The National Democratic Congress (NDC) and Human Rights Promotion in the Fourth Republic of Ghana

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Author’s contribution

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ABSTRACT

Human rights are a justified entitlement that any person may claim because of being human and that right to be socially guaranteed. Ensuring human rights requires that institutions are committed to their promotion and enforcement. It is against this backdrop with respect to the human rights record of Ghana especially under her Fourth Republic that this work is motivated to assess the promotion and protection of human rights under the National Democratic Congress (NDC) regime from 2009 to 2017. The work seeks to examine the political environment that the NDC created during its eight years of administration to ensure the enjoyment of fundamental human rights, with focus on how it strengthened constitutional human right institutions like the Commission of Human Rights and Administrative Justice (CHRAJ) and the Media. This work is qualitative and uses primary and secondary sources of data to gather the information. The findings of this work reveal and confirm that human rights was the premise of Ghana’s transition to democratic rule since 1993 with the promulgation of the Fourth Republican Constitution which

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1. INTRODUCTION

Human rights are those activities, conditions and freedoms that all human beings are entitled to enjoy, by virtue of their humanity [1]. They include civil, political, economic, social and cultural rights. Human rights are inherent, inalienable, interdependent, and indivisible, meaning they cannot be granted or taken away, so the enjoyment of one right affects the enjoyment of others and they must all be respected. However, only governments are in a position to put in place the laws and policies necessary for protection of human rights and to regulate private and public practices that impact individuals' enjoyment of those rights. Therefore, national governments are considered as the guarantors, or violators, of human rights.

Classically, “human rights” protect individuals from government action that would threaten or harm certain freedoms thought to be fundamental, such as life, physical integrity and liberty [2]. International human rights law is, essentially, a set of rules governing State behavior vis-a-vis individuals and at its most basic, requires States to ensure that people can enjoy their fundamental freedoms. Like national constitutions, which are covenants between governments and their citizens, international human rights treaties are covenants between States and the international community, whereby States agree to guarantee certain rights within their own territories [3].

The promotion and protection of human rights has become a global issue by which concerted efforts are being made to ensure that transitional states especially in Africa pursue and appreciate the relevance of human rights in the consolidation of democracy for good socio-economic and political developments within such newly democratic states [1]. The recognition of the universality of human rights today is the result of a long, tenuous, historical process of man’s struggle to force himself from the conditions that threatened to degrade his dignity and significance [4]. The preamble of the 1948 United Nation Universal Declaration of Human Rights states, inter alia, that “it is essential, if man is not to be compelled to have recourse, as a resort, to rebellion against tyranny and oppression, that human rights should be promoted by the rule of law” [5]. Thus United Nations Universal Declaration of Human Rights of 1948 affirms the dignity and respect for human rights across the globe and that every member state of the United Nation is therefore by necessity required to ensure that this global objective is achieved to form the basis of international peace.

Ghana returned to constitutional rule in 1993 after eleven years of military-cum-civilian regimes under the Provisional National Defence Council (PNDC) under the chairmanship of Flight Lieutenant Jerry John Rawlings and the National Democratic Congress (NDC). The events leading to the promulgation of Ghana’s 1992 Constitution and the very foundation of the Fourth Republic is based on it are all deeply rooted in the essence of human rights [5].

The preamble to the 1992 constitution proclaims the people as the source of authority and that the people derive that authority from God who grants them their natural and inalienable rights. It further states that the people, in the exercise of that God-given authority, have given to themselves the present Constitution which among its prime commitments “the protection and preservation of Fundamental Human Rights and Freedoms”. In keeping with its commitment, the constitution makes provision for an array of guaranteed fundamental human rights and freedoms and also makes provision for their protection and preservation by the courts and a national human rights institution, such as the Commission on Human Rights and Administrative Justice (CHRAJ) [5]. The beginning of the NDC administration in 2009 after the defeat of the incumbent NPP in the 2008 general elections to many marked the new phase of the second alternation of power in the infant liberal democratic governance in Ghana since 1992.
rights under the NDC regime. The work seeks to examine the political environment that the NDC created during its eight years of administration to ensure the enjoyment of fundamental human rights, one of the important elements for the consolidation of liberal democratic governance. It seeks to research into some of the human rights legislative reforms of the NDC as part of fulfilling its campaign promise and how these reforms improved the conditions of the ordinary Ghanaian. It also seeks to find how the NDC paid attention to the rights of women and children since they are the worst global victims of human rights violations. Focus is also on how the NDC strengthened constitutional human right institutions like the Commission of Human Rights and Administrative Justice (CHRAJ), the Media and the Constitution Review process in Ghana. The study is qualitative and used both primary and secondary data. Primary data was collected through semi-structured interviews. A total of 20 key informants were purposively selected from top officials of institutions working in the area of human rights. This work tests the assumption that there was an improvement in human rights or otherwise under the regime of National Democratic Congress (NDC) under President Atta Mills and John Mahama.

