



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**SUBMISSION BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)
FOR THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS' COMPILATION
REPORT
- UNIVERSAL PERIODIC REVIEW:
GHANA**

I. BACKGROUND AND CURRENT CONDITIONS

Ghana is party to the key international instruments on human rights and refugee protection. Specific to the protection of refugees, Ghana is party to the *1951 Convention Relating to the Status of Refugees (1951 Convention)* and the *1967 Protocol*. Further, Ghana has ratified the *1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa* and has codified the key principles of international refugee protection espoused in these international instruments in the Ghana Refugee Law of 1992, PNDCL 305D. Ghana is neither a State party to the *1954 Convention relating to the Status of Stateless Persons*, nor to the *1961 Convention on the Reduction of Statelessness*.

Protection of human rights at the national level is enshrined in the 1992 Constitution. The Constitution guarantees fundamental rights for all refugees, such as freedom of movement, association, expression, and religion, as well as other rights, such as women's rights, children's rights, economic rights and educational rights. Protection of these rights in Ghana is generally respected given the stable nature of the country. The supervision of human rights' violations rests with the Commission for Human Rights and Administrative Justice (CHRAJ). CHRAJ is mandated to investigate human rights violations of individuals, including those of refugees. Reports indicate that refugees have approached CHRAJ for help, and CHRAJ has investigated allegations against top government officials, as well as by ordinary citizens. Moreover, CHRAJ regularly shares communication from refugees with UNHCR.

Ghana provides one of the few examples on the African continent of a state that has taken concrete steps to live up to its international legal obligations in terms of human rights and refugee protection. It remains one of the most stable countries within the sub-region and has a democratically-elected government. Under its 4th Republican Constitution, which has been in place since 1992, it has seen peaceful elections and four transitions. The National Democratic Congress (NDC) took control of the government in a largely peaceful manner from the New Patriotic Party (NPP) on 7 January 2009.

The general security situation in Ghana is largely stable with the exception of armed robbery and intermittent conflicts with Fulani herdsmen in the northeastern part of the country, as well as ethnic and chieftaincy clashes in the northern part of Ghana, which have been a cause for concern.

Refugees and Asylum-Seekers

In 2011, 18,250 persons sought asylum in Ghana, of which 17,985 were from Cote d'Ivoire and 109 were from Sudan. Other asylum-seekers were from Togo, Nigeria and Chad, among others. As of 31 December 2011, the total population of concern in Ghana stood at 26,220 persons. There have been no official reports of *refoulement* in the country. Apart from minor

incidents of xenophobia towards refugees, the country as a whole remains accessible to persons of concern.

Ghana provides a working environment in which UNHCR and other humanitarian agencies can easily operate. The country remains hospitable to the influx of refugees into Ghana. However, the previous inactivity of the Ghana Refugee Board (reconstituted in February 2011, two years after its dissolution) and three cabinet reshuffles (the most recent being the reappointment of the Minister for the Interior on 25 January 2012) have stifled the institutional memory and slowed down the Government's responsiveness to refugee issues, two of which are of paramount importance in 2012: the protracted Liberian refugee situation and the Ivorian refugee situation.

In 2011, the political tension in Cote d'Ivoire triggered an influx of over 17,000 asylum-seekers into Ghana. The Minister for the Interior officially decided to grant *prima facie* refugee status to Ivorian asylum-seekers, which the government stated will be published in the official gazette. In accordance with international refugee law, in September 2011, a Tripartite Agreement was signed between the governments of Cote d'Ivoire and Ghana and UNHCR, following which a Tripartite Commission was established with key representation from the relevant government agencies to facilitate the voluntary repatriation of Ivorian refugees in Ghana in safety and dignity. As of 31 December 2011, the total population of Ivorian refugees in the country numbered 10,091. In January 2012, UNHCR received requests for 56 individuals to return, and 46 individuals were assisted to return on 9 February 2012. However, as of early 2012, there have been very few requests for facilitated return.

