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Freedom House

Freedom in the World 2019 - Ghana

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Overview:

Since 1992, Ghana has held competitive multiparty elections and undergone peaceful transfers of power between the two main political parties. Although the country has a relatively strong record of upholding civil liberties, discrimination against women and LGBT (lesbian, gay, bisexual, and transgender) people persists. There are some weaknesses in judicial independence and the rule of law, and political corruption presents challenges to government performance.

Key Developments:

Key Developments in 2018:

- In February, Martin Amidu was sworn in as the special prosecutor, a position created under a 2017 law with the aim of combating corruption. However, he complained in September that a lack of resources from the government was stymying his office's operations.
- In June, President Nana Akufo-Addo fired the chairperson of the Electoral Commission (EC), Charlotte Osei, and two senior members of the commission on the recommendation of a five-member judicial panel convened by Chief Justice Sophia Akuffo. In July, Akufo-Addo nominated Jean Mensah as the new chairperson of the EC.
- Also in June, a commission of inquiry recommended to the president that the number of regions in Ghana be increased from 10 to 16. In December, voters approved the new boundaries in a referendum.
- In October, members of Delta Force, a vigilante group aligned with the ruling party, attempted to attack a government minister during a party meeting in the Ashanti Region. The vigilantes were reportedly angry that the minister had not followed through on a promise to recruit them into the security forces. Civil society activists have expressed concern about the involvement of such groups in the country's partisan politics.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 36 / 40 (-1)

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who serves as head of state and head of government, is directly elected for up to two four-year terms. International and domestic observers generally praised the 2016 presidential election, and all major political parties accepted the results. Akufo-Addo, the New Patriotic Party (NPP) candidate, won with 53.9 percent of the vote, while incumbent John Mahama of the National Democratic Congress (NDC) took 44.4 percent.

Although the election and its immediate aftermath were peaceful, the campaign period was contentious. There were several reports of clashes between NPP and NDC supporters, as well as attacks on EC officials. Moreover, civil society representatives raised concerns about what they claimed were alarming levels of hate speech used by politicians, as well as alleged abuse of state resources.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of Ghana's unicameral, 275-seat Parliament are elected directly in single-member constituencies to serve four-year terms. International and domestic observers generally praised the 2016 parliamentary elections, which were held at the same time as the presidential election. The NPP captured 169 seats, while the NDC, which held a majority going into the vote, took the remaining 106 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Despite controversy surrounding preparations for the December 2016 balloting, domestic and international observers generally commended the EC for its management of the process. The commission had disqualified 13 presidential candidates that October due to irregularities with their nomination papers or failure to pay the nomination fee. The Supreme Court rescinded the EC's decision in early November, giving the disqualified candidates an opportunity to rectify the problems. In the end, three of the originally disqualified candidates were allowed to stand for election.

In June 2018, President Akufo-Addo fired EC chairperson Charlotte Osei and two senior members of the commission based on the recommendation of a five-member judicial panel convened by the chief justice. The judicial panel found that Osei and her deputies were guilty of mismanagement concerning the awarding of contracts leading up to the 2016 general elections. In July, Akufo-Addo nominated Jean Mensah, a prominent lawyer and civil society activist and the executive director of the Institute of Economic Affairs, as the new EC chairperson; he also nominated replacements for the two other fired commissioners and for a fourth commissioner who was retiring. Although several civil

society groups lauded the nomination of Mensah, the NDC argued that the choice was influenced by partisan considerations. The new commissioners were sworn into office in August.

Also in June, a commission of inquiry headed by retired Supreme Court justice Stephen Brobbey recommended to the president that the number of regions in Ghana be increased from 10 to 16. In December, voters in the proposed regions approved the new boundaries, despite a legal challenge regarding the constitutionality of the referendum by a group with ties to the political opposition.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (-1)

The constitution guarantees the right to form political parties, and this right is generally respected. However, a significant increase in candidate nomination fees for the 2016 elections, along with the difficulties in nomination procedures highlighted by the presidential candidate disqualifications, presented challenges to participation, especially for candidates from smaller parties. The Progressive People's Party (PPP) mounted an unsuccessful legal challenge against the nomination fees ahead of the elections.

