



Makalenin Türü/ Article Type : Araştırma Makalesi/ Research Article  
Geliş Tarihi/ Date Received : 21.11.2023  
Kabul Tarihi/ Date Accepted : 21.08.2024  
Yayın Tarihi/ Date Published : 31.12.2024  
Yayın Sezonu/ Pub Date Season : Güz/ Autumn

## Civil Society Organizations and the Promotion of Human Rights in Ghana: An Overview

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### Keywords:

Constitution,  
Democracy,  
Ghana,  
Human Rights,  
Civil Society.

### ABSTRACT

This paper examines the role of civil society organizations in the promotion and protection of human rights in Ghana. After independence, many African countries, underwent political changes to advance and defend human rights to fit into the globalization process that was ignited across the globe after the end of colonialism and the demise of the Cold War. However, despite the availability of constitutional promulgations that guarantee the fundamental human rights of all, some African governments (consciously or unconsciously) have retained some colonial structures and even instituted new mechanisms to undermine the democratic vibe for the promotion and protection of citizens' rights. In an expanding number of fields, such as political science, history, and sociology, among others, the experience and talent created by civil society organizations have become crucial to governance across nations, both at the policy and operational levels. Civil society organizations have taken on the role of promoting new ideas and alerting the international community to emerging challenges. Using a qualitative research method, this paper provides a thorough understanding of CSOs' contributions to human rights advocacy in Ghana. The approach of the paper includes both exploratory and descriptive elements, providing detailed insights into the effectiveness and functions of civil society organizations in Ghana.

## Gana'da Sivil Toplum Kuruluşları ve İnsan Haklarının Geliştirilmesi: Genel Bir Bakış

### Anahtar Kelimeler:

Anayasa,  
Demokrasi,  
Gana,  
İnsan Hakları,  
Sivil Toplum.

### ÖZ

Bu makale Gana'da insan haklarının geliştirilmesi ve korunmasında sivil toplum kuruluşlarının rolünü incelemektedir. Birçok Afrika ülkesi, sömürgecilik sona ermesi ve Soğuk Savaş'ın sona ermesinin ardından dünya çapında ateşlenen küreselleşme sürecine uyum sağlayabilmek için insan haklarını geliştirmek ve savunmak amacıyla siyasi değişikliklere uğramıştır. Bununla birlikte, tüm kişilerin temel haklarını güvence altına almaya çalışan anayasal ilanların mevcudiyetine rağmen, bazı Afrika hükümetleri (bilinçli veya bilinçsiz olarak) bazı sömürge yapılarını korumuş ve hatta vatandaşların haklarının teşviki ve korunmasına yönelik demokratik havayı zayıflatmak için yeni mekanizmalar kurmuşlardır. Bu çalışmaya duyulan ihtiyaç, 1990'larda Gana'da demokrasiyi ve insan haklarını ilerletmeye yönelik çabaların, insan haklarını etkili bir şekilde ilerletmeyi ve korumayı amaçlayan hedeflerle doğrudan çelişen hedefler tarafından motive edilmiş olması gerçeğinden kaynaklanmaktadır. Giderek artan sayıdaki alanda, sivil toplum kuruluşları tarafından yaratılan deneyim ve yetenek, hem politika hem de operasyonel düzeylerde ulusların çalışmaları için çok önemli hale gelmiştir. Sivil Toplum Kuruluşları yeni fikirleri teşvik etme ve uluslararası toplumu ortaya çıkan zorluklara karşı uyarma rolünü üstlenmiştir. Bu nedenle, sivil toplum kuruluşlarının Gana genelinde vatandaşların haklarının geliştirilmesi ve korunması için eksik olan bağlantının sağlanmasında kilit bir rol oynaması çok önemlidir.

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## 1. INTRODUCTION

Some academics and policy analysts argue that civil society groups and international organizations rekindled their interest in fostering justice and peace in society during the second half of the 20<sup>th</sup> century by defending the fundamental rights of everyone (Dahal, 2020; Mlambo et al., 2019; Moka-Mubelo, 2017). According to them, for any society to achieve human progress, the civil and political rights of individuals and organizations must be upheld unconditionally. Non-governmental organizations (NGOs) are mostly used interchangeably with “civil society”, which often does not include the government or the private business sector. However, the concept of civil society can be very varied. Individuals, social groups, activists, formal and informal associations, faith-based organizations, and academics can all be considered as part of civil society. Civil society movements can be used to achieve regional, national, or global objectives. Members of civil society use a variety of strategies to improve human rights and good governance because it is varied and has many actors.