1.1 Objectives of the Study

The objectives of this study include the following:

1. To examine the human rights initiatives during the tenure of the NDC regime
2. To examine the promotion and protection of the rights of children and women in Ghana.
3. To examine how the CHRAJ and the Media were strengthened to facilitate their constitutional responsibilities and how the constitution review process was carried out.

The work is divided into four major sections, the first section looks at the method and techniques of data collection. The second section discusses the conceptual framework and reviews relevant literature. Section three provides the analysis of the study based on the interviews conducted during the data collection. The final section is the conclusion and recommendation of the study.

2. METHODS AND TECHNIQUES OF DATA COLLECTION

The study used both primary and secondary data. The primary data were collected through interviews conducted with sampled respondents. A sample size of twenty (20) elites was used in the study. The interviewees included Commissioners of CHRAJ, National Commission on Civic Education (NCCE), Directors and Senior Officials of the Commonwealth Human Rights Initiatives (CHRI), Governance Experts, officials of policy and research think tanks and media practitioners. The study used purposive sampling technique in the selection of respondents because the objectives of the study required knowledge of experts and practitioners in human rights promotion in Ghana. The data collection instrument used measured respondents’ views on human rights promotion in Ghana and beyond.

The secondary sources involved extensive library research which includes books, journals, magazines and both published and unpublished thesis from libraries of universities and research think tanks. The internet also provided a major source of information that supported the research.

3. CONCEPTUAL FRAMEWORK AND LITERATURE REVIEW

This work is embedded in the relationship between human rights and good governance. The significance of this framework is that it gives and underscores the fact that the two concepts are interdependent and that they both affect each other in diverse ways. It is only through this basic understanding that one would come to appreciate the need to ensure the promotion and protection of human rights [6]. This also explains why these two concepts are quasi utopian goals in many developing countries. Human rights are a justified entitlement that any person may claim because of being human and that right to be socially guaranteed. Ensuring human rights requires institutions committed to their promotion and enforcement [7].

The good governance debate gained its universal currency after 1989 when it was first used in World Bank publication entitled “The World Bank African Study” in 1989 which linked Africa’s socio-economic and political crisis to the absence of good governance.

Matovu [8] gives comprehensive and holistic definition of good governance. He defined it as the creation of a government which is, among other things, democratic, open, accountable and transparent, and which respects and fosters human rights and the rule of law.
Good governance is incomplete without the assurance of the protection and promotion of the fundamental human rights of the general citizenry. This explains the reason why the extent to which a government is able to ensure the enjoyment of the rights of its people is used as one of the important indicators of good governance. The rule of law is inherently a human rights principle and at the same time, a principle of good governance. There is therefore a general agreement that human right is an important component of good governance.

The UN Office of the High Commissioner for Human Rights (OHCHR) gives a brief summary of the relationship between the two concepts. It indicates that, good governance and human rights are mutually reinforcing. Human rights principles provide a set of values to guide the work of governments and other political and social actors. They also provide a set of performance standards against which these actors can be held accountable. Moreover, human rights principles inform the content of good governance efforts such as the development of legislative frameworks, policies, programmes, budgetary allocations and other measures. However, without good governance, human rights cannot be respected and promoted in a sustainable manner. The implementation of human rights relies on a conducive and enabling environment [9]. The promotion and protection of human rights therefore requires the practice of the rule of law and democratic governance. It requires a political atmosphere with a true justice system, independent press, autonomous human rights institutions, and an independent judiciary among many others. Good governance therefore becomes imperative to achieve these measures to make the assurance of human rights possible.

