

Tracing the impact of the African Peer Review Mechanism on good governance and democracy in Ghana

Submitted in partial fulfillment of the requirements for the Master of Laws in Human Rights and
Democratisation in Africa, Centre for Human Rights, Faculty of Law, University of Pretoria



By

Fualefeh Morfaw Azanu Ruddy

Student number 19389770

Prepared under the supervision of

Prof Magnus Killander

of the

Centre for Human Rights

University of Pretoria

And

Prof Kofi Quashigah

of the

University of Ghana,

School of Law

29 October 2021

DECLARATION OF PLAGIARISM

I, Fualefeh Morfaw Azanu Ruddy, Student No u19389770 declare as follows:

1. I understand what plagiarism entails and am aware of the University's policy in this regard.
2. This assignment/examination/dissertation is my own, original work. Where someone else's work has been used (whether from a printed source, the internet or any other source) due acknowledgment has been given and reference made according to the requirements of the Faculty of Law.
3. I did not make use of another student's work and submit it as my own.
4. I did not allow anyone to copy my work with the aim of presenting it as his or her own work.

Signature: 

Date: 29 October 2021

Dedication

This work is dedicated to everyone who believes in a better Africa.

Acknowledgment

I am sincerely grateful to the European Union through the Global Campus of Human Rights and the Royal Norwegian Embassy in Pretoria, South Africa for funding the Masters Program in Human Rights and Democratisation in Africa (HRDA). For the instrumentality of the Centre for Human Rights, University of Pretoria, and the University of Ghana, I express gratitude for having been granted this unique opportunity to learn, share and grow intellectually.

I am particularly grateful for all the knowledge and assistance obtained from my thesis supervisors Prof Magnus Killander and Prof Kofi Quashigah. Their insights were profoundly instrumental to the finesse of this work.

My sincere appreciation to the Ghana Institute for Democratic Governance (IDEG) for the amazing internship experience and the support they offered in my research. To Dr Isaac Annan, former Director of the Ghana Commission for Human Rights and Administrative Justice; and to the staff at the National African Peer Review Mechanism Secretariat, I remain truly thankful. To all my colleagues of the HRDA Program, particularly Lornah Afoyomungu and Ashina Mtsumi, you have been amazing!

I sincerely acknowledge my friends at home and my family who stood by me through all the challenges of this Program, especially my mother. Words cannot appreciate you enough. You have been the best!

List of Abbreviations

Abbreviation	Definition
APRM	African Peer Review Mechanism
AA Bill	Affirmative Action Bill
ADR	Alternative Dispute Resolution
APR	African Peer Review
AU	African Union
CAR	Central African Republic
CDD	Centre for Democratic Development
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CHRAJ	Commission on Human Rights and Administrative Justice
CICOL	Civil Society Coalition on Land
CMC	Community Mediation Centres
CMR	Country Mission Review
CRC	Convention on the Rights of the Child
CRM	Country Review Mission
CRT	Country Review Team
CSAR	Country Self Assessment Report
CSOs	Civil Society Organisation
CSU	Client Service Unit
DCE	District Chief Executive
DGAs	District Governance Assessment
DOC	District Oversight Committees
DOVVSU	Domestic Violence and Victims Support Unit
DRC	Democratic Republic of Congo
EC	Electoral Commission
ECOWAS	Economic Community of West African States
EOCO	Economic and Organised Crime Office
EU	European Union
FGM	Female Genital Mutilation
GACC	Ghana Anti-Corruption Coalition
GNCC	Ghana National Commission on Children
HSGIC	Heads of State and Governments Implementation Committee
NCCE	National Commission for Civic Education
ID	Identification
IDEG	Institute for Democratic Governance
IDP	Internally Displaced Person
IEA	Institute of Economic Affairs
IGC	International Growth Centre
JFAP	Justice for All Programme
MDA	Ministries, Departments and Other Agencies
MMDCE	Metropolitan, Municipal and District Chief Executives

MoGCSP	Ministry of Gender, Children and Social Protection
MOU	Memorandum of Understanding
MP	Member of Parliament
MPSR	Ministry of Public Sector Reform
MWCA	Ministry of Women and Children's Affairs
NACOB	Narcotics Control Board
NAPRM	National African Peer Review Mechanism
NAPRM-GC	National African Peer Review Mechanism-Governing Council
NDA	Northern Development Authority
NDC	National Democratic Congress
NEPAD	New Partnership for Africa's Development
NERP	National Education Reform Program
NHC	National House of Chiefs
NLC	National Lands Commission
NPP	National Patriotic Party
NRC	National Reconciliation Commission
NRGI	Natural Resource Governance Institute
OAU	Organisation of African Unity
OSP	Office of the Special Prosecutor
PAP	Pan African Parliament
POA	Program of Action
PPME	Public Procurement Model of Excellence
RTI	Right to Information
SADA	Savannah Accelerated Development Authority
SAIIA	South African Institute of International Affairs
SDG	Sustainable Development Goals
SFO	Serious Fraud Office
SOHR	State of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Economic, Scientific and Cultural Organisation
UPR	Universal Periodic Review
WAJU	Women and Juvenile Unit
WGI	Worldwide Governance Indicators

TABLE OF CONTENTS

DECLARATION OF PLAGIARISM	i
Dedication.....	ii
Acknowledgment	iii
List of Abbreviations	iv
1 CHAPTER ONE: GENERAL INTRODUCTION	1
1.1 Background	1
1.2 Problem statement.....	4
1.3 Research Objectives	5
1.4 Research Questions	5
1.5 Methodology	5
1.6 Literature review	6
1.7 Conceptual framework.....	8
1.7.1 Governance.....	8
1.7.2 Good governance and the worldwide governance indicators	9
1.7.3 Democracy and democratic governance	10
1.7.4 Human rights.....	10
1.8 Scope and limitations of study.....	11
1.9 Synopsis of chapters	12
2 CHAPTER TWO: EXAMINING GHANA’S APRM REVIEW	14
2.1 Introduction	14
2.2 Governance in Ghana Prior to the APRM	14
2.3 Ghana’s involvement in the APRM	18
2.3.1 The APRM process in brief.....	18
2.3.2 Ghana’s APRM process	19
2.4 Democracy and Good Political Governance: Issues in Ghana’s Peer Review	21
2.4.1 Implementation of governance codes and standards.....	22
2.4.2 Prevention and reduction of intra and inter-country conflicts	22
2.4.3 Enhancing constitutional democracy.....	23
2.4.4 Promotion and protection of human rights	24

2.4.5	Separation of powers.....	25
2.4.6	Accountability	26
2.4.7	Participation.....	26
2.4.8	Fighting corruption	26
2.5	Conclusion.....	26
3	CHAPTER THREE: DEMOCRACY AND GOOD POLITICAL GOVERNANCE: RECOMMENDATIONS, IMPLEMENTATION AND IMPACT	28
3.1	Introduction	28
3.2	Governance objectives and extent of implementation	29
3.2.1	Implementation of governance codes and standards.....	29
3.2.2	Prevention and reduction of intra and inter-country conflicts	31
3.2.3	Enhancing constitutional democracy.....	35
3.2.4	Promotion and protection of human rights	38
3.2.5	Separation of powers.....	45
3.2.6	Accountability	48
3.2.7	Participation.....	49
3.2.8	Fighting Corruption.....	50
3.3	Conclusion.....	53
4	CHAPTER FOUR: THE APRM AND OTHER REGIONAL MONITORING MECHANISMS IN GHANA	54
4.1	Introduction	54
4.2	Regional Monitoring Mechanisms and Ghana’s Engagement.....	55
4.2.1	Overview of regional state reporting.....	55
4.2.2	Impact in Ghana	56
4.3	Challenges and lessons from Ghana’s experience with the APRM	58
4.4	Conclusion.....	62
5	CHAPTER FIVE: CONCLUSION	63
6	Bibliography	x
	Journal Articles	x
	Reports/Papers.....	xi

Theses/Dissertations	xvii
International Legislations.....	xviii
Regional Legislations	xviii
Domestic Legislations	xix
Case law	xx
Internet sources/blogs	xx

1 CHAPTER ONE: GENERAL INTRODUCTION

1.1 Background

Good governance and democracy have come to be co-associated as foundations for societal growth and stability. In Africa, the struggles against poverty and authoritarianism, through the early post-colonial period, coupled with the inability of the main regional institution (the then Organisation of African Unity (OAU)) to effectively consolidate peace and development; inspired the desire to re-strategise on a common ground.

In 2001 Heads of States of the OAU originated the New Partnership for Africa's Development (NEPAD) with the purpose of bringing a new dimension to addressing Africa's development challenges.¹ Its key objectives were the eradication of poverty, the promotion of sustainable development, women's empowerment, and bringing an end to Africa's marginalisation.² Some of its core principles included the sustenance of good governance as a foundation for peace and development; a revival of 'African ownership and leadership'; and the involvement and participation of all societal stakeholders in governance and development processes.³ A key strategy for the application of the new vision through NEPAD was hence demonstrated through the creation of the African Peer Review Mechanism (APRM).

The APRM is a product of the NEPAD Heads of State and Government Implementation Committee (HSGIC), instituted to serve as a tool for monitoring progress in governance within member states. This monitoring tool seeks to 'foster the adoption of policies, values, standards and practices of political and economic governance that lead to political stability, accelerated sub-regional and continental economic integration, economic growth and sustainable development'.⁴

¹ United Nations Department of Economic and Social Affairs (UN DESA) 'New Partnership for Africa's Development - NEPAD' <https://www.un.org/development/desa/socialperspectiveondevelopment/issues/new-partnership-for-africas-development-nepad.html> (accessed 15 August 2021).

² As above.

³ DB Afful 'The Ghana APRM Process: From Origin to Implementation' 1 February 2011, University of Quebec, Montreal, Research Report, at 5.

⁴ African Peer Review Mechanism (APRM) <https://au.int/ar/node/31528> (accessed 25 July 2021).

Entered into force on 9 March 2003, the APRM's membership is voluntary. Its system involves a process of self-assessment, peer reviewing and panel recommendations. This process constitutes reviewing the activities of all stakeholders within a state, both government and non-governmental, cutting across four key themes: 'democracy and political governance; economic governance and management; corporate governance; and socio-economic development'.⁵ As of August 2021, the APRM consists of 40 member states,⁶ with a current target of attaining full participation of all AU member states by 2023.⁷

Ghana was the first country to accede to the APRM by signing the Declaration of Intent on 3 November 2002 at the 35th Conference of African Ministers of Finance held in Johannesburg, South Africa.⁸ By 9 March 2003, Ghana signed the Memorandum of Understanding on Technical Assessments and the Country Review Visit at the sixth HSGIC (the date the APRM was adopted).⁹ Ghana then became the first country to be reviewed between the years 2004 - 2006 under the APRM.¹⁰ To facilitate the APRM process, Ghana took remarkable steps in preparation. This included the creation of a Ministry of Regional Cooperation and NEPAD, and the establishment of an independent National APRM Governing Council (NAPRM-GC).¹¹ In fact, the APRM Support Mission which visited Ghana during the preliminary stages of the review noted that 'Ghana was more advanced than most countries in creating the requisite structural prior conditions ...' to successfully undergo the review.¹²

⁵ As above.

⁶ African Peer Review Mechanism 'APRM in a Nutshell: SADC, CSOs and the African Peer Review Mechanism' Zimbabwe APRM Popular Sensitisation (ZAPS) Online Civil Society APRM Sensitisation Workshop, 26 February 2021 <https://saiia.org.za/wp-content/uploads/2021/02/Ejigayhu-APRM-Zimbabwe-CSO-Sensitisation-26.02.2021.pdf>.

⁷ S Gruzd & Y Turianskyi 'Should all Africa's States Join the APRM?' June 2020, Policy Insights 86, South African Institute of International Affairs, at 2 <https://media.africaportal.org/documents/Policy-Insights-86-gruzd-turianskyi.pdf>.

⁸ Afful (n 3) 8.

⁹ As above.

¹⁰ African Peer Review Mechanism 'Country Review Report of the Republic of Ghana' June 2005 <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/00798283-EN-APRM-GHANA-REVIEW-REPORT-JUNE-2005.PDF>.

¹¹ Afful (n 3).

¹² Afful (n 3) 9.

Nevertheless, as far as governance and democracy were concerned, a number of issues remained outstanding during Ghana's review: the need for ratification and domestication of certain key African human rights instruments, restructuring chieftaincy laws, enhancing competition for political power and fostering the 'rule of law and the supremacy of the constitution'.¹³

Over the years, Ghana has made significant progress in implementation, through institutions working to realise the recommendations of the APRM.¹⁴ Yet, like every other country, continuous effort is required to attain the standards of good governance and democracy anticipated by Africa's governance monitoring tool. More so, the question as to what aspect of Ghana's democratic and governance changes could be sufficiently traced back to the APRM remains relevant to determining the impact and success of the APRM within the country. This is especially important given the fact that other mechanisms exist under the African Union (AU), which work broadly on tracking and monitoring progress on human rights, through state reporting processes. These include the African Commission on Human and Peoples' Rights, (African Commission),¹⁵ the AU Commission whose Political Affairs Department monitors the Charter on Democracy, Elections and Governance (Democracy Charter);¹⁶ and the African Committee on the Rights and Welfare of the Child (the African Children's Committee).¹⁷ The African Commission is in fact indicated in the NEPAD framework document as one of the key partners of the APRM, and one of those institutions to which state review reports is to be duly submitted before final publication.¹⁸ Given this complementarity in monitoring efforts, some commentators have indeed suggested that the mandate of the APRM should be readjusted to replace state reporting under the African Commission, in cases where a state is a

¹³ Ghana's APRM Report (n 10) 12 - 42.

¹⁴ Afful (n 3) 15 - 18.

¹⁵ African Charter on Human and Peoples' Rights, article 62: States are to submit a report on implementation every two years.

¹⁶ Articles 45 & 49 mandate the African Commission to coordinate implementation of the treaty, and to receive state party reports every two years.

¹⁷ African Charter on the Rights and Welfare of the Child, 43(1)(b): Initial state reports are to be submitted within two years of entry into of the Charter, and Periodic Reports are to be subsequently submitted after every three years.

¹⁸ New Partnership for Africa's Development (NEPAD) 'Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM)' 2003, at 9.

party to both.¹⁹ This is so, given that the APRM addresses issues covered by the African Charter on Human and Peoples' Rights (the African Charter) as well as other regional human rights instruments, to which the African Commission remains the monitoring body.

This work therefore evaluates the extent to which the APRM has impacted on Ghana's political journey to enshrining good governance and democracy since its peer review till present; following the issues raised during the review as well as the recommendations that followed. Ghana stands as an ideal representation of the measurement of the APRM's success, given its position as the first country to have been reviewed.

1.2 Problem statement

A period of about two decades after the establishment of the APRM and its review of the first member state presents a perfect opportunity to evaluate impact and determine the ability of the APRM to consolidate good governance and democracy within African states.

The APRM's innate structural challenges and external hurdles of effective compliance among member states have severally been sighted as creating a significant backlash to the progress of bringing African states to the table to evaluate progress in governance or institute domestic change.²⁰ Even Ghana which has been celebrated as one of Africa's exemplary democracies, and was acclaimed for its responsiveness to the peer review process, has nevertheless met with its own challenges in implementing the APRM recommendations. Its annual progress reports have over the years been halted and it has still not undergone a subsequent APRM review since its first in 2006. The state of the country's engagement with other regional monitoring mechanisms is also a cause for concern in examining the extent of their contributory impact on governance and citizen rights.

This work critically examines the extent of the implementation of the APRM recommendations under the 'Democracy and Political Governance' theme, and the changes

¹⁹ M Killander 'The African Peer Review Mechanism and Human Rights: The First Reviews and the Way Forward' (2008) 30 *Human Rights Quarterly* 41 - 75, at 74.

²⁰ S Grudz & Y Turianskyi 'The African Peer Review Mechanism at 15: Achievements and Aspirations' March 2018, South African Institute of International Affairs, Policy Briefing 170.

which have thus accrued over the past 18years; in consideration of the adjoining impact created by other monitoring mechanisms.

1.3 Research Objectives

The following objectives would guide this research:

- Examine the extent of implementation of recommendations and compliance with APRM governance standards in Ghana since its review.
- Investigate the actual democratic and governance change inspired by the APRM and the extent of its impact on the rights of citizens in Ghana
- Critique the extent to which democratic change in Ghana could be attributed to the APRM *vis a vis* other regional governance monitoring systems.

1.4 Research Questions

The key question this research seeks to answer is: How has the APRM enhanced good governance and democracy in Ghana?

This would be guided by the following sub-questions:

- To what extent has Ghana implemented the APRM recommendations on governance since the country's peer review?
- How has the APRM contributed to change in law and policy, and what has been the actual impact on political governance, democracy and human rights over time within Ghana?
- To what extent can Ghana's governance change in the last two decades be traced to the APRM?

1.5 Methodology

A doctrinal research method has been adopted, involving desk review of reports, books, articles, legal instruments etc. The research considers data gathered from online sources as well as onsite at Ghana's Commission for Human Rights and Administrative Justice (CHRAJ) and

APRM Governing Council headquarters in Accra. Due to the limited time allocated for the research, empirical methods of data collection could not be successfully utilised.

With a focus on democracy and good governance, the work discusses the issues raised during Ghana's review process as indicated in the country's APRM report, and further examines progress recorded overtime. The APRM report is largely inclusive of information found in the Country Self-Assessment Report (CSAR), the Country Mission Review (CMR) report, Panel recommendations and Program of Action (POA).²¹

Impact evaluation is done using the APRM standards and the World Bank's worldwide governance indicators²² as determinants of progress. This evaluation however would not necessarily imply a conclusive inference that any domestic change which occurred was the sole result of the APRM. The research shall consider the fact that other factors also often play a part in a country's democratic transformation.

1.6 Literature review

In evaluating progress on Ghana's implementation, the United Nations Economic Commission for Africa (UNECA),²³ as well as Grimm *et al*²⁴ focus their research more on the 'process and substance of the APRM rather than on follow-up'. They do not place detailed focus on the issues that inspired Ghana's review process. Conducted during, and just a few years after Ghana's review respectively, these works focus on the direct reactions following the review process, and cut across all aspects of the APRM in general, rather than placing intimate and extensive focus on issues of democracy and political governance.

Another research done by Afful²⁵ was also published about a decade ago (2011), and focuses less on implementation and impact analysis. In Killander's 2008 paper,²⁶ while analysing

²¹ Ghana's APRM Report (n 10) 4, para 13.

²² Worldwide governance indicators (WGI) www.govindicators.org (accessed 4 August 2021).

²³ United Nations Economic Commission for Africa 'Implementation of the African Peer Review Mechanism in Ghana' (October 2005) https://www.eisa.org/aprm/pdf/Countries_Ghana_UNECA.pdf.

²⁴ S Grimm *et al* 'The African Peer Review Mechanism (APRM) as a Tool to Improve Governance? Experience in Ghana' (2009) German Development Institute, at 123, paras 1&2.

²⁵ Afful (n 3).

²⁶ Killander (n 19).

the APRM structure and process, although it includes Ghana as one of the countries under examination, it looks mainly at the country's review report published in 2006. Even in discussing the 'potential' human rights impact to be drawn from Ghana's review report, it does not evaluate the 'actual' impact realised over the course of implementation, especially given the fact that the research was conducted just about two years after the publication of Ghana's APRM report.²⁷ Further, its focus is on how the APR mechanism complements other human rights monitoring systems on the continent, in terms of structure and content, rather than comparing actual impact created over time.²⁸

The recent 2018 study by the South African Institute of International Affairs (SAIIA)²⁹ looks at the challenges and successes of the APRM in general without particular focus on Ghana specifically, nor governance and democracy in particular. On the other hand, Hansungule's³⁰ and Mangu's³¹ 2014 research on the ability of the APRM to strengthen governance and democracy on the continent, pay more attention to the nature and workings of the APRM as a system, and look broadly across other countries which have been reviewed and the state of governance respectively. They do not place particular emphasis on Ghana, nor seek to trace levels of implementation of the APRM recommendations and actual impact on governance and human rights.

Given that Ghana has so far only published three annual POA reports (2006, 2007, and 2009),³² scholarship over the years has largely been limited to research on data gathered from that period. This work examines the reasons for the non-publication of subsequent reports, as well as reasons why Ghana has yet not undergone a second review.

²⁷ Killander (n 19).

²⁸ Killander (n 19).

²⁹ Gruzd & Yarik (n 20).

³⁰ M Hansungule 'The Role of the APRM in Strengthening Governance in Africa: Opportunities & Constraints in Implementation' (January 2014) 3, 1 *International Journal of Arts and Commerce*, ISSN 1929-7106 www.ijac.org.uk.

³¹ AM Mangu, 'The African Union and the promotion of democracy and good political governance under the African Peer-Review Mechanism: 10 years on' (2014) 6:1 *Africa Review*, 59-72, DOI: 10.1080/09744053.2014.883757, <https://doi.org/10.1080/09744053.2014.883757>.

³² South African Institute of International Affairs (SAIIA) 'APRM Toolkit. Ghana' <https://www.aprmtoolkit.saiia.org.za/ghana?start=0> (accessed 14 August 2021).

This work also examines Ghana's APRM recommendations and the extent of their implementation. It further discusses their impact on democratic governance and human rights, in relation to other regional monitoring systems (in this case the African Commission and the African Children's Committee's reporting mechanisms) whose human rights monitoring widely cuts across issues of democracy and good governance.

1.7 Conceptual framework

A starting point to understanding Ghana's involvement in the APRM and the resulting impact on democracy and governance involves a prior discussion of the key concepts applicable to Ghana's peer review programme. This includes the concepts of governance, good governance, democracy and human rights as well as the worldwide governance indicators.

1.7.1 Governance

The concept of governance has been a pertinent cause of debate on the African continent. From the time of independence, African countries have been searching for the best system of governance to be adopted.

The term 'governance' generally connotes a system of control. It is³³

...concerned with structure and processes for decision making, accountability, control and behaviour at the top of an entity.[H]ow an organisation's objectives are set and achieved, how risk is monitored and addressed and how performance is optimized.