Some also postulate that the absence of true democracy, good governance, peace, and respect for human rights makes economic growth impossible (Armstrong et al., 2011). Indeed, good governance and respect for human rights are two sides of the same coin and key components of democratic development. In the same vein, a freely operating, well-organized, active, and responsible civil society is crucial for establishing lasting governance structures in a democracy. It is assumed that in a democracy, human rights are better promoted and safeguarded. Accordingly, it is argued that government action that undermines important components and players in a democratic system tends to undercut the defense and advancement of human rights (Appiagyei-Atua, 2002). Through their engagement in topics like human rights advocacy, electoral accountability, and governance transparency, CSOs significantly contribute to the maintenance of democratic processes and the promotion of good governance. A wind of change is blowing away from state-centric large governments and toward people-centered governance, as seen by the continuous emergence of dynamic CSOs throughout Africa. Different African nations have responded to the rise in non-governmental organizations in various ways. While some have recognized their roles and given them a lot of freedom to pursue their goals, others have enacted strict restrictions meant to limit their abilities to perform their duties (Appiagyei-Atua, 2002; Mohan & Holland, 2001).

A robust, effective democracy is built on the foundation of a healthy civil society. Non-governmental organizations are essential in advancing democratic principles, human rights, and civic engagement (Gupta, 2011). They maintain public participation and frequently provide groups with a voice in political deliberations that would not otherwise have one. To this end, civil society is both a collaborator and policy watchdog for governments. Civil society disseminates information, raises awareness of issues, monitors and reports on human rights violations on a global scale. They make daily contributions to the advancement, protection, and promotion of human rights globally. Numerous members of civil society, regardless of what they are known as (human rights defenders, human rights NGOs, bar associations, student clubs, trade unions, bloggers, among others), strive for a better future and share the same values of justice, equality, and human dignity.

The study aims to investigate the function of CSOs in Ghana’s advocacy and defence of human rights. According to the 2009 African Governance Report II (AGR, 2009), a study that looked at 35 African countries, Ghana is one of the African nations that is praised for granting CSOs a significant amount of operational independence, along with Botswana, Cape Verde, Malawi, and Benin. The 1992 constitutional amendment in Ghana gave CSOs more political wiggle room, and the number of NGOs and civic organizations rose significantly. Many CSOs are committed to upholding human rights and advancing

democratic governance, and they have contributed significantly to the organization of regular elections and other governance-related activities. In particular, NGOs play a crucial role in the entire human rights system. They empower right holders to demand that responsibility bearers uphold the same standards and remind duty bearers to do so. The question is whether CSOs play any role in the promotion and protection of human rights in Ghana. This paper argues that CSOs are essential for advancing human right principles at all tiers of the Ghanaian society. Considering that human rights are well protected in multiparty democratic systems where the norms and principles of good governance are upheld, the role of CSOs in bolstering these components will also be examined. This paper looks at the definitions of CSOs, the historical development of human rights in Ghana, and the influence of CSOs on the promotion and protection of human rights in Ghana.

## **2. METHODOLOGY**

The research used both primary and secondary sources to accomplish this goal. While the primary sources focus on interviews and national human rights instruments and legislation in Ghana, the secondary sources rely on journal articles, books, and relevant internet sources. Thirty-five public documents from the Ministry of Local Government and Rural Development, the Ministry of Foreign Affairs and Regional Integration, and the Ministry of the Interior about Ghanaian CSOs were used to gather qualitative data, as were 20 in-depth interviews with participants from state archives and the Civil Society Platform for SDGs. Participants were selected based on the nature of their involvement in human rights negotiations. The qualitative document analysis method was used to analyze the data. An evaluation of the issues is given voice and significance using document analysis, a social research technique, and a crucial research instrument. According to Wach et al. (2013), the area of political science primarily uses this methodology to guarantee that policies are studied consistently. According to experts in academic research, the qualitative document analysis approach is suitable for analyzing policies. Public records, personal documents, and physical evidence are the three main categories of documents that O'Leary (2014) claims can be employed in document analysis. Public records are used in this study to assess the policies of CSOs in Ghana. Before analyzing what role CSOs play in protecting human rights in Ghana, it is pertinent to take a look at some of the various definitions of CSOs in a short literature review.

## **3. DEFINING CIVIL SOCIETY: A REVIEW OF THE LITERATURE**

Giving “civil society” a generally accepted definition has not been an easy task for academics and policy analysts (VanDyck, 2017). As a concept, “civil society” became well known during the 1980s due to civil and/or social unrest in the majority of authoritarian countries in Latin America and Eastern Europe (Jezard, 2018). The phrase is commonly understood to refer to “area outside the family, market and state” (World Economic Forum [WEF], 2013: 8). According to the European Union, “all forms of social action carried out by individuals or groups who are neither connected to, nor managed by, the State” are considered to be part of civil society. The African Development Bank asserts that:

Civil society encompasses a constellation of human and associational activities operating in the public sphere outside the state. It is a voluntary expression of the interests and aspirations of citizens organized and united by common interests, goals, values or traditions, and mobilized into collective action either as beneficiaries or stakeholders of the development process. Though civil society

stands apart from the state, it is not necessarily in basic contradiction to it, and both ultimately influence each other (AfDB, 2012: 4).

