

FACTSHEET – UPR 2017, GHANA

3rd CYCLE UNIVERSAL PERIODIC REVIEW

GHANA'S OBLIGATION UNDER INTERNATIONAL HUMAN RIGHTS LAW

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

At the 2012 UPR cycle, several recommendations were made to Ghana to ratify international instruments (II) to which it is a signatory, domesticate these instruments, and implement policies to give effect to Ghana's obligations under international law.

Five years after accepting majority of the recommendations, while noting a few, to ratify or domesticate international instruments, Ghana has not made much progress in ratifying some of the core international human rights-based instruments.

STATUS OF RATIFICATION AND DOMESTICATION OF CORE INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

1. Recommendation to Domesticate the Rome Statute of the International Criminal Court

Per UPR 2012, a recommendation was made to Ghana at 123.11 to “intensify its efforts to complete the alignment of national legislation with the provisions of the Rome Statute...” Four years after the 2nd Cycle UPR review was held, Ghana drafted the International Criminal Court Bill in 2016 but the bill has not been passed to domesticate the Rome Statute and give effect to Ghana's obligations under the Rome Statute.

Ghana was among the early adopters of the Rome Statute, having signed the Rome Statute on 18 July, 1998, and ratified it on 20 December, 1999. Although Ghana, unlike some African States, has not denounced the ICC and has actually had a Ghanaian serve on the ICC as a Judge and is currently promoting another Ghanaian to serve as a Judge on the ICC, Ghana should have enacted the Ghana ICC Bill into law nearly 18 years after ratifying the Rome Statute. It is understood that domesticating the draft Ghana ICC Bill is not a priority for the state at this time and it is not on the legislative calendar of the state. In addition, there is no groundswell demand for responsiveness from civil society.

On 24 July, 2017, the Africa Center for International Law and Accountability (ACILA), an international law research and education think tank issued a statement urging the Nana Akufo-Addo administration to pass the Ghana International Criminal Court Bill, 2016 into law. Government did not react to the statement.

Earlier, following Ghana's support for the non-binding resolution adopted by the African Union on 31 January, 2017, in Addis Ababa for mass withdrawal from the ICC, ACILA held a roundtable discussion to among, other things, discuss the implications of the non-binding resolution and Ghana's position on the ICC. Ghana's support for mass withdrawal from the ICC prompted Justice Emile Short, a former Judge of the United Nations International Criminal Tribunal for Rwanda (ICTR) to urge Ghana to state its position on the ICC at a roundtable discussion organized by ACILA on 8 March, 2017. No official response came from the government.

From the memorandum accompanying the draft Bill, Ghana recognizes the need to pass the draft Bill into law to enable it to give effect to its obligations under the Rome Statute and more important meet the “two-fold essence of the Bill”:

- A. To enable our [Ghana] courts try offences committed under the Rome Statute within the framework of our legal system; and
- B. To legislate for the International Criminal Court to prosecute cases in Ghana in circumstances where the Ghanaian courts for some reason are unable to do so.

2. Recommendations to Ratify International Instruments

Per UPR 2012, about 20 recommendations were made to Ghana to ratify, implement or bring its domestic laws into compliance with its international law obligations. Some of the recommendations asked Ghana to “Ratify before the end of the third UPR cycle those Conventions to which Ghana is a signatory (Hungary, 123.7.)”; “Ratify without delay OP-CAT and, in this context, establish a national mechanism for the prevention of torture as provided by this instrument (Luxembourg, 125.16.)”; “Ratify OP-CAT, and introduce human rights education for police and security forces (Australia, 125.5.)”; “Intensify its efforts to complete the alignment of national legislation with the provisions of the Rome Statute and to expedite the process of ratification of OP-CAT (Tunisia, 123.11.); “Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2) (Australia, Spain, Rwanda, 126.1.); “Ratify ICCPR-OP2, aiming at the abolition of the death penalty (Switzerland, 126.2.);” “Abolish by law the death penalty and consider ratifying ICCPR-OP2 (France, 126.12.), among other recommendations.



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We highlight the status of ratifications by Ghana of some of the core international human rights instruments, including OP-CAT, Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at or Abolishing the Death Penalty; International Convention for the Protection of All Persons from Enforced Disappearance; Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; and Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, and Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

- A. **Ratification Status of OP-CAT:** According to information available on the United Nations Treaty Collection database, Ghana ratified OP-CAT on 23/09/2016.
- B. **Ratification Status of the Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at or Abolishing the Death Penalty -** According to information available on the United Nations Treaty Collection database on 20 March, 2017 Ghana has not taken any action (not signed or ratified) the Second Optional Protocol to the International Covenant on Civil and Political Rights Aimed at or Abolish the Death Penalty.
- C. **Ratification Status of the International Convention for the Protection of All Persons from Enforced Disappearance -** According to information available on the United Nations Treaty Collection database on 20 March, 2017, Ghana has signed but has not ratified this treaty.
- D. **Ratification Status of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography -** According to information available on the United Nations Treaty Collection database on 20 March, 2017, Ghana signed this instrument on 24 September 2003, but has not ratified it.
- E. **Ratification Status of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure -** According to information available on the United Nations Treaty Collection database on 20 March, 2017, Ghana signed this instrument on 24 September 2013, but has not ratified it.
- F. **Ratification Status of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights -** According to information available on the United Nations Treaty Collection database on 20 March, 2017, Ghana signed this instrument on 24 September 2009, but has not ratified it.

RECOMMENDATIONS

Rome Statute of the International Criminal Court

Ghana is obligated to respect its obligations under the Rome Statute to pass the Ghana International Criminal Court Bill, 2016, into law. Therefore, we urge Ghana to pass the International Criminal Court Bill, 2016 into law before the next UPR cycle.

Ratification of International Instruments

Ghana is obligated under the recommendations it supported at the 2012 Universal Periodic Review to, at the very least, ratify the international instruments which it has signed. We, therefore, urge Ghana to ratify the international instruments which it has signed by June 2018.

ABOUT THIS FACT SHEET

This factsheet was prepared by the Africa Center for International Law and Accountability (ACILA). ACILA is incorporated under US law as a 501 (c) (3) research and education, non-partisan, non-profit, and non-governmental organization and under Ghana law as a non-governmental organization. ACILA deploys its programming primarily from its office in Accra, Ghana, to Africa with the following areas of focus:

International law
International justice
Monitoring African States' compliance with regional and international instruments
International human rights
Good governance
Anti-corruption
Rule of Law

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REFERENCES:

See https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11-c&chapter=4&clang=_en
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