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**Efficiency of the police,  
access to the justice,  
mental health and tribal  
conflicts**

**Ghana**

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## INTRODUCTION

Ghana, located along the Gulf of Guinea in West Africa, is considered an established democracy in a politically unstable region. The country is home to a wide array of ethnic groups. Major groups include the Akan, Mole-Dagbani (notably the Dagomba people in the northern region), Ewe, Ga-Adangme, and Gurma. While ethnic tensions were minimal at the time of independence in 1957, periodic conflicts have arisen in certain areas, particularly in northern Ghana, sometimes leading to violent confrontations. A legacy of British colonial rule, Ghana's traditional chieftaincy system has coexisted alongside modern governmental structures. However, since independence, the influence of traditional leaders in political decision-making has diminished, leaving their roles largely ceremonial.

Building on Ghana's commitment to democratic governance and social cohesion, the Ghana Police Service plays a vital role in maintaining order and security across the country. Guided by principles aimed at achieving international standards, the police strive to deliver planned, democratic, and protective services. Ghana's police force is recognized for its relative effectiveness in crime prevention compared to many African nations. However, challenges such as resource limitations, misconduct, and corruption highlight areas for improvement.

The judicial system complements the work of the Ghana Police Service by striving to uphold the rule of law and facilitate access to justice. Over the past two decades, numerous reforms have been implemented, including initiatives to modernize the judiciary, promote public education on human rights, and introduce alternative dispute resolution (ADR) to ease the burden on courts. The government has also demonstrated increasing respect for the rule of law, complying with court rulings and supporting anti-corruption efforts that hold officials accountable. However, challenges remain. Many Ghanaians still face barriers such as high legal costs, delays, and limited availability of legal aid services.

Other sectors such as mental health care face persistent challenges that reflect broader issues of access and equity in Ghana. With only three main psychiatric hospitals and limited regional units, geographical disparities and staff shortages, mental health services remain insufficient to meet the country's needs. Cultural stigma further compounds these issues, discouraging many from seeking formal treatment and driving reliance on unconventional practices. These gaps highlight the critical need for holistic approaches to addressing inequalities across essential services.

The challenges in Ghana's mental health care system mirror broader inequities that underscore the importance of promoting fairness and cohesion, particularly in navigating the country's ethnic diversity and recurring tribal conflicts. Disputes often arise from chieftaincy rivalries or land ownership issues, rooted in historical grievances. To resolve tribal conflicts, three types of methods are available in Ghana. Customary dispute resolution, sometimes called traditional alternative dispute resolution, involves tribal authorities, while formal judicial processes, i.e in front of the courts, offer a more structured alternative. Finally, hybrid methods, such as court-assisted alternative dispute resolution (CCADR) mechanisms, are a blend of traditional and formal mechanisms.

## I. The efficiency of the police in Ghana and challenges in this sector

The Republic of Ghana has adopted a number of principles to ensure the effectiveness of its police force in maintaining order and security (A). However, in practice, the Ghana Police Force still faces challenges which result in a lack of efficiency and confidence in the police (B).

### A) An efficient police force

Source: Dr Kwesi A., *Report on Access to Justice - Scoping Study of the Justice (Formal and Informal) Sector in Ghana*, STAR Ghana (Strengthening Transparency, Accountability and Responsiveness in Ghana), 2013

“The police still constitute **the first port of call for many who seek justice** [...].”

Source: *African Charter on Human and Peoples’ Rights*, Organization of African Unity, 1981 (ratified on January 24, 1989)

“ARTICLE 6: Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, **no one may be arbitrarily arrested or detained.**”

Source: *A Guide to the African Charter on Human and Peoples’ Rights*, Amnesty International, 2006

#### ***“Equal treatment***

(Articles 2 and 3)

The Charter says that everyone has equal rights and freedoms. This means it is illegal for the state to discriminate against you [...]. This part of the Charter also means that the authorities must offer the **same protection to everyone**. It is therefore **illegal for the police or courts to treat people differently** because, for instance, they have different ethnic backgrounds or religious views, or because they are rich or poor.