Early European political theorists like Thomas Hobbes (1588–1679) and John Locke (1632–1704) viewed civil society as existing within the context of state-society interaction (Chambers & Kopstein, 2006). In that sense, civil society serves as both the basal source of the state and its accountability. One of the major themes in political sociology is the interaction between the state and civil society. Marxism, Pluralism, and the Elite's Theory are three theoretical frameworks from which political sociologists have examined this relationship. Marxists like Gramsci, for example, contend that civil society exists in spheres independent of governmental control and influence (see Barrow, 2020). Alternatively stated, CSOs are "revolutionising our approach to sovereignty as new non-state-based and border-free expressions of political community challenge territorial sovereignty as the exclusive basis for political community and identity" (Baker & Chandler 2005: 1). Later philosophers like Montesquieu and Tocqueville have asserted that civil society is, in some ways, antagonistic to the state (see Richter, 1998; Tocqueville, 2000). Some of the more recent studies of civil society organizations are consistent with those earlier definitions of the concept of civil society. Sarah Repucci (2010: x) argues that, "Civil society is an arena of voluntary collective actions around shared interests, purposes and values distinct from families, state and profit seeking institutions". In a similar vein, Fukuyama (1995: 8) sees "civil society as the realm of spontaneously created social structures separate from the state that underlie democratic political institutions". This description is comparable to that offered by Dunn (1996: 27) who stated that, "[c]ivil society is broadly regarded as the domain of relationships which falls between the private realm of the family on the one hand and the state on the other."

Other definitions of the concept limit civil society to its associational life. For instance, Schmitter (1995: 1) sees civil society as "[a] set or system of self-organized intermediary groups". Civil society, for Kligman (1990: 420), is "a web of autonomous associations independent of the state, which bind citizens together in matters of common concern, and by their existence or actions could have an effect on public policy." Similar views are expressed regarding civil society in the Concise Oxford Dictionary of Politics, which defines it as "the set of intermediate associations which are neither the state nor the (extended) family; civil society therefore includes voluntary associations and firms and other corporate bodies." The UNDP defined civil society organizations as "...non-state actors whose aims are neither to generate profits nor to seek governing power" during policy interaction with civil society organizations in 2001 (UNDP 2006: 3). The UNDP works with CSOs whose operational philosophies align with its own. Based on all these definitions, it can be deduced that "civil society constitutes a third sector, existing alongside and interacting with the state and market." One advantage of this is that the idea of civil society may be objectively tested and operationalized. The notions of civil society from earlier and later epochs do not differ all that much. The emphasis is on the organizations' independence and their ambiguous relationship with the government. Thus, as indicated by Tester (1992: 8), civil society is "the social relationships which involve the voluntary association and participation of individuals acting in their private capacities. In a simplistic formula, civil society can be said to equal the milieu of private contractual relationships." These latter set of definitions show that civil society refers to non-profit groups that have formalized social ties so they can function independently of political control.

The next set of definitions, from earlier scholars, seemingly connect the idea of civil society to the conditions that exist in newly democratizing and economically emerging nation-states. For instance, for Alfred Stepan, civil society is in the "arena where manifold social movements (such as neighbourhood associations, women's groups, religious groupings, and international currents) and civic organizations from all classes (lawyers,

journalists, trade unions, and entrepreneurs, among others) attempt to constitute themselves in an ensemble of arrangements so that they can express themselves and advance their interests." (1988: 3-4). Similarly, Augustus Norton (1995: 7) explained that civil society is formed when a "melange of associations, clubs, guilds and syndicates, federations, unions, parties and groups come together to provide a buffer between the state and citizen." In other words, as explained by Augustus, civil society is "literally and plainly at the heart of participant political systems." John Harbeson (1994: 3-4) is of the opinion that "in substantive terms, civil society typically refers to the point of agreement on what those working rules [of the political game or structure of the state] should be." According to these definitions, associations and organisations are all considered "part of civil society to the extent that they seek to define, generate support for, or promote changes in the basic working rules of the game by which social values are authoritatively allocated. In spatial terms, therefore, civil society is not simply synonymous with associational life; rather it is confined to associations to the extent that they are taking part in rule-setting activities." Heath Chamberlain provides a helpful definition of "civil society" that tends to highlight the changes in the Chinese community's social and political contexts:

Civil society may be understood as a community bonded and empowered by its collective determination to resist, on the one hand, excessive constraints of the society and, on the other hand, excessive regulation by the state. Although civil society is a relatively autonomous entity, distinct from both the state and society, it nevertheless partakes of both, and faces and constantly interacts with both (1993: 207-8).