Governance is concerned with the dynamics involved in implementing or not implementing decisions.³⁴ A comprehensive definition in the context of this research is that posited by the United Nations Development Program (UNDP). It defines governance as³⁵

³³ Governance Today, 2021
https://www.governancetoday.com/GT/Material/Governance_what_is_it_and_why_is_it_important_.aspx (accessed 11 August 2021).

³⁴ United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) 'What is Good Governance?' <https://www.unescap.org/sites/default/files/good-governance.pdf>.

³⁵ United Nations Development Program *Human Development and Governance Report* (1997) United Nations, New York, In OC Ejike 'Democracy and Good Governance: Ingredients for Socio Economic Development in Nigeria' (June 2010) 5, 1, *International Journal of Development and Management Review* (INJODEMAR), 173 - 184, at 175.

the totality of the exercise of authority in the management of a country's affairs, comprising of the complex mechanisms, processes, and institutions through which citizens and groups articulate their interests, exercise their legal rights, and mediate their differences. It encompasses the political, economic, legal, judicial, social and administrative authority and therefore includes government, the private sector and the civil society.

The form or type of governance employed by different political entities often varies, ranging broadly from monarchies, to democracies, oligarchies, and more; yet the objective always remains the same - control. Governance types therefore remain particularly important because they shape the nature and extent of inter- and intra-state collaboration. Although governance systems are constantly susceptible to adjustments and restructuring, the generally accepted standard has however, over decades, been considered to be 'good governance'.

1.7.2 Good governance and the worldwide governance indicators

A consideration of where power lies, how it is distributed, exercised, and accounted for, constitutes the basis of good governance. Good governance refers to the idea of governing according to the acceptable tenets of contemporary society.³⁶ The features today include transparency, participation, inclusiveness, accountability, efficiency and effectiveness.³⁷ It involves governance which is exercised through a human rights based approach, and is qualified according to 'the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights'³⁸

The characteristics of good governance by global standards have been underscored in what is considered the worldwide governance indicators (WGI) developed by the Natural Resource Governance Institute (NRGI) and the World Bank.³⁹ These indicators consist of a structured set of six principles forming the basis for measuring governance quality.⁴⁰ They include: government effectiveness; absence of corruption; voice and accountability; political

³⁶ Ejike (n 35 above) 175.

³⁷ UNESCAP (n 34) 1.

³⁸ United Nations Human Rights Office of the High Commissioner 'OHCHR and Good Governance' September 2020 <https://www.ohchr.org/en/issues/development/goodgovernance/pages/goodgovernanceindex.aspx> (accessed 10 October 2021).

³⁹ WGI (n 22).

⁴⁰ As above.

stability and absence of violence; rule of law; and regulatory quality.⁴¹ They therefore constitute the foundation of analysis in this work, in relation to the overall welfare of citizens.

1.7.3 Democracy and democratic governance

In line with the above is the concept of ‘democracy’, which is one of the commonly acclaimed forms of governance. Although not without flaws, it is often considered a simplistic representation of good governance. As the former British Prime Minister Winston Churchill said, ‘[t]here is no such thing as the "perfect form of government" on earth, but any other form of government produces even less desirable results than democracy’,⁴²

Although the democracy concept has witnessed a myriad of contested definitions, the term generally refers to a ‘rule by the people’.⁴³ This is articulated in the common definition by Abraham Lincoln as a government of, by and for the people.⁴⁴ Democracy is considered ‘a system of government in which power is vested in the people and exercised by them directly or through freely elected representatives’.⁴⁵ Although democracy and good governance constitute separate terms, the required standard for a rule by democratic means often embodies the tenets of good governance. Good governance can therefore be considered an inclusive term which can be properly attributed to any system of leadership. Where democracy successfully applies the principles of good governance, it may sufficiently be termed ‘democratic governance’. Good governance thus is a key ingredient in building and strengthening ‘stakeholder confidence’ as well as creating a suitable environment for enhanced performance.⁴⁶

1.7.4 Human rights

The power of control is tied to the existence of rights because rights define the extent of a person’s authority over another. Human rights refer to the core attributes associated with

⁴¹ As above.

⁴² Democracy Building ‘Definition of Democracy’ <http://www.democracy-building.info/definition-democracy.html> (accessed 23 August 2021).

⁴³ As above.

⁴⁴ As above.

⁴⁵ Britannica <https://www.britannica.com/topic/democracy> (accessed 11 August 2021).

⁴⁶ Governance Today (n 33).

humanity based on ‘shared values like dignity, fairness, equality, respect and independence’.⁴⁷ According to Andrew Heard, ‘rights’ are the ‘special possessable benefit’ attributed to humanity.⁴⁸ Going by the social contract theory⁴⁹ in which individuals relinquish part of their autonomy unto a government, such a government is expected to act towards the good of each citizen and therefore also be accountable to them.⁵⁰ This principle is in fact emphasized by the Triple Pronged Theory of international human rights law, by which states are obligated to respect, protect and fulfill the rights of their citizens.⁵¹ Because rights are characterized as inherent, inalienable, indivisible and interdependent, it is generally not the option for governments to choose whether to respect human rights or not. The sustenance of human rights is a direct representation of the existence of good governance within a political entity. More so, the respect of civil and political rights, which involves participation in decision making, remains a key foundation for enshrining democratic rule, and hence effectively reflects the state of governance in a country.

Following the objectives of Africa’s APRM, the ability for government to consolidate democracy, governance and human rights therefore constitutes the basis for the current evaluation of Ghana’s progress within the system.

1.8 Scope and limitations of study

Geographical delimitation: This work focuses on Ghana, as a reference point to demonstrating the potential and actual impact of the APRM over the years. Reference to or comparison with other countries is done mainly for the sake of clarity of analysis.

⁴⁷ Equality and Human Rights Commission ‘What are Human Rights’ June 2019 <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights> (accessed 11 August 2021).

⁴⁸ Andrew Heard ‘Human Rights: Chimeras in Sheep’s Clothing’ 1997 <https://www.sfu.ca/~aheard/intro.html> (accessed 19 August 2021).

⁴⁹ Commonly associated with the English philosophers Thomas Hobbes and John Locke.

⁵⁰ Britannica ‘Social Contract’ <https://www.britannica.com/topic/social-contract> (accessed 23 August 2021).

⁵¹ United Nations Human Rights Office of the High Commissioner ‘What are Human Rights’ <https://www.ohchr.org/en/professionalinterest/Pages/InternationalLaw.aspx> (accessed 6 September 2021).

Contextual delimitation: The research focuses on issues around democracy and political governance and the impact on human rights. It does not cut across all areas covered by the APRM. Tracing impact is also largely tailored to the issues and recommendations that were raised in Ghana's review process. Data collection is also restricted to doctrinal research methods, given the limited time duration available for the study.

1.9 Synopsis of chapters

This work has four chapters. Chapter One consists of an overview of the research, including a background to the study, problem statement, research question, methodology, literature review and delimitation of study. It also includes a discussion of key concepts including good governance, democracy and human rights, as well as the world wide governance indicators.

Chapter Two discusses the state of governance in Ghana at the time of acceding to the review process. This is followed by an examination of Ghana's process of involvement in the APRM, and the issues raised during the peer review as far as political governance and democracy are concerned.

Chapter Three involves a discussion of the recommendations on governance and democracy, and a critical evaluation of the level of progress made in their implementation, following changes in law, policy and otherwise. The Chapter also examines legal and policy instruments, as well as secondary data gathered from government, international and civil society organizations on the evaluation of standards of governance in Ghana and actual impact on citizen rights.

Chapter Four discusses challenges to the implementation of the APRM recommendations. It includes a brief discussion of the other regional monitoring mechanisms and Ghana's engagement with them, as well as a comprehensive comparison of governance impact. It further considers the latest lessons to be learned from Ghana's 18-year APRM experience, the level of country preparedness for a subsequent evaluation and possible recommendations.

Chapter Five provides an overall conclusion to the work as well as suggestions for further research.

2 CHAPTER TWO: EXAMINING GHANA'S APRM REVIEW

2.1 Introduction

Ghana fully became a member of the APRM in 2003 and from that time, began taking steps to prepare for what some have called the 'African governance exam'.⁵² Ghana's APRM visits and reviews specifically took place in 2005, and its final report was published in 2006. The state of political governance a few years prior to the country's review is significant in understanding its commitment to the APRM and the issues and recommendations that followed under its democracy and good governance theme.

2.2 Governance in Ghana Prior to the APRM

Ghana is a West African country situated on the coast of the Gulf of Guinea, and is remarked for being the first sub-Saharan African country to gain political independence in the mid 1900s. Its history after independence in 1957 was however not all glorious. It was characterized by intermittent bouts of civilian rule, coups d'état and military rule resulting in grave human rights violations.⁵³ The exercise of power within the government was largely of a centralised nature, with extensive presidential prerogatives guaranteed under the constitution.⁵⁴ From the late 1970s, Ghana's economy was in anguish, encumbered by a fall in the price of its exports (mainly cocoa and gold), and a steep drop in its domestic currency.⁵⁵ Like many other African countries at the time, Ghana initiated various structural adjustment and decentralization programmes to manage its socio-economic disaster.⁵⁶ Following subsequent domestic and foreign pressures on government, there was an enactment of a new and liberal constitution in 1992, and the

⁵² E Harsch 'Ghana Takes African Governance Exam' Africa Renewal United Nations October 2006 <https://www.un.org/africarenewal/magazine/october-2006/ghana-takes-african-governance-exam> (accessed 6 September 2021).

⁵³ 'Political Context Study - Ghana' (April 2010) at 1 <https://www.jus.uio.no/smr/english/research/projects/ripoca/workshop-april-2010/Ghana%20political%20context%20study%20final%20draft%2029.12.08.pdf>.

⁵⁴ A Higazi 'Political Levers in Ghana' June 2004, Policy Context Paper 6, Centre for Research on Inequality, Human Security and Ethnicity (CRISE), Queen Elizabeth House, University of Oxford, at 5.

⁵⁵ Freedom House 'Freedom in the World 2001 - Ghana' 2001 <https://www.refworld.org/docid/5278c96414.html> (accessed 11 August 2021). See also 'Political Context Study - Ghana' (n 53) 2.

⁵⁶ Higazi (n 54).

introduction of multipartyism the following year under what was called the Fourth Republic.⁵⁷ This move established the gateway to guaranteeing a more democratic process of political participation and representation in Ghana's public affairs.

In the years 1992, 1996, 2000, and 2004 Ghana witnessed four democratic electoral transitions of government.⁵⁸ The 1992 and 1996 elections were won by President Jerry Rawlings of the National Democratic Congress (NDC), who had initially seized power from a failing civilian government in 1981.⁵⁹ In 2000 power transited to President John Kufuor of the National Patriotic Party (NPP) (who was re-elected in 2004).⁶⁰ This marked the country's first constitutional change of government',⁶¹ and 'the first time... one democratically elected president was succeeded by another'.⁶² The 2001 election was mostly characterised as free and fair,⁶³ and ushered in a new political phase. Freedom House noted that as a result of this move, Ghana's socio-political status had moved from 'partly free', to being 'free', with an improvement in ratings on civil liberties and political rights.⁶⁴ Such a record meant Ghana was now a part of the approximately 85 countries in the world considered 'free', out of 192.⁶⁵ Of this total, only nine were African states, and only 20 African countries in general were considered electoral democracies at the time.⁶⁶

When President Kufuor came to power as Ghana's 9th president, he sought to work towards a transformed system of democratic rule, with a strong socio-economic vision

⁵⁷ 'Political Context Study' (n 53).

⁵⁸ F Odartey-Wellington & A Alhassan 'Disseminating the National Reconciliation Report: A Critical Step in Ghana's Democratic Consolidation' (April 2016) 10, 4, *African Journal in Political Science and International Relations* <http://www.academicjournals.org/AJPSIR> 34 - 46, at 35.

⁵⁹ Freedom House 'Ghana. Period of Democratic Transition: 2000' https://freedomhouse.org/sites/default/files/inline_images/Ghana.pdf (accessed 6 September 2021).

⁶⁰ As above.

⁶¹ Higazi (n 54).

⁶² Freedom House (n 59).

⁶³ Freedom House (n 55).

⁶⁴ As above.

⁶⁵ Freedom House *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 2000 – 2001*(2001) https://freedomhouse.org/sites/default/files/2020-02/Freedom_in_the_World_2000-2001_complete_book.pdf at 7; and Freedom House *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 2001 – 2002*(2002) at 6 https://freedomhouse.org/sites/default/files/2020-02/Freedom_in_the_World_2001-2002_complete_book.pdf.

⁶⁶ Freedom House, 2002 (n 55) 9.

grounded on good governance, participation and development,⁶⁷ - a position he reiterated at the time of joining the APRM.⁶⁸

The years leading to Ghana’s APRM review was marked by significant change, with its overall governance level rated at 7 out of 50 African countries, and an average of approximately 63% according to the Mo Ibrahim Governance index.⁶⁹ Acceding to the APRM was therefore an express move in demonstrating the country’s commitment to improving governance and meeting up with the AU’s democracy standards.

The following Mo Ibrahim governance ratings on Ghana (out of 50 African countries) from 2002 - 2004 are relevant.⁷⁰ This year range demonstrates the state of political governance and democracy in Ghana at the time it joined the APRM and just before it was reviewed. It reflects a holistic view of the specific issues which were pointed out in the review report. These ratings will also serve to illustrate contrast in the subsequent chapters of this work, demonstrating how much has changed several years after the first review and in anticipation of a subsequent one.

Governance Trend

Governance Indicator	Year and statistics		
	Position (out of 50 countries) & Percentage (100=Best)		
	2002	2003	2004
Rule of Law	6th 82.1%	6th 82.8%	6th 82.8%
Accountability	11th 47.5%	12th 47.5%	13th 46.7%

⁶⁷ The Bayelsa State Oil & Environmental Commission ‘Commission Members – John Kufuor’ <https://www.bayelsacommission.org/news/commission/john-kufuor/> (accessed 13 August 2021).

⁶⁸ Ghana’s APRM Report (n 10) at 5.

⁶⁹ Knoema ‘African Governance Index’ 3 August 2019, Mo Ibrahim Governance Index <https://knoema.com/infographics/naeetle/african-governance-index> (accessed 12 August 2021).

⁷⁰ As above.

Personal Safety	5th 64.2%	3rd 73.6%	1st 73.9%
National Security	14th 91.3%	15th 91.0%	15th 91.2%
Participation	5th 78.7%	5th 78.7%	6th 78.3%
Human Rights	3rd 68.8%	3rd 70.1%	3rd 70.1%
Sustainable Economic Opportunity	9th 53.3%	10th 53.6%	9th 53.9%
Overall Governance Rating	7th 63.7%	7th 64.7%	7th 64.8%

The above data demonstrates the steady change which had occurred in Ghana around the early 2000s before joining the APRM, compared to the prior years of intense socio-political deterioration and turmoil ravaging the country.

Ghana has been considered one of the few sub-Saharan African countries to have ‘enjoyed a relatively long period of political stability’.⁷¹ Even if the democratic elections which have been conducted are in themselves no guarantee of good governance and development, at least it may be considered a step in the right direction; provided elections do not then remain the only or sole criterion for the determination of good governance. Such intentional progress may therefore explain Ghana’s quick commitment to a regional check and monitoring system as the APRM, considering the sensitive nature of such a review process, and the fact that it entails a subtle relinquishment of state sovereignty and exposure to domestic and foreign scrutiny.⁷² Indeed, among the non-APRM member countries till date, are states which have been experiencing one form of civil war or another, including Central African Republic (CAR), Libya

⁷¹ Odartey-Wellington & Alhassan (n 58) 35.

⁷² Gruzd & Turianskyi (n 7).

and Somalia.⁷³ Although the APRM does have member states which are experiencing similar situations of instability, many of these states, like Cameroon, Gabon and the Democratic Republic of Congo (DRC) have been noted to have the slowest commitment to starting a review process despite having joined since 2003.⁷⁴ The latest members in 2020 were Zimbabwe (whose former 30-year sitting President Robert Mugabe was ‘never likely’ to join⁷⁵) and Seychelles;⁷⁶ both whom many felt it was already about time they became members.⁷⁷

2.3 Ghana’s involvement in the APRM

2.3.1 The APRM process in brief

The APRM is a voluntary monitoring mechanism open to all AU member states, and which requires members to not just participate in, but also facilitate a process of peer review by fellow states, as well as be instructed on concerted standards of good political, economic and corporate governance.⁷⁸ Ownership of the review process by member states is considered essential for the successful realisation of the objectives of the program.⁷⁹

The APRM consists of four main types of reviews:⁸⁰

- Base review: which is the first review of a country upon accession to the APRM
- Periodic review: conducted every four years
- Requested or Ad-hoc reviews: conducted upon request by the country in question and which does not form part of the general reviews
- Special reviews, conducted by the African Peer Review Forum (APR Forum/APRM Forum) as an early warning mechanism to an impending domestic crisis. The APR Forum

⁷³ As above.

⁷⁴ As above.

⁷⁵ P Fabricius ‘Zimbabwe Signs on to African Peer Review Mechanism’ Daily Maverick, 10 February 2020 <https://www.dailymaverick.co.za/article/2020-02-10-zimbabwe-signs-on-to-african-peer-review-mechanism/> (accessed 23 August 2021).

⁷⁶ Gruzd & Turianskyi (n 7).

⁷⁷ Twitter <https://twitter.com/ingagubeka/status/1151898946341613568?s=20> (accessed 23 August 2021).

⁷⁸ Ghana’s APRM Report (n 10) 2.

⁷⁹ As above.

⁸⁰ African Union ‘African Peer Review Mechanism (APRM)’ <https://au.int/en/organs/aprm> (accessed 14 August 2021).

is the highest decision-making body of the APRM made up of the Committee of Participating Heads of State and Government.

The review process involves five main stages.⁸¹ First, there is a consultation between the APR Secretariat and the country to be reviewed, which involves thorough discussions about the review and terms of the Memorandum of Understanding (MOU) between both parties.⁸² There is also a background assessment on the country, conducted by the Secretariat; and a self-assessment conducted by the country itself.⁸³ An APR Country Review Team (CRT), led by the APR Panel⁸⁴ then prepares a report on points to focus on, in preparation for a review mission.⁸⁵

The Review Mission visits the country and conducts extensive consultations with different state and non-state actors, over a period of approximately three weeks.⁸⁶ A draft report is then prepared by the APR CRT.⁸⁷ This is followed by the peer review proper, which is done by the APR Forum, involving extensive discussions and recommendations.⁸⁸ The country in review also prepares a National POA which is presented to the APR Forum together with the Final APRM Report. Six months later, a Final Report is shared to selected bodies of the AU and partner institutions, and then publication follows.⁸⁹

2.3.2 Ghana's APRM process

Ghana was the first of the 12 countries to initially sign the Declaration of Intent to accede to the APRM in 2002, before subsequently signing the MOU in 2003.⁹⁰

One of the major steps Ghana took to initiate a successful engagement in the review process, was the creation of a NAPRM-GC in March 2004.⁹¹ This was about two months before

⁸¹ As above.

⁸² As above.

⁸³ As above.

⁸⁴ Known as the Panel of Eminent Persons (PEP), it is in charge of the entire review process to guarantee its independence and authenticity. It is also in charge of the reports produced by the Forum.

⁸⁵ African Union (n 80).

⁸⁶ As above.

⁸⁷ As above.

⁸⁸ As above.

⁸⁹ As above.

⁹⁰ Afful (n 3) 8.

an APRM Support Mission was sent to Ghana to assess the country's readiness for a review.⁹² This move was also in line with the prescriptions of the first phase of reviews requiring a self-assessment to be done by the country concerned. Ghana's President in consultation with relevant stakeholders, created the NAPRM-GC composed of 'highly qualified and esteemed professionals and public personalities', representing a balance in profession, gender and region.⁹³ The team was in fact not sworn in by the President, and was instituted to replace the Ministry of Regional Integration and NEPAD which had initially been created in 2003 as Ghana's APRM Focal Point.⁹⁴ The creation of the NAPRM-GC was highly lauded by the APRM Panel.⁹⁵ It was broadly mandated to act as an independent and autonomous oversight body for the domestic implementation of the APRM, and in this light conduct monitoring and evaluations, provide recommendations and liaise with the government, stakeholders and the APRM Secretariat in South Africa concerning progress in implementation.⁹⁶

The NAPRM-GC started work even before the APRM Support Mission came to Ghana, it and largely coordinated Ghana's entire review process.⁹⁷ By March 2005, a year after the Governing Council was created, Ghana had submitted its CSAR and the Country Review Mission (CRM) took place from 4-16 April.⁹⁸ Ghana's POA was then submitted in May of the same year.⁹⁹ The CRM was particularly impressed with the extent of the mandate and authority of the NAPRM-GC, and the 'overall quality of the Ghana self-assessment review.'¹⁰⁰ Under the democracy theme, the questions indicated in the questionnaire broadly addressed issues falling under the indicators of good governance, including questions as to whether the state was living

⁹¹ Ghana's APRM Report (n 10) 6, para 20.

⁹² As above.

⁹³ Ghana's APRM Report (n 10) 5, para 16.

⁹⁴ Afful (n 3) 8.

⁹⁵ As above.

⁹⁶ Afful (n 3) 9.

⁹⁷ Afful (n 3) 9 - 12.

⁹⁸ Ghana's APRM Report (n 10) 7, paras 23 & 24.

⁹⁹ Ghana's APRM Report (n 10) 7, para 23.

¹⁰⁰ Afful (n 3) 9 - 12.

up to its obligations of guaranteeing participation, inclusiveness, the rule of law, judicial independence, etc.¹⁰¹

At the HSGIC summit in Khartoum – Sudan in January 2006, Ghana stood in for the final stage of the review, represented by its President John Kufuor.¹⁰² This stage involved a profound discussion of the country report, the recommendations, and strategies for implementation.¹⁰³

2.4 Democracy and Good Political Governance: Issues in Ghana’s Peer Review

The democracy and good governance theme is concerned with the existence of a reliable structure for guaranteeing equal rights to citizens.¹⁰⁴ It includes issues on ‘access to justice, respect for the rule of law, ... freedoms of expression, association and assembly, as well as the basic economic and social rights to enable citizens ... exercise these freedoms effectively.’¹⁰⁵ Guided by the globally accepted governance indicators, this thematic area considers the existence of institutions that promote a ‘representative and accountable government’, as well as the existence of a free, dynamic and engaging civil society.¹⁰⁶

Several concerns and recommendations discussed in Ghana’s review process cut across multiple sectors of governance and democracy, as well as across the other APRM themes. This aspect is in fact noted in the APRM Self-Assessment Questionnaire and the country reports, to

¹⁰¹ African Peer Review Mechanism ‘Revised Country Self-Assessment Questionnaire for the African Peer Review Mechanism’ 2012, available at <http://www.aprm-international.org/>.