In October 2018, members of Delta Force, a pro-NPP vigilante group, attempted to attack Anthony Akoto Osei, an NPP lawmaker and the country's minister for monitoring and evaluation, during a party meeting in Tafo Pankrono in the Ashanti Region. The Delta Force members, who were later arrested and charged, were reportedly angry that Akoto Osei had not followed through on a promise to recruit them into the security forces in exchange for their campaign-related work. In 2017, Delta Force members had attacked the Ashanti Region's new security coordinator, George Adjei, and subsequently stormed a circuit court in Kumasi, the regional capital, in a bid to release 13 suspects on trial for the initial attack. Civil society groups have expressed concern about the rising involvement of pro-NPP vigilante groups such as Delta Force, and pro-NDC vigilante groups such as the Azorka Boys in the Northern Region, in inter- and intraparty disputes.

Score Change: The score declined from 4 to 3 because partisan vigilante groups have carried out attacks on politicians and become involved in party disputes in recent years.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The NPP and its chief rival, the NDC, dominate the political system, but there have been multiple peaceful transfers of power between them, and parties in opposition enjoy meaningful opportunities to increase their public support and win office. Mahama's

defeat by Akufo-Addo in the 2016 presidential race marked the first time since the reintroduction of the multiparty system in 1992 that an incumbent president had stood for reelection and lost.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

Ghanaians are generally free from undue interference with their political choices by powerful groups that are not democratically accountable.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ghanaian laws provide for equal participation in political life by the country's various cultural, religious, and ethnic minorities. Women formally enjoy political equality, but they hold comparatively few leadership positions in practice. In the 2016 elections, women candidates received less media coverage than men and took just 37 of the 275 parliamentary seats, though this was the largest share since the reintroduction of multiparty rule in 1992. The National House of Chiefs, Ghana's highest body of customary authority, has been under pressure to include women as members.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are generally free to set and implement government policy without improper influence from unelected entities.

C2. Are safeguards against official corruption strong and effective? 3 / 4

Political corruption remains a problem despite active media coverage, fairly robust laws and institutions, and government antigraft initiatives. Legislation adopted in 2017 established the Office of the Special Prosecutor to investigate political corruption. President Akufo-Addo nominated former attorney general Martin Amidu, a member of the opposition NDC, as the special prosecutor in January 2018, and he took office the following month. However, in September Amidu complained publicly about the lack of government funding for the office's operations. Several new corruption scandals emerged during the year. Critics in the media, opposition parties, and nongovernmental organizations (NGOs) have deemed the government's anticorruption efforts inadequate.

C3. Does the government operate with openness and transparency? 3 / 4

The government operates with relative transparency, though there are weaknesses in the legal framework. Despite more than a decade of consideration by Parliament and continued efforts by advocates in 2018, the Right to Information Bill had not passed by year's end.

CIVIL LIBERTIES: 47 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 14 / 16

D1. Are there free and independent media? 3 / 4

Freedom of the press is constitutionally guaranteed and generally respected in practice. Ghana has a diverse and vibrant media landscape that includes state and privately owned television and radio stations as well as a number of independent newspapers and magazines. Online news media operate without government restrictions.