The issue of whether political and corporate organizations qualify as civil society organizations then emerges (see Matsuura, 2001). The answer would not be an outright "yes" for political groups if one were to take into account Tocqueville's earlier distinction between the proper competencies of free associations and the competence of the state. Tocqueville restricts the definition of a "political society" to the simple involvement of the populace in issues of political influence and governmental affairs. This indicates that civil society and political society are markedly different. The latter refers to "the activities of the population as it engages actively with matters of government and power" while the former symbolizes "the private relationships between citizens and their myriad non-political associations" (Hann & Dunn, 1996: 5). The term "civil society" is thus considered "an autonomous sphere of social power within which citizens can pressure authoritarians for change, protect themselves from tyranny, and democratize from below" in both scenarios (Foley & Edwards, 1996: 43). The distinction between civil society and political society could also be analysed in light of the factors that led to their creation. The primary goals of civil society organizations (in most cases) are to examine, critique, and influence governmental policies in order to enhance the general welfare of the populace, in contrast to political parties, whose true goals are to win the support of the people in order to acquire political power. In other words, even while they occasionally collaborate with political parties, both in opposition and in power, the primary reason for creating a civil society organization is not to rule the populace (see Hirata, 2002; Scholte, 2001; Simai, 2006). According to Diamond (1999), civil society groups risk losing sight of their original purpose and turning into political societies if they allow themselves to be used as stooges by well-established political parties. As a result, they will be unable to successfully carry out their roles as mediators and builders of democracy (Hayagreeva et al., 2000).

The inclusion of commercial groups in the family of civil society organizations is another hotly debated issue in the literature. In this linguistic context, both Adam Smith (1723-1790) and Karl Marx (1818-1883) associate "civil society primarily with economic

interaction through the market” (Hann & Dunn, 1996: 4). Cohen and Arato (1992), however, disagree with the inclusion of corporate entities as part of civil society. Not only did they separate civil society from the state, but they also made a distinction between it and groups with a focus on the market (Cohen & Arato, 1992: 5). The definition provided by the Centre for Civil Society at the London School of Economics and Political Sciences (2004) is consistent with the views of Karl Marx and Adam Smith. The Centre for Civil Society holds the view that:

Civil society refers to the area of un-coerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women’s organizations, faith-based organizations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups.

Defining civil society in such a broad manner would contradict the position of those who argue that since CSOs are not profit-oriented, profit-driven institutions and corporate entities should be excluded from the family of CSOs (see Diamond, 1992; Simai, 2006; Scholte, 2001).

For the purposes of this discussion, I would like to rely on the widely accepted definition in Central Europe, which postulates that CSOs are “the independent self-organization of society, the constituent parts of which voluntarily engage in public activity to pursue individual, group, or national interests within the context of a legally defined state-society relationship” (Weigle & Butterfield, 1992: 3). This approach divides civil society into two components: “a legal framework and an identity of social actors.” The legal framework establishes the boundaries and the rules of engagement, controlling the relationship between the state and civil society while allowing for social self-organization. Thus, it ensures social groups’ independence and protection from arbitrary manipulation of authority and unwarranted political influence. A universal requirement that serves as the institutional foundation for the development of civil society is the legal framework. It is crucial to recognize that it is based on national circumstances and hence differs from state to state. The identity and operational objectives of the social actors are the focus of the second part of the definition.

#### **4. THE DEVELOPMENT OF HUMAN RIGHTS IN GHANA**

Since its independence in 1957, Ghana has experienced the adoption of five distinct constitutions and has endured five successful military coups d'état. The Independence Constitution of 1957 is the first constitution of Ghana. The 1960 Constitution was the second after independence, but Ghana’s first legal document after the country attained republican status in July 1960. The second Republican Constitution of 1969 is the third, while the third Republican Constitution of 1979 is the fourth constitution of the country (Twumasi, 1981). The current constitution, which has been in operation since January 7, 1993, is the country’s fifth constitution and the fourth since attaining republican status in 1960. There were no explicit provisions on fundamental human rights in either of the country’s first two constitutions, the 1957 Independence Constitution or the 1960 First Republican Constitution (Folson, 1971).

#### **4.1. The 1957 Independence Constitution**

The 1957 Independence Constitution was written in the form of an Order in Council and had a British-style legislature. From the perspective of human rights, three significant restrictions were placed on the legislative branch's authority. These were articles 31 (2), 31 (3), and 34, which indicated that the legislature did not have the authority to enact any legislation that would discriminate against any racial group or subject that community to liabilities for which members of other communities are not held responsible (Schwelb, 1960). Apart from restrictions put in place for the maintenance of public order, morals, or health, the constitution could not pass laws that would deny anyone the right to exercise their conscience or the freedom to profess, practice, or spread any religion. A court-approved amount of compensation needed to be paid before private property could be sequestered for the benefit of the state. Once again, the legislature was unable to enact laws that could affect the status and duties of chiefs, change the names of statutory regions, or alter provisions of the Constitution.