¹⁰² Afful (n 3) 13.

¹⁰³ Afful (n 3) 14.

¹⁰⁴ ‘Revised Country Self-Assessment Questionnaire’ (n 101). This revised version ‘includes a country self-assessment instrument and the development of a monitoring and evaluation framework to oversee and report implementation progress of National Program of Actions at Regional Member Countries’ levels and to provide a basis for consistent reporting to the Panel and the Forum’: African Development Bank Group ‘African Peer Review Mechanism’ <https://www.afdb.org/en/topics-and-sectors/initiatives-partnerships/african-peer-review-mechanism> (accessed 6 September 2021).

¹⁰⁵ As above.

¹⁰⁶ As above.

which they are referred to as ‘cross-cutting issues’.¹⁰⁷ They include poverty, corruption, gender balance, decentralisation and access to information.¹⁰⁸

In the case of Ghana, cross-cutting issues under the Democracy and Governance theme included ratifying and domesticating certain human rights instruments; improving funding to, and reviewing the workings of institutions like the Commission on Human Rights and Administrative Justice (CHRAJ); addressing the issue of gender inequality and the marginalisation of vulnerable groups.¹⁰⁹ To avoid redundancy in the paragraphs below, these issues are not repeatedly mentioned under every sub-area where they may apply.

2.4.1 Implementation of governance codes and standards

The APRM noted that although Ghana had demonstrated significant interest in meeting up with regional and international human rights standards, it had yet not acceded to a number of key instruments touching on issues like women and children’s rights, corruption, conflict and personal safety.¹¹⁰ Ghana had also for several years, neglected the submission of its country reports to the African Commission, and at the time of its review, had only submitted a second and last report in 2001¹¹¹ (covering the period from 1993-2000).¹¹² This was eight years after its first report had been submitted in 1993 (covering the period from 1990-1992),¹¹³ despite the fact that states are expected to submit reports every two years.¹¹⁴

2.4.2 Prevention and reduction of intra and inter-country conflicts

Ghana was commended for its enduring socio-political stability, although it had had a fluctuating state of relations with neighbouring countries, a situation which was primarily said

¹⁰⁷ African Peer Review Mechanism ‘Country Self-Assessment for the African Peer Review Mechanism’ at 11, para 2.3; Revised Country Self-Assessment Questionnaire (n 99) at 5, para 2.3; Ghana’s APRM Report (n 10) at 46, para 16.

¹⁰⁸ As above.

¹⁰⁹ Ghana’s APRM Report (n 10) 12 - 42.

¹¹⁰ Ghana’s APRM Report (n 10) 15, para 11.

¹¹¹ Ghana’s APRM Report (n 10) 15, para 12.

¹¹² African Commission on Human and Peoples’ Rights <https://www.achpr.org/states/detail?id=22> (accessed 24 August 2021).

¹¹³ As above.

¹¹⁴ ACHPR: Article 62 (n 15).

to be dependent on the particular governments in power within the neighbouring states concerned.¹¹⁵

Domestically, the main contentions surrounded land and chieftaincy disputes (mostly inheritance and succession) inspired by the absence of a structured legal framework; and on the other hand a number of political disputes mostly related to elections.¹¹⁶ Although there were several domestic mechanisms and institutions available for dispute resolution, contentions were raised with regards to the roles and mandates of chieftaincies especially in the light of them forming part of the country's dispute resolution structure.¹¹⁷

2.4.3 Enhancing constitutional democracy

The nature of the promotion and protection of political rights and the existence of democratic competition for political power was considered largely inclusive and appreciable.¹¹⁸ Two main concerns were however raised: the existence of an inefficient process of decentralisation in Ghana's governance structure; and the lack of intra-party democracy which could potentially have a spillover effect on national democracy.¹¹⁹

Judicial independence was appreciated, yet there were concerns of judicial inaccessibility for a large part of the population; high costs for accessing judicial services; judicial incapacity due to insufficient funds and limited infrastructure.¹²⁰

On the existence of independent bodies guaranteeing electoral competition, good governance and accountability, the following were noted: resource constraints for the Electoral Commission (EC), and its compromised autonomy and integrity by being party-biased.¹²¹ The

¹¹⁵ Ghana's APRM Report (n 10) 16, paras 15 & 16.

¹¹⁶ Ghana's APRM Report (n 10) 17, para 17.

¹¹⁷ Ghana's APRM Report (n 10) 17, paras 18 - 20 and at 18, paras 22 - 25.

¹¹⁸ Ghana's APRM Report (n 10) 20-21.

¹¹⁹ Ghana's APRM Report (n 10) 24, para 39.

¹²⁰ Ghana's APRM Report (n 10) 21, paras 29 - 32.

¹²¹ Ghana's APRM Report (n 10) 22.

CHRAJ was also noted for government manipulation as well as hesitancy on the part of the government towards implementing its recommendations.¹²²

The marginalization of women, especially in administrative and political life was a major issue, noting the government's failure to implement the recommendations of the Affirmative Action Policy of 1998 for the creation of a 40% female representation at all governance levels.¹²³ This was said to mostly result from an absence of political will and a definite action plan for gender mainstreaming.¹²⁴

A number of human rights violations were also noted to be a phenomenon orchestrated by security forces.¹²⁵

2.4.4 Promotion and protection of human rights

The state of human rights in Ghana had witnessed remarkable progress, particularly between the late 1990's to 2000, following the institutionalisation of a democratic Constitution in 1992. Yet related to some of the issues and recommendations already mentioned above, were concerns about the status and legality of some decisions of CHRAJ, its over-extensive mandate which included addressing corruption and administrative justice, thus creating excessive burdens and limiting its capacity and efficiency.¹²⁶

Other issues concerned the failure to address environmental rights in the Ghanaian Constitution; government's neglect of cultural rights; the existence of certain 'discriminatory cultural practices' towards women in some communities; as well as the high cost of education (including public and primary levels of education), making it largely inaccessible for many.¹²⁷

¹²² As above.

¹²³ Ghana's APRM Report (n 10) 23, para 37.

¹²⁴ As above.

¹²⁵ Ghana's APRM Report (n 10) 24, para 41.

¹²⁶ Ghana's APRM Report (n 10) 26, paras 49 - 50.

¹²⁷ Ghana's APRM Report (n 10) 27, paras 52 - 53.

Among recurrent issues of gender discrimination and gender based violence (including domestic violence), was government hesitancy towards adopting a Domestic Violence Bill.¹²⁸ There was also sluggishness towards ratifying instruments touching on women's rights.¹²⁹

During the CRM consultations, stakeholders decried 'the impact of modernisation on children, in its cumulative impact of eroding or violating their right to innocence'.¹³⁰ Stakeholders were also concerned about child 'trafficking, forced labour, slavery and prostitution'.¹³¹

As regards the rights of vulnerable groups, public institutions working in this area were said to constantly experience resource constraints.¹³² Refugee rights were not particularly an issue, but on the other hand, concerns were raised about the need for policy mainstreaming and prioritisation of disability issues in government agendas.¹³³

2.4.5 Separation of powers

Although Ghana exercised an appreciable degree of judicial and legislative independence,¹³⁴ there was however a monopoly of power by the Executive (a situation typical of most African states).¹³⁵ This particularly involved the presence of extensive presidential power to appoint parliamentarians and ministers,¹³⁶ as well as excessive financial dependence on the Executive by the Legislature.¹³⁷ There was also limited power for Parliament to act as oversight to the exercise of Executive power.¹³⁸

¹²⁸ Ghana's APRM Report (n 10) 37, paras 93&94.

¹²⁹ Ghana's APRM Report (n 10) 37, para 95.

¹³⁰ Ghana's APRM Report (n 10) 40, para 103.

¹³¹ Ghana's APRM Report (n 10) 40, para 104.

¹³² Ghana's APRM Report (n 10) 41, para 107.

¹³³ Ghana's APRM Report (n 10) 41, paras 108 - 110.

¹³⁴ Ghana's APRM Report (n 10) 28, paras 57&58.

¹³⁵ Ghana's APRM Report (n 10) 28, para 55.

¹³⁶ Ghana's APRM Report (n 10) 28, para 59.

¹³⁷ Ghana's APRM Report (n 10) 28 para 58, and 29 para 60.

¹³⁸ Ghana's APRM Report (n 10) 29, para 63.

2.4.6 Accountability

The APRM review noted a lot of power concentration and administrative bottlenecks involved in public service delivery,¹³⁹ as well as issues of sexual harassment in the public service.¹⁴⁰

2.4.7 Participation

Concerns in this area included the underrepresentation of CSOs in rural areas, and the fact that there was often a duplication of their activities within local communities.¹⁴¹ There was also an over-centralisation of decision-making power in CSO activities, as well as challenges of accountability and transparency.¹⁴²

2.4.8 Fighting corruption

High levels of corruption were noted within the government, especially within the decentralised institutions,¹⁴³ to which the cause was largely associated with low salaries and bad internal management practices.¹⁴⁴ There was also a lack of legislation to extensively address issues of corruption.¹⁴⁵

Like the CHRAJ, the Serious Fraud Office (SFO) which had a mandate to track down crimes associated with grave financial or economic loss to the state, was noted to suffer a shortage of resources, as well as logistic, organisational and infrastructural inadequacies.¹⁴⁶ The SFO also had no Board of Directors nor Executive Officer.¹⁴⁷

2.5 Conclusion

From Ghana's review, some of the issues discussed were specific about actions and expectations, while others were more vaguely articulated. A majority of these points were also

¹³⁹ Ghana's APRM Report (n 10) 31, para 69.

¹⁴⁰ Ghana's APRM Report (n 10) 31, para 70.

¹⁴¹ Ghana's APRM Report (n 10) 32, para 73.

¹⁴² As above.

¹⁴³ Ghana's APRM Report (n 10) 34, para 80.

¹⁴⁴ Ghana's APRM Report (n 10) 33, para 76.

¹⁴⁵ Ghana's APRM Report (n 10) 34, para 81.

¹⁴⁶ Ghana's APRM Report (n 10) 33, para 78, and 34 para 79.

¹⁴⁷ Ghana's APRM Report (n 10) 34, para 82.

not new to Africa, nor were they particular to Ghana alone. Other countries, including South Africa,¹⁴⁸ Nigeria,¹⁴⁹ Sierra Leone,¹⁵⁰ have witnessed similar concerns during their reviews, although in varying degrees, per their domestic context. Nevertheless, it has been almost two decades now, and Ghana has yet not undergone a second review despite the expectation for a three-to-five-years review cycle per country.¹⁵¹ Indeed, very few countries have been reviewed twice under the APRM and these have been Kenya (2006 & 2017),¹⁵² Uganda (2009 & 2018) and Mozambique (2009 & 2019).¹⁵³ In anticipation for Ghana's next assessment, the proceeding chapter examines the extent to which the previous recommendations have so far been implemented.

¹⁴⁸ African Peer Review Mechanism 'Country Review Report Republic of South Africa' APRM Country Review Report No 5, September 2007 <https://www.aprmtoolkit.saiia.org.za/documents/country-reports-and-exper/581-south-africa-aprm-crr-summary-english/file>.

¹⁴⁹ African Peer Review Mechanism 'Country Review Report Federal Republic of Nigeria' APRM Country Review Report No 8, October 2008 <https://www.aprmtoolkit.saiia.org.za/documents/country-reports-and-exper/577-nigeria-aprm-crr-summary-english/file>.

¹⁵⁰ African Peer Review Mechanism 'Republic of Sierra Leone' APRM Country Review Report No 15, January 2012 <https://www.aprmtoolkit.saiia.org.za/documents/country-reports-and-exper/445-sierra-leone/file>.

¹⁵¹ Gruzd & Turianskyi (n 7) 8.

¹⁵² SAIIA 'APRM Toolkit' (n 32).

¹⁵³ Gruzd & Turianskyi (n 7) 8.

3 CHAPTER THREE: DEMOCRACY AND GOOD POLITICAL GOVERNANCE: RECOMMENDATIONS, IMPLEMENTATION AND IMPACT

3.1 Introduction

The recommendations in Ghana's APRM review mostly involved legal and/or policy reforms. For every area of concern, a number of indicators were provided in the country's POA to determine and track implementation and change.¹⁵⁴ Ghana's final POA on Democracy and Good Political Governance provided a plan to address the issues discussed in the review.¹⁵⁵ It included the proposed and ongoing actions, intended budget, key actors and time frames.¹⁵⁶ The government cited three main challenges to realizing the APRM recommendations, which were human, institutional and resource incapacities.¹⁵⁷

Following the review, Ghana's NAPRM published regular progress reports from 2006 - 2009. Subsequent reports have followed in the form of District Governance Assessments (DGAs). Three have so far been conducted and the reports published (although not online): 2011,¹⁵⁸ 2012¹⁵⁹ and 2015.¹⁶⁰ The DGAs are surveys which 'assess and track progress made in governance and service delivery' by measuring citizen satisfaction.¹⁶¹ From the surveys, the most problematic governance issues have fluctuated over the years, but recurrent issues topping the list included challenges to freedom of expression and association; participation and inclusion; conflicts and access to justice. Remarks on the state of individual rights and satisfaction with government service delivery also varied across genders and between urban and rural dwellers.

¹⁵⁴ Ghana's APRM Report (n 10), 149 - 163.

¹⁵⁵ Ghana's APRM Report (n 10) 145 - 163.

¹⁵⁶ As above.

¹⁵⁷ Ghana's APRM Report (n 10) 147.

¹⁵⁸ National African Peer Review Mechanism - Governing Council (NAPRM-GC) 'District Governance Assessment 2011 Report' December 2011.

¹⁵⁹ National African Peer Review Mechanism - Governing Council (NAPRM-GC) 'District Governance Assessment Report 2012' December 2012, Ghana National Report

¹⁶⁰ National African Peer Review Mechanism - Governing Council (NAPRM-GC) '2015 District Governance Assessment Report' 2015.

¹⁶¹ As above, at 1.

The following paragraphs examine the recommendations on democracy and governance, the domestic changes which have followed and the impact on citizen rights.

3.2 Governance objectives and extent of implementation

3.2.1 Implementation of governance codes and standards

Ghana was required to adopt a time-frame within which to accede to and domesticate certain human rights instruments, and to adopt a plan of action to meet up with its state reporting obligations.¹⁶² It was further required to strengthen the functioning of the Ministries of Foreign Affairs and of Justice, which are directly concerned with adopting the relevant human rights codes and standards.¹⁶³

In the country's POA, treaty ratification was identified as a key indicator for determining the successful implementation of governance codes and standards.¹⁶⁴ Of the seven instruments mentioned in the recommendation, four of them were ratified by the year 2007. These were the 2003 Amendments to the Constitutive Act of the AU; the 2005 AU Non-Aggression and Common Defense Pact; the 2003 Protocol on the Rights of Women; and the 2003 AU Convention on Preventing and Combating Corruption.¹⁶⁵ Ghana deposited its instrument of ratification for the Protocol on the African Court on Human and People's Rights (African Court Protocol) a few months after its APRM process in 2005.¹⁶⁶ In 2011, it made the declaration

¹⁶² Ghana's APRM Report (n 10) 16, para 13.

¹⁶³ As above.

¹⁶⁴ Ghana's APRM Report (n 10) 149.

¹⁶⁵ Republic of Ghana National African Peer Review Mechanism Governing Council (NAPRM-GC) 'Second Annual Progress Report 2007. Progress in Implementation of the National Programme of Action' December 2007, at 23.

¹⁶⁶ African Union 'List Of Countries Which Have Signed, Ratified/Acceded To The Protocol To The African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights' 15 June 2017 https://au.int/sites/default/files/treaties/36393-sl-protocol_to_the_african_charter_on_human_and_peoplesrights_on_the_estab.pdf (accessed 20 September 2021).

under Article 34(6)¹⁶⁷ of the Protocol, which has over the years enabled a few cases to be brought directly before the Court by individuals and groups.¹⁶⁸

On the other hand, the Protocol to the African Court of Justice (2003) was signed in 2009 but has not been ratified as of October 2021;¹⁶⁹ same with the Protocol to the OAU Convention on Preventing and Combating Terrorism (2004) which was signed in January 2005.¹⁷⁰ Ghana's state reporting under the African Commission has not been updated, and the country currently has 10 overdue reports following its second report which was submitted since May 2001.¹⁷¹ Suggestions have been made, that the government could consult local organisations with relevant expertise to assist in drafting these reports.¹⁷²

In strengthening the workings of the Ministry of Foreign Affairs, Ghana committed to creating a Ratification Desk to oversee the incorporation of international codes and standards.¹⁷³ So far there has been no evidence of this, and the Legal Services Department of the Ministry of Foreign Affairs is still broadly in charge of ratifications and relations with multilateral institutions among other related responsibilities.¹⁷⁴ The name of the Ministry was

¹⁶⁷ African Court on Human and Peoples' Rights 'Declarations' <https://www.african-court.org/wpafc/declarations/> (accessed 20 September 2021).

¹⁶⁸ For example: Akwasi Boateng & 351 Others v Ghana (059/2016), Alfred Agbes Woyone v Ghana (001/2017) AfCHPR and Dexter Eddie Johnson v Ghana (016/2017) AfCHPR.

¹⁶⁹ African Union 'List of Countries which have Signed, Ratified/Acceded to the Protocol on the Statute of the African Court of Justice and Human Rights' 18 June 2020 <https://au.int/sites/default/files/treaties/36396-sl-PROTOCOL%20ON%20THE%20STATUTE%20OF%20THE%20AFRICAN%20COURT%20OF%20JUSTICE%20AND%20HUMAN%20RIGHTS.pdf> (accessed 10 September 2021).

¹⁷⁰ African Union 'List of Countries which have Signed, Ratified/Acceded to the Protocol to the OAU Convention on the Prevention and Combating of Terrorism' 15 June 2017 [https://au.int/sites/default/files/treaties/37291-sl-protocol to the oau convention on the prevention and combating of terror.pdf](https://au.int/sites/default/files/treaties/37291-sl-protocol%20to%20the%20oau%20convention%20on%20the%20prevention%20and%20combating%20of%20terror.pdf) (accessed 10 September 2021).

¹⁷¹ African Commission on Human and Peoples' Rights <https://www.achpr.org/statistics> (accessed 12 September 2021).

¹⁷² K Appiagyei-Atua 'Ghana - Justice Sector and the Rule of Law' (May 2015) AfriMAP, Open Society Initiative for West Africa, Institute for Democratic Governance at 4 DOI: 10.13140/RG.2.1.3949.7122.

¹⁷³ Second Annual Progress Report (n 165).

¹⁷⁴ The Ghanaian Envoy 'Promoting a People-Centred Foreign Policy Agenda' *Newsletter of the Ministry of Foreign Affairs & Regional Integration* December 2019 at 47.

however changed to Ministry of Foreign Affairs and Regional Integration in 2009 ‘to emphasise the importance of regional integration as a foreign policy objective’.¹⁷⁵

The use of Alternative Dispute Resolution (ADR) mechanisms has also been incorporated into the workings of the Ministry of Justice. This has over the years helped to strengthen the workings of the Ministry, particularly through the instrumentality of the Legal Aid Commission¹⁷⁶ mandated to adopt ADR strategies in resolving complaints.¹⁷⁷ A report was compiled by the Ministry in 2019 on the impact of a project it initiated since 2007 to reduce the number of inmates in Ghanaian prisons. From this report (Impact of the Justice for All Programme (JFAP)),¹⁷⁸ out of 3,704 inmates who received court hearings, ‘723 were discharged, 1,193 were granted bail and 151 were convicted’.¹⁷⁹ The same report noted that the programme has particularly assisted the poor and the vulnerable, and resulted in a remarkable decrease in the number of prisoners across the country, ‘from 33% in December 2007... to 12% in 2018’.

3.2.2 Prevention and reduction of intra and inter-country conflicts

The structure and mandate of all chieftaincy institutions was to be reviewed and the institutions made more accessible, with an adoption of a timeframe to address cases pending adjudication before them.¹⁸⁰ The land tenure laws were also to be revised, taking into consideration the intersectional needs of women and other vulnerable groups.¹⁸¹

¹⁷⁵ Ministry of Foreign Affairs and Regional Integration, Republic of Ghana ‘Who we are’ <https://mfa.gov.gh/index.php/about-us/> (accessed 17 September 2021).

¹⁷⁶ Republic of Ghana, Ministry of Justice & Attorney General’s Department ‘Medium Term Expenditure Framework (MTEF) For 2020 - 2023’ Programme Based Budget Estimates for 2020, at 6 <https://www.mofep.gov.gh/sites/default/files/pbb-estimates/2020/2020-PBB-MoJAGD.pdf>.

¹⁷⁷ Legal Aid Commission Act 2018 (Act 977), Sections 49 & 50.

¹⁷⁸ The programme’s objective has been to facilitate access to justice and trial processes for persons who were remanded in prison custody.

¹⁷⁹ Office of the Attorney General and Ministry of Justice ‘Improving the Justice for All Programme: Views of Stakeholders’ 7 August 2019 <https://www.mojagd.gov.gh/improving-justice-all-programme-views-stakeholders> (accessed 21 September 2021).

¹⁸⁰ Ghana’s APRM Report (n 10) 19, para 26.

¹⁸¹ As above.

Following the APRM recommendations, a Ministry of Chieftaincy and Cultural Affairs was established in 2006 to coordinate affairs related to chieftaincy and culture.¹⁸² This Ministry was later transformed in 2017 to the Ministry of Chieftaincy and Religious Affairs, following a restructuring of ministries by the new government under President Nana Akufo-Addo.