It is this close interrelationship between the two concepts that international development programmes and institutions such as the UN Development Programme (UNDP), the World Bank and the International Monetary Fund (IMF) are coming up with strategies to achieve these universal goals as one of the antidotes to overcome the chronic developmental dilemmas of the Third World countries especially the African states.

4. THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN GHANA

Ghana is a signatory to both international and regional human rights treaties and as such obliged to conform to these treaties. At the global level, Ghana has explicitly accepted and a party to these international human rights conventions inter alia; Convention on the Elimination of All forms of Racial Discrimination (CERD), Convention on the Preventive and Punishment of the Crime of Genocide (CPPCG), Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), Convention on the Right on the Child, The Geneva Convention relating to the Status of Refugees and its 1967 Protocol and Convention on the Rights of Persons with Disabilities.

At the regional level, Ghana is a signatory to the African Charter on Human and Peoples’ Rights (ACHPR), the Refugee Convention of the African Union and the African Charter on the Rights and Welfare of the Child (ACRWC).

These human rights covenants that Ghana is a party to are also recognized in the current 1992 Constitution [10]. The period leading to the promulgation of the 1992 Constitution witnessed series of political activities. This is summarized in the table below.

Furthermore, the judicial and quasi-judicial mechanisms to protect human rights are adequate and satisfactory for the promotion and protection of human rights in contemporary Ghana. In addition to the above mentioned provisions is the contribution of non-governmental institutions such as NGOs and civil society organisations to the promotion and protection of human rights in Ghana. These organisations over the years have forced the government to pay attention to its obligations under the international human rights treaties that it has signed on to through campaigns, concerted actions to increase public pressure, advocacy and publicity. They have also suggested that in order to facilitate the effective promotion and protection of human rights in the country, then the legal aid system should be made readily available to victims of human rights violations by the government, and with regards to education, human rights law should be taught at universities.

Also, the CHRAJ and the judiciary through the courts, in the performance of their constitutional task of ensuring the protection of human rights, should focus on some of the legislative initiatives that intend to contribute to the promotion and protection of human rights. This means that the task of promotion and protection of human rights
Table 1. Political history of Ghana

<table>
<thead>
<tr>
<th>Year</th>
<th>Event/Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957</td>
<td>Ghana became independent of British domination (CPP Government)</td>
</tr>
<tr>
<td>1960</td>
<td>Ghana declared a Republic (1st Republic)</td>
</tr>
<tr>
<td>1966</td>
<td>Military overthrow of the 1st Republic</td>
</tr>
<tr>
<td>1969</td>
<td>2nd Republic, Progress Party led by Dr. Abrefa Busia</td>
</tr>
<tr>
<td>1972</td>
<td>Military overthrow of 2nd Republic</td>
</tr>
<tr>
<td>1978</td>
<td>Palace coup to restructure military government</td>
</tr>
<tr>
<td>1979</td>
<td>Ushered 3rd Republic, Dr. Hilla Limann of PNP is President</td>
</tr>
<tr>
<td>1981</td>
<td>Overthrow of the constitutional PNP government by the PNDC military junta</td>
</tr>
<tr>
<td>1993</td>
<td>The 4th Republic inaugurated, J.J. Rawlings of NDC elected as president</td>
</tr>
<tr>
<td>1997</td>
<td>J.J. Rawlings of NDC is re-elected, serving 2nd term</td>
</tr>
<tr>
<td>2001</td>
<td>John Kuffour of NPP elected President, 1st power alternation</td>
</tr>
<tr>
<td>2005</td>
<td>John Kuffour of NPP re-elected, serving 2nd term</td>
</tr>
<tr>
<td>2009</td>
<td>John Evans Atta-Mills of NDC elected President, 2nd power alternation</td>
</tr>
</tbody>
</table>

Source: GhanaWeb

especially, political, economic, social and cultural rights rest on the shoulders of the executive and also the courts to work for this realization [11]. Thus a responsibility is put on the head of the executive, the president to create the necessary environment for the enjoyment of fundamental human rights.