#### ***Right to life and safety***

(Article 4)

[...] It also states that no one may be arbitrarily deprived of their right to life. **This means that police officers or soldiers may not use lethal force** – such as firing live ammunition at people – **unless their own lives or the lives of others are in immediate danger and less extreme**

**measures would not avert the danger.** To make sure this right is respected, **governments must indicate clearly** to soldiers and others armed with lethal weapons **when and in what circumstances they are allowed to use their weapons.** For example, soldiers and police officers must be forbidden from firing on peaceful demonstrators who are waving placards and shouting anti-government slogans – even if the government has banned the demonstration [...] soldiers or **police hunting suspects may never kill villagers or others just because they believe they are helping rebels or criminals, or in reprisal attacks on entire communities.**

[...] *Liberty and security*

(Article 6)

The Charter guarantees in broad terms the right to liberty and security. No one may be arbitrarily arrested or detained. [...] The right to liberty has been interpreted by the African Commission to **include: the right to be informed at the time of arrest of the reasons for arrest and to be promptly informed of the charges** [...] In practice, this means: **the police** or others in authority **may only arrest you on a criminal charge if they genuinely suspect that you have committed a crime**, the police or others in authority may not detain you indefinitely after arrest on a criminal charge or after detention on some other grounds

[...] **Fair trial**

(Article 7)

[...] this means **the police are not allowed to arrest a relative of someone who has run away in the hope of punishing the person indirectly or forcing the person to surrender**[...].”

Source: Ghana Police Service

“**The mandate of the Police Service is found in the constitution of Ghana (1992), and further guided by laws such as the Police Service Act, 1970 (Act 350) and the Police Service regulation 2012 (C.I 76).**”

Source: *The Constitution of the Republic of Ghana - Chapter 015, The Police Service, 1992*

“Section 200

(1) There shall be a Police Service of Ghana.

(2) No person or authority shall raise any police service except by or under the authority of an Act of Parliament.

(3) The Police Service shall be **equipped and maintained** to perform its **traditional role of maintaining law and order.**”

“203 [...]

(2) **The Police Council** may, with the prior approval of the President, by constitutional instrument, **make regulations for the performance of its functions** under this Constitution or any other law and **for the effective and efficient administration of the Police Service**.

(3) Regulations made under clause (2) of this article shall include regulations in respect of - (a) the control and administration of the Police Service; [...] (d) the authority and powers of command of officers and men of the Police Service; [...].”

Source: Aryee A., *The Ambit of Police Investigative Powers in Ghana*, Judy, May 20 2024

“The rationale is that the personal liberty (article 14 of the 1992 Constitution) and human dignity (article 15) of the person must be respected, therefore **the arrest should be by due process and cause only minor interference with the enjoyment of these rights** until a person is found **guilty of a crime by a court** of competent jurisdiction (articles 14, 15 and 19)”.

Source: *The Police Service Act (ACT 350)*, 1970

“Section 8 - Schemes of Service and Training:

(1) The Inspector-General of Police may, with the consent of the Minister, prepare **schemes of service giving details of duties, training facilities**, and other matters relating to service as a police officer.

(2) There shall be a branch of the Police Service with the function of **supervising and coordinating**, under the general direction of the Inspector-General of Police, **arrangements for the training of members of the Police Service.**”

[...]