Ghana's Second Bi-Annual Progress Report in 2007 indicated that '[t]he Ministry of Chieftaincy and Culture [was already] consulting with chiefs to establish a Royal College to groom potential chiefs'.¹⁸³ The creation of such an institution was with the view of making traditional leadership more informed, inclusive and responsive to the socio-economic needs of their communities. During the recent presidential election campaigns in 2020, this same commitment was indicated in the NDC Manifesto.¹⁸⁴ Yet as of the time of this research, such an institution does not exist.

The 1971 Chieftaincy Act (Act 370) was also revised in 2008 to include women ('queenmothers') in the definition of chiefs,¹⁸⁵ hence addressing the long-standing issue of discrimination within its provisions.¹⁸⁶ This 2008 amendment also accorded chiefs the mandate to act as arbitrators over chieftaincy disputes which had increasingly become prevalent.¹⁸⁷ In this light, the National House of Chiefs (NHC) in collaboration with the Judiciary have regularly used ADR mechanisms to facilitate the process of addressing the multitude of chieftaincy matters brought before the courts.¹⁸⁸

¹⁸² Ghana, Ministry of Chieftaincy and Culture '2012 Annual Progress Report on the implementation of the GPRS II' February 2013 <https://new-ndpc-static1.s3.amazonaws.com/pubication/Min+of+Chieftaincy&Culture+2012+APR.pdf> at 1.

¹⁸³ Republic of Ghana, National African Peer Review Mechanism Governing Council (NAPRM-GC) 'First Bi-Annual Progress report. Monitoring and Evaluation Report on the Implementation of the Ghana National Programme of Action for the Period January – June 2006' June 2006, at 20.

¹⁸⁴ National Democratic Congress (NDC) 'Jobs, Prosperity and More. The People's Manifesto 2021 - 2025' 2020, Ghana, at 114.

¹⁸⁵ Ghana, Chieftaincy Act 2008 (Act 759) <http://extwprlegs1.fao.org/docs/pdf/gha83760.pdf>.

¹⁸⁶ Second Annual Progress Report (n 165) 26, para 3.5.

¹⁸⁷ Republic of Ghana, National African Peer Review Mechanism – Governing Council (NAPRM-GC) 'Third Bi-Annual Progress Report for the Period January – June 2008' June 2008, at 16.

¹⁸⁸ Second Annual Progress Report (n 165).

Legal counsels have been provided to the NHC and its regional branches to strengthen human capacity, together with trainings on ADR, conflict prevention and resolution.¹⁸⁹ Sometime in 2008, a project of ‘codifying all lines of succession to stools and skins’ was initiated by the NHC, but was forestalled by financial challenges.¹⁹⁰ Unfortunately there has still been no progress on this initiative.

Disputes on chieftaincy and politics still seem to remain a primary challenge. From the last DGA conducted in 2015, less than 10% of the 13,747 respondents surveyed indicated that they had not witnessed ‘any violent conflicts in their communities’, while most of the conflicts witnessed were said to have been associated with issues of chieftaincy, land disputes and politics.¹⁹¹ These conflicts have been predominant in the Northern region, such as in the Bakwu and Bimbilla chiefdoms.¹⁹²

Other changes followed a few years after the APRM review, including the codification of the rules of customary land inheritance.¹⁹³ The capacity of the National Lands Commission (NLC) was also revived in 2008, providing it with a composition of representatives from all regions and multiple sectors of government, to assist in addressing and reducing land disputes.¹⁹⁴ Customary land secretariats were also created at the district levels to facilitate the process of land dispute resolution.¹⁹⁵ All the pre-existing land laws were reviewed, data on state lands examined and the excess lands originally belonging to citizens but compulsorily acquired were returned to their owners.¹⁹⁶ Other changes included the establishment of new land courts to facilitate resolution of land disputes; creation of several customary land secretariats and land registries to facilitate land registration processes (reducing the

¹⁸⁹ Second Annual Progress Report (n 165) 26 - 27.

¹⁹⁰ Republic of Ghana, National African Peer Review Mechanism Governing Council (NAPRM-GC) ‘Fourth Bi-Annual Progress Report, January – June 2009’ June 2009 <http://www.naprm-gc.com/> at 20.

¹⁹¹ DGA Report 2015 (n 160) 127 - 129.

¹⁹² The Conversation ‘Chieftaincy Conflicts in Ghana are Mixed up with Politics: What’s at Risk’ 5 September 2021 <https://theconversation.com/chieftaincy-conflicts-in-ghana-are-mixed-up-with-politics-whats-at-risk-166602> (accessed 10 October 2021).

¹⁹³ DGA Report 2015 (n 160).

¹⁹⁴ Third Bi-Annual Progress Report (n 187) 15.

¹⁹⁵ As above.

¹⁹⁶ Fourth Bi-Annual Progress Report (n 190) 13.

registration time frame from approximately 36 months to three months).¹⁹⁷ There have also been a revision of the Land Commissions Act; creation of a Civil Society Coalition on Land (CICOL); and the implementation of land boundary demarcation projects.¹⁹⁸ These changes have been said to significantly increase the number of people, especially women registering lands across the various districts.¹⁹⁹

Training programmes have been organised ‘for the Police, Immigration Service, Prisons and the Narcotics Control Board (NACOB)’ to enhance service delivery.²⁰⁰ Although many Ghanaians still think that the Police is very corrupt,²⁰¹ majority still report cases of rights violation to the Police, followed by CHRAJ, traditional authorities and other institutions as the alternatives.²⁰² About 48.3 percent of respondents in the 2015 DGA indicated that the Police offered a sense of security within their region.²⁰³ This is almost similar to the cross-section of citizen perspectives gathered in 2012,²⁰⁴ and much earlier in 2007 which revealed that, there had been gradual ‘improvement in security of life and property’ drawing from the contributory efforts of the Police.²⁰⁵ In 2010, Police salaries were increased as a way of reducing corruption within their service.²⁰⁶ Yet a 2014 and 2015 survey conducted by Ghana’s International Growth Centre (IGC) and Institute of Economic Affairs (IEA) respectively, revealed that Police corruption had worsened, and they remained the most corrupt public institution.²⁰⁷

The Bill on Small Arms has not yet been passed, but a National Commission on Small Arms and Light Weapons was established in 2007 to advise government on such issues; and it

¹⁹⁷ As above.

¹⁹⁸ As above.

¹⁹⁹ Fourth Bi-Annual Progress Report (n 190) 14.

²⁰⁰ Republic of Ghana, National African Peer Review Mechanism Governing Council (NAPRM-GC) ‘Progress in Implementing the National Programme of Action. Second Bi-Annual Progress Report for the Period January - June 2007’ June 2007, at 5.

²⁰¹ FD Boateng ‘Trust in The Police: Analysis of Urban Cities in Ghana’ Dissertation, Washington State University, Department of Criminal Justice and Criminology, May 2015 at 134.

²⁰² DGA Report 2015 (n 160).

²⁰³ DGA Report 2015 (n 160) 123.

²⁰⁴ DGA Report 2012 (n 159) iii and DGA Report 2015 (n 160) 3.

²⁰⁵ Second Annual Progress Report (n 165) 30.

²⁰⁶ International Growth Centre ‘Higher Salaries Worsened Police Corruption in Ghana, According to IGC-Funded Research’ <https://www.theigc.org/news-item/higher-salaries-worsened-police-corruption-in-ghana-according-to-igc-funded-research/> (accessed 10 October 2021).

²⁰⁷ As above.

has recently been organising a series of consultations and working sessions with CSOs²⁰⁸ towards the institution of a domestic law in this area.

Ghana has ratified the ECOWAS Convention on Small Arms (in 2010),²⁰⁹ and other relevant instruments like the UN Arms Trade Treaty (in 2015),²¹⁰ and is a party to the Bamako Declaration on an African Common Position on the illicit proliferation, circulation and trafficking of Small Arms and Light Weapons.²¹¹

3.2.3 Enhancing constitutional democracy

The recommendations under these heads were mostly centered on improving the process and structure of decentralisation.²¹² These included improving voter registration processes under the law, improving government funding for public education on voter rights, adopting a specified framework for improving female political representation through established quotas, and the need to ‘[l]ift the ban on political party activity in decentralized systems’.²¹³

To this effect, a National Identification Authority (NIA) was set up and became fully operational in 2006, and has since 2011 been issuing instant new generation identification (ID) cards to both citizens and non-citizens.²¹⁴ Its workings have assisted in creating a reliable voters identification register²¹⁵ and also provided a database of information relevant to facilitate election processes and other national development projects.²¹⁶ The National Commission for

²⁰⁸ National Commission on Small Arms and Light Weapons ‘Small Arms Commission Organizes Capacity Building Workshop for Civil Society Organisations’ Jan 2021 <https://www.smallarmscommission.gov.gh/small-arms-commission-organizes-capacity-building-for-civil-society-organizations/> (accessed 19 September 2021).

²⁰⁹ Joy Online ‘Ghana Ratifies ECOWAS Convention on Small Arms’ 6 March 2010 <https://www.myjoyonline.com/ghana-ratifies-ecowas-convention-on-small-arms/> (accessed 13 September 2021).

²¹⁰ Arms Trade Treaty (ATT) ‘States Parties to the ATT (in Alphabetical Order)’ Status as of 7 August 2020 [https://thearmstradetreaty.org/hyper-images/file/List%20of%20ATT%20States%20Parties%20\(alphabetical%20order\)\(07%20August%202020\)/List%20of%20ATT%20States%20Parties%20\(alphabetical%20order\)\(07%20August%202020\).pdf](https://thearmstradetreaty.org/hyper-images/file/List%20of%20ATT%20States%20Parties%20(alphabetical%20order)(07%20August%202020)/List%20of%20ATT%20States%20Parties%20(alphabetical%20order)(07%20August%202020).pdf) (accessed 19 September 2021).

²¹¹ National Commission on Small Arms and Light Weapons (n 208).

²¹² Ghana’s APRM Report (n 10) 24, para 42.

²¹³ As above.

²¹⁴ National Identification Authority <https://nia.gov.gh/our-history/> Ghana (accessed 13 September 2021).

²¹⁵ First Bi-Annual Progress Report (n 183) 16, para 3.2.2.

²¹⁶ National Identification Authority (n 214).

Civic Education (NCCE) saw a budget increase²¹⁷ (although this continues to fluctuate),²¹⁸ and like the EC²¹⁹ regular campaigns and programmes are often conducted on issues like participation in governance, peace and conflict prevention.²²⁰ Ghana also instituted the Presidential (Transition) Act (Act 845) in 2012 providing guidelines for power transition and issues related to regime change.²²¹ Aside the few structural and administrative challenges that have affected efficient implementation of the Act, it has nevertheless significantly improved the process of regime change over the years, especially as regards power moving from one political party to another.²²²

On female representation in public leadership, a number of key government positions such as the Office of Chief Justice, and the Minister of Justice and Attorney General, have at different periods been occupied by women.²²³ However, the 40percent quota of female representation in government has not yet been instituted. The Affirmative Action (AA) Bill which is expected to bring about the realization of the quota allocation and enhance female participation in public space, has since 2011 been brought before Parliament but has still never been endorsed, despite promises made by successive governments to grant effect to the Bill.²²⁴ CSOs working on democracy and governance such as the Institute for Democratic Governance (IDEG) have relentlessly continued the pursuit for Parliamentary adoption of the AA Bill.

Although Ghana is a multi-party state, politics is currently dominated by two parties: the NPP and the NDC, both of which have less than 60 female parliamentarians out of a total of

²¹⁷ First Bi-Annual Report (n 183) 24.

²¹⁸ E Arhinful 'Increase NCCE's Budget to Boost Education on COVID-19 Vaccine - Ablakwa' 14 March 2021, Citi News Room (CNR) <https://citinewsroom.com/2021/03/increase-ncces-budget-to-boost-education-on-covid-19-vaccine-ablakwa/> (accessed 20 September 2021).

²¹⁹ First Bi-Annual Report (n 183) 16, para 3.2.3.

²²⁰ National Commission for Civic Education <https://www.nccegh.org/news> Ghana (accessed 13 September 2021).

²²¹ Fourth Bi-Annual Progress Report (n 190) 14.

²²² J Asante 'Assessment of Ghana's Presidential (Transition) Act, 2012 (Act 845): A Case Study of the 2016 Presidential Transition' September 2019, Korea Development Institute, DOI: 10.13140/RG.2.2.35435.69920.

²²³ Fourth Bi-Annual Progress Report (n 190) 15.

²²⁴ K Skinner 'International Women's Day: What is Happening with Affirmative Action in Ghana?' 6 March 2020 <http://democracyin africa.org/international-womens-day-happening-affirmative-action-ghana/> (accessed 7 October 2021).

about 275.²²⁵ The number of ministries and ministers was earlier reduced from 27 to 24 and from 88 to 75 respectively in 2008.²²⁶ However the figures have continually fluctuated over the years. At the start of President Akufo-Addo's second mandate in 2021, he announced that the number of ministries will reduce from 38 to 26, and the number of ministers from 126 to 85, explaining that the ministries which had been dissolved were 'special-purpose' ministries which had now fulfilled their mandate.²²⁷

Concerning issues of decentralisation, the Local Government Service has been enhanced, with the creation of decentralised units to support and facilitate governance processes within the regional levels.²²⁸ This has included the decentralisation of voter registries, birth and death registries,²²⁹ and other government functions and fiscal engagements.²³⁰ In December 2018, the number of regions across the country was also increased from 10 to 16, with the intention of enhancing decentralization and resource allocation. Many Ghanaians have however criticized the idea as a 'misplaced priority', and that such a move in no way serves to reduce 'rural poverty', in the same way that the 2008 addition of Districts from 110 to 170 and then to 216 has failed to attain this objective.²³¹

Certain aspects of local governance participation have remained an issue. Political parties are still only allowed to contest in national elections and not within decentralized or local government units. There remains a clamor from CSOs to amend the Constitutional provision prescribing that political parties cannot take part in local governance elections (Article

²²⁵ The Nordic African Institute (NAI) 'Women's Political Representation and Affirmative Action in Ghana' NAI Policy Note No 1:2019 at 3 <http://nai.diva-portal.org/smash/get/diva2:1284607/FULLTEXT01.pdf>.

²²⁶ Fourth Bi-Annual Progress Report (n 190) 15.

²²⁷ Xinhua 'Ghanaian President to Scrap 8 Ministries, 41 Ministerial Positions' 22 January 2021 http://www.xinhuanet.com/english/2021-01/22/c_139687918.htm (accessed 19 September 2021); and My Health Basics (MHB) 'List of Current Ministers in Ghana' 2021 <https://myhealthbasics.site/list-of-current-ministers-in-ghana/> (accessed 13 September 2021).

²²⁸ Fourth Bi-Annual Progress Report (n 190)19; and Local Government Service - Ghana <https://lgs.gov.gh/index.php/about-us/> (accessed 13 September 2021).

²²⁹ Second Annual Progress Report (n 165) 154.

²³⁰ Third Bi-Annual Progress Report (n 187) 18.

²³¹ RE Gyampo 'Creating New Regions in Ghana: Populist or Rational Pathway to Development?' October 2018, 15:2 *Ghana Journal of Development Studies (GJDS)* at 2.

53(3)).²³² The struggle has been the same with regards to Article 243(1) which consequently gives the President full powers to appoint the local government leaders (Metropolitan, Municipal and District Chief Executives (MMDCEs)).²³³ The provisions of Article 53(3) have resulted in stiff control by the Executive over the local government and have greatly limited the flow of financial resources from the central government to the local constituencies.²³⁴

3.2.4 Promotion and protection of human rights

From the APRM, the government of Ghana was asked to speedily enact the Access to Information Bill in order to foster the freedoms of expression and the right to information.²³⁵ Labour matters were to be transferred from CHRAJ to a special tribunal to be set up as soon as possible.²³⁶ There was also the requirement to enhance the effectiveness of CHRAJ and other government institutions in guaranteeing citizen rights; adopt and enforce a policy for guaranteeing free and compulsory basic education; facilitate police and security service reforms; as well as Publish the report of the National Reconciliation Commission (NRC).²³⁷

Following the recommendations, a number of changes were made with regards to CHRAJ. The mandate to handle labour matters was moved from CHRAJ to the National Labour Commission which was created in 2006, resulting in a significant drop in the number of cases brought before CHRAJ.²³⁸

CHRAJ however still cannot directly prosecute offenders, despite the Constitutional provision giving it the mandate to 'issue subpoenas and enforce them through prosecution of non-compliers'.²³⁹ It continually refers matters to the Attorney General's Office.²⁴⁰ In 2013, the

²³² ER Aikens 'Reforming Local Governance System' 4 September 2021, Daily Graphic, Ghana <https://www.graphic.com.gh/news/politics/reforming-local-governance-system.html> (accessed 19 September 2021).

²³³ As above.

²³⁴ As above.

²³⁵ Ghana's APRM Report (n 10) 27, para 54.

²³⁶ As above.

²³⁷ As above. The NRC was established in 2002 by President Kufuor's administration to investigate the gross human rights violations committed under Ghana's previous governments; yet its findings had not been published.

²³⁸ First Bi-Annual Report (n 183) 6 & 16.

²³⁹ Constitution of the Republic of Ghana, Article 219.

Deputy Commissioner of CHRAJ (Richard Quayson) indicated that giving CHRAJ a mandate to prosecute ‘could lead to abuse’ of power, ‘since there is the natural tendency that ...[CHRAJ] may want to secure conviction and as such the individual who appears before ...[it] may not get a fair hearing.’²⁴¹ He said such a mandate could be valid for the Commission only when the position of Attorney General has been separated from Minister of Justice; and in this way, the existence of ‘an independent prosecutor’ for the Commission would be guaranteed.²⁴² The merging of both attorney general and minister of justice has been said to generally compromise the courts’ independence in prosecuting ‘high-profile cases’ as has been seen in the allegations of former ministers of the NDC party.²⁴³

Over the years, there has been increased funding for the judiciary especially from development partners, but the key challenge remains the effective management of these funds.²⁴⁴ A number of new courts have since been added and others refurbished.²⁴⁵ The Alternative Dispute Resolution Act 2010 includes ‘customary arbitration as an ADR method’,²⁴⁶ thus creating a wider space for citizens to access justice. Automated court systems have been created, and ‘a new Commercial Division of the High Court’ established in 2005 consisting of a system of ‘pre-trial settlement conferencing’ which have all helped speed up judicial processes.²⁴⁷ The challenge however is the fact that the Commercial Division is now being stifled by cramped up procedures for litigants.²⁴⁸

There has been increased skill training for judicial personnel including magistrates, especially through activities organized by the Judicial Training Institute,²⁴⁹ given that Judicial

²⁴⁰ Second Bi-Annual Report (n 200) 6.

²⁴¹ Modern Ghana ‘Prosecuting Powers for CHRAJ is Premature – Dep. Commissioner’ 29 October 2013 Daily Guide, General News <https://www.modernghana.com/news/499575/prosecuting-powers-for-chraj-is-premature-dep.html> (accessed 14 September 2021).

²⁴² As above.

²⁴³ Appiagyei-Atua (n 172) 7.

²⁴⁴ Appiagyei-Atua (n 172) 14.

²⁴⁵ Second Bi-Annual Report (n 200) 6.

²⁴⁶ BM Koblavie & CY Nyinevi ‘A review of the legislative reform of customary arbitration in Ghana’ 17 April 2020, 45:4 *Commonwealth Law Bulletin* 587 – 607, DOI: [10.1080/03050718.2020.1747511](https://doi.org/10.1080/03050718.2020.1747511).

²⁴⁷ Appiagyei-Atua (n 172) 8.

²⁴⁸ As above.

²⁴⁹ Judicial Training Institute (JTI), Ghana <https://jitighana.org/trainings/programmes/> (accessed 20 September 2021).

officers are often not very versed with international human rights prescriptions.²⁵⁰ Poor or slow domestication of international human rights laws have been noted to hinder the courts' ability to build domestic jurisprudence around new international standards.²⁵¹

Community Mediation Centres (CMCs) were also created across the country to reduce the burden of cases on traditional courts and therefore expedite the course of justice.²⁵² Courts have in fact been encouraged to make case referrals to the CMCs, to reduce the backlog of cases.²⁵³ These Centres today assist in bringing justice to the local communities, particularly in addressing issues relating to traditional and/or family disputes.²⁵⁴ The main challenge however has been said to come from a lack of stakeholder support in the activities of these Centres, as well as a lack of population awareness which limits the extent of the impact which could be created.²⁵⁵

Concerning the NRC report, Ghana's 2006 Bi-Annual Report indicated that it was in the process of having the NRC report published and translated into five prominent local languages.²⁵⁶ In 2005 the government had issued a White Paper approving some of the recommendations of the NRC, particularly those touching on reformatations in the army, police and prisons.²⁵⁷ Yet, as of the date of this research there has been no evidence of the report being made public.

Some specific recommendations were also given with regards to the rights of women, children and other vulnerable groups. On women's rights, the government was required to adopt measures to ratify the Protocol to the African Charter on Human and Peoples' Rights on

²⁵⁰ Appiagyei-Atua (n 172) 5.

²⁵¹ Appiagyei-Atua (n 172) 17.

²⁵² Third Bi-Annual Progress Report (n 187) 18.

²⁵³ Ghana web 'Community Mediation Centres Launched' 8 August 2007 <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Community-Mediation-Centres-launched-128662> (accessed 14 September 2021).

²⁵⁴ ADR Daily 'Community Mediation Saves Families in Tema' 12 February 2018 <https://adrdaily.com/community-mediation-saves-families-tema/> (accessed 19 September 2021).

²⁵⁵ As above.

²⁵⁶ First Bi-Annual Report (n 183) 26.