5. RESULTS AND DISCUSSION

5.1 Findings of the Study

This section summarises the opinions of the respondents on the human rights situation during the NDC regime between 2009 and 2016 and the documentary review under four thematic areas namely, the media and freedom of expression, the constitution review process, the rights of women and children; and the contribution of the regime to the effectiveness of the CHRAJ in discharging their constitutional mandate.

5.2 The Media and Freedom of Expression

The NDC duly respected Articles 21, 162 and 165 of the 1992 Constitution which provides for freedom of expression, including the freedom of the press and other media and also emphasizes the watchdog role of the media which is very fundamental in ensuring accountability and responsibility of the government to the people of Ghana. The respect for these provisions made the media landscape in Ghana conducive for the practitioners. The media landscape under the NDC administration also witnessed very significant changes. In the broadcasting sector for example, there has been a dramatic increase in the number of media organisations; diversity of ownership; diversity in the types and forms of media; and spread of media organisations across the country. Prior to the period under study, there was just the single, state-owned, government-controlled radio and television network operated by the Ghana Broadcasting Corporation (GBC). For almost a decade on, GBC’s monopoly has not only been quashed, the state broadcaster now has literally no influence in the broadcast sector. Ghanaians have also enjoyed some amount of freedom and rights.

Also, the regime set up the Media Fund to support media practitioners and houses in Ghana. Seeing that the media play a major role towards the development of the country, the regime set up the media fund to take care of media men in the country. It is more than a decade since the establishment of the Fund and the Board of Trustees that was set up to see to the disbursement of the Fund has not been able to operationalize it for the benefit of practitioners. The Fund has become dormant because the intent and rationale for its establishment is still not clear to the Board of Trustee and media practitioners.

Furthermore, despite the expansion in numbers, diversity of ownership, pluralism and spread of media outlets in the country during the regime, all has not been well with the Ghanaian media industry. Major regulatory gaps have emerged, the major regulatory body has become lethargic, professional standards have dwindled, safety of journalists conditions are plummeting, and media organisations continue to struggle for survival. Against this backdrop, the media sector requires major reforms that will help strengthen the media to play their crucial role in national development.
5.3 The NDC and the Constitution Review Process

The Constitution Review Commission, a presidential Commission of Inquiry, was set up in January 2010 to consult with the people of Ghana on the operation of the 1992 Constitution and on any changes that need to be made to the Constitution. The establishment of the Commission was an outcome of many fervent calls by Ghanaians to fine-tune the Constitution in order to advance the key democratic gains made since the return to constitutional rule on 7th January, 1993. These calls were made by all the major political parties, public servants, civil society organisations, research institutions, government officials and many others. The observation was that, the almost 20-year-old Constitution needed a review, which would reflect views of the people to meet the aspirations and expectations of Ghanaians for efficient democratic governance. The 1992 Constitution is Ghana’s fifth constitution since independence after those of 1957, 1960, 1969 and 1979.

The President inaugurated the nine-member Constitutional Review Commission and tasked them to be impartial in their engagement. The review process ascertained from the people of Ghana, their views on the operation of the 1992 Fourth Republican Constitution, and in particular its strengths and weaknesses, articulate the concerns of the people on amendments that might be required for a comprehensive review and make recommendations to government for consideration and provide a draft Bill for possible amendments to the Constitution. The Commission ended its work and produced a 1000-page book that covered every aspect of the original document. The Commission received thousands of memoranda, met hundreds of professional groups and individuals and sought the views of the two past Presidents who were elected under the 1992 constitution. At the end of their work, about 40 amendments were proposed for consideration by Ghanaians. The Government studied the recommendations and stated its position on the recommendations in a White Paper issued in June 2012 and proceeded to set up a Constitution Review Implementation Committee (CRIC) in October 2012 to implement the recommendations. The review process got stalled because of a law suit in July 2014 challenging the constitutionality of the process. Though the ruling by the court in October 2015 paved way for the process to continue, the CRC’s recommendations have still not been implemented. The present government is not motivated to continue with the process. This is a missed opportunity to refine our laws in conformity with the realities of the governance environment and meet the aspirations of Ghanaians.