#### **4.2. The 1960 Republican Constitution**

As already indicated, the first Republican Constitution did not include any articles pertaining to human rights (Twumasi, 1968). However, article 13 (1) states that "Immediately after the assumption of office, the President shall make the following solemn declaration before the people":

On accepting the call of the people to the high office of President of Ghana, I solemnly declare my adherence to the following fundamental principles - a. That the powers of government spring from the will of the people; b. That freedom and justice should be honoured and maintained; e. That no person should suffer discrimination on grounds of sex, race, tribe, religion or political belief; h. That subject to such restrictions as may be necessary for preserving public order, morality or health, no person should be deprived of freedom of religion or speech, or the right to move and assemble without hindrance or of the right of access to the courts of law; i. That no person should be deprived of his property save where the public interest so requires and the law so provides.

Every operational property of a constitutional provision on fundamental human rights was present in Article 13 of the 1960 Republican Constitution. It safeguarded the freedoms of association, free expression; belief, movement, and property (see Schwelb, 1960). However, there was unprecedented disenchantment among many legal experts and friends of the court when the time came for Ghana's apex court to make a ruling about the essence of that article in the famous case of *RE: AKOTO & 7 Others*. In accordance with an order issued by the Governor-General and signed on his behalf by the Minister of the Interior under section 2 of the Preventive Detention Act (PDA), 1958, Okyeame Akoto and 7 Others were apprehended in November 1959. The applicants sought writs of Habeas Corpus so that they could appear in court for the state to explain why they were arrested, but the High Court denied their requests. They filed an appeal with the Supreme Court following the adoption of the 1960 Constitution, arguing that the PDA went beyond the authority granted Parliament by Article 13 (1) of the Constitution and went against the Solemn Declaration of Fundamental Principles proclaimed by the President upon taking office.

The question that needed to be answered by the country's top court was "Whether PDA was ultra vires the Constitution (1960) and therefore null and void." The highest court ruled that the president was solely subject to a moral duty under Article 13 (1). The declaration that the president was compelled to make, according to the court, was comparable to the Coronation Oath of the Queen of England and did not create a Bill of

Rights that could be viewed as establishing legal responsibilities that could be enforced in a court of law. As a result, the appeal was denied. Following that ruling, it was highly unworthy of one's effort to bring up the subject of human rights because individual human rights violations became a commonplace in Ghana. After the overthrow of Dr Kwame Nkrumah's government, detailed measures in the 1969 Constitution were required as a result of this growth in order to safeguard Ghanaians' liberties and human rights.

#### **4.3. The 1969 Republican Constitution**

The framers of the 1969 Constitution used the phrase "liberty of the individual" rather than "fundamental human rights." As many as seventeen provisions in the 1969 Constitution, namely articles 12 to 28, covered the preservation of individual liberty. One Sallah, however, put the state's ability to fully protect these rights to the test. After the overthrow of Nkrumah's government, Sallah filed a lawsuit against the Progress Party government, which had fired him as manager of the then-Ghana National Trading Company (GNTC). This lawsuit resulted from the infamous "Apollo 569" scandal, in which the newly elected government fired around 569 people from public office. However, the government of the Progress Party was overthrown by the military after only about two and a half years in power. Thus, Ghanaians never had the luxury of enjoying the constitutional benefits of the promised human rights regime. Except for the parts relating to the judiciary, the Constitution was suspended after the military takeover. After internal squabbling resulting from social agitations, the military opted to return the country to multiparty democracy, paving the way for a new Republican Constitution in 1979.

#### **4.4. The 1979 Republican Constitution**

The third Republican Constitution of 1979 witnessed a reintroduction of all 17 articles on the Fundamental Human Rights, which were embedded in the 1969 constitution as already discussed above (Haynes, 1991). Unfortunately, the 1979 Constitution, like the one in 1969, was overthrown in 1981 in yet another military intrusion into the process of Ghana's third attempt on democratization. From December 1981 to December 1991, the military had ten (10) successful years of administration before handing over to a civilian government following elections held in December 1992 (Oquaye, 1995). That military government of PNDC created the 1992 Constitution, which serves as the basis for Ghana's current legal framework.

#### **4.5. The 1992 Fourth Republican Constitution**

One of the distinguishing features of the 1992 Constitution is that an entire chapter is dedicated to the concept of human rights in Ghana (Ekow, 1996). Chapter Five, which is titled "Fundamental Human Rights and Freedoms", contains twenty-two articles. It is one of the constitutional chapters that includes what are known in legal parlance as "entrenched provisions." They are entrenched in the sense that they have been firmly established to the extent that changing or amending them necessitates holding a nationwide referendum with all eligible voters. The referendum would only be considered legitimate if forty percent (40%) of eligible voters actually cast their ballots. Additionally, an amendment may only be made if seventy-five percent (75%) of voters support it. As a result, it is difficult to get these clauses out of the Constitution. Chapter six of the 1992 Constitution, which is on "The Directive Principles of State Policy", is another feature that strengthens the fundamental rights and liberties of citizens as contained in Chapter five of the foremost Ghanaian legal document (Appiagyei-Atua, 2009). Indeed, it is worth noting that the Directive Principles of State Policy may not be viewed as justiciable provisions in some jurisdictions.