²⁵⁷ Ghana Web 'Government Issues White Paper on NRC Report' 23 April 2005, General News of Saturday <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Govt-Issues-White-Paper-On-NRC-Report-79926> (accessed 19 September 2021).

the Rights of Women in Africa (Maputo Protocol) within a specified time-frame; as well as domesticate the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).²⁵⁸ It also had to reinforce steps to lawfully punish women’s rights offenders; quickly enact the Domestic Violence Bill; and increase funding for government institutions working on women’s rights, including the Ministry of Women and Children’s Affairs (MWCA).²⁵⁹

In this light, Ghana ratified the Maputo Protocol in 2007.²⁶⁰ Article 69A of the Criminal Code (Amendment Act) was enacted in 2007, specifically proscribing the act of female genital mutilation (FGM) and raising the punishment from a minimum of three years imprisonment to at least five to 10 years.²⁶¹

The Women and Juvenile Unit (WAJU) of the Police was also changed to the Domestic Violence and Victims Support Unit [DOVVSU] in 2005 in order to make it more inclusive towards other members of society.²⁶² This was followed by an increase in the number of its district offices.²⁶³

The Domestic Violence Act was adopted and instituted in 2007, encompassing punishment for acts or threats that result in emotional, physical, psychological, sexual, economic and domestic violence.²⁶⁴

On Children’s rights, Ghana was expected to adopt a time-frame within which to ratify the relevant United Nations (UN) human rights instruments touching on Children’s rights.²⁶⁵ It

²⁵⁸ Ghana’s APRM Report (n 10) 38, para 96.

²⁵⁹ As above.

²⁶⁰ African Union ‘List of Countries Which Have Signed, Ratified/Accessed to the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa’ 16 October 2019 <https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLE%27S%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20WOMEN%20IN%20AFRICA.pdf> (accessed 21 September 2021).

²⁶¹ UN Women ‘Criminal Code Amendment Act (FGM)’ Global Database on Violence Against Women <https://evaw-global-database.unwomen.org/fr/countries/africa/ghana/2003/criminal-code-amendment-act-fgm> (accessed 14 September 2021).

²⁶² Ghana Police Service ‘Domestic Violence and Victims Support Unit (DOVVSU)’ <https://police.gov.gh/en/index.php/domestic-violence-victims-support-unit-dovvsu/> (accessed 14 September 2021).

²⁶³ Second Annual Progress Report (n 165)156.

²⁶⁴ Domestic Violence Act, 2007 (Act 732), Section 1.

was also expected to revise the Ghanaian Children’s Act to reflect international standards; make the Ghana National Commission on Children (GNCC) an independent government institution separate from the MWCA; and mandate the MWCA to work on a policy framework for youth representation in parliament.²⁶⁶

The GNCC under the MWCA was not changed to an independent ministry as recommended, but was simply transformed in 2006 into a ‘decentralised’ Department of Children under the MWCA.²⁶⁷ The name of the MWCA was then changed to the Ministry of Gender, Children and Social Protection (MoGCSP).²⁶⁸ This Ministry has continually partnered with other women and children’s rights groups to provide trainings, legal aid, and other forms of assistance to women and children.²⁶⁹

The 1998 Ghanaian Children’s Act was amended in 2016, making extra provisions primarily in relation to issues like foster care and adoption.²⁷⁰ This amendment has significantly improved the process of ‘foster care and adoption... in Ghana.’²⁷¹ A National Education Reform Program (NERP) was adopted in 2007 prescribing a target of attaining universal basic education by 2015, and also requiring ‘that by 2020, all junior secondary school graduates will be exposed to senior second cycle education or training’.²⁷² In 2017, the overall percentage of basic education enrolment stood around 84%, while secondary education enrolment rates move up from about 57percent in 2012 to about 73percent in 2017.²⁷³ Still in 2017, secondary education

²⁶⁵ Ghana’s APRM Review(n 10) 40, para 105.

²⁶⁶ As above.

²⁶⁷ Second Annual Progress Report (n 165) 167.

²⁶⁸ Ghana NGO Coalition on the Rights of the Child (GNCRC) ‘Convention on the Rights of Children (CRC) Report to UN Committee on the Rights of the Child’ 2014. https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GHA/INT_CRC_NGO_GHA_17939_E.pdf at 16.

²⁶⁹ Second Annual Progress Report (n 165) 33; and Republic of Ghana, Ministry of Gender, Children and Social Protection <https://www.mogcsp.gov.gh/media/news/> (accessed 14 September 2021).

²⁷⁰ Ghana “Status of Implementation on the General Assembly Resolution Entitled ‘Follow up to the Twentieth Anniversary of the International Year of the Family’” United Nations Department of Economic and Social Affairs , August 2020, at 4 <https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2020/08/Ghana.pdf>.

²⁷¹ As above.

²⁷² Right to Education Project ‘Right to Education Country Factsheet: Ghana’ February 2012, at 6.

²⁷³ World Education News & Reviews ‘Education System Profiles: Education in Ghana’ 16 April 2019 <https://wenr.wes.org/2019/04/education-in-ghana> (accessed 19 September 2021).

was also made free for all in public schools, with an overall adjustment of the school calendar, school day and teaching hours.²⁷⁴

On the requirement to ratify more treaties touching on children's rights, Ghana has become party to some UN treaties including: the 2011 Optional Protocol to the Convention on the Rights of the Child (CRC) on a Communication Procedure (ratified in 2013);²⁷⁵ and the 2003 CRC Optional Protocol on the Involvement of Children in Armed Conflicts (ratified in 2014).²⁷⁶ Ghana also passed the Human Trafficking Act (Act 694) in 2005, and amended it in 2009 (Act 784). Over 74percent of respondents during the DGA in 2015 indicated that child trafficking was less of an issue in their communities, with about a 75percent satisfaction towards government response to child trafficking issues (mostly from women and rural residents).²⁷⁷ Challenges were said to have come more from the incidence of teenage pregnancy.²⁷⁸ A larger percent of the respondents were generally satisfied or somewhat satisfied with local government efforts to address issues affecting children, such as child prostitution, trafficking and child labour.²⁷⁹ However, more recent reports have revealed that child trafficking and child labour have been on the rise, especially in fishing communities in Ghana.²⁸⁰ Ghana does not 'meet the minimum standard for the elimination of trafficking', but government efforts to address these issues, including issues of forced labour and sex trafficking of women, are now gradually being

²⁷⁴ R Winthrop 'Ghana's Leapfrog Experiment: Free Senior Secondary School for all Youth' 14 July 2020, Education Plus Development, Brookings <https://www.brookings.edu/blog/education-plus-development/2020/07/14/ghanas-leapfrog-experiment-free-senior-secondary-school-for-all-youth/> (accessed 19 September 2021).

²⁷⁵ African Child Policy Forum (ACPF) 'Status of Ratification of CRC and Optional Protocols' Child Law Resources http://www.africanchildforum.org/clr/Status%20Table/CRC_and_Optional_Protocols.html (accessed 19 September 2021).

²⁷⁶ United Nations Human Rights Office of the High Commissioner (UNHCR) <https://indicators.ohchr.org/> (accessed 19 September 2021).

²⁷⁷ DGA Report 2015 (n 160) 135 & 139.

²⁷⁸ DGA Report 2015 (n 160) 146.

²⁷⁹ DGA Report 2015 (n 160).

²⁸⁰ Africa News 'Child trafficking and Child Labour on the Rise in Ghana' 13 June 2019 <https://www.africanews.com/2019/06/13/child-trafficking-and-child-labour-on-the-rise-in-ghana/> (accessed 10 October 2021).

enhanced compared to just a few years ago (that is 2018).²⁸¹ The poor attention to these issues most probably accounts for the increased number of cases which have arisen over the years.

On youth participation in Parliament, there has been an increased representation, particularly following the election of about 44 youth parliamentarians (between the ages of 21 – 40years) in 2012.²⁸² Over 28percent of Ghana’s Parliament today is made of youths, as opposed to just over 14percent of women.²⁸³ Unfortunately, the critique has been that, this increased youth membership has not necessarily guaranteed effective representation, but has rather resulted more in ‘tokenism, exclusivity and co-optation of youth [by political party members] into decision-making structures of state.’²⁸⁴

The recommendations on the rights of vulnerable groups prescribed continuous support on refugee rights from the international community, while the government of Ghana was asked to revitalise its capacities to address issues affecting the rights of internally displaced persons (IDPs).²⁸⁵

In the light of the above, the Persons with Disability Act was passed in 2006 to specifically cater for the rights of this group, aside the provisions in other domestic legislations which sporadically touch on the rights of persons with disability.²⁸⁶ The UN Convention on the Rights of Persons with Disabilities was subsequently ratified in 2012.²⁸⁷ In the last DGA, a higher percentage of persons with disability felt they could easily access ‘some or all’ public facilities.²⁸⁸

²⁸¹ United States Department of State ‘2020 Trafficking in Persons Report: Ghana’ 2020 <https://www.state.gov/reports/2020-trafficking-in-persons-report/ghana/>.

²⁸² RE Gyampo ‘Youth in Parliament and Youth Representation in Ghana’ 2015, 50:1 *Journal of Asian and African Studies* <https://doi.org/10.1177%2F0021909613511941>

²⁸³ Inter-Parliamentary Union ‘Ghana’ <https://www.ipu.org/parliament/GH> (accessed 20 September 2021).

²⁸⁴ Gyampo (n 282).

²⁸⁵ Ghana’s APRM Report (n 10) 42, para 111.

²⁸⁶ J Ocran ‘Exposing the protected: Ghana’s disability laws and the rights of disabled people’ 2019, 34:4 *Disability & Society*, 663-668, DOI: [10.1080/09687599.2018.1556491](https://doi.org/10.1080/09687599.2018.1556491) at 2.

²⁸⁷ Human Rights Watch ‘Ghana: Disability Rights Convention Ratified’ 22 August 2012 <https://www.hrw.org/news/2012/08/22/ghana-disability-rights-convention-ratified> (accessed 20 September 2021).

²⁸⁸ DGA Report 2015 (n 160) 93 - 96.

Regarding IDPs, the number has fluctuated over the years, but 2020 World Bank statistics revealed that the number of ‘newly’ displaced persons in Ghana had reduced compared to previous years, from 2008.²⁸⁹

3.2.5 Separation of powers

To curtail Presidential powers, the APRM specifically recommended that the power of the President to create ministries should be subject to parliamentary approval, and that Parliamentary committees be adequately capacitated to act as Executive oversight as required under the Constitution.²⁹⁰ The government was also required to ‘[r]eview the desirability of the Ministry of Parliamentary Affairs’ created by the President, given that such a structure compromised the separation of the Legislature from the Executive.²⁹¹ Other recommendations included the need to enforce a plan for regional and gender balance in the Parliament and ministerial cabinet; adopt a strategy to improve remunerations and working conditions for Members of Parliament (MPs); reinforce the effectiveness of the judiciary by increasing the number of Appeal Courts in Tamale and Kumasi; and dissipate the number of cases especially in the ‘High Courts and regional tribunals with a ‘self-regulating mechanism to reduce by half the backlog each year for the next three years’.²⁹²

Ghana’s Constitution grants Parliament the power to make laws and act as Executive oversight.²⁹³ Yet the Constitutional Review Commission has noted that Parliament’s oversight

²⁸⁹ Trading Economics ‘Ghana – Internally Displaced Persons, New Displacement Associated with Disasters (Number of Cases)’ October 2021 [https://tradingeconomics.com/ghana/internally-displaced-persons-new-displacement-associated-with-disasters-number-of-cases-wb-data.html#:~:text=number%20of%20Cases\)-,Internally%20displaced%20persons%2C%20new%20displacement%20associated%20with%20disasters%20\(number%20of,compiled%20from%20officially%20recognized%20sources](https://tradingeconomics.com/ghana/internally-displaced-persons-new-displacement-associated-with-disasters-number-of-cases-wb-data.html#:~:text=number%20of%20Cases)-,Internally%20displaced%20persons%2C%20new%20displacement%20associated%20with%20disasters%20(number%20of,compiled%20from%20officially%20recognized%20sources). (accessed 10 October 2021).

²⁹⁰ Ghana’s APRM Report (n 10) 30, para 64.

²⁹¹ As above.

²⁹² As above.

²⁹³ Constitution of the Republic of Ghana: Articles 93 & 103; and Ernest Darfour ‘The Parliament of Ghana: A countervailing force in the governance process?’ at 3 https://www.psa.ac.uk/sites/default/files/Ghana%20-%20Overview_EDarfour.pdf.

capacity is often limited, and it still mostly lacks the relevant autonomy, independence and capacity to effectively function.²⁹⁴

Article 78(1) of the Constitution prescribes Parliamentary approval in the creation of ministries by the President. Yet subsection (2) grants the President the powers to appoint as many ministers as he deems fit. The purport of subsection (2) has continually been exercised by successive Presidents as an undiluted prerogative in the establishment and appointment of ministers and ministries.²⁹⁵ The 1993 Civil Service Act also still prescribes the creation of Ministries and Departments ‘as the President may determine’.²⁹⁶

In the same vein, Article 78(1) of the Constitution grants powers to the President to select more than half of his ministerial cabinet from the Parliament (a situation similar to countries like Bangladesh,²⁹⁷ Australia, France and Sri Lanka).²⁹⁸ Most politicians in Ghana however see this opportunity as a stepping stone to becoming Ministers; and where they are part of the ruling party, they mostly hesitate to strongly criticizing the government, given their interest and likelihood of being appointed to a ministerial position.²⁹⁹ Related to this, Article 108 of the Constitution forbids Parliament from addressing any Bill touching on public finance or taxation, unless such a Bill is issued by or on behalf of the President. The provisions of Article 78(1) and Article 108 have been said to constitute key drawbacks to efficient Executive oversight by Parliament.³⁰⁰ Parliamentary budget is still not detached from the Executive, but is continually issued through the Ministry of Finance subject to Cabinet approval.³⁰¹ This has constantly resulted in the slashing of budget allocations for the Parliament and Judiciary, by the

²⁹⁴ J Srem-Sai ‘Parliamentary Oversight in Ghana - A Brief Overview’ August 2014, Friedrich Ebert Stiftung, Parliamentary Briefing Paper <https://library.fes.de/pdf-files/bueros/ghana/11299.pdf> at 4.

²⁹⁵ JRA Ayee ‘Some Thoughts on Ministerial Reshuffles in Ghana’ May 2008, Ghana Academy of Arts and Sciences (GAAS) Inaugural Lecture Delivered at the British Council, Accra, at 21 <https://library.fes.de/pdf-files/bueros/ghana/10483.pdf>.

²⁹⁶ Civil Service Act (PNDCL 327), Section 11(1)

²⁹⁷ E Bulmer ‘Should Ministers be Members of the Legislature?’ September 2019, Constitution Brief, Institute for Democracy and Electoral Assistance (IDEA), at 8 <https://www.idea.int/sites/default/files/publications/should-ministers-be-members-of-the-legislature.pdf>.

²⁹⁸ Srem-Sai (n 294) 4.

²⁹⁹ As above.

³⁰⁰ Darfour (n 293) 5.

³⁰¹ Srem-Sai (n 294) 4.

Executive.³⁰² In March 2021, the Speaker of Parliament threatened to reject the 2021 budget from the Ministry of Finance if there were no adjustments to the huge deductions which had been made to the budgetary allocations of the Parliament and Judiciary.³⁰³

The number of private member bills in Parliament has also been increased,³⁰⁴ and the number of MPs appointed to ministerial positions was since reduced by the year 2007.³⁰⁵ Such reduction was most likely linked to the reduction in the number of Ministries under the administration at the time, given that ministerial positions have continually fluctuated over the years, and there has been no amendment to Article 78(1) prescribing half the number of ministers to be selected from Parliament.

The Fourth Bi-Annual Progress report in 2009 indicated that the Ministry of Presidential Affairs had been abolished.³⁰⁶ However, the APRM review had requested an abolition of the Ministry of Parliamentary Affairs ‘as it tends to blur the lines between the Legislature and the Executive arms of government’.³⁰⁷ Yet, this Ministry still exists, under Section 11 of the Parliamentary Service Act (Act 460), and in fact currently assists in determining state budgets.³⁰⁸

Ghana’s 2007 Second Bi-Annual Report revealed that it has been particularly difficult to reach a consensus on ‘reviewing the constitutional power relations’ between the Executive and the Parliament.³⁰⁹ Parliamentary committees have however since been created to assist in

³⁰² Ghana Web ‘Executive Always Denying Parliament Fair Share of Budget Cake – Minority’ 19 March 2021, General News of Friday <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Executive-always-denying-Parliament-fair-share-of-budget-cake-Minority-1209043> (accessed 8 October 2021).

³⁰³ Ghana Web ‘Bagbin Threatens to Reject Akufo-Addo’s 2021 Budget’ 16 March 2021, Politics of Tuesday <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Bagbin-threatens-to-reject-Akufo-Addo-s-2021-budget-1206358> (accessed 8 October 2021).

³⁰⁴ Ghana’s APRM Report (n 10) 155.

³⁰⁵ First Bi-Annual Progress Report (n 183) 17 & 25.

³⁰⁶ Fourth Bi-Annual Progress Report (n 190) 8.

³⁰⁷ Ghana’s APRM Report (n 10) 30 para 64.

³⁰⁸ Ministry of Finance, Republic of Ghana ‘Ministry of Finance to Present 2021 Annual Budget to Parliament’ Press Release <https://www.mofep.gov.gh/press-release/2021-03-11/ministry-of-finance-to-present-2021-annual-budget-to-parliament> (accessed 20 September 2021).

³⁰⁹ Second Bi-Annual (n 200) 24.

oversight and the passing of private member bills.³¹⁰ Capacity development trainings are also often conducted for MPs.³¹¹

Although the current Ghanaian administration has seen a steady rise in female cabinet representation, several challenges continue to ‘work against more women in the cabinet’, particularly ‘the formal and informal rules governing the selection of cabinet ministers’ such as those ‘related to regional balance and’ the appointment of MPs as ministers.³¹²

3.2.6 Accountability

Aside the recurrent gender concerns, recommendations included the need to adopt measures to enhance public service efficiency; ease the monitoring and reporting of the conduct of public officials by adopting a code of conduct and a policy document prescribing the ‘declaration of assets and liabilities’ by public officials.³¹³

Client Service Units (CSUs) were instituted in 2006 through a newly created Ministry of Public Sector Reform (MPSR) which was to be positioned in all Ministries and key government Agencies.³¹⁴ CSUs were mandated to standardise public service delivery, receive and address citizen complaints about service delivery as well as educate the public on the functioning of the Ministries, Departments and other Agencies (MDAs).³¹⁵ In just over a year of their existence, the CSUs were already reported to have improved the workings of institutions such as the Ghana Passport Office, the Lands Commission, among others.³¹⁶ A Charter Handbook was created by the MPSR as a reference source for public institutions to develop internal citizen or

³¹⁰ R Draman ‘Parliamentary Oversight and Corruption in Ghana’ 2017, African Centre for Parliamentary Affairs (ACEPA), Accra, Ghana <https://ace.globalintegrity.org/wp-content/uploads/2019/09/2017-Session-2A-Draman.pdf> at 6 - 8.

³¹¹ Second Annual Progress Report (n 165) 39.

³¹² G Bauer & AK Darkwah ‘“The President's Prerogative”? The Cabinet Appointment Process in Ghana and the Implications for Gender Parity’ 20 April 2021, 1-28, *Politics and Gender* Cambridge University Press DOI: <https://doi.org/10.1017/S1743923X21000088>.

³¹³ Ghana’s APRM Report(n 10) 32, para 71.

³¹⁴ Second Bi-Annual Progress Report (n 200) 7; and Gideon Sackitey ‘Client Service Units, Changing the face of Public Service’ 5 July 2006, Ghana Web <https://www.ghanaweb.com/GhanaHomePage/features/Client-Service-Units-Changing-The-face-of-Public-Service-106874> (accessed 16 September 2021).

³¹⁵ Sackitey (n 314).

³¹⁶ As above.

service working policies.³¹⁷ The 2015 DGA Report revealed that more Ghanaians seemed to appreciate the level of service delivery from public officers within the various District Assemblies surveyed.³¹⁸

Ghana already had a Public Office Holders (Declaration of Assets and Disqualification) Act of 1998 (Act 550). Article 286 of the Constitution also prescribes a declaration of assets by a particular class of civil servants holding key government positions such as the President, parliamentarians, ministers, diplomats, etc. But despite this, it has for so long been difficult for Ghana's Audit Service to 'verify the authenticity of the information provided in the [asset] declaration forms'.³¹⁹ A recent move in about the last three years has been to upload the information provided by public servants into a consolidated electronic data base system to conduct relevant verifications.³²⁰

3.2.7 Participation

Recommendations included enhancing government and CSO relations; sustaining 'the training of professional investigative journalism', and promoting democracy and accountability within CSOs and other local organisations.³²¹

From Ghana's Second Progress Reports in 2007, it was reported 'that there ha[d] been an improvement in citizens' participation in public policy debates' particularly through media programmes and other initiatives introduced by Ministers and District Chief Executives (DCEs).³²² Yet the challenge was an absence of a 'structured and formalized arrangement... to foster partnership and participation of civil society, traditional institutions and the private sector in local governance.'³²³

³¹⁷ Third Bi-Annual Progress Report (n 187) 19.

³¹⁸ DGA Report 2015 (n 160) 78.

³¹⁹ Ghana Web 'Audit Service to fact-check declared assets, liabilities of public officers' 4 January 2020, General News of Saturday <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Audit-Service-to-fact-check-declared-assets-liabilities-of-public-officers-828955> (accessed 16 September 2021).

³²⁰ As above.

³²¹ Ghana's APRM Report (n 10) 32, para 74.

³²² Second Bi-Annual Progress Report (n 200) 25.

³²³ Second Annual Progress Report (n 165) 42.

In 2019, the Right to Information (RTI) Act was passed after almost a year of contemplation in Parliament.³²⁴ This Bill had long been proposed by the IEA in 1999, and though it had been reviewed three times, it only first came before the Parliament in 2010, and then later in 2018.³²⁵ Many have however criticized the RTI for its restriction of access to information regarding some key government institutions including the Presidency.³²⁶

In the light of investigative journalism, some organisations like the United Nations Economic, Scientific and Cultural Organisation (UNESCO) have been providing local trainings, such as a recent one organised in February 2020.³²⁷

CSOs are particularly influential in orchestrating change in law and policy, and have particularly been instrumental in pushing for the adoption of the Disability Act and the Domestic Violence Act.³²⁸ The key challenge faced by Ghanaian CSOs in effectively supporting processes of governance and development remain the lack of adequate skills and material resources.³²⁹ From the last DGA, records showed that more Ghanaians (mostly men) participate in District Assembly meetings as a means of contributing to local decision making.³³⁰

3.2.8 Fighting Corruption

The government was recommended to adopt a ‘comprehensive legislation against corruption’; establish an autonomous government institution exclusively mandated to address issues of

³²⁴ ARA Shaban ‘Ghana Parliament Passes Right to Information Law After Long Delays’ 27 March 2019 Africa News <https://www.africanews.com/2019/03/27/ghana-parliament-passes-right-to-information-law-after-long-delays/> (accessed 16 September 2021).