Although the 1992 Constitution has served Ghana extremely well and is, therefore, a good basis for advancing accountable, transparent and participatory democratic governance, there are still some ambiguities, nebulous provisions, and a few deficits in the document that need to be addressed in order to make the Constitution more practical and relevant to the needs of Ghanaians in the twenty-first century.

5.4 Promotion of Rights of Women and Children

The creation of the Ministry of Women and Children’s Affairs (MOWAC) in 2003 by the NPP government improved the rights of women and children considerably. The Ministry was established by Executive Instrument (EI 6) as a result of the realization by the government that, there was the urgent need for a high level sector organization, which will specifically be responsible for coordinating national response to gender inequality and promote the implementation of activities that address the rights of women and children towards advancing their growth and development. The report of MOWAC on the 2000 Millennium Development Goals (MDGs) with respect to the rights of women and children gives a comprehensive assessment on how the government paid attention to the promotion and protection of the women’s and children’s rights. The Ministry has been able to formulate policies and initiate the passage of legislations to improve upon the rights of women and children and also to reduce the barriers to the enjoyment of their rights. MOWAC formulated a Gender and Children’s Policy in 2004 with the overall goal of mainstreaming gender concerns in the national development process in order to improve the social, legal/civic, political, economic and cultural conditions of the people of Ghana, particularly women and children. The policy seeks to among other things, redress the imbalances which arise from existing gender inequalities through policy review, legal reforms and enforcement of existing legislation and to promote women’s equal access to, and control over economically significant resources and benefits(MOWAC).
Thus the government`s effort to reduce the gender disparity through the ministry did not only ensured the promotion of equal access to national resources and opportunities but created platform for the recognition of the need to take a holistic perspective on women`s issues in national public policy formulation and implementation.

The NDC under the leadership of President Mills and Mahama maintained the Ministry of Women and Children during their regimes. The regime appointed a minister for the ministry.

In addition to maintaining the ministry, the government, with support from development partners, also established a Women`s Development Fund (WDF) which provides micro-credit to women.

The regime through MOWAC formulated the Early Childhood Care and Development Policy in 2011 in collaboration with various stakeholders. The Policy provides a framework for the guidance of Government and all stakeholders, specifically, Ministries, Departments and Agencies (MDAs), Metropolitan, Municipal and District Assemblies (MMDAs), communities, families, civil society including NGOs and the donor community, in their effort to support the survival, protection and development of the children (0-8) of Ghana in their early years. It is also to ensure improved standards of living and enhanced quality of life for families in Ghana.

The regime also continued with the “School Feeding Programme” which increased child enrollment in school. The regime also continued with the Capitation Grant for children where children are given some amount of help defray the cost of their education.

The NDC government adopted the programme of Affirmative Action for women, which inter alia, makes commitment to forty (40) percent women`s representation in executive positions and at all governmental levels. A women`s desk was also established at the presidency.

The NDC regime implemented policies aimed at mainstreaming women into national affairs. In addition, they also promoted increased female access to educational, health, nutrition, employment and other socio-economic infrastructure and services and improve the institutional capacities of key women-oriented organizations. The government further intensified public education against negative socio-cultural practices that discriminate against women and enacted legislation to safeguard the dignity of women and create conditions to enable their advancement. Thus, the NDC government paid attention to economic rights of women and children to enhance their livelihood.

Notwithstanding the above gains, there are challenges with some of the policies that were implemented. For instance, the School Feeding Programme has been operated to the benefit of the school children. The caterers of the programme are often not paid on time, hence some of them compromise on the quality of the food that is prepared the school children. In addition, policies initiated for the enhancement of children in Ghana are not yielding results as child trafficking and labour is still rampant in the country. Poverty alleviation targeted at women have not able to take the women out of the poverty bracket.

5.5 The NDC and the CHRAJ

The 1992 Constitution of Ghana provides for autonomous institutions responsible for the protection of the enjoyment of fundamental rights and freedoms. Among these institutions, the Commission of Human Rights and Administrative Justice (CHRAJ) is most responsible for protecting the rights of citizens. The effectiveness of this institution therefore depends on its relationship with the particular government of the day.

