





THE DEATH PENALTY IN GHANA

HOW CAN ABOLITION
IN GHANA
BE ENCOURAGED?

THE 4 MAIN PRIORITIES :

-  Commute the sentences of inmates on death row to life imprisonment
-  Remove the mandatory death penalty for all crimes
-  Abolish the death penalty in law, through the revision of the Penal Code and the Constitution
-  Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights



CHRONOLOGY OF THE ABOLITION OF THE DEATH PENALTY IN GHANA

17 July 1993

LAST EXECUTIONS (12)

➔ Beginning of the moratorium: Ghana becomes an abolitionist State in practice.

2019

LAST DEATH SENTENCES

Eight death sentences were pronounced in 2019.

26 March 2020

COMMUTATION

of the death sentence of 7 inmates on death row to life imprisonment by presidential amnesty.

TESTIMONY OF A PERSON SENTENCED TO DEATH

Matthew Kwame Sabbah, 58, who has been sentenced to death at age 31 and served a total of 27 years at the Nsawam Medium Prison recounts his experience after his release through a presidential pardon in March 2020.

"Prison is not a place somebody should stay at all, it's indeed a very bitter place to live especially when you're sentenced on death row. There is a lot of torture we go through. We sleep like the way they pack sardines in tins.

The quality of the food and health care we receive in prison is to be deplored. To get prison officers to take you to the hospital whenever you are sick is a problem. As a result, some people have even lost their lives, the food we eat, even if you give it to the dog, it will not eat it."

That is why, ACAT Ghana calls on the government, police and prison services, and the court and justice system to uphold human rights law and conventions and abolish the death penalty.

DID YOU KNOW?

Between 2007 and 2018, the United Nations General Assembly adopted seven resolutions calling for a universal moratorium on the death penalty.

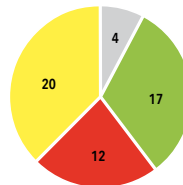
In December 2018, 121 of the 193 UN member States voted in favour of the resolution, 35 voted against and 32 abstained. These resolutions confirm the global consensus to abolish the death penalty.

And in Africa? Many African States have voted in favour of these resolutions and this number is constantly increasing (see diagram opposite). Within 11 years, the number of States voting in favour of the universal moratorium has increased from 17 to 27, while the number of opposing States has been reduced from 12 to 5.

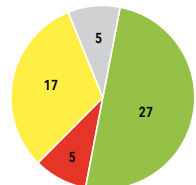
Ghana never voted in favour of these resolutions; the State has always abstained, except for the Resolution 67/176 in 2012 when it was absent. The next resolution will be voted on in December 2020.

VOTES OF AFRICAN STATES

Votes on the resolution
62/149 (2007)



Votes on the resolution
73/175 (2018)



■ In Favour ■ Against ■ Abstentions ■ Absence

NEXT STEPS FOR THE ABOLITION OF THE DEATH PENALTY

Impose a memorandum on executions and amend its laws to eliminate the death penalty.

Sponsor the Resolution calling for a universal moratorium on the use of the death penalty to be presented to the United Nations General Assembly in December 2020.