“Section 17 - Misconduct and Unsatisfactory Service: It shall be **misconduct** for a police officer:

(a) **to be absent** from duty without leave or reasonable excuse;

(b) **to be insubordinate;**

(c) **to use, without lawful authority, any property or facilities provided for the purposes of the Police Service for some purpose not connected** with his official duties;

(d) **to engage in any activity outside his official duties which is likely to involve him in political controversy or to lead to his taking improper advantage of his position** in the Police Service;

- (e) **to engage in any gainful occupation outside the Police Service** without the consent of the Inspector-General of Police;
- (f) to become or be a **member of a trade union** or of any other association (other than an association authorised by the Minister) having similar objects;
- (g) **to sleep on duty**;
- (h) **to take any alcoholic drink while on duty**;
- (i) **to permit a prisoner to escape through negligence or wilfulness**;
- (j) **to divulge any confidential information** to a person not authorised to receive it;
- (k) to do any other act without reasonable excuse which amounts to a **failure to perform** in a proper manner **any duty** imposed on him as such, or which contravenes any enactment relating to the Police Service, **or which is otherwise prejudicial to the efficient conduct of the Police Service or tends to bring the Police Service into disrepute.**”

[...]

“**Section 23 - Complaints by the Public:** (1) Any member of the public shall be entitled, without prejudice to any other means of redress legally available to him, to make a complaint in writing, signed by him, as to-

- (a) **any instance of bribery, corruption, oppression or intimidation by a police officer**;
- (b) **any neglect or non-performance of his duties** by a police officer;
- (c) any **other misconduct** by a police officer.

[...]

(4) The Inspector-General of Police or superior police officer, as the case may be, on receiving a written complaint under this section, **shall cause a full and impartial investigation to be made**, and shall—

- (a) send a report of his **conclusions to the complainant**;
- (b) **take such action on the report as the circumstances may require.**”

Source: Commey A., *An Overview of the Police-Public Relationship in Ghana*, SSRN, 2020

“The Ghana Police Service Act 1970 (Act 350) **Section 23** provides the **grounds for the public to help the police service evaluate the performance of their personnel** to foster good police-public relationship by making complaints about police misconduct. It also **enforces accountability of the police service** to the public about police performances and conducts.”



Source: *Ghana Police Service*, Ministry of the Interior Republic of Ghana

“The Ghana Police Service **seeks to become a world class Police Service** capable of delivering planned, democratic, protective, and peaceful services up to the standards of international best practice.”