³²⁵ As above.

³²⁶ DW ‘Are Ghanaians Ready to Take Advantage of the New Right to Information Law?’ Africa <https://www.dw.com/en/are-ghanaians-ready-to-take-advantage-of-the-new-right-to-information-law/a-52171600> (accessed 16 September 2021).

³²⁷ United Nations Educational, Scientific and Cultural Organisation (UNESCO) ‘Ghanaian journalists hone skills in investigative reporting and access to information’ 25 February 2021 <https://en.unesco.org/news/ghanaian-journalists-hone-skills-investigative-reporting-and-access-information> (accessed 16 September 2021).

³²⁸ Appiagyei-Atua (n 172) 6.

³²⁹ Affinity Group of National Associations (AGNA) ‘Snapshot of Civil Society in Ghana: Questionnaire to Members of the Affinity Group of National Associations (AGNA)’ June 2015, West Africa Civil Society Institute (WACSI) at 1 http://www.civicus.org/images/Snapshot_of_CS_in_Ghana.pdf.

³³⁰ DGA Report 2015 (n 160) 67.

corruption; Increase funding for public education against corruption; appoint a Board and Executive Director for the SFO; and Pass the Whistle-Blowers' Bill.³³¹

There is still no one single legislation addressing corruption, but some laws have been passed over the years to combat corruption in the public and business spaces.³³² These include the Credit Reporting Act 2007 (Act 726); Electronic Transactions Act (Act 722) 2008; and the Anti-Money Laundering Act 2008 (Act 749 amended in 2014 (Act 874)). Section 239 of Ghana's Criminal Code also defines and punishes corruption by public officials. In 2007 Ghana ratified the AU Convention on Preventing and Combating Corruption³³³ and the UN Convention against Corruption.³³⁴ Ghana's Public Procurement Board developed a Public Procurement Model of Excellence (PPME) to monitor and ensure compliance in public procurement.³³⁵ There is also a Code of Conduct for Public Officers and the Civil Service Act regulating acts of corruption in public space.³³⁶

The SFO has been replaced by the Economic and Organised Crime Office (EOCO) created in 2010, and located under the Office of the Attorney General and Ministry of Justice. It does have a Director and a Board.³³⁷

Most public institutions charged with tracking down acts of corruption in Ghana (such as the EOCO and the Office of the Special Prosecutor (OSP)), continually suffer human and material resource inadequacy; and the CHRAJ still remains a leading anti-corruption

³³¹ Ghana's APRM Report (n 10) 35, para 84.

³³² First Bi-Annual Progress Report (n 183) 6.

³³³ African Union 'List of Countries which have Signed, Ratified/Acceded to the African Union Convention on Preventing and Combating Corruption' 18 June 2020 <https://au.int/sites/default/files/treaties/36382-sl-AFRICAN%20UNION%20CONVENTION%20ON%20PREVENTING%20AND%20COMBATING%20CORRUPTIO N.pdf> (accessed 16 September 2021).

³³⁴ United Nations Office on Drugs and Crimes 'United Nations Convention Against Corruption. Signature and Ratification Status' 11 August 2021 <https://www.unodc.org/unodc/en/corruption/ratification-status.html> (accessed 16 September 2021).

³³⁵ First Bi-Annual Progress Report (n 183) 28.

³³⁶ K Rahman 'Overview of corruption and anticorruption in Ghana' 11 September 2018, U4 Helpdesk Answer 2018:21, Anti-Corruption Resource Centre & Transparency International, at 10.

³³⁷ Graphic Online 'Steve Raymond Dapaa-Addo heads EOCO' July 15 2021, General News <https://www.graphic.com.gh/news/general-news/steve-raymond-dapaa-addo-appointed-eoco-boss.html> (accessed 19 September 2021).

institution.³³⁸ Unfortunately, CHRAJ cannot prosecute offenders, and still suffers an absence of financial independence which has been said to affect its efficiency.³³⁹ The EC is often mired by acts of corruption in its administration, and in 2017, suffered a huge corruption scandal involving fraud, misappropriation and mismanagement of funds among its senior officials.³⁴⁰

As regards educating the public against corruption, government institutions such as the NCCE, and CSOs like the Ghana Anti-Corruption Coalition (GACC), Ghana Center for Democratic Development (CDD) among others, regularly organise anti-corruption sensitisation and education programmes for citizens.³⁴¹

The Whistleblower Act was passed in 2006 (Act 720) providing protection and guarantees for persons ‘who report crime and misconduct in the public interest’.³⁴² Executed under the administration of CHRAJ, the provisions of the Act have been considered one of the most effective of such legislations in Africa, as it meets up with accepted international standards.³⁴³ Some of its weaknesses however include the absence of specification on the type of compensation to be awarded to whistleblowers; the long process involved in obtaining financial loss compensation from the courts; as well as absence of penalties for persons or institutions that fail to cooperate with whistleblowers.³⁴⁴

Many Ghanaians have continually felt that corruption has remained a pertinent issue. In 2014 for example, the reports of investigative journalist Manasseh Azure uncovered scandalous acts of misappropriation of public funds within the Ghana Savannah Accelerated Development Authority (SADA).³⁴⁵ This was followed by another scandal in 2019³⁴⁶ and recent allegations of embezzlement within the same institution (now called the Northern Development Authority

³³⁸ K Rahman (n 336) 11.

³³⁹ As above.

³⁴⁰ K Rahman (n 336) 5-6.

³⁴¹ K Rahman (n 336) 15.

³⁴² PPLAAF ‘Ghana. Relevant Legislation: Whistleblower Act’ 2020 <https://www.pplAAF.org/country/ghana.html> (accessed 16 September 2021).

³⁴³ As above.

³⁴⁴ As above.

³⁴⁵ K Emmanuel ‘Flashback: SADA Scandal Won’t Happen in my Gov’t – Nana-Addo’ 9 January 2020, Pulse <https://www.pulse.com.gh/news/politics/flashback-sada-scandal-wont-happen-in-my-govt-nana-addo/f8bwzfy> (accessed 10 October 2021).

³⁴⁶ As above.

(NDA)) in January 2021.³⁴⁷ In 2015 (the same year the last DGA Report was published demonstrating low levels of public corruption from citizen perspectives), one of Ghana's leading undercover journalists (Anas Ayemeraw Anas) revealed evidence of corruption among 180 personnel of the judiciary, including 34 judges, of whom 12 were High Court judges.³⁴⁸ Lack of adequate oversight and underpayment of the judiciary have 'resulted in high levels of bribery and extortion within the courts'.³⁴⁹ Transparency International's 2019 corruption survey revealed that Ghana's police and the judiciary remained the most corrupt institutions by public perceptions.³⁵⁰ The political landscape has continued to witness more incidents of bribery and corruption among top government officials and prosecution remains very slow.³⁵¹

3.3 Conclusion

Significant transformation has occurred in Ghana since the APRM review, revealing a higher success level in compliance particularly with legal and policy adjustments. The main challenge has however remained impact creation. The last DGA Report seems to demonstrate higher levels of governance satisfaction among citizens, but other independent reports continually pick out considerable levels of poor governance and citizen dissatisfaction. The challenges to APRM implementation need constant attention; and these are examined in the subsequent chapter, together with the contributory impact of other continental monitoring systems.

³⁴⁷ NA Ayitey 'NDA Boss Accused of Spending Thousands of Tax Payer's Cedis on End of Year Party' 3 January 2021, YEN, Local News in Ghana Today <https://yen.com.gh/180487-nda-boss-accused-spending-thousands-tax-payers-cedis-year-party.html> (accessed 10 October 2021).

³⁴⁸ GAN Integrity 'Ghana Corruption Report' September 2020, Risk and Compliance Portal <https://www.ganintegrity.com/portal/country-profiles/ghana/> (accessed 10 October 2021). See also The Guardian 'Ghana's Top Undercover Journalist Masters Disguise to Expose Corruption' September 2015 <https://www.theguardian.com/world/2015/sep/24/anas-aremeya-anas-ghana-corruption> (accessed 10 October 2021).

³⁴⁹ As above.

³⁵⁰ M Boadi 'Ghana: Independent Oversight Urgently Needed to Increase Trust in Criminal Justice & Law Enforcement Institutions' 14 May 2021, Transparency International <https://www.transparency.org/en/blog/ghana-trust-criminal-justice-law-enforcement-citizens-independent-oversight-needed> (accessed 10 October 2021).

³⁵¹ M Hammond '6 Politicians who Have Been Named in High-Profile Cases in Ghana' 5 February 2019, YEN, Local News in Ghana Today <https://yen.com.gh/122324-6-politicians-named-high-profile-cases-ghana.html> (accessed 10 October 2021).

4 CHAPTER FOUR: THE APRM AND OTHER REGIONAL MONITORING MECHANISMS IN GHANA

4.1 Introduction

The APRM is not the first monitoring tool to be adopted by the African human rights system. Its work complements the mandate of other monitoring mechanisms which had already existed, and to which Ghana has been a part of. Although these other mechanisms do not specifically focus on good governance and democracy per se, they do however address cross-cutting issues. These include state reporting under the African Commission and the African Children's Committee, as well as reporting under the Political Affairs Department of the AU Commission in the light of the Democracy Charter. The African Children's Committee monitors state implementation of treaty obligations touching on children's rights,³⁵² while the African Commission monitors the implementation of the rights enshrined in the African Charter and thus by implication broadly monitors the other regional human rights treaties.³⁵³

Ghana ratified the African Charter in 1989,³⁵⁴ the African Children's Charter in 2005³⁵⁵ and the Democracy Charter in 2010.³⁵⁶ Although domestic changes have occurred over the years with regards to the rights enshrined within these instruments, Ghana's commitment to state reporting has however not been consistent. The extent to which these monitoring systems are able to proactively influence domestic change is demonstrably weakened by this non-responsive state attitude.

³⁵² African Children's Charter (n 15).

³⁵³ ACHPR (n 15).

³⁵⁴ African Commission on Human and Peoples' Rights 'State Parties to the African Charter' <https://www.achpr.org/statepartiestotheafricancharter> (accessed 27 September 2021).

³⁵⁵ African Committee on the Rights and Welfare of the Child (ACERWC) 'Ratification Table: List of countries which have Signed, Ratified/Acceded to the African Charter on the Rights and Welfare of the Child' <https://www.acerwc.africa/ratifications-table/> (accessed 27 September 2021).

³⁵⁶ Wikipedia 'African Charter on Democracy, Elections and Governance' https://en.wikipedia.org/wiki/African_Charter_on_Democracy,_Elections_and_Governance (accessed 27 September).

4.2 Regional Monitoring Mechanisms and Ghana's Engagement

4.2.1 Overview of regional state reporting

State reporting under the AU institutions largely follows similar processes. The African Commission monitors state obligations to 'adopt legislative and other measures to give effect to the [African Charter's] provisions'.³⁵⁷ Other regional human rights instruments are thus a derivative of the rights enshrined in the African Charter, to which the Commission is the monitoring body. The goal of state reporting is to create a forum for 'constructive dialogue' with a view of advancing productive criticism to instigate change within the relevant state.³⁵⁸ State parties are not only expected to indicate the progress made with regards to their treaty obligations, but they are also encouraged to indicate the challenges they face in implementing, and to share valuable experiences and information with their peers.³⁵⁹ Reports are usually reviewed during ordinary sessions of the Commission and the Committee, and the engagement of civil society is often enhanced through shadow reporting processes.³⁶⁰

State reporting under the African human rights system has unfortunately remained poor. Only Kenya and Eswatini are currently up to date with their reports to the African Commission, with a majority of states late on at least three or more reports.³⁶¹ Fifty countries have ratified the African Children's Charter³⁶² but only 38 have submitted initial reports, with even more pending periodic report submission.³⁶³ On the other hand reporting under the

³⁵⁷ ACHPR, Article 1.

³⁵⁸ African Union 'Guidelines for National Periodic Reports' 1989 at 1, para 2.

³⁵⁹ African Commission on Human and Peoples' Rights 'State Reporting Procedures and Guidelines' <https://www.achpr.org/statereportingproceduresandguidelines> (accessed 27 September 2021).

³⁶⁰ African Commission on Human and Peoples' Rights 'Rules of Procedure of the African Commission of Human and Peoples' Rights 2020' Adopted at the 27th Extra-Ordinary Session, Banjul (The Gambia) from 19 February to 04 March, Rule 79 (3).

³⁶¹ African Commission on Human and Peoples' Rights 'State Reports and Concluding Observations' <https://www.achpr.org/statereportsandconcludingobservations> (accessed 27 September 2021).

³⁶² ACERWC (n 355).

³⁶³ ACERWC 'Initial and Periodic Reports Table' <https://www.acerwc.africa/initial-and-periodic-reports/> (accessed 27 September 2021).

Democracy Charter is still at a very tender stage, and as of 2019 only Togo had submitted a state report (in 2017), out of 31 state parties.³⁶⁴

Much more cooperation is needed from states and the civil society in enhancing periodic reporting within the African human rights monitoring bodies.³⁶⁵

4.2.2 Impact in Ghana

Since 2001 Ghana has not submitted another report to the African Commission. In 2014 it submitted its initial report to the African Children's Committee and has since then not submitted another.³⁶⁶

Ghana's initial report (in 1993) to the African Commission was a document of about six to eight pages summarizing the ten domestic laws which had been instituted to cater for various individual rights, including the 1992 Constitution which was to enter into force in 1993.³⁶⁷ The second report contained a summary of a few other laws, policies and case laws to demonstrate a move towards democratic change.³⁶⁸ The said 1993 report listed key challenges to the entrenchment of human rights standards as including the lack of public awareness about human rights, insufficient public investment on human rights education; and the existence of strong discriminatory and unfavourable cultural norms, values and practices.³⁶⁹ It indicated also that progress with democracy had been slow, together with the respect for individual rights and liberties, especially given the fact that the country was still beginning a transition from military rule.³⁷⁰

³⁶⁴ M Wiebusch *et al* 'The African Charter on Democracy, Elections and Governance: Trends, Challenges and Perspectives' December 2019, 54:2 *Africa Spectrum* 95-105 at 99 <https://doi.org/10.1177/0002039719896109>.

³⁶⁵ African Commission on Human and Peoples' Rights 'State Reporting Procedures and Guidelines' <https://www.achpr.org/statereportingproceduresandguidelines> (accessed 29 September 2021).

³⁶⁶ ACERWC (n 363).

³⁶⁷ African Commission on Human and Peoples' Rights 'Ghana: Initial Report, 1990-1992' 13th Ordinary Session, 29 March - 7 April 1993, Banjul, Gambia, ACHPR/MOC/XIII/008.

³⁶⁸ African Commission on Human and Peoples' Rights 'Ghana: 2nd Periodic Report, 1993-2000' May 2001, 29th Ordinary Session 23 April - 7 May 2001, Libya.

³⁶⁹ As above.

³⁷⁰ As above.

Ghana has never submitted a report to the African Children’s Committee. This is the case for many other states, as only eight out of 50 have submitted a report, with Tanzania being the only state which has submitted up to four periodic reports.³⁷¹

The challenge with Ghana’s state reporting has been related to the lack of a dedicated and organised structure responsible for coordinating and executing state reporting obligations.³⁷² An Inter-Ministerial Committee on Human Rights had in the early 2000s been created within Ghana’s Ministry of Justice, with a responsibility to coordinate human rights state reporting.³⁷³ Yet till date, Ghana’s treaty reporting status has not changed. More so, although Ghana’s CHRAJ does alternate or shadow reporting to treaty bodies, it has also been largely inconsistent and has focused mostly on producing annual State of Human Rights (SOHR) reports.³⁷⁴ The lack of pressure and poor CSO attention to the country’s state reporting obligations has been said to further exacerbate the state’s neglect of treaty reporting obligations.³⁷⁵ On the contrary such an experience has not been the same with Ghana’s reporting to UN human rights treaty monitoring bodies, where the state has been more responsive, especially with regards to the Universal Periodic Review (UPR).³⁷⁶

The AU monitoring and reporting system proves to have had a far less influence on Ghana’s governance and human rights transformation compared to the APRM. Although many regional instruments have been ratified by Ghana and have contributed to the enactment of domestic legislation to meet up with relevant standards, the impact of their monitoring and reporting procedures have not proved as strong.

Such a difference in capacity and impact between the APRM and the other regional monitoring mechanisms could be drawn from the fact that the APRM has so far garnered more

³⁷¹ ACERWC ‘Periodic Reports’ <https://www.acerwc.africa/state-reports/> (accessed 29 September).

³⁷² IL Annan ‘Implementing the Right to Development in Ghana: Obligation of International Cooperation in International Law’ PhD Dissertation (Unpublished), University of Leeds, November 2014 at 117.

³⁷³ Annan (n 372) 117.

³⁷⁴ Annan (n 372) 118. See also CHRAJ’s website at <https://chraj.gov.gh/#>.

³⁷⁵ Annan (n 372) 118.

³⁷⁶ See for example Refworld ‘States Parties Reports’ United Nations High Commissioner for Refugees (UNHCR) <https://www.refworld.org/type,STATEPARTIESREP,,GHA,,,0.html> (accessed 11 October 2021). See also United Nations Human Rights Council ‘Universal Periodic Review - Ghana’ <https://www.ohchr.org/en/hrbodies/upr/pages/ghindex.aspx>.

attention and dedication within the AU itself, than the other state reporting procedures. This is no doubt, given the fact that entrenching good governance standards has been considered a key foundation for enjoying other rights. The APRM was in fact integrated as an 'autonomous entity' within the AU system in 2014,³⁷⁷ and its mandate has also been extended to monitor and track progress on governance, democracy and human rights under the AU's Agenda 2063 and the UN Sustainable Development Goals (SDGs).³⁷⁸ The strategic positioning of the APRM within the African human rights system has made it a pivotal mechanism for monitoring and consolidating not just good governance but development as a whole. Such positioning and persuasive capacity has evidently not been achieved by the other regional monitoring mechanisms. Hence, the suggestion that the APRM could be made to replace other regional monitoring systems for states which are party to both, could be a valid proposal for overcoming the lapses in the African treaty monitoring system. This will also enable the APRM structure to go in-depth in adopting an enhanced human rights-based approach to its governance standards.

4.3 Challenges and lessons from Ghana's experience with the APRM

Bad governance in Africa has been considered the primary cause for the continent's slow pace at attaining sustainable development.³⁷⁹ Yet joining the APRM or participating in the review process is no guarantee for improved governance.³⁸⁰

Progress with the APRM has over the years been challenged by the lack of political will, inadequate funding and inadequate stakeholder participation.³⁸¹ These issues have equally characterized Ghana's experience since its review.³⁸² Understaffing and financial constraints have impeded the extensive work which should be carried out by Ghana's NAPRM

³⁷⁷ African Union 'Consultancy Services for Development APRM/European Union (EU) Grant Proposal' 7 August 2020 <https://au.int/fr/node/38811> (accessed 29 September 2021).

³⁷⁸ Gruzd & Turianskyi (n 20) 2.

³⁷⁹ South African Institute of International Affairs (SAIIA) 'Moving Beyond Africa's Crisis of Institutions' September 2015, Governance and APRM Programme, Occasional Paper 222, at 8.

³⁸⁰ Gruzd & Turianskyi (n 7) 4.

³⁸¹ Gruzd & Turianskyi (n 20).

³⁸² Grimm *et al* (n 24) 5&6.

secretariat.³⁸³ This has been worsened by the lack of political will. In 2011 Ghana's President John Mills announced to the APR Forum that Ghana was willing and ready to undergo a subsequent review.³⁸⁴ Fast-forward to 2019, at a Regional Experience-Sharing workshop, Ghana's Minister of Foreign Affairs re-emphasised Ghana's commitment to the APRM, although making no promises about a subsequent review.³⁸⁵

The challenge of undergoing reviews and implementing recommendations is one of the primary reasons for the adoption of Targeted Reviews under the APRM. Targeted Reviews aim at assisting and encouraging member states (some who may not have already undergone a Base Review), to proceed to subsequent reviews on specific issues needing attention within their country. States like Djibouti, Zambia and Namibia have undergone such reviews.³⁸⁶ Recently, the Ghanaian government has demonstrated renewed interest in the APRM, and the country plans to undergo a Targeted Review in the areas of Education, Agriculture and Local Governance.³⁸⁷ In May 2021, Ghana's Ministry of Foreign Affairs organized a sensitization meeting for the Targeted Review, facilitated by the APRM international secretariat.³⁸⁸ The current expectation is that the proposal from this meeting would yield the required governmental approval.

Several years into its existence, the APRM International Secretariat in South Africa had not developed a structured Monitoring and Evaluation Framework for reporting. This challenge had seriously affected the ability of states, including Ghana,³⁸⁹ to regularly report on the level of

³⁸³ As observed during visits to the NAPRM Secretariat on 8 & 22 September 2021.

³⁸⁴ Modern Ghana 'Ghana Ready for Second APRM Review - Pres Millz' February 2011 <https://www.modernghana.com/news/315239/ghana-ready-for-second-aprm-review-prez-mills.html> (accessed 30 September 2021).

³⁸⁵ Ministry of Foreign Affairs and Regional Integration Republic of Ghana 'Ghana Remains Committed to African Peer Review - Foreign Minister' 22 July 2019 <https://mfa.gov.gh/index.php/ghana-remains-committed-to-african-peer-review-foreign-minister/> (accessed 30 September 2021).

³⁸⁶ African Peer Review Mechanism 'Overview of APRM Targeted Reviews' 2020, Regional Preparation Workshop for Africa Voluntary National Review, Zimbabwe, at 15-17 https://archive.uneca.org/sites/default/files/uploaded-documents/ARFSD/2020/overview_of_aprm_targeted_reviews_-_janet_mabwa.pdf.

³⁸⁷ As above.