## **5. THE 1992 CONSTITUTION AND FUNDAMENTAL HUMAN RIGHTS IN GHANA**

The question is: which essential freedoms and fundamental human rights, as guaranteed by the constitution, are CSOs morally obligated to uphold and protect? Fundamentally, the 1992 Constitution of Ghana, like other democratic documents around the world, guarantees the right to life, equal economic and educational opportunities, social and cultural rights, as well as equality before the law, among others (Atuguba, 2008). In Article 12 of Chapter 5 of the Constitution, where the Fundamental Human Rights and Freedoms are prominently featured, the Constitution provides that:

12. (1) "The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of government and its agencies and, where applicable to them, by all natural and legal persons in Ghana, and shall be enforceable by the Courts as provided for in this Constitution." (2) "Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest."

Again, a Minister of State designated by the President is required to report to Parliament monthly the number of people who have been detained or restricted (in any shape or form), as well as to publish that information in the Gazette and other media outlets notwithstanding appearing before Parliament. Article 33 deals with how the courts will uphold these rights. Cases involving abuses of human rights may be heard by the High Court. When it comes to securing the enforcement of any of the articles on the fundamental human rights and freedoms to which the person in question is entitled, the High Court has the power to issue orders in the form of "habeas corpus, certiorari, mandamus, prohibition, and quo warranto". An individual who brings a case before the High Court has the right to appeal all the way to the Supreme Court.

On the other hand, a person may file a lawsuit against another party at the Supreme Court on the grounds that their actions violate constitutional provisions. Such an action or practice may violate one or more people's fundamental human rights, but not necessarily the person who initiates the lawsuit (Prempeh, 2008). It is worth noting that clause (5) of Article 33 indicates that "The rights, duties, declarations, and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man."

Chapter Six (6) on the Directive Principles of State Policy immediately follows Chapter Five (5) on Fundamental Human Rights and Freedoms. Chapter 6 of the Constitution, essentially, serves as a safeguard against the violation of the rights enshrined in Chapter 5. (Quashigah, 2007). In accordance with the mandate of the chapter, the President must inform Parliament, at least once a year, of all the actions taken to ensure the realization of fundamental human rights, a robust economy, access to quality healthcare, the right to employment, and the right to quality but affordable education (CHRAJ, 2005; 2008). The state is also tasked with fostering respect for these fundamental freedoms and rights, as well as human dignity, among all Ghanaians. It mandates that the state take the necessary action to preserve and defend the nation's environment for future generations. It again exhorts the

state to ensure the promotion and protection of all fundamental freedoms and rights guaranteed by Chapter 5.

## **6. THE WORK OF SOME CSOs AND HUMAN RIGHTS IN GHANA**

The concept of human rights has become commonplace in academic literature globally within the last five decades. During the Cold War, for instance, human rights became a political tool and found its way into foreign policy analysis to be used indiscriminately as a political weapon against ideological rivals (Schmitz & Walker, 2004; Tyson & Said, 1993). Thus, the Cold War era played a significant role in disseminating the concept of human rights worldwide. Today, the demand for an international system devoid of injustice and discrimination is at its crescendo (Hafner-Burton & Tsutsui, 2005; Hitchcock, 2015). For example, the February 15, 2003, peace protest around the globe attracted millions of people to demonstrate against not only the imminent invasion of Iraq but also in support of the then Secretary-General of the United Nations. It will be recalled that the UN, led by Mr. Kofi Annan, opposed the US-led invasion of Iraq, calling it “an illegality” because it violated the UN Charter. Part of the reason for global injustice is that there is a lackadaisical attitude among world leaders to end the impunity with which the human rights of the vulnerable in society are violated (Wotipka & Tsutsui, 2008). Although cultural, social, economic, civil, and political rights are enshrined in national and international legal systems, only the elites enjoy them. This subsection explores the role of CSOs in strengthening and protecting the human rights of Ghanaians, especially the vulnerable in society.

Undoubtedly, a strong civil society organization can play a pivotal role in ensuring respect for human rights. By the nature of their activities, CSOs are natural amplifiers of the voices of the devalued groups in society. Human rights CSOs often emerged in response to abuses of individuals by the state or restrictions on human rights in different situations. CSOs on human rights include various organizations that develop discourses on rights-related liberation and social justice (Drah, 1996). Such organizations have made strategic decisions to promote human rights discourse in Ghanaian society. Examples include Human Rights Reporters Ghana, the Ghana NGO Coalition on the Rights of the Child, the Commonwealth Human Rights Initiative, ActionAid Ghana, the Network for Women’s Rights in Ghana, the Ark Foundation, and the Alliance for Social Equity and Public Accountability, among others.