Liberian refugees, who constitute 46.4% of the refugee population, reside predominantly in the semi-urban Buduburam Refugee Settlement in the Central Region and in the remotely coastal Krisan Refugee Settlement in the Western Region. Successful voluntary repatriation exercises contributed to the reduction of the population from over 18,000 in early 2008 to 11,301 as of 31 December 2011.

In addition to the Ivorian and Liberian refugees, Ghana experienced an influx of Togolese refugees in 1991-92 and in 2005. The Government granted them *prima facie* status. Pursuant to a Tripartite Agreement on the voluntary repatriation of Togolese refugees in Ghana signed on 11 April 2007, thousands of Togolese refugees were assisted in returning to Togo. At the end of December 2011, the Togolese refugee population in Ghana stood at 1,906 persons.

Refugees living in Ghana have enjoyed protection under the Ghana Refugee Law, which details the rights and obligations of refugees and their families, the conditions refugees must meet to obtain employment, and procedures to naturalize, among other issues.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

UNHCR commends the Government and the people of Ghana for providing hospitality to refugees, especially to those from Liberia and Togo, for the past two decades.

UNHCR also commends the Government of Ghana for agreeing to enroll refugees into the national identification and health schemes through the National Identification Authority and the National Health Insurance Authority respectively. The national identification scheme seeks to provide identification documents to all Ghanaians and foreign nationals lawfully in

Ghana, including recognized refugees and asylum-seekers. Thus far, approximately 1,100 refugees have been registered on the scheme. Approximately 6,338 refugees – which includes, among others, approximately 4500 Liberians, 1250 Togolese and 200 Sudanese – have been registered under the national health insurance scheme as of December 2011. This has improved the health conditions of refugees living in rural settings, as well as vulnerable persons living in the semi-rural and urban areas, by providing basic healthcare and treatment, including drugs and caesarean operations.

III. CHALLENGES, CONSTRAINTS AND RECOMMENDATIONS

Issue 1: Lack of Local Integration Policy

The Liberian and Togolese refugee populations are in a protracted refugee situation. The Government of Ghana has been officially informed of the invocation of cessation of refugee status for Liberian refugees on 30 June 2012, and there have been discussions between UNHCR and relevant government partners on the importance of a local integration policy. To date, the Government of Ghana has not communicated its local integration policy to UNHCR or to the persons of concern. Thus, approximately 3,000 persons who opted for local integration during a profiling exercise held in 2009 have remained in limbo. Pending a decision by the Government on the legal aspect of local integration, UNHCR continues to promote self-reliance among the Liberian refugees to ensure that refugees are no longer dependent on humanitarian assistance and to enable them to acquire skills they can use in the country of asylum; they are also provided with ILO recognized certification and start-up kits. UNHCR further assists the host community to enhance the relationship between refugees and the host community.

Despite public declarations by government officials that the Budubruam Settlement will be closed, no alternative sites have been suggested. Efforts by UNHCR, in collaboration with district assemblies and traditional leaders, to identify alternative sites for relocating refugees within the context of local integration were stalled as a result of a decision by the central government to take over the process.

Recommendation: The Government should declare its local integration policy for the protracted refugee populations, particularly Liberians, and facilitate the integration and assimilation of refugees opting for local integration in Ghana pursuant to Article 34 of the *1951 Convention*. The Government should ensure that, at the end of the integration process, refugees opting for local integration are granted rights and entitlements commensurate with those enjoyed by foreign citizens legally residing in the country, including freedom of movement; access to education and the labour market; access to property; access to valid travel and identity documents; and access to the realization of family unity.

Issue 2: Documentation

According to Articles 25, 27 and 28 of the *1951 Refugee Convention*, States Parties are obliged to take all necessary measures to register and document refugees and asylum-seekers on their territory as quickly as possible upon their arrival and to issue identity papers and travel documents. Since 2003, when the Government of Ghana issued identity cards to refugees following a comprehensive registration exercise, there has been no further issuance of identity cards to refugees. In order to provide refugees with some form of identity documents, UNHCR started issuing Attestation Letters which were valid for six months. Following the reconstitution of the Ghana Refugee Board in 2011, the Board has, in principle, agreed to take over the issuance of Attestation Letters to the population of concern. This is yet to be implemented fully across the country.