³⁸⁸ African Peer Review Mechanism 'Targeted Reviews on Ghana Sensitisation Meeting' 12 May 2021 [TARGETED REVIEWS ON GHANA SENSITISATION MEETING - APRM \(aprm-au.org\)](https://aprm-au.org) (accessed 20 October 2021).

³⁸⁹ As observed during a visit to the NAPRM Secretariat on 22 September 2021.

implementation of APRM recommendations.³⁹⁰ However Ghana has still not resumed its APRM reporting. Another drawback to engagements with the International Secretariat was that Feedbacks were hardly given when state reports were submitted.³⁹¹ Indeed for a long time around its first decade, the APRM International Secretariat had been mired by its own challenges, particularly with issues of inadequate resources and financial mismanagement.³⁹² All these issues contributed to slowing down Ghana's submission and publication of reports.³⁹³ Also, according to Ghana's NAPRM Secretariat, by 2009 most of the key APRM recommendations had been implemented, hence it found less need to keep reporting to the APRM International Secretariat.³⁹⁴ It considered that the APRM was meant primarily for the citizens, therefore the adoption of DGAs which were relevant at national level would have the potential to create more impact than an over reliance on a regional report.³⁹⁵ However, the acquisition of funds to conduct regular and more extensive DGAs has persistently been an obstacle.³⁹⁶ Fewer DGAs are being conducted and even fewer people seem to know about the APRM as the years ensue. Nevertheless, Ghana's NAPRM Secretariat feels Ghana has been more than ready for a subsequent review.

Ghana has often conducted experience-sharing programmes with partners and member states of the APRM, who have regularly visited in order to learn best practices; with some participating in DGA workshops. They have included delegations from the European Union (EU), the Pan African Parliament (PAP), Benin, Burkina Faso, Sierra Leone, Kenya, Uganda, Mali, Togo, and DRC. These delegations often engage directly with the APRM District Oversight Committees (DOCs) to get firsthand experience and feedback on how processes are executed.

³⁹⁰ S Grudz 'The African Peer Review Mechanism: Development Lessons from Africa's Remarkable Governance Assessment System' January 2014, Governance and APRM Programme, Research Report 15, South African Institute of International Affairs (SAIIA), at 50

³⁹¹ As above.

³⁹² Grudz & Turianskyi (n 20) 2.

³⁹³ Information obtained at visit to the NAPRM Secretariat on 22 September 2021.

³⁹⁴ As above. It should be noted that, state reporting is not a matter of choice, as Section 35(d) of the Guidelines for Countries to Prepare for and Participate in the APRM (at 12) prescribes 'annual progress reports' to be made to the APRM International Secretariat.

³⁹⁵ As above.

³⁹⁶ As above.

One important issue to consider has been the aspect of APRM focal points. The APRM state reporting guidelines require national focal points to be institutions or individual at a 'Ministerial level, or a person that reports directly to the Head of State or Government, with the necessary technical committees [to provide support]'.³⁹⁷ At the start of Ghana's APR process, the NAPRM-GC was created to replace the Ministry of Regional Integration and NEPAD as the national focal point, and as a way of entrenching the institution's autonomy and independence from government. Council members were all civil society actors and were considered the Council of Eminent Members.³⁹⁸ Some countries also saw the creation of NAPRM institutions separate from the government as a way of guaranteeing the autonomy of the APRM process, while others considered merging it into the government structure as a way of ensuring 'legitimacy and access to public resources'.³⁹⁹ Nevertheless, years after Ghana's review, the NAPRM which had enjoyed autonomy as a separate institution, was placed under the Ministry of Foreign Affairs, although still said to maintain its position as Focal Point. Council members have also been switched from being civil society individuals to now being selected from among Heads of state institutions. The NAPRM Secretariat has felt that detaching the APRM from the Ministry of Foreign Affairs will be a preferred option, as well as a return to the selection of eminent persons from among non-state actors.⁴⁰⁰

Ghana's separation of the NAPRM from the Ministry of Foreign Affairs has also contributed to building credibility especially amongst the citizens. This has been a key inspiration for citizen participation in the process so far. The APRM has enhanced citizen contribution to development projects with the DCEs following their participation in the DGAs. For most citizens, sometimes the DGA is the first and only opportunity for them to talk to the DCE Chief Executive directly about their community challenges.

³⁹⁷ The New Partnership for Africa's Development (NEPAD) 'Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM)' November 2003 African Peer Review Mechanism (APRM), Panel 3, Doc 8, Section IV. 4, para 34.

³⁹⁸ Afful (n 3) 8-9.

³⁹⁹ Grimm *et al* (n 24) 31.

⁴⁰⁰ Information obtained during visits to the NAPRM Secretariat on 8 & 22 September 2021.

Given that many other APRM countries have been slow on submitting and publishing APRM progress reports,⁴⁰¹ the use of regular DGAs as adopted by Ghana, could be a reliable strategy to continue national APRM monitoring and ensure continuous citizen participation where formal reporting cannot be done.

A recent evaluation by the Mo Ibrahim Foundation, scores Ghana at a 64.3percent in overall governance, with a position of eight out of 54 African countries.⁴⁰² The presence of the rule of law, justice, accountability and transparency are rated at an average of approximately 68.8percent. This ranks Ghana even higher than the countries which have already been reviewed twice,⁴⁰³ demonstrating an inference that the primary drawback to Ghana's subsequent review may simply be either the absence of finance or political will, or mostly just the latter.

4.4 Conclusion

Ghana's APRM journey has been a long one, but perfection is not a criterion for undergoing a subsequent review, otherwise there would in fact be no need for one. Although it would be erroneous to attribute every socio-political change to the APRM, a lot has indeed been influenced by the workings of the APRM, and even less by other regional state monitoring mechanisms. Noncompliance with state reporting only further weakens commitment to human rights obligations, considering the pressures which such reporting systems exert on states to meet up with treaty obligations. It may also be hoped that such state indifference to reporting does not subsequently overwhelm and crush the APRM structure which is yet to gain full regional commitments almost two decades into existence.

⁴⁰¹ Statistics at South African Institute of International Affairs (SAIIA) 'APRM Toolkit' <https://www.aprmtoolkit.saiia.org.za/>.

⁴⁰² Mo Ibrahim Foundation '2020 Ibrahim Index of African Governance – Index Report' 2020, at 108 <https://mo.ibrahim.foundation/sites/default/files/2020-11/2020-index-report.pdf> (accessed 10 October 2021).

⁴⁰³ As above.

5 CHAPTER FIVE: CONCLUSION

The APRM is evidently a remarkable tool for transforming governance on the African continent, but, persistent state engagement is regularly needed to strengthen its capacity and influence, as observed in the case of Ghana. Its Progress with the APRM has so far been highly dependent on political will grounded mostly in the priorities of the government in power at the time. Some domestic adjustments came speedily after the first review, while others have followed a considerably slow pace, taking several years to be instituted. Two decades may seem to be an obvious length of time to achieve and expect extensive transformation, but evidence has shown that this cannot always be assumed for African countries. Although Ghana regularly maintains higher democracy ratings when compared to other African countries, more work is still expected, and it remains a question of progressive implementation of APRM standards. Even where a subsequent review is guaranteed, domestic revival of NAPRMs must always follow.

Democracy may not be a panacea for poverty, but it is a reliable step towards achieving the latter. There is a need for less reliance on compliance through enacting laws, policies and achieving regular power transitions, but more on specific impact created on the rights of citizens as the criterion for good governance under the APRM and the African human rights regime in general. Understanding the best strategy to achieve this per individual country, could also help enhance the impact.

The data and analysis in this research has focused on Ghana, but similar assessments could be done for other countries to examine progress and impact; in order to inform future processes under Africa's regional monitoring systems and the APRM in particular.

WORD COUNT: 19,967

6 Bibliography

Journal Articles

Bauer, G & Darkwah, AK “‘The President's Prerogative’”? The Cabinet Appointment Process in Ghana and the Implications for Gender Parity’ 20 April 2021, 1-28 *Politics and Gender* Cambridge University Press DOI: <https://doi.org/10.1017/S1743923X21000088>

Ejike, OC ‘Democracy and Good Governance: Ingredients for Socio Economic Development in Nigeria’ (June 2010) 5, 1, *International Journal of Development and Management Review* (INJODEMAR), 173 - 184

Gyampo, RE ‘Creating New Regions in Ghana: Populist or Rational Pathway to Development?’ October 2018, 15:2 *Ghana Journal of Development Studies (GJDS)*

Gyampo, RE ‘Youth in Parliament and Youth Representation in Ghana’ 2015, 50:1 *Journal of Asian and African Studies* <https://doi.org/10.1177%2F0021909613511941>

Hansungule, M ‘The Role of the APRM in Strengthening Governance in Africa: Opportunities & Constraints in Implementation’ (January 2014) 3, 1 *International Journal of Arts and Commerce*, ISSN 1929-7106 www.ijac.org.uk

Killander, M ‘The African Peer Review Mechanism and Human Rights: The First Reviews and the Way Forward’ (2008) 30 *Human Rights Quarterly*, John Hopkins Press, 41 - 75

Koblavie, BM & Nyinevi, CY ‘A review of the legislative reform of customary arbitration in Ghana’ 17 April 2020, 45:4 *Commonwealth Law Bulletin* 587 – 607, DOI: [10.1080/03050718.2020.1747511](https://doi.org/10.1080/03050718.2020.1747511)

Mangu, AM ‘The African Union and the promotion of democracy and good political governance under the African Peer-Review Mechanism: 10 years on’ (2014) 6:1 *Africa Review*, 59-72, DOI: 10.1080/09744053.2014.883757, <https://doi.org/10.1080/09744053.2014.883757>

Ocran, J 'Exposing the protected: Ghana's disability laws and the rights of disabled people' 2019, 34:4 *Disability & Society*, 663-668, DOI: [10.1080/09687599.2018.1556491](https://doi.org/10.1080/09687599.2018.1556491)

Odartey-Wellington, F & Alhassan, A 'Disseminating the National Reconciliation Report: A Critical Step in Ghana's Democratic Consolidation' (April 2016) 10, 4, *African Journal in Political Science and International Relations* <http://www.academicjournals.org/AJPSIR>
34 - 46

Wiebusch, M; Aniekwe, CC; Oette, L & Vandeginste, S 'The African Charter on Democracy, Elections and Governance: Trends, Challenges and Perspectives' December 2019, 54:2 *Africa Spectrum* 95-105 <https://doi.org/10.1177/0002039719896109>

Reports/Papers

'Political Context Study - Ghana' (April 2010)
<https://www.jus.uio.no/smr/english/research/projects/ripoca/workshop-april-2010/Ghana%20political%20context%20study%20final%20draft%2029.12.08.pdf>

Affinity Group of National Associations (AGNA) 'Snapshot of Civil Society in Ghana: Questionnaire to Members of the Affinity Group of National Associations (AGNA)' June 2015, West Africa Civil Society Institute (WACSI)
http://www.civicus.org/images/Snapshot_of_CS_in_Ghana.pdf

Afful, DB 'The Ghana APRM Process: From Origin to Implementation' 1 February 2011, University of Quebec, Montreal, Research Report

African Commission on Human and Peoples' Rights 'Ghana: 2nd Periodic Report, 1993-2000' May 2001, 29th Ordinary Session 23 April - 7 May 2001, Libya

African Commission on Human and Peoples' Rights 'Ghana: Initial Report, 1990-1992' 13th Ordinary Session, 29 March - 7 April 1993, BANJUL, Gambia, ACHPR/MOC/XIII/008

African Commission on Human and Peoples' Rights 'Rules of Procedure of the African Commission of Human and Peoples' Rights 2020' Adopted at the 27th Extra-Ordinary Session, Banjul (The Gambia) from 19 February to 04 March

African Peer Review Mechanism 'Country Review Report Federal Republic of Nigeria' APRM
Country Review Report No 8, October 2008

<https://www.aprmtreekit.saiia.org.za/documents/country-reports-and-exper/577-nigeria-aprm-crr-summary-english/file>

African Peer Review Mechanism 'Country Review Report of the Republic of Ghana' June 2005

<https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/00798283-EN-APRM-GHANA-REVIEW-REPORT-JUNE-2005.PDF>

African Peer Review Mechanism 'Country Review Report Republic of South Africa' APRM
Country Review Report No 5, September 2007

<https://www.aprmtreekit.saiia.org.za/documents/country-reports-and-exper/581-south-africa-aprm-crr-summary-english/file>

African Peer Review Mechanism 'Country Self-Assessment for the African Peer Review Mechanism'

African Peer Review Mechanism 'Overview of APRM Targeted Reviews' 2020, Regional Preparation Workshop for Africa Voluntary National Review, Zimbabwe

https://archive.uneca.org/sites/default/files/uploaded-documents/ARFSD/2020/overview_of_aprm_targeted_reviews_-_janet_mabwa.pdf

African Peer Review Mechanism 'Republic of Sierra Leone' APRM Country Review Report No 15, January 2012

<https://www.aprmtreekit.saiia.org.za/documents/country-reports-and-exper/445-sierra-leone/file>

African Peer Review Mechanism 'Revised Country Self-Assessment Questionnaire for the African Peer Review Mechanism' 2012, available at <http://www.aprm-international.org/>

African Union 'Guidelines for National Periodic Reports' 1989

Appiagyei-Atua, K 'Ghana - Justice Sector and the Rule of Law' May 2015, AfriMAP, Open Society Initiative for West Africa, Institute for Democratic Governance DOI: 10.13140/RG.2.1.3949.7122

Asante, J 'Assessment of Ghana's Presidential (Transition) Act, 2012 (Act 845): A Case Study of the 2016 Presidential Transition' September 2019, Korea Development Institute, DOI: 10.13140/RG.2.2.35435.69920

Ayee, JRA 'Some Thoughts on Ministerial Reshuffles in Ghana' May 2008, Ghana Academy of Arts and Sciences (GAAS) Inaugural Lecture Delivered at the British Council, Accra <https://library.fes.de/pdf-files/bueros/ghana/10483.pdf>

Bulmer, E 'Should Ministers be Members of the Legislature?' September 2019, Constitution Brief, Institute for Democracy and Electoral Assistance (IDEA) <https://www.idea.int/sites/default/files/publications/should-ministers-be-members-of-the-legislature.pdf>

Darfour, E 'The Parliament of Ghana: A countervailing force in the governance process?' https://www.psa.ac.uk/sites/default/files/Ghana%20-%20Overview_EDarfour.pdf

Draman, R 'Parliamentary Oversight and Corruption in Ghana' 2017, African Centre for Parliamentary Affairs (ACEPA), Accra, Ghana <https://ace.globalintegrity.org/wp-content/uploads/2019/09/2017-Session-2A-Draman.pdf>

Freedom House *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 2000 – 2001* (2001) [https://freedomhouse.org/sites/default/files/2020-02/Freedom in the World 2000-2001 complete book.pdf](https://freedomhouse.org/sites/default/files/2020-02/Freedom%20in%20the%20World%202000-2001%20complete%20book.pdf)

Freedom House *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 2001 – 2002* (2002) [https://freedomhouse.org/sites/default/files/2020-02/Freedom in the World 2001-2002 complete book.pdf](https://freedomhouse.org/sites/default/files/2020-02/Freedom%20in%20the%20World%202001-2002%20complete%20book.pdf)

Ghana “Status of Implementation on the General Assembly Resolution Entitled ‘Follow up to the Twentieth Anniversary of the International Year of the Family’” United Nations Department of Economic and Social Affairs, August 2020

<https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2020/08/Ghana.pdf>

Ghana NGO Coalition on the Rights of the Child (GNCRC) ‘Convention on the Rights of Children (CRC) Report to UN Committee on the Rights of the Child’ 2014. https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GHA/INT_CRC_NGO_GHA_17939_E.pdf

Ghana, Ministry of Chieftaincy and Culture ‘2012 Annual Progress Report on the implementation of the GPRS II’ February 2013 <https://new-ndpc-static1.s3.amazonaws.com/pubication/Min+of+Chieftaincy&Culture+2012+APR.pdf>

Grimm, S; Nawrath K; Roth, R; Triebel, S; Utz, B ‘The African Peer Review Mechanism (APRM) as a Tool to Improve Governance? Experience in Ghana’ (2009) German Development Institute

Gruzd, S ‘The African Peer Review Mechanism: Development Lessons from Africa’s Remarkable Governance Assessment System’ January 2014, Governance and APRM Programme, Research Report 15, South African Institute of International Affairs (SAIIA)

Gruzd, S & Turianskyi, Y ‘Should all Africa’s States Join the APRM?’ June 2020, Policy Insights 86 African Perspectives Global Insights, South African Institute of International Affairs <https://media.africaportal.org/documents/Policy-Insights-86-gruzd-turianskyi.pdf> (accessed 13 August 2021)

Gruzd, S & Turianskyi, Y ‘The African Peer Review Mechanism at 15: Achievements and Aspirations’ March 2018 South African Institute of International Affairs, Policy Briefing 170

Heard, A 'Human Rights: Chimeras in Sheep's Clothing' 1997
<https://www.sfu.ca/~aheard/intro.html> (accessed 19 August 2021)

Higazi, A 'Political Levers in Ghana' June 2004, Policy Context Paper 6, Centre for Research on Inequality, Human Security and Ethnicity (CRISE), Queen Elizabeth House, University of Oxford

National African Peer Review Mechanism - Governing Council (NAPRM-GC) 'District Governance Assessment 2011 Report' December 2011

National African Peer Review Mechanism - Governing Council (NAPRM-GC) 'District Governance Assessment Report 2012' December 2012, Ghana National Report

National African Peer Review Mechanism - Governing Council (NAPRM-GC) '2015 District Governance Assessment Report' 2015

National Democratic Congress (NDC) 'Jobs, Prosperity and More. The People's Manifesto 2021 - 2025' 2020, Ghana

New Partnership for Africa's Development (NEPAD) 'Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM)' 2003

Rahman, K 'Overview of corruption and anticorruption in Ghana' 11 September 2018, U4 Helpdesk Answer 2018:21, Anti-Corruption Resource Centre & Transparency International

Republic of Ghana National African Peer Review Mechanism Governing Council (NAPRM-GC) 'Second Annual Progress Report 2007. Progress in Implementation of the National Programme of Action' December 2007

Republic of Ghana, Ministry of Justice & Attorney General's Department 'Medium Term Expenditure Framework (MTEF) for 2020 - 2023' Programme Based Budget Estimates for

2020 <https://www.mofep.gov.gh/sites/default/files/pbb-estimates/2020/2020-PBB-MoJAGD.pdf>

Republic of Ghana, National African Peer Review Mechanism – Governing Council (NAPRM-GC)
'Third Bi-Annual Progress Report for the Period January – June 2008' June 2008

Republic of Ghana, National African Peer Review Mechanism Governing Council (NAPRM-GC)
'First Bi-Annual Progress report. Monitoring and Evaluation Report on the Implementation of the Ghana National Programme of Action for the Period January – June 2006' June 2006

Republic of Ghana, National African Peer Review Mechanism Governing Council (NAPRM-GC)
'Progress in Implementing the National Programme of Action. Second Bi-Annual Progress Report for the Period January - June 2007' June 2007

Republic of Ghana, National African Peer Review Mechanism Governing Council (NAPRM-GC)
'Fourth Bi-Annual Progress Report, January – June 2009' June 2009 <http://www.naprm-gc.com/>

Right to Education Project 'Right to Education Country Factsheet: Ghana' February 2012

South African Institute of International Affairs (SAIIA) 'Moving Beyond Africa's Crisis of Institutions' September 2015, Governance and APRM Programme, Occasional Paper 222

Srem-Sai, J 'Parliamentary Oversight in Ghana - A Brief Overview' August 2014, Friedrich Ebert Stiftung, Parliamentary Briefing Paper <https://library.fes.de/pdf-files/bueros/ghana/11299.pdf>

The Bayelsa State Oil & Environmental Commission 'Commission Members – John Kufuor' <https://www.bayelsacommission.org/news/commission/john-kufuor/> (accessed 13 August 2021)

The New Partnership for Africa's Development (NEPAD) 'Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM)' November 2003 African Peer Review Mechanism (APRM), Panel 3, Doc 8

The Nordic African Institute (NAI) 'Women's Political Representation and Affirmative Action in Ghana' NAI Policy Note No 1:2019 <http://nai.diva-portal.org/smash/get/diva2:1284607/FULLTEXT01.pdf>

United Nations Development Program *Human Development and Governance Report* (1997) United Nations, New York

United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) 'What is Good Governance?' <https://www.unescap.org/sites/default/files/good-governance.pdf>

United Nations Economic Commission for Africa 'Implementation of the African Peer Review Mechanism in Ghana' (October 2005) https://www.eisa.org/aprm/pdf/Countries_Ghana_UNECA.pdf

United States Department of State '2020 Trafficking in Persons Report: Ghana' 2020 <https://www.state.gov/reports/2020-trafficking-in-persons-report/ghana/>

Theses/Dissertations

Annan, IL 'Implementing the Right to Development in Ghana: Obligation of International Cooperation in International Law' PhD Dissertation (Unpublished), University of Leeds, November 2014

Boateng, FD 'Trust in The Police: Analysis of Urban Cities in Ghana' Dissertation, Washington State University, Department of Criminal Justice and Criminology, May 2015

International Legislations

Convention on the Elimination of all forms of Discrimination Against Women (1981)

Convention on the Rights of the Child (1989)

Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure
(2011)

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children
in Armed Conflicts (2003)

UN Arms Trade Treaty (2014)

UN Convention against Corruption (2005)

UN Convention on the Rights of Persons with Disabilities (2008)

Regional Legislations

African Charter on Democracy, Elections and Governance (2012)

African Charter on Human and Peoples' Rights (1986)

African Charter on the Rights and Welfare of the Child (1999)

AU Convention on Preventing and Combating Corruption (2003)

AU Convention on Preventing and Combating Corruption (2003)

AU Non-Aggression and Common Defense Pact (2005)

AU Protocol on the Rights of Women in Africa (2003)

Bamako Declaration on an African Common Position on the illicit proliferation, circulation and
trafficking of Small Arms and Light Weapons (1999)

Constitutive Act of the AU (2000)

ECOWAS Convention on Small Arms (2006)

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
(2005)

Protocol to the African Court of Justice (2003)

Protocol to the African Court on Human and People's Rights (2004)