The Mills-Mahama government`s regime pledged its support to enhance the work of the national human rights institutions especially the CHRAJ in the performance of their constitutional tasks.

As at 2010, CHRAJ put the human rights records of the NDC administration as far better than the Rawlings NDC regime. In a report issued by CHRAJ on the “State of Human Rights in Ghana 2010”, to mark the UN Human Rights Day in Accra revealed some significant developments by the NDC administration which indicates that the human rights record of the NDC has improved. Some of the achievements include the cessation of arrests, harassment and detention in military barracks of civilians by military personnel, sustained efforts towards the enactment of a freedom of Information law and Public interest disclosure bill (Ghana News Agency – Wed. 11 December, 2010). It can therefore be deduced that the high improvement
on the human rights situation as indicated in this report to some extent lessened the burdens of the commission.

However, just like its predecessors, the budget allocation to the CHRAJ keeps declining thereby affecting the work and performance of the commission and the administration of human rights.

Judging from the three years budget estimates and releases to the commission, apart from 2009, where the government released the entire required approved amount, the government failed to release the entire approved amount requested in subsequent ones. Thus, funding of the commission continued to hinder its effectiveness due to its entire dependence on the government explaining the reason why the commission is calling for its financial independence.

Apart from financial outlays, the constitution makes provision for the independence of the commission especially from the executive encroachment so as to ensure its neutrality. It is on record that the government generally respected the independence of the commission and in most cases never interfered in the activities of the commission. On this note, Mr. Carlos Mensah argued that he would stick out his neck to confirm that the NDC never interfered in the activities of the commission. He indicated that the Commission’s biggest obstacles was lack of adequate funding and resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and nongovernment agencies (Interview: May, 2019) [12].

Though some respondents questioned its ability to independently investigate high – level corruption within the Mills/Mahama administration, the greatest feat of the commission was when it investigated a sitting President of the nation, H. E. John Dramani Maham. The Commission upon receiving three petitions, two from political parties, the Progressive People’s Party and the Convention People’s Party Youth League and one from a private citizen, Nana Addo Ofri decided to investigate the sitting President. The petitions followed a media report about how a Burkinabe contractor struck a friendly cord with the presidency, gave a Ford gift to President John Mahama when he was Vice president and how the contractor was given three separate contracts by the government. The Commission investigated and concluded that though the President breached the country's gift policy in accepting the controversial Ford gift given by the Burkinabe contractor, his action did not breach the bribery, corruption or conflict of interest laws of the country. The findings were contained in a 78-paged report released by CHRAJ after investigating the president.

The petitioners were rooting their argument through Article 284 of the Constitution which states that a public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office. The petitioners believed that by receiving the Ford gift the president put himself in a conflict of interest position especially after it emerged that the same contractor who donated the Ford vehicle subsequently received contracts, some of which the Auditor General found problematic.

A hindrance to the effective performance of CHRAJ is its inability to prosecute those found to be in breach of the laws. CHRAJ is not clothed with the teeth to bite. It has to depend on the advise of the Attorney-General for direction after its investigation. This has rendered the findings of the Commission impotent.

6. CONCLUSION

This work set out to assess how the NDC government’s period of administration contributed to the promotion and protection of human rights in Ghana with particular reference to the media and freedom of expression and individual freedoms; the rights of women and children; the prospects of the Constitution Review Commission; and how the NDC contributed to the effectiveness of the CHRAJ. The government of Ghana has shown its commitment to support the universal quest for promotion and protection of human rights through the signing of international human rights treaties such as CEDAW, CERD,CPPCG, CRC, ICESCR and ICCPR among many others and regional human rights charters such as the ACHPR and ACRWC.

The findings of this work reveal and confirm that human rights was the premise of Ghana’s transition to democratic rule under the PNDC which ushered the country to the Fourth Republic in 1992 with the promulgation of the 1992 Constitution. The constitution makes provision for the enjoyment of fundamental human rights and fundamental freedoms. This therefore, offers a
significant lesson for the need to make the promotion and protection of human rights a sine qua non for the consolidation of our infant democracy. Ghana has shown and proven to be a liberal democratic state not only in terms of peaceful and successful elections but its gradual efforts towards the creation of democratic atmosphere characterized with the recognition, protection and promotion of human rights. The alternation of power on three consecutive times in the Ghanaian infant democracy is therefore an important start for our democratic consolidation with successive governments improving upon the promotion and protection of human rights in accordance with the 1992 Constitution. It is also therefore promising to see our leaders learning from history.