Government agencies occasionally limit press freedom through harassment and arrests of journalists, especially those reporting on politically sensitive issues. In February 2018, Christopher Kevin Asima, a radio presenter for A1 Radio, was allegedly assaulted by three police officers while reporting on a fire in Bolgatanga, the capital of the Upper East Region. The regional police commander and his deputy apologized for the incident and promised that there would be consequences for the officers involved. In March, Latif Iddrisu, a reporter for JoyNews and JoyFM, was allegedly attacked by police officers stationed at the Criminal Investigations Department headquarters in Accra. According to Iddrisu, the beating occurred after he inquired about the arrest of a senior NDC official who had predicted an uprising against the president; the charges in that case were later dropped. In June, the Media Foundation for West Africa issued a statement expressing concern about incidents the previous month in which two journalists and a civil society activist had been threatened because of their work.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Religious freedom is constitutionally and legally protected, and the government largely upholds these protections in practice. However, public schools feature mandatory religious education courses drawing on Christianity and Islam, and Muslims students have allegedly been required to participate in Christian prayer sessions and church services in some publicly funded Christian schools.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is legally guaranteed and generally upheld in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is both free and vibrant. The government does not restrict individual

expression on social media.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

The right to peaceful assembly is constitutionally guaranteed and generally respected. Permits are not required for meetings or demonstrations.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs are generally able to operate freely and play an important role in ensuring government accountability and transparency.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Under the constitution and 2003 labor laws, workers have the right to form and join trade unions. However, the government forbids or restricts organized labor action in a number of sectors, including fuel distribution and utilities, public transportation, and ports and harbor services.

F. RULE OF LAW: 11 / 16

F1. Is there an independent judiciary? 2 / 4

Judicial independence in Ghana is constitutionally and legally enshrined. While the judiciary has demonstrated greater levels of impartiality in recent years, corruption and bribery continue to pose challenges. In May 2018, President Akufo-Addo suspended four High Court judges based on allegations of bribe taking that dated back to 2015.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Constitutional protections for due process and defendants' rights are mostly upheld. However, police have been known to accept bribes, make arbitrary arrests, and hold people without charge for longer than the legally permitted limit of 48 hours. The government is not obliged to provide the accused with legal counsel, and many people unable to afford lawyers are forced to represent themselves in court.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Ghana's prisons are overcrowded, and conditions are often life-threatening, though the prison service has attempted to reduce congestion and improve the treatment of inmates in recent years. Communal and ethnic violence occasionally flare in some parts

of the country. In June 2018, a clash over land in the Chereponi District, Northern Region, between members of the Konkomba and Chekosi ethnic groups led to at least two deaths and left several others wounded.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Despite equal rights under the law, women suffer societal discrimination, especially in rural areas, where their opportunities for education and employment are limited. However, women's enrollment in universities is increasing. People with disabilities and LGBT people also face societal discrimination. Same-sex sexual activity remains criminalized, encouraging police harassment and impunity for violence. Speaker of Parliament Aaron Mike Oquaye, an outspoken critic of LGBT rights, threatened to resign in 2018 if any laws were enacted to legalize same-sex sexual activity.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 / 16 (+1)

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Freedom of movement is guaranteed by the constitution and respected by the government, and Ghanaians are free to change their place of residence. However, poorly developed road networks and banditry can make travel outside the capital and touristic areas difficult. Police have been known to set up illegal checkpoints to demand bribes from travelers. Bribery is also rife in the education sector.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Although the legal framework generally supports property ownership and private business activity, weaknesses in the rule of law, corruption, and an underregulated property rights system remain impediments. Bribery is a common practice when starting a business and registering property. The World Bank's 2019 Doing Business index noted improvements in the process for acquiring construction permits and the ease of international trade in Ghana.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4 (+1)

Domestic violence and rape are serious problems, and harmful traditional practices including female genital mutilation or cutting and early or forced marriage persist in some regions. The government has worked to combat gender-based violence over the past decade, including by expanding the police's domestic violence and victim support units and creating special courts for gender-based violence, though such services reportedly suffer from insufficient resources.

Score Change: The score improved from 2 to 3 because government policies, including the establishment of special courts and the activities of the police's domestic violence and victim support units, have provided greater recourse to victims of domestic abuse over time.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

The exploitation of children in the agricultural and mining sectors remains a problem. Similar abuses in the fishing industry have also been reported, especially in the region surrounding Lake Volta. While the government has taken some positive steps to address human trafficking in recent years, it has not adequately funded enforcement efforts or services for victims.

ecoi.net summary:

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