Protocol to the OAU Convention on Preventing and Combating Terrorism (2004)

Domestic Legislations

Alternative Dispute Resolution Act, 2010

Anti-Money Laundering Act, 2008 (Act 749 amended in 2014 (Act 874))

Chieftaincy Act, 1971 (Act 370)

Civil Service Act, 1993 (PNDCL 327)

Constitution of the Republic of Ghana, 1992

Credit Reporting Act, 2007 (Act 726)

Criminal Code (Amendment Act) 2007

Domestic Violence Act, 2007

Domestic Violence Act, 2007 (Act 732)

Electronic Transactions Act, 2008 (Act 722)

Ghana, Chieftaincy Act, 2008 (Act 759)

Ghanaian Children's Act, 1998

Human Trafficking Act, 2005(Act 694) (amended in 2009 (Act 784))

Legal Aid Commission Act, 2018 (Act 977)

Parliamentary Service Act (Act 460)

Persons with Disability Act, 2006

Presidential (Transition) Act, 2012 (Act 845)

Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 (Act 550)

Right to Information Act, 2019

Whistleblower Act, 2006 (Act 720)

Case law

Akwasi Boateng & 351 Others v Ghana (059/2016)

Alfred Agbes Woyone v Ghana (001/2017) AfCHPR

Dexter Eddie Johnson v Ghana (016/2017) AfCHPR

Internet sources/blogs

ACERWC 'Initial and Periodic Reports Table' <https://www.acerwc.africa/initial-and-periodic-reports/> (accessed 27 September 2021)

ACERWC 'Periodic Reports' <https://www.acerwc.africa/state-reports/> (accessed 29 September)

ADR Daily 'Community Mediation Saves Families in Tema' 12 February 2018
<https://adrdaily.com/community-mediation-saves-families-tema/> (accessed 19
September 2021)

Africa News 'Child trafficking and Child Labour on the Rise in Ghana' 13 June 2019
<https://www.africanews.com/2019/06/13/child-trafficking-and-child-labour-on-the-rise-in-ghana/> (accessed 10 October 2021)

African Child Policy Forum (ACPF) 'Status of Ratification of CRC and Optional Protocols' Child Law Resources
http://www.africanchildforum.org/clr/Status%20Table/CRC_and_Optional_Protocols.html (accessed 19 September 2021)

African Commission on Human and Peoples' Rights 'State Parties to the African Charter'
<https://www.achpr.org/statepartiestotheafricancharter> (accessed 27 September 2021)

African Commission on Human and Peoples' Rights 'State Reporting Procedures and Guidelines'
<https://www.achpr.org/statereportingproceduresandguidelines> (accessed 29 September 2021)

African Commission on Human and Peoples' Rights 'State Reporting Procedures and Guidelines'
<https://www.achpr.org/statereportingproceduresandguidelines> (accessed 27 September 2021)

African Commission on Human and Peoples' Rights 'State Reports and Concluding Observations'
<https://www.achpr.org/statereportsandconcludingobservations> (accessed 27 September 2021)

African Commission on Human and Peoples' Rights <https://www.achpr.org/states/detail?id=22>
(accessed 24 August 2021)

African Commission on Human and Peoples' Rights <https://www.achpr.org/statistics> (accessed 12 September 2021)

African Committee on the Rights and Welfare of the Child (ACERWC) 'Ratification Table: List of countries which have Signed, Ratified/Accessed to the African Charter on the Rights and

Welfare of the Child’ <https://www.acerwc.africa/ratifications-table/> (accessed 27 September 2021)

African Court on Human and Peoples’ Rights ‘Declarations’ <https://www.african-court.org/wpafc/declarations/> (accessed 20 September 2021)

African Development Bank Group ‘African Peer Review Mechanism’ <https://www.afdb.org/en/topics-and-sectors/initiatives-partnerships/african-peer-review-mechanism> (accessed 6 September 2021)

African Peer Review Mechanism (APRM), <https://au.int/ar/node/31528> (accessed 25 July 2021).

African Peer Review Mechanism ‘APRM in a Nutshell: SADC, CSOs and the African Peer Review Mechanism’ Zimbabwe APRM Popular Sensitisation (ZAPS) Online Civil Society APRM Sensitisation Workshop, 26 February 2021 <https://saiia.org.za/wp-content/uploads/2021/02/Ejigayhu-APRM-Zimbabwe-CSO-Sensitisation-26.02.2021.pdf>

African Peer Review Mechanism ‘Targeted Reviews on Ghana Sensitisation Meeting’ 12 May 2021 [TARGETED REVIEWS ON GHANA SENSITISATION MEETING - APRM \(aprm-au.org\)](https://aprm-au.org/TARGETED_REVIEWS_ON_GHANA_SENSITISATION_MEETING_-_APRM) (accessed 20 October 2021).

African Union ‘African Peer Review Mechanism (APRM)’ <https://au.int/en/organs/aprm> (accessed 14 August 2021).

African Union ‘Consultancy Services for Development APRM/European Union (EU) Grant Proposal’ 7 August 2020 <https://au.int/fr/node/38811> (accessed 29 September 2021).

African Union ‘List Of Countries Which Have Signed, Ratified/Acceded To The Protocol To The African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights’ 15 June 2017 https://au.int/sites/default/files/treaties/36393-sl-protocol_to_the_african_charter_on_human_and_peoplesrights_on_the_estab.pdf (accessed 20 September 2021).

African Union 'List of Countries which have Signed, Ratified/Acceded to the Protocol on the Statute of the African Court of Justice and Human Rights' 18 June 2020
<https://au.int/sites/default/files/treaties/36396-sl-PROTOCOL%20ON%20THE%20STATUTE%20OF%20THE%20AFRICAN%20COURT%20OF%20JUSTICE%20AND%20HUMAN%20RIGHTS.pdf> (accessed 10 September 2021).

African Union 'List of Countries which have Signed, Ratified/Acceded to the Protocol to the OAU Convention on the Prevention And Combating Of Terrorism' 15 June 2017
<https://au.int/sites/default/files/treaties/37291-sl-protocol%20to%20the%20oau%20convention%20on%20the%20prevention%20and%20combating%20of%20terror.pdf>
(accessed 10 September 2021)

African Union 'List of Countries which have Signed, Ratified/Acceded to the African Union Convention on Preventing and Combating Corruption' 18 June 2020
<https://au.int/sites/default/files/treaties/36382-sl-AFRICAN%20UNION%20CONVENTION%20ON%20PREVENTING%20AND%20COMBATING%20CORRUPTION.pdf> (accessed 16 September 2021)

African Union 'List of Countries Which Have Signed, Ratified/Acceded to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa' 16 October 2019
<https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLE%27S%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20WOMEN%20IN%20AFRICA.pdf> (accessed 21 September 2021)

Aikens, ER 'Reforming Local Governance System' 4 September 2021, *Daily Graphic* (Ghana)
<https://www.graphic.com.gh/news/politics/reforming-local-governance-system.html>
(accessed 19 September 2021)

Arhinful, E 'Increase NCCE's Budget to Boost Education on COVID-19 Vaccine - Ablakwa' 14 March 2021, Citi News Room (CNR) <https://citinewsroom.com/2021/03/increase-ncces->

[budget-to-boost-education-on-covid-19-vaccine-ablakwa/](#) (accessed 20 September 2021)

Arms Trade Treaty (ATT) 'States Parties to the ATT (in Alphabetical Order)' Status as of 7 August 2020 [https://thearmstradetreaty.org/hyper-images/file/List%20of%20ATT%20States%20Parties%20\(alphabetical%20order\)\(07%20August%202020\)/List%20of%20ATT%20States%20Parties%20\(alphabetical%20order\)\(07%20August%202020\).pdf](https://thearmstradetreaty.org/hyper-images/file/List%20of%20ATT%20States%20Parties%20(alphabetical%20order)(07%20August%202020)/List%20of%20ATT%20States%20Parties%20(alphabetical%20order)(07%20August%202020).pdf) (accessed 19 September 2021)

Ayitey, NA 'NDA Boss Accused of Spending Thousands of Tax Payer's Cedis on End of Year Party' 3 January 2021, YEN, Local News in Ghana Today <https://yen.com.gh/180487-nda-boss-accused-spending-thousands-tax-payers-cedis-year-party.html> (accessed 10 October 2021)

Boadi, M 'Ghana: Independent Oversight Urgently Needed to Increase Trust in Criminal Justice & Law Enforcement Institutions' 14 May 2021, Transparency International <https://www.transparency.org/en/blog/ghana-trust-criminal-justice-law-enforcement-citizens-independent-oversight-needed> (accessed 10 October 2021)

Britannica 'Social Contract' <https://www.britannica.com/topic/social-contract> (accessed 23 August 2021)

Britannica <https://www.britannica.com/topic/democracy> (accessed 11 August 2021)

CHRAJ's website at <https://chraj.gov.gh/#>

Democracy Building 'Definition of Democracy' <http://www.democracy-building.info/definition-democracy.html> (accessed 23 August 2021)

DW 'Are Ghanaians Ready to Take Advantage of the New Right to Information Law?' Africa <https://www.dw.com/en/are-ghanaians-ready-to-take-advantage-of-the-new-right-to-information-law/a-52171600> (accessed 16 September 2021)

Emmanuel, K 'Flashback: SADA Scandal Won't Happen in my Gov't – Nana-Addo' 9 January 2020, Pulse <https://www.pulse.com.gh/news/politics/flashback-sada-scandal-wont-happen-in-my-govt-nana-addo/f8bwzfy> (accessed 10 October 2021)

Equality and Human Rights Commission 'What are Human Rights' June 2019 <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights> (accessed 11 August 2021)

Fabricius, P 'Zimbabwe Signs on to African Peer Review Mechanism' *Daily Maverick* (South Africa) 10 February 2020 <https://www.dailymaverick.co.za/article/2020-02-10-zimbabwe-signs-on-to-african-peer-review-mechanism/> (accessed 23 August 2021)

Freedom House 'Freedom in the World 2001 – Ghana' 2001 <https://www.refworld.org/docid/5278c96414.html> (accessed 11 August 2021)

Freedom House 'Ghana. Period of Democratic Transition: 2000' https://freedomhouse.org/sites/default/files/inline_images/Ghana.pdf (accessed 6 September 2021)

GAN Integrity 'Ghana Corruption Report' September 2020, Risk and Compliance Portal <https://www.ganintegrity.com/portal/country-profiles/ghana/> (accessed 10 October 2021)

Ghana Police Service 'Domestic Violence and Victims Support Unit (DOVVSU)' <https://police.gov.gh/en/index.php/domestic-violence-victims-support-unit-dovvsu/> (accessed 14 September 2021)

Ghana Web 'Audit Service to fact-check declared assets, liabilities of public officers' 4 January 2020, General News of Saturday <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Audit-Service-to-fact-check-declared-assets-liabilities-of-public-officers-828955> (accessed 16 September 2021)

- Ghana Web 'Bagbin Threatens to Reject Akufo-Addo's 2021 Budget' 16 March 2021, Politics of Tuesday <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Bagbin-threatens-to-reject-Akufo-Addo-s-2021-budget-1206358> (accessed 8 October 2021)
- Ghana Web 'Community Mediation Centres Launched' 8 August 2007 <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Community-Mediation-Centres-launched-128662> (accessed 14 September 2021)
- Ghana Web 'Executive Always Denying Parliament Fair Share of Budget Cake – Minority' 19 March 2021, General News of Friday <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Executive-always-denying-Parliament-fair-share-of-budget-cake-Minority-1209043> (accessed 8 October 2021)
- Ghana Web 'Government Issues White Paper on NRC Report' 23 April 2005, General News of Saturday <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Govt-Issues-White-Paper-On-NRC-Report-79926> (accessed 19 September 2021)
- Gideon Sackitey 'Client Service Units, Changing the face of Public Service' 5 July 2006, Ghana Web <https://www.ghanaweb.com/GhanaHomePage/features/Client-Service-Units-Changing-The-face-of-Public-Service-106874> (accessed 16 September 2021)
- Governance Today, 2021 https://www.governancetoday.com/GT/Material/Governance_what_is_it_and_why_is_it_important_.aspx (accessed 11 August 2021)
- Graphic Online 'Steve Raymond Dapaa-Addo heads EOCO' July 15 2021, General News <https://www.graphic.com.gh/news/general-news/steve-raymond-dapaa-addo-appointed-eoco-boss.html> (accessed 19 September 2021)
- Hammond, M '6 Politicians who Have Been Named in High-Profile Cases in Ghana' 5 February 2019, YEN Local News in Ghana Today <https://yen.com.gh/122324-6-politicians-named-high-profile-cases-ghana.html> (accessed 10 October 2021)

- Harsch, E 'Ghana Takes African Governance Exam' *Africa Renewal* (United Nations) October 2006 <https://www.un.org/africarenewal/magazine/october-2006/ghana-takes-african-governance-exam> (accessed 6 September 2021)
- Human Rights Watch 'Ghana: Disability Rights Convention Ratified' 22 August 2012 <https://www.hrw.org/news/2012/08/22/ghana-disability-rights-convention-ratified> (accessed 20 September 2021)
- International Growth Centre 'Higher Salaries Worsened Police Corruption in Ghana, According to IGC-Funded Research' <https://www.theigc.org/news-item/higher-salaries-worsened-police-corruption-in-ghana-according-to-igc-funded-research/> (accessed 10 October 2021)
- Inter-Parliamentary Union 'Ghana' <https://www.ipu.org/parliament/GH> (accessed 20 September 2021)
- Joy Online 'Ghana Ratifies ECOWAS Convention on Small Arms' 6 March 2010 <https://www.myjoyonline.com/ghana-ratifies-ecowas-convention-on-small-arms/> (accessed 13 September 2021)
- Judicial Training Institute (JTI), Ghana <https://jtighana.org/trainings/programmes/> (accessed 20 September 2021)
- Knoema 'African Governance Index' 3 August 2019, Mo Ibrahim Governance Index <https://knoema.com/infographics/naeetle/african-governance-index> (accessed 12 August 2021)
- Local Government Service - Ghana <https://lgs.gov.gh/index.php/about-us/> (accessed 13 September 2021)
- Ministry of Finance, Republic of Ghana 'Ministry of Finance to Present 2021 Annual Budget to Parliament' Press Release <https://www.mofep.gov.gh/press-release/2021-03->

[11/ministry-of-finance-to-present-2021-annual-budget-to-parliament](#) (accessed 20 September 2021)

Ministry of Foreign Affairs and Regional Integration Republic of Ghana ‘Ghana Remains Committed to African Peer Review - Foreign Minister’ 22 July 2019
<https://mfa.gov.gh/index.php/ghana-remains-committed-to-african-peer-review-foreign-minister/> (accessed 30 September 2021)

Ministry of Foreign Affairs and Regional Integration, Republic of Ghana ‘Who we are’
<https://mfa.gov.gh/index.php/about-us/> (accessed 17 September 2021)

Mo Ibrahim Foundation ‘2020 Ibrahim Index of African Governance – Index Report’ 2020, at 108
<https://mo.ibrahim.foundation/sites/default/files/2020-11/2020-index-report.pdf> (accessed 10 October 2021)

Modern Ghana ‘Ghana Ready for Second APRM Review - Pres Millz’ February 2011
<https://www.modernghana.com/news/315239/ghana-ready-for-second-aprm-review-prez-mills.html> (accessed 30 September 2021)

Modern Ghana ‘Prosecuting Powers for CHRAJ is Premature – Dep. Commissioner’ 29 October 2013
Daily Guide(Ghana) General News
<https://www.modernghana.com/news/499575/prosecuting-powers-for-chraj-is-premature-dep.html> (accessed 14 September 2021)

My Health Basics (MHB) ‘List of Current Ministers in Ghana’ 2021
<https://myhealthbasics.site/list-of-current-ministers-in-ghana/> (accessed 13 September 2021)

National Commission for Civic Education <https://www.nccegh.org/news> Ghana (accessed 13 September 2021)

National Commission on Small Arms and Light Weapons ‘Small Arms Commission Organizes Capacity Building Workshop for Civil Society Organisations’ Jan 2021

<https://www.smallarmscommission.gov.gh/small-arms-commission-organizes-capacity-building-for-civil-society-organizations/> (accessed 19 September 2021)

National Identification Authority <https://nia.gov.gh/our-history/> Ghana (accessed 13 September 2021)

Office of the Attorney General and Ministry of Justice ‘Improving the Justice for All Programme: Views of Stakeholders’ 7 August 2019 <https://www.mojagd.gov.gh/improving-justice-all-programme-views-stakeholders> (accessed 21 September 2021)

PPLAAF ‘Ghana. Relevant Legislation: Whistleblower Act’ 2020 <https://www.pplAAF.org/country/ghana.html> (accessed 16 September 2021)

Refworld ‘States Parties Reports’ United Nations High Commissioner for Refugees (UNHCR) <https://www.refworld.org/type,STATEPARTIESREP,,GHA,,0.html> (accessed 11 October 2021)

Republic of Ghana, Ministry of Gender, Children and Social Protection <https://www.mogcsp.gov.gh/media/news/> (accessed 14 September 2021)

Shaban, AR ‘Ghana Parliament Passes Right to Information Law After Long Delays’ 27 March 2019, Africa News <https://www.africanews.com/2019/03/27/ghana-parliament-passes-right-to-information-law-after-long-delays/> (accessed 16 September 2021)

Skinner, K ‘International Women’s Day: What is Happening with Affirmative Action in Ghana?’ 6 March 2020 <http://democracyinafrica.org/international-womens-day-happening-affirmative-action-ghana/> (accessed 7 October 2021)

South African Institute of International Affairs (SAIIA) ‘APRM Toolkit. Ghana’ <https://www.aprmtoolkit.saiia.org.za/ghana?start=0> (accessed 14 August 2021)

South African Institute of International Affairs (SAIIA) ‘APRM Toolkit’ <https://www.aprmtoolkit.saiia.org.za/>

The Conversation 'Chieftaincy Conflicts in Ghana are Mixed up with Politics: What's at Risk' 5 September 2021 <https://theconversation.com/chieftaincy-conflicts-in-ghana-are-mixed-up-with-politics-whats-at-risk-166602> (accessed 10 October 2021)

The Ghanaian Envoy 'Promoting a People-Centred Foreign Policy Agenda' *Newsletter of the Ministry of Foreign Affairs & Regional Integration* December 2019

The Guardian 'Ghana's Top Undercover Journalist Masters Disguise to Expose Corruption' September 2015 <https://www.theguardian.com/world/2015/sep/24/anas-aremeva-anas-ghana-corruption> (accessed 10 October 2021)

Trading Economics 'Ghana – Internally Displaced Persons, New Displacement Associated with Disasters (Number of Cases)' October 2021 [https://tradingeconomics.com/ghana/internally-displaced-persons-new-displacement-associated-with-disasters-number-of-cases-wb-data.html#:~:text=number%20of%20Cases\)-,Internally%20displaced%20persons%2C%20new%20displacement%20associated%20with%20disasters%20\(number%20of,compiled%20from%20officially%20recognized%20sources](https://tradingeconomics.com/ghana/internally-displaced-persons-new-displacement-associated-with-disasters-number-of-cases-wb-data.html#:~:text=number%20of%20Cases)-,Internally%20displaced%20persons%2C%20new%20displacement%20associated%20with%20disasters%20(number%20of,compiled%20from%20officially%20recognized%20sources). (accessed 10 October 2021)

Twitter <https://twitter.com/ingagubeka/status/1151898946341613568?s=20> (accessed 23 August 2021)

UN Women 'Criminal Code Amendment Act (FGM)' Global Database on Violence Against Women <https://evaw-global-database.unwomen.org/fr/countries/africa/ghana/2003/criminal-code-amendment-act-fgm> (accessed 14 September 2021)

United Nations Department of Economic and Social Affairs (UN DESA) 'New Partnership for Africa's Development - NEPAD' <https://www.un.org/development/desa/socialperspectiveondevelopment/issues/new-partnership-for-africas-development-nepad.html> (accessed 15 August 2021)

United Nations Educational, Scientific and Cultural Organisation (UNESCO) ‘Ghanaian journalists hone skills in investigative reporting and access to information’ 25 February 2021 <https://en.unesco.org/news/ghanaian-journalists-hone-skills-investigative-reporting-and-access-information> (accessed 16 September 2021)

United Nations Human Rights Council ‘Universal Periodic Review - Ghana’ <https://www.ohchr.org/en/hrbodies/upr/pages/ghindex.aspx>

United Nations Human Rights Office of the High Commissioner (UNHCR) <https://indicators.ohchr.org/> (accessed 19 September 2021)

United Nations Human Rights Office of the High Commissioner ‘OHCHR and Good Governance’ September 2020 <https://www.ohchr.org/en/issues/development/goodgovernance/pages/goodgovernanceindex.aspx> (accessed 10 October 2021)

United Nations Human Rights Office of the High Commissioner ‘What are Human Rights’ <https://www.ohchr.org/en/professionalinterest/Pages/InternationalLaw.aspx> (accessed 6 September 2021)

United Nations Office on Drugs and Crimes ‘United Nations Convention Against Corruption. Signature and Ratification Status’ 11 August 2021 <https://www.unodc.org/unodc/en/corruption/ratification-status.html> (accessed 16 September 2021)

Wikipedia ‘African Charter on Democracy, Elections and Governance’ https://en.wikipedia.org/wiki/African_Charter_on_Democracy,_Elections_and_Governance (accessed 27 September)

Winthrop, R ‘Ghana’s Leapfrog Experiment: Free Senior Secondary School for all Youth’ 14 July 2020, Education Plus Development, Brookings <https://www.brookings.edu/blog/education-plus-development/2020/07/14/ghanas->

[leapfrog-experiment-free-senior-secondary-school-for-all-youth/](#) (accessed 19 September 2021)

World Education News & Reviews 'Education System Profiles: Education in Ghana' 16 April 2019
<https://wenr.wes.org/2019/04/education-in-ghana> (accessed 19 September 2021)

Worldwide governance indicators (WGI) www.govindicators.org (accessed 4 August 2021)

Xinhua 'Ghanaian President to Scrap 8 Ministries, 41 Ministerial Positions' 22 January 2021
http://www.xinhuanet.com/english/2021-01/22/c_139687918.htm (accessed 19 September 2021)