The lack of identity documents has impacted refugees negatively, particularly with regard to registration in the national identification scheme. While the National Identification Authority is willing to register refugees and asylum-seekers in the scheme, they require that they provide documentation to prove their status before they can register. Thus, refugees who have arrived in Ghana after 2003 – and thus have not received documentation from the Ghana Refugee Board since its reconstitution in 2011 – are unable to register in the national identification scheme.

Moreover, pursuant to the International Civil Aviation Organization (ICAO) Regulations, Member Countries agreed to start issuing biometric or machine-readable travel documents by April 2010. However, the Government of Ghana has not started issuing machine-readable Convention Travel Documents (CTDs) to refugees who intend to travel outside the country.

Recommendation: The Government should fulfil its obligations under international law by issuing identity documents to enable refugees to register in the national identification scheme, which would eventually facilitate access to basic services. Also, the Government should meet its international obligation to issue refugees machine-readable CTDs.

Issue 3: Civilian Character of Asylum

Following the arrest of Cote d'Ivoire's former president Laurent Gbagbo in April 2011, the profile of asylum-seekers from Cote d'Ivoire through the Elubo border of Ghana changed significantly. Unlike earlier movements, where women and children were predominant, there was a sudden increase in single men, including students. After establishing a pre-screening mechanism with the Ghana Immigration Service (GIS), UNHCR was able to identify persons suspected to be combatants and former combatants in the armed conflict in Cote d'Ivoire. Thus far, UNHCR, (with limited support from the Government of Ghana) has interviewed approximately 600 persons, out of which about 125 persons have been identified as direct participants in the armed conflict. These persons continue to live at the Eagle Star Reception Center with other civilians, even though UNHCR has continuously advocated for the Government to take ownership of the screening process of such persons and to ensure separation from the general population to preserve the civilian and humanitarian character of asylum.

Recommendation: The Government should develop a national policy in conformity with international norms to address issues of separating combatants and former combatants from civilians, implementing rehabilitation programmes for persons identified as combatants and former combatants and screening new arrivals effectively to maintain the civilian character of asylum.

Issue 4: Revocation of Refugee Status

There are currently about 2,500 Togolese in Ghana whose refugee status has been revoked pursuant to verbal statements from the Government. The revocation, according to the Government, was implemented following a 1997 protection assessment of Togolese refugees in the Volta Region. Ironically, all persons whose refugee status was allegedly revoked in 1997 were issued refugee identity cards following a comprehensive registration exercise in 2003. Despite the issuance of identity cards and the failure of the Government to furnish UNHCR with documentary evidence of the protection assessment conducted in 1997, the Government maintains that these persons are no longer refugees, making it difficult for UNHCR to directly assist, and to pursue durable solutions for this population.

Recommendation: The Government should take appropriate steps to restore the status of Togolese refugees and ensure that their rights are protected under national and international law. The Government should also share the 1997 Protection assessment.

Issue 5: Asylum System and Appeals Process

As per the 1992 Ghana Refugee Law, a person who is denied refugee status has a right to appeal to the Minister for the Interior and shall receive a decision within 30 days. However, this law is not implemented in practice, as refugees who lodge appeals are neither heard nor provided with decisions.

Recommendation: The Government should, without delay, respect refugees' right to appeal a denial of refugee status and should fully implement an appeals process in the judicial system or an appropriate independent entity.

Issue 6: Accession to the International Statelessness Instruments

Ghana is neither a State party to the *1954 Convention relating to the Status of Stateless Persons*, nor to the *1961 Convention on the Reduction of Statelessness*.

Recommendation: Accession to the *1954 Convention relating to the Status of Stateless Persons* would establish a framework to protect such individuals and would work to avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment of stateless persons, providing such persons with stability and security, and ensuring that certain basic rights and needs are met. Furthermore, the *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties. An increase in the number of States parties is essential to strengthening international efforts to prevent and reduce statelessness.

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