These nongovernmental organizations are active in providing training in diverse thematic areas of human rights, including the right to information and the right to legal representation in court, to mention just a few (Frimpong, 2017). In recent years, the campaign for the elimination of harmful cultural and traditional practices has enjoyed much support from several civil society organizations. While the constitution and laws of Ghana guarantee the rights of individuals in the country, societal behavior and “archaic” cultural norms have facilitated the perpetuation of harmful traditional practices in some remote communities. While some women in the northern part of Ghana are often accused of witchcraft, leading to their banishment from their communities, some young girls continue to be subjected to harmful cultural practices such as *trokosi* in some parts of southern Ghana (Boateng & Sottie, 2021). Other women and girls still suffer the human rights violations of widowhood rites and female genital mutilation, respectively. In response to these human rights violations, some NGOs “undertake field research and sensitization on harmful traditional practices with the goal of devising a strategy for their elimination.” The discussion will focus on the so-called “witch camps” in the north and the *trokosi* tradition in the south, attempting to figure out the contributions made by some nongovernmental organizations to combat these harmful cultural practices.

Many women accused of witchcraft in northern Ghana live in isolated camps called “witch camps.” The accusations often come from relatives or members of the community. Reasons for such accusations include causing the death or sickness of someone, appearing in someone’s dream, and being behind the “failure” of a relative, among others. The alleged witches are often lynched, banished, or forced to flee from their homes. They mostly end up in the camps since no relative will want to offer them shelter for fear of being attacked. These camps house around 1000 women and 600 children in poor living conditions and offer no hope of a normal life. The 1992 Constitution of Ghana, backed by international laws and conventions, guarantees the rights of all citizens of the country. Constitutional institutions such as the Domestic Violence and Victim Support Unit, the Commission on Human Rights and Administrative Justice, and the National Commission for Civic Education all work to protect human rights across the nation. However, these constitutional bodies face many challenges in discharging their constitutional mandates due, among other things, to a lack of sufficient logistical support from the government. Worst of all, many rural dwellers are unaware that when they experience violence or abuse of their human rights, they can seek help from these institutions. This is where the work of CSOs or non-state actors such as ActionAid proves vital to communities.

ActionAid, for several years, led the campaign for anti-witch camps in northern Ghana to ensure that those vulnerable women whom they designated, albeit indiscriminately, as witches could return to their communities and reintegrate safely into society. The antediluvian belief in witchcraft is still prevalent in Ghana and many other countries on the African continent. It is common for both men and women to be accused of witchcraft. However, women, especially the elderly, widows, and unmarried or barren women, constitute the vast majority of those branded as witches. Many human rights advocates, including ActionAid, regard the “witch camps” as cruel manifestations of violence against women and an indiscriminate denial of the rights of young girls and women who are condemned to the camps.

These camps only exist in communities in northern Ghana, where there are higher levels of poverty than in other areas of the country. Since 2005, ActionAid has been providing basic services such as shelter, water, food, and education to the inhabitants of the camps. The focus of the organization recently has been on helping these women learn more about their rights, improve their self-confidence, and get themselves organized to fight for access to improved social services in the camps. With the support of ActionAid, a coalition known as *Songtaba* was formed in 2005. Membership in the coalition included public or state institutions, CSOs, and agencies that committed to the fight against indiscriminate abuse of women’s rights. ActionAid’s country director thinks “ActionAid Ghana has been very effective in working with the alleged witches over the last few years. We started with dealing with their immediate needs... then we started looking at their own analysis of where they were and why they were where they were, building self-confidence and awareness of themselves as having rights. Two years ago, I was in a camp when a woman said, ‘We now know we’re human beings.’ That was a success” (ActionAid Country Director, 2021).

While ActionAid works to end human rights violations against the alleged witches in Northern Ghana, some parts of the southern sector of the country are also bereft of harmful ancient cultural practices that hamper the development of young girls. One of such practices is the *trokosi* system among the Dangmes community of the Greater Accra Region and the Ewes in the Anlo and Tongu communities in the Volta Region of Ghana. The term *Trokosi* means “the slaves of the gods” (Boaten, 2001: 91). Young girls, “between the ages of six and eight years, are sacrificed to the gods as a form of reparation for the crimes committed by their relatives.” The problem with these penal institutions “is that the wrongdoers get away with the crime they have committed, while the innocent virgin girls are punished and dehumanized as permanent slaves to the gods” (Asomah, 2015: 139). The priests in charge of

those shrines become the de facto husbands of these innocent young girls, who are condemned to the non-existent mercies of the gods for crimes they know nothing about. In other words, once the girls turn teenagers, the so-called custodians of the gods of the shrines will subject them to a de facto state of persistent sexual harassment.