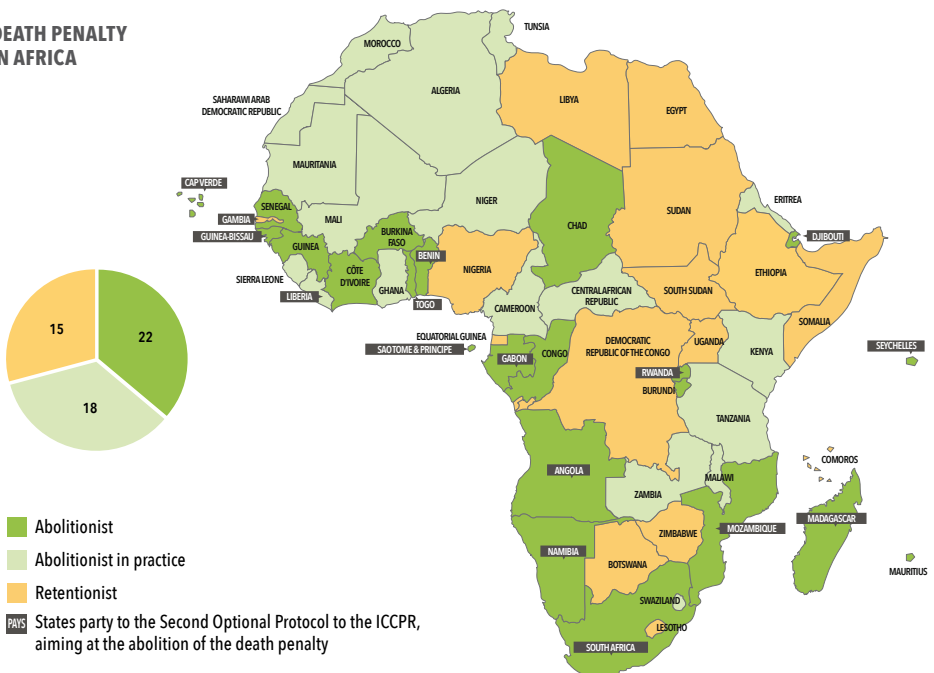
Ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.

The **Second Optional Protocol** to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of the death penalty is the only international treaty which prohibits executions, and which aims at the complete abolition of the death penalty. This instrument obligates States which have ratified it to definitively get rid of the death penalty and makes it possible to guarantee, in a lasting manner, the non-reinstatement of the death penalty at national level.

As of 1 September 2020, the Protocol has been ratified by 88 States and signed by 39 others, including 16 African countries (*see map below*). The most recent in Africa are The Gambia (September 2018) and Angola (October 2019).

In Africa, the trend is also towards the abolition of the death penalty, which places Africa as the next abolitionist continent. As of 1 September 2020, 22 States in Africa have abolished the death penalty, 18 have a moratorium on the death penalty, and only 15 maintain the death penalty. Chad is the last country to have abolished the death penalty on 20 May 2020.

DEATH PENALTY IN AFRICA





WHY DO WE NEED AN AFRICAN PROTOCOL ON THE ABOLITION OF THE DEATH PENALTY?

FROM A POLITICAL POINT OF VIEW, it shows the will of African governments to openly deal with the question of the death penalty and proves the importance of this issue on the continent. It reaffirms that respect for the right to life necessarily requires the abolition of the death penalty.

FROM A LEGAL POINT OF VIEW, it is binding only upon those States that ratify it, and supplements and strengthens the provisions on the right to life (Article 4) of the African Charter. It specifies the legal means of abolishing the death penalty and of preventing it from being reintroduced in the State parties.

FROM AN EDUCATIONAL POINT OF VIEW, it serves as an instrument which governments, national human rights institutions, religious, traditional and customary leaders, lawyers, the judiciary, civil society organisations, the media and citizens can use as a basis for arguing for the abolition of the death penalty.



WHAT DOES THE ADDITIONAL PROTOCOL ON THE ABOLITION OF THE DEATH PENALTY IN AFRICA SAY?

THE PREAMBLE recalls the commitments of the African Union and its Member States in favour of the abolition of the death penalty and emphasises the importance of abolition for the protection and promotion of human rights.

ARTICLE 1 requires the Signatory States to commit to protecting the right to life and abolishing the death penalty while respecting their sovereignty.

ARTICLE 3 requires States that have ratified the Protocol to apply a moratorium on executions pending the completion of the national legislative process to abolish the death penalty.

ARTICLE 4 relates to Member States' reporting obligations to the ACHPR.

ARTICLE 6 provides for the entry into force of the Protocol once 15 African Union Member States have ratified or signed it.

ARTICLES 2 AND 5 deal with procedural issues.

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