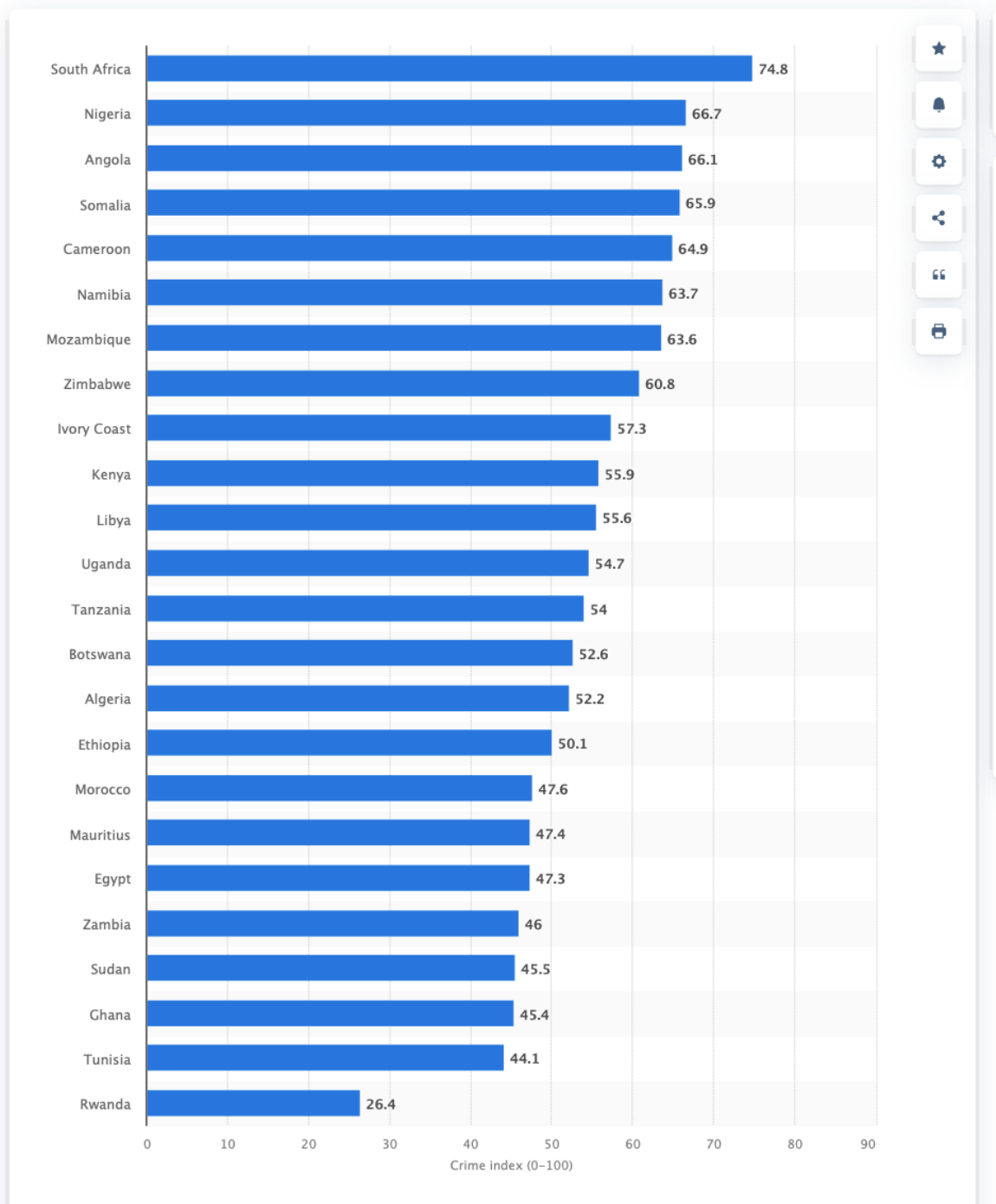
“CORE VALUES: In an effort to provide valuable service, the Service is guided by a **set of principles which form the foundation of its operational mandate**. These are:

- Commitment to personal and professional **development of staff** at all levels.
- Treatment of all people – offenders, staff and the general public **with dignity, respect and understanding**.
- Demonstration of professionalism through **vigilance, fortitude, integrity, accountability and pride in work**.
- Encouraging **positive interaction** with the public to **promote public safety and understanding**.
- **Zero tolerance for crime and full commitment for human rights”**

Source: *Countries with the highest crime index in Africa in 2024*, Statista, 2024

Society > Crime & Law Enforcement

## Countries with the highest crime index in Africa in 2024



(Ghana = 45.4)

Source: Community Policing Unit, Ghana Police Service

### **“A Proactive Model of Policing**

In its quest to find ways to **enhance collaboration and communication with local communities**, the Ghana Police Service (GPS) established the **Community Policing Unit (CPU)** in June 2002. Community Policing is becoming the **future for inclusive crime fighting** and the CPU serves as the focal platform to develop strategies for the design and implementation of community policing throughout Ghana. **By involving the community residents in policing**, it imparts a **sense of ownership, willingness and personal responsibility for the safety and security** of their local communities. At the same time **communities assist the police in their crime prevention measures** through this two-sided exchange.

[...] **Mission:** [...] promote **positive participation** of the community in policing activities and decisions which affect their security. The goal is to **reduce the fear of crime and disorder** by carefully examining the characteristics of problems in the neighbourhood and then applying appropriate problem-solving remedies. To this end, CPU is mandated to advocate for closer working relations between the police and the public, while **building public confidence and trust in the police service to provide maximum protection, safe, secure and peaceful communities**.

[...] *Problem-solving:*

A **partnership** between police and community makes it possible to **identify the various crime problems**. **Members in the community live with these problems and they know the sources, causes and effects of these problem**. Residents shall not to take the law into their own hands but **provide information to the law enforcement agency**. The police have the expertise and the mandate to act.

