form and from whatever source. ACAT Ghana became a fully-fledged member of FIACAT in June 2022.

I. Death penalty

During the last Universal Periodic Review of Ghana, many recommendations were addressed on the abolition of the death penalty¹.

Ghana is a de facto abolitionist country. Indeed, even though no execution has been carried out since 1993, the death penalty is still in the Criminal code and death sentences are still being pronounced.

Thus, the Criminal Code prescribes the following methods of execution: hanging and firing. It also states that the following offences carry out a death sentence: murder (section 46 of the Criminal Code), genocide (section 49 A of the Criminal code), treason (section 180 of the Criminal Code and chapter 1 para 3 of the Constitution), piracy (section 194 of the Criminal Code), smuggling of gold and diamond (section 317 A of the Criminal Code). This is even more problematic as the death penalty is retained for offences that do not fall within the definition of the most serious crimes as some of those offences do not involve intentional killing. Furthermore, the phrasing used in the Criminal Code and the Constitution such as “shall be liable to suffer death” or “shall, upon conviction, be sentenced to suffer death”, seems to indicate that the death penalty is mandatory for murder and treason. The Supreme Court confirmed, in its case *Dexter Eddie Johnson v. the Republic* from 2011, that the death penalty was mandatory in murder cases. The mandatory death penalty constitutes an arbitrary deprivation of life and violates article 6 of the International Covenant on Civil and Political Rights to which Ghana is a party, as it does not allow the courts to take into consideration the personal circumstances of the offender and the particular circumstances of the offence.

According to Amnesty International’s latest report on the death penalty, 7 persons were sentenced to death in 2021 bringing the number of people on death row to 165 including 6 women.

However, a few initiatives in favour of the abolition at national level should be mentioned. A review conducted by the Constitution Review Commission from 2011 recommended to abolish the death penalty by referendum and replace it by life imprisonment without parole. Following this recommendation, the government issued a White Paper in 2012 accepting the Commission’s recommendations. According to a survey conducted in October 2015 by the Accra Centre for Criminology and Criminal Justice among the resident of Accra 54.3% of the respondents were strongly opposed to the death penalty. A conference was also held by the Parliament of Ghana on the abolition of the death penalty in 2016. In 2021, a Bill proposing the abolition of the death penalty from the Criminal and Other offences Act and potentially from the Armed Forces Act was reviewed by the Parliament².

Thus, FIACAT and ACAT Ghana recommend to Ghana to:

- ***Abolish, without any further day, the death penalty in all legal provisions at the national level including in the Constitution and commute all death sentences in prison sentences.***

¹ Report of the Working Group on the Universal Periodic Review, Ghana, [A/HRC/37/7](#), recommendations made by Honduras, Spain, Liechtenstein, Portugal, Angola, Montenegro, Sweden, Albania, Poland, France, Australia, Belgium, Estonia, Greece, Poland, Colombia, Côte d’Ivoire, Togo, Netherlands, Brazil, Portugal, Germany, Norway, Namibia, Sweden, Rwanda, South Africa, Ukraine, Spain, Switzerland, Armenia, Austria and Liechtenstein para 146.6 to 146.10, 146.44, 146.66 to 146.80 and 147.20.

²² Amnesty International, [Death sentences and executions 2021](#), p. 53.

➤ ***Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.***

II. Domestic and gender-based violence

In 2017, Ghana received numerous recommendations related to the protection of women and girls from harmful traditional practices and domestic violence³.

Several measures have been taken in Ghana to prevent and repress acts of domestic and gender-based violence. Indeed, rape is criminalised in several provisions of the Criminal Offences Act 1960, female genital mutilation is criminalised in the Criminal Code (Amendment Act 2007) and domestic violence is criminalised in the Domestic Violence Act 732 of 2007. Also, a specific Domestic violence and victims support Unit (DOVVSU) has been established within the Ghanaian Police since 1998.

However, domestic and gender-based violence remains an issue in Ghana. According to statistics available at the DOVVSU, 1047 girls were defiled and 305 women were raped in 2020⁴. Even if no number were provided for 2021, it was stated that the number of cases had reduced in 2021. The economic distress in which many women are, makes them even more vulnerable to sexual and domestic violence. For example, several examples have been documented such as the case documented by ACAT Ghana of a 19-year-old girl who was raped by his stepfather and subsequently expelled from her house and who is now supported by civil society organisations to attend school again.

The practice of female genital mutilation is still carried on furtively in some parts of Ghana, mostly in the Northern part of the country. It is assumed that sexual promiscuity among women is best curbed by castrating them and so in certain societies, a man may not marry a woman who is not circumcised. Because of the sensitivity of the issue, the practice is taking place behind closed doors and it is very difficult to find statistics about it. However, the practice seems to have reduced due to sensitisation and education measures.

Another type of violence being documented in Ghana relates to violence against elderly women accused of witchcraft. These women who are mostly widows are kept in concentration camps where they are tortured and beaten, often to death by their accusers. The luckier ones are banished from their homes and communities and left neglected to their dying day by even their own children. Those cases are very rarely prosecuted.

Several cases of forced and child marriages are also being documented many times due to the situation of poverty in which their families are.

Most of the cases of domestic or gender-based violence are not being reported because of multiple barriers such as the lack of trust in the police and justice system, corruption, the lack of knowledge about the justice system, and the cultural belief that domestic and sexual violence is a private matter to be addressed outside of the criminal justice system.

Thus, FIACAT and ACAT Ghana recommend to Ghana to:

³ Report of the Working Group on the Universal Periodic Review, Ghana, [A/HRC/37/7](#), recommendations made by Austria, Italy, Norway, Belgium, Tunisia, Guatemala, Djibouti, Italy, Egypt, Republic of Korea, France, Uruguay, Germany, Chile, Honduras, Ireland, Israel, Nicaragua, Peru, Sweden, Switzerland, Poland and Argentina para 146.48, 146.61, 146.81, 146.132 to 146.139, 146.143 to 146.157, 146.188 and 147.

⁴ Graphic online, [DOVVSU describes 1500 annual rape cases as alarming](#), 13 December 2021.

- Prosecute all allegations into violence against women including traditional harmful practices and domestic violence and ensure that all perpetrators are sentenced proportionally to the gravity of their acts and that victims receive adequate support.
- Prevent the occurrence of violence against women and traditional harmful practices and domestic violence through the sensitization of the public and the education and economic empowerment of women.