The striking similarity between the Trokosi in the south and the Witch Camps in the north is that they both reflect gender discrimination against women, which is deeply rooted in many ancient cultural practices in Africa. Why should it be only girls, in most cases, who atone for the sins of their families in the case of Trokosi? (Kufogbe, 2008). Again, though there are wizards, we hardly hear of wizard camps. One of the reasons for these seemingly unintended discriminatory cultural practices is that the social organization in many African cultural contexts makes males authoritative figures with an unchallenged mandate to make decisions and protect the tradition. Their female counterparts have little or no say in traditional matters, which tends to facilitate the impunity with which women are discriminated against in most communities (Dzansi & Biga, 2014). However, the counterargument, especially from cultural relativists within the context of African traditional religion, is that these cultural practices (i.e., trokosi and witch camps) do not constitute violations of anyone's human rights. For them, the whole concept of human rights, Christianity, and Islam are imported foreign values that are used to subjugate African indigenous values (Ameh, 2004).

There have been several attempts over the years by civil society groups and individuals to abolish the trokosi system in Ghana. As early as 1923, when Ghana (then Gold Coast) was still under colonial rule, an individual by the name of Daniel Nyagbledsi petitioned the Governor of Gold Coast on two different occasions to get the ancient practice abolished since it was inimical to modern civilization (Ameh, 2004). The governor directed the Secretary of Native Affairs to have the practice investigated. The District Commissioner, who investigated the matter, came out with an outlandish conclusion, which still baffles many governance analysts. For the District Commissioner, as long as the people continue to pay their mandatory levy to the Colonial Administration, whatever cultural practice they engage in could not constitute a crime against the colony (Asomah, 2015). Thus, Mr. Daniel's attempt to have the dangerous cultural practice abolished could not see the light of day. In the 1970s, a faith-based organization, the Fetish Slaves Liberation Movement (FESLM), led by Mr. Mark Wisdom, engaged in a media campaign to draw the international community's attention to the trokosi practice in some southern communities in Ghana. The approach adopted by FESLM was to tackle the problem from its roots, that is, by getting the trokosi priests delivered from the evil spirits and winning their "sinful souls" for Christ (Keck & Sikkink, 1999). The Fetish Slaves Liberation Movement failed in their quest to abolish the trokosi system because the approach they used was deemed disrespectful to the indigenous belief system.

The biggest breakthrough, it would seem, came in the 1990s when another faith-based organization, International Needs Ghana (ING), mounted the strongest campaign ever against the practice of trokosi. To ensure victory against trokosi, this Christian organization collaborated with several organizations, both governmental and nongovernmental, including the National Council on Civic Education, the Commission on Human Rights and Administrative Justice, the National Council on Women and Development, the Federation of Women Lawyers, and the Ghana National Commission on Children, to mention just a few. Through these powerful networks, International Needs Ghana was able to lobby the government of Ghana to amend sections of Ghana's Criminal Code in 1998. With such an amendment, all forms of "customary or ritual servitude", including trokosi, were criminalized.

## 7. CONCLUSION

Even though there is evidence of some resistance due to cultural beliefs, we have observed that public acceptance of human rights, particularly in the current democratic dispensation, has improved. The paper points to relationship-related cultural and societal norms as some of the causes of this resistance. The discussion also seems to suggest that ordinary people do not always think that the human rights institutions in Ghana address their interests. Relatively, Ghana has shortcomings in the protection of human rights, particularly in terms of the economic and social rights of marginalized groups. Therefore, for CSOs to be more effective in promoting and protecting human rights in Ghana, there is a need for less reliance on the recurring “talk shop” strategy and more focus on research to support their lobbying capabilities. In other words, CSOs need to go beyond simply discussing the value of human rights at various workshops and conferences to being more deliberate and systematic about pursuing human rights through public education, policy advocacy, or legal actions. In order to employ international and human rights norms more effectively, it is also worth advising CSOs to first develop their own capacity to participate in the policy-making process.

The two case studies (i.e., Trokosi in the south and the Witch Camps in the north) help us appreciate the role that CSOs play to ensure that all persons, including the marginalized, enjoy their inalienable rights to life and liberty. The existence of CSOs is very vital for national development since the state can also serve as an active or passive violator of the rights of its citizens in many bizarre situations, such as the lack of political will to ensure that laws safeguarding the rights of citizens are enforced without fear or favour. Therefore, a democratic nation like Ghana needs a strong civil society that can speak truth to power and has the tenacity of purpose to deal with all infractions of citizens’ rights, including harmful cultural practices. Ghanaians do not need to violate the rights of others to express their cultural values. Though the culture of a people indeed constitutes a significant element of their identity, there is an urgent need to re-examine some of the most harmful cultural practices to reflect the changing realities of our time. After all, as Plato indicated in *The Apology*, “the unexamined life is not worth living” (Brickhouse and Smith, 1994: 201).

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