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**NOTE**

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Subject : Amended proposal for a Council Directive on minimum standards on procedures  
in Member States for granting and withdrawing refugee status  
- Minimum common list of safe countries of origin

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Pages 2 to 6, concerning Ghana, should be replaced by the following pages due to new data received from the **United Kingdom** delegation.

Assessment template

To be completed by Member States in respect of each of the 10 countries under consideration and returned to the Council Secretariat by 8 June 2004

Name of Member State	UK
Name of country for designation	Ghana

QUESTIONS	YES/NO	BASIS FOR RESPONSE	Details of supporting information sources other than those at Annex B. Please indicate if these are publicly available
1. Does the country have a democratic system in place?	Yes		Freedom House
2. Is there a situation of internal or international armed conflict in the country?	Yes	There is some evidence of sporadic violence in the North of the country.	Freedom House Amnesty International

<p>3. Is there generally and consistently no persecution as defined in Article 9 of the Qualification Directive in the country?</p>	<p>Yes</p>	<p>There is evidence of FGM in the country (particularly in the North). However, the government made FGM a criminal offence in 1994, and in September 2003 sentenced a woman to 5 years imprisonment for the offence. NGOs, officials, traditional chiefs and members of the legal community are all taking steps to close any remaining loop-holes in the law, and raise awareness through educational campaigns. The Ghanaian government also acknowledges that people trafficking is a problem there (both as a source and as a destination), and that a draft law, specifically aimed at traffickers, is still only under consideration. However, current laws allow it to prosecute traffickers under laws against slavery, persecution and under-age labour, ensuring that adequate protection is provided.</p>	<p>Amnesty International 2004 report makes no mention of any abuses in these areas.</p>
<p>4. Is there generally and consistently no torture or inhuman or degrading treatment or punishment in the country?</p>	<p>Yes</p>	<p>Inhuman treatment is prohibited by the Constitution. There is evidence of some instances of excessive force carried out by the police. However, this is limited and offenders, when this comes to light, can be prosecuted.</p>	<p>Amnesty International 2004 report makes no mention of any abuses in these areas.</p>
<p>5. Where there is a situation of internal or international armed conflict in the country is there generally and consistently no threat by reason of indiscriminate violence in the country?</p>	<p>Yes</p>	<p>There has been sporadic, localised, conflict in the North of the country, notably involving the Dagomba ethnic group in the Northern area of Yendi and the town of Tamale, this conflict would appear to be very localised. However, there have been no reports of violence in the last 12 months.</p>	<p>Amnesty International 2004 report makes no mention of any abuses in these areas.</p>

6.	Is the extent to which protection is provided against persecution or mistreatment by means of (a) – (d) below sufficient to show that there is generally and consistently no persecution or mistreatment in the country?	Yes		
(a)	the relevant laws and regulations of the country and the manner in which they are applied	Yes	Ghana’s laws are of a high standard, and generally applied well. There was no mention of corruption in Amnesty International’s 2004 report, but in 2001 there was some evidence of this within the police force (US Country report 2002) – 67% of respondents to a recent survey said that they had paid bribes to the police, but since then there has been no further evidence.	Amnesty International 2004 report makes no mention of any difficulties in these areas.

(b)	observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture, in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention	Yes	<p>Ghana has signed and ratified all the major Human Rights instruments, and the 1992 Constitution lays sound foundations for future human rights legislation. It guarantees the traditional range of “Fundamental Human Rights and Freedoms”, (ie right to life, freedom from torture, right to property, freedom of speech, right to fair trial, etc) as well as some Economic and Social rights such as free basic education for all and special rights for mothers and children, guarantees “of fair and realistic remuneration for production and productivity”, and undertakings to ensure equitable economic development of all geographic regions. The Constitution also prohibits “all customary practices which dehumanise or are injurious to the physical and mental well-being of a person.”</p> <p>It also provides for the establishment of a national Commission on Human Rights and Justice (CHRAJ) which has the power to hold enquiries into human rights abuses and corruption that have been brought to its attention by “any individual or a body of persons whether corporate or unincorporated”. The Commission has the power to issue subpoenas requiring attendance of any persons before it to supply relevant information. It also has the power to refer cases before a competent Court. It has played a significant and positive role in increasing awareness generally of human rights issues in Ghana: the number of cases brought before it each year continues to rise, with a total of 3,197 applications in 1994 compared to a total of 0,265 in 2000. It has headquarters in each of the provinces which provide outreach services to educate people about their rights.</p>	Amnesty International 2004 report makes no mention of any difficulties in these areas.
(c)	respect of the non-refoulement principle according to the Geneva Convention	Yes	Material evidence shows that Ghana provides refuge to a large number of refugees from neighbouring countries.	Amnesty International 2004 report makes no mention of any abuses in these areas.
(d)	provision for a system of effective remedies against violations of these rights and freedoms	Yes	The independence of the judiciary is guaranteed by the constitution. On occasion the judiciary may be subject to executive influence (US Country report 2002), however its Commission on Human Rights and Justice (CHRAJ), as mentioned above, plays a special role in ensuring that perpetrators of human rights abuses are brought to justice.	Amnesty International 2004 report makes no mention of any difficulties in these areas.

OVERALL ASSESSMENT		
1. Do you consider that the information sources listed at Annex B are sufficient for the purpose of conducting the in-depth assessment referred to by the JHA Council with regard to this country?	YES/NO	Insert basis for response
	Yes	
2. If you answered no to Q 1 please specify: in which areas you consider the information sources to be insufficient; and any other sources of information available to you which would assist discussions and which you are in a position to share with other Member States (Provide website address or other details).	N/A	
3. Is the country suitable for inclusion on the minimum common list?	YES/NO	Insert basis for response
	Yes	Ghana has a strong democracy, and has started a National Reconciliation Commission to investigate human rights abuses committed during previous periods of unconstitutional rule. It provides asylum to refugees from neighbouring countries, as well as freedom of speech and freedom of religion for all. On a more general level, Ghana has been praised for its “exceptionally good governance” by Kofi Annan’s special advisor Jeffrey Sachs (Economist 20 May 2004).