[...] *Neighbourhood Watch Committees:*

Neighbourhood watch is a **crime prevention programme** [...] NWC is not a vigilante group hence their activities are **monitored by the CP officers**. The success of this idea hinges on the understanding that it is the people who live and work in a neighbourhood who understand their area's resources, problems and needs.

*Sensitisation Measures:*

To win the confidence and trust of the public, the CP officers undertake **sensitisation and extensive educational campaigns on community policing concept, principles and application** in the communities. During these campaigns, the team interact with community members to **identify their security concerns and together with them, formulate solutions to the problems**.

[...] *Community Fora:*

The CP officers hold **public fora with community leaders** i.e. Chiefs, Imams, Youth leaders, religious leaders, and **Civil Society groups where open discussion on security is encouraged.**

The Ghana Police Service intends to expand these measures to all regions in Ghana. Currently, these are being piloted in **selected districts.**”

Source: *Strengthening national police structures in Ghana*, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Programm zum Aufbau und zur Stärkung polizeilicher Strukturen in ausgewählten Partnerländern in Afrika; Ländermaßnahme Ghana, Innenministerium, 2021

“Since 2009, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH has **been promoting police reform processes** in Africa on behalf of the German Federal Foreign Office.

[...] **Ghana has been undergoing a process of democratic stabilisation** since the beginning of the 1990s. These positive developments are also increasingly **reflected in the security authorities.** However, cases of corruption and unprofessional behaviour among police officers repeatedly undermine the population’s trust in the police. **In 2017, the government thus initiated an extensive and ambitious reform,** aiming to establish a professional, citizen-oriented and neutral police service that sets **an international example.**”

“Approach: The Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH supports the national police service in Ghana in three areas:

To begin with, the project is **strengthening the capacities of the Ghanaian police service in the area of initial and ongoing training.** To achieve this, it is revising existing curricula, developing new training modules and courses and providing training for trainers.

At the same time, the police service is **to become more citizen-friendly and geared towards the population’s needs.** To this end, the project is developing an extensive strategy and providing further training for responsible police officers. For example, it is drawing up **procedure descriptions to standardise internal processes and make them more efficient and transparent.** It is also compiling information materials to enable inclusive communication.

Finally, the project aims to improve the mechanism within the police service for **dealing with complaints about police misconduct. Standardised procedures for this are being developed and implemented.** The relevant divisions are given support with equipment where required. Getting the general public involved and establishing a dialogue with civil society stakeholders will help to improve the population’s trust in the police. The aim is for the national security authorities to be perceived as strong, transparent and legally compliant actors.

Results: The implementation partners drew up the report on reform proposals for initial and ongoing training for police officers in a one-week workshop. During this time, **30 police officers from the complaints management unit received training in investigation methods that comply with human rights**. Moreover, those involved agreed strategic priorities for strengthening citizen-oriented police work.”

## **B) Persistent obstacles to effective policing**

Source: Enchill K., *Policing in Ghana: Introspections, challenges and prospects*, The Fourth Estate - A project of the Media Foundation for West Africa, 2023

“The police service is confronted with a number of **institutional difficulties that inhibit performance**, some of which are self-healing and self-correcting. These include: **Inability to meet police-citizen ratio of 1:500 due to inadequate human resource, legitimacy deficit and trust-deficit**. Others are **excessive use of force, selective law enforcement and mistreatment, police collusion with demonstrators and human rights abuse**. Again, the police service is confronted with misconduct and **indiscipline among some officers and corruption**. Additionally, there is weak decentralisation from the centre to lower echelons of command and **deficit in the deployment of information communication technological gadgets**. Also, there is **weak cooperation from the public** which affect reliable intelligence gathering on rising crime, community violence and lawlessness, and **poor remuneration** which affects officers’ morale.

[...]