The NDC took lessons from the human rights shortcomings of its predecessor, the NPP to improve upon the human rights situation it came to meet.

Notwithstanding the achievements of the NDC with regards to media freedom, in spite of a Constitutional provision in Article 21 which recognises the importance of free expression that includes exchange of ideas and interaction as well as respect for diverse opinion, and the repeal of the Criminal Libel Law in 2001, Section 208 of the country’s Criminal Code (1960) contains provisions that are inimical to free expression. Specifically, the following provisions under Section 208, which have been applied recently by security forces to intimidate or harass journalists, can be highlighted: the first one is that, any person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace knowing or having reason to believe that the statement, rumour or report is false is guilty of a misdemeanour. The second one is that, it is no defense to a charge under subsection (1) that the person charged did not know or did not have reason to believe that the statement, rumour or report was false unless he proves that, prior to publication, he took reasonable measures to verify the accuracy of the statement, rumour or report.

The relationship between the executive and national human rights and anti-corruption institutions such as the CHRAJ and the Serious Fraud Office is particularly relevant for the promotion of human rights, given its implications for democratic consolidation and the enjoyment of social and economic rights in Ghana. The linkage between corruption and human rights is strong: while human rights grant entitlements to individuals to live with dignity, endemic corruption unjustly denies citizens access to basic social services to which they have a right, as resources meant to provide these services are diverted for private gain. But what effect does executive power over national anti-corruption agencies have on the fight against corruption in Ghana? Unfortunately, whiles the Constitution empowers CHRAJ to investigate allegations of corruption and human rights violations, two major factors undermine its effectiveness. First, although CHRAJ has the powers to investigate all allegations of corruption, only the Minister of Justice and Attorney General can decide whether or not to prosecute cases recommended by CHRAJ. History has shown that the subordination of CHRAJ to the politically-appointed Minister of Justice and Attorney General means that Ghanaian governments can comfortably ignore the findings of anticorruption agencies. Second, CHRAJ lacks financial independence as its annual budgets require the approval of the Ministry of Finance and Economic Planning. This financial dependency has seriously hampered the effectiveness of the Commission, with the Commissioner of CHRAJ recently suggesting that the independence of the Commission can be fully realised only if its budget is submitted directly to Parliament for vetting and approval.

That notwithstanding, the findings of the work confirm and agree with the assumption that there was much improvement on the human rights of Ghana under the NDC despite the continued cases and report of human rights abuse and violations.

7. RECOMMENDATION

From the findings of this work, the following recommendations must be considered to make the promotion and protection of human rights a realisation.

First, the promotion and protection of human rights should be a matter of a collective responsibility. Thus although the state is primarily responsible for this, it is imperative for individuals, civil societies and NGOs to make it a point to serve as watchdogs for government to carry out this task effectively. Individuals must build an inherent culture of respect for the rights of others. It must be emphasized that the promotion and protection of human rights and fundamental freedoms is a major component of good governance and a building block for
democratic consolidation, hence the need to pursue it.

Secondly, the national human rights institutions should be well equipped to perform their duties. The government must increase its financial outlays to the various human rights institutions especially the CHRAJ which has been plagued by financial crisis since its establishment. Financial independence must therefore be granted to CHRAJ since financial dependence has continued to derail its effectiveness.

Finally government should realize that the promotion and protection of human rights is used as one of the yardsticks for measuring and judging the extent to which a democratic country upholds and adheres to the principles of rule of law and respect for human rights. The promotion and protection of the fundamental freedoms and liberties should therefore not be taken for granted, rather be made a matter of concern and priority to ensure the socio-economic and political development of the country.

COMPETING INTERESTS

Author has declared that no competing interests exist.

REFERENCES

12. Interview: May, 2019, Mr. Carlos Mensah.