**The intermarriage between the police and political regime** often leads to **reciprocal loyalty**. Such loyalty offers pathway of a **culture of undermining between ranks and file of the police**. It also sows seed of politicking in favour of the government but weakens the independence and legitimacy of the police service. [...] has raised public concerns about the insulation of these public office holders from political interference, which arguably choke their autonomy and effective law enforcement. These appointees hold constitutional and sometimes discretionary powers to adjudicate and prosecute criminal matters. [...]

The police should also **leverage on smart technologies** and platforms for law enforcement. These include body-worn cameras, vehicle-mounted cameras, video analytics and integration of traffic cameras for incidence detection and analysis. Others are GPS enabled tracing, installation of panic button in public places, SOS mobile application and police alert systems on crime, command and control platforms for intelligence monitoring, and real-time event reporting.”

Source: Commey C., *An Overview of the Police-Public Relationship in Ghana*, SSRN, 2020

“In Africa, the legitimacy of the police services is of great concern. [...] crimes and threats are **often not reported to the police** with the **principal explanation being the lack of trust and confidence in the police**. This stresses the **issue of police legitimacy** in African countries such as Ghana. [...]. Despite the Ghana Police Service operating under guided principles and values, many Ghanaians are displeased with the Ghana Police Service [...]. One of the recent accounts of **mistrust** and **dissatisfaction** of the Ghana Police Service was the case of a prime suspect of four kidnapped girls in Takoradi in the Western Region of Ghana. **The suspect escaped from police cell with the help of a police investigator**. [...]

To further reveal the height of mistrust of the Ghana Police Service was the 2018 arrest of three police officers stationed at the Weija District Police Commander by the Greater Accra Regional Police Command, Anti-Robbery Squad **for allegedly hiring out their assigned AK47 rifles to armed robbers**. These cases have **increased the level of mistrust and public disapproving of the Ghana Police Service** resulting in **increased attacks on police officers, mob attacks on criminals and police facilities**. [...]

Mob Justice: In the Ghanaian society, **mob justice is a consequence of mistrust** of the police service and the legal systems. Many Ghanaian communities view mob justice or **instant justice as a measure of enforcing the law deemed to be delayed and at times not further pursued by the police service and legal systems.**”

Source: *An efficient complaint management system would improve police accountability*, Commission on Human Rights and Administrative Justice

“The Commissioner, Commission on Human Rights and Administrative Justice (CHRAJ), Mr. Joseph Whittal has said that **an efficient compliant management system** of the Ghana Police Service (GPS) **will improve accountability and earn the respect of the citizenry**. He noted that discussions through knowledge and experience sharing based on mutual understanding and **improved cooperation** between the Ghana Police Service (GPS), the Police Professional Standards Board (PPSB) and civil society organizations (CSOs) **will lead to a more effective and efficient complaints management system that will improve police accountability.**”

Source: Akoto Boafu G., *Ghanaians don't trust the police. A criminologist on what needs to be done about it*, The Conversation, 2023

“Why are the police struggling to serve Ghanaians? The first reason is the **colonial roots** of the Ghanaian police, which continue to show in three ways:

- police officers expect people to **accept decisions without question**
- **officers are subservient to elites**, who have undue influence on police work
- the police are **not sufficiently accountable** to local communities.

[...] What reforms are required? First, there is a **need for ideological re-orientation**. The Ghana police say their mandate is to “prevent and detect crime, to apprehend offenders and to maintain public order and safety of persons and properties”. This is **indistinguishable from their colonial mandate**. Unsurprisingly, **police tactics are militaristic and prioritise order over the democratic rights of citizens**.

[...]

Recent reports by the research network Afrobarometer show a **decline in trust** between citizens and officers amid **complaints of harassment and bribery**. [...]

**Fear of crime is a reasonable indication of police effectiveness**. Data from Afrobarometer shows that, in 2002, 16.8% of **Ghanaians feared becoming victims of crime at their homes**. This declined to 9.2% in 2012 but has now risen to **24.6%**.

The second dimension is lawful police conduct: Police officers do not serve this interest when they engage in **illegal practices such as robbery, unlawful killing of civilians or bribery**. A recent survey funded by the United Nations Office on Drugs and Crime showed that **53.2% of Ghanaians who interacted with police officers paid them a bribe**. [...]

A survey of Ghanaians shows a **little over half of them think the police treat them fairly**. [...]

The **adequacy of training and the quality of supervision are also doubtful**. The absence of credible accountability structures also limits scrutiny of how officers behave. [...]

The second area for reform is **police accountability**. **Ghanaians have limited information about the internal accountability mechanisms**, such as what happens to complaints filed against police officers. ‘Research evidence’ shows the **lack of appropriate signals** from the Ghana Police Service deters officers **from reporting unethical colleagues**. [...] The Ghana Police Service needs **independent democratic oversight**. [...]

Thirdly, reforms are required to **insulate the police from political capture**. Ghana’s constitution grants the president the right to appoint the police chief. The president also effectively controls the promotion of senior officers through the police council. The same processes as those used in recruitment into civil service should be considered. Yet this is unlikely to make a difference unless police officers are fully committed to their democratic mandate. They must maintain ethical relationships with politicians and other elites who seek to capture the state for their personal interests. [...]

There have also been accusations of the **police being used by the political hierarchy to stifle dissent by force during protests**. [...]

Some officers try to **curry favour with politicians in the hope of future advantages such as promotions**. This is exemplified in the leaked audio of an alleged plot to replace Ghana’s police chief, which is now the subject of a parliamentary investigation. [...]

Beyond the colonial legacy, **political interference means there's a risk of unsuitable people being recruited to the police.** They may lack the appropriate motivation and ethical inclination.”

Source: Commey A., *An Overview of the Police-Public Relationship in Ghana*, SSRN, 2020

“Issues surrounding police legitimacy in Ghana cannot only be blamed on **under resourced police service and lack of enhanced professional training** but also the **recruitment processes** of the Ghana Police Service where **ethnicity and political affiliation are prioritized** ahead of conscientiousness, professionalism and proficiency.

[...] The police service has constantly been accused of **unprofessionalism** in executing their mandates in the country. Some use **excessive force and brutalize citizens seen as acts of terror.** Some political parties, government politicians **use the police force to terrorize their opponents and citizens.** This has been a contributing factor to the **lack of trust and confidence** in the Ghana Police Service”.

Source: *Corruption in Ghana - People's experiences and views*, UNODC (United Nations Office on Drugs and Crime), 2022

“In Ghana, **the prevalence of bribery is highest in relation to police officers (53.2 per cent)** [...]. The 2021 survey results reveal that, in all of the country's 16 regions, police officers are among the top three public officials in relation to whom the prevalence of bribery is highest. [...]

When comparing the contact and bribery prevalence rates, it becomes evident that although only one fifth of adults had contact with police officers in the 12 months prior to the survey, **around half of them had to pay a bribe to, or were asked to pay a bribe by, a police officer.** [...]

Half of people in contact with police officers in 2021 paid them bribes, and those who paid bribes did so an average of four times. This means that **bribe-paying is not an isolated event** and that **those who pay bribes are likely to repeatedly pay bribes**, perhaps because they routinely face situations in which bribes can be extracted from them. [...]

The prevalence of bribery in relation to police officers is **higher in rural areas** (61.3 per cent) than in urban areas (48.0 per cent). [...]

Police officers, meanwhile, are much more likely to directly request a bribe than other public officials with whom people interact and pay bribes to, such as teachers and healthcare officials, who are more likely to receive a bribe as a sign of appreciation: **direct request by a police officer (78.3%)** and sign of appreciation (2.1%).[...]



According to the survey, **the vast majority of people do not report instances of bribery to an official authority** (e.g. police, prosecutor, anti-corruption agency, etc.) [...]

When asked who they would report to if, in future, they had to report an incident when they were requested to pay extra money or a gift to a public official, **most people said they would either go to the police, a traditional leader or the supervisor of the public official in question.**”

Source: Annang A., Kyei Abrokwah R., Opare Asante E., *Challenges of Effective Policing in Ghana: The Central Regional Command in Perspective*, Scientific Research - An academic publisher, University of Cape Coast Ghana, 2023

“The findings revealed that **challenges including inadequate/lack of logistics** (such as vehicles, bulletproof vests, reflectors, arms, and ammunition), **inadequate personnel, language barrier, and political interference** are negative factors that hampered the efforts of the Ghana Police Service in carrying out their mandate effectively. **These challenges further affected the morale of personnel** of the Police Service, which in turn negatively influenced their motivation to effectively carry out their duties (*i.e.*, crime control and prevention).

[...] The study recommends that efforts should be made to meet the challenges, especially the **improvement in the staff strength and improved logistical and equipment support** to enhance the activities of the Police Service.

[...] in Ghana, the police service is faced with **human resource constraints**. The staggering constraints in the police service coupled with the **shortfall in staff strength have led to the rise in violent crimes** [...]. **Data from the Ghana Police Service shows that violent crime results in more than 500 deaths per year** (Ghana Police Service archives, 2019)

[...] Structurally, **the police lack the basic equipment and amenities needed for the successful performance of their duties**. Most police officers are poorly housed and **poorly paid**.

[...] The United Nations says that at least the **ratio of police officers to the populace should be 1:450 to maintain security, law, and order**. Unfortunately, in Ghana, the situation is different. Police to civilian ratio in Ghana stands **way below the required standard** put forward by the United Nations. With a **population of about 30 million people** and counting and a **police staff strength of about 28,000**, this puts the **police-to-civilian ratio to about 1:1200**. This situation makes policing and maintaining law and orders a difficult task for the men and women in uniform. As a result, the inadequacies in the staff strength of the Ghana Police Service also result in **inefficiencies such as the capacity for rapid response and thus arriving late at crime scenes.**”

Source: Dr Appiah K., *Report on Access to Justice - Scoping Study of the Justice (Formal and Informal) Sector in Ghana*, STAR Ghana (Strengthening Transparency, Accountability and Responsiveness in Ghana), 2013

“Sometimes, the police become an instrument of abuse. **Not infrequently, the police arrest, detain, investigate, charge and prosecute a suspect all by itself without reference to any other institution of state.** A concrete example may be taken from the Remand Prisoners and Suspected Criminals Access to Justice Project designed by the Centre for Public Interest Law (CEPIL). The Project has revealed that **the police often fall foul of fundamental human rights provisions of the Constitution by keeping suspected criminals in custody for periods far above the constitutional injunction of 48 hours**, and in a great number of cases, the police use **arrest as a method of investigation** rather than as the result of a concluded investigation.”

Source: *Access to Justice in Ghana Particularly to the Indigent Arrested Person - The Perspective of The Police*, Human Rights Initiative Organization

“Police in the performance of their statutory function sometimes **infringe on the liberty and security of persons during the process of arrest, search, detention and trial of arrested person.** [...]

Many Police officers especially investigators and prosecutors are not lawyers and in addition **do not have adequate training in what constitute Human Rights abuses and for that matter do not see the urgency in complying with this rule or law.** If they do, the distance to the court, administrative lapses coupled with ignorance of some victims have contributed to those breaches”.

Source: *World Internal Security and Police Index (WISPI)*, International Police Science Association (IPSA), 2023

“Six countries had an **internal armed personnel rate of less than 50 personnel per 100,000 people:** [...] Ghana.

Ghana: Overall score: 0.410

Rank: **87 among 125 countries around the world, and 10th in Sub-Saharan Africa** (on the 2016 report Ghana was 85)”

## II. The effective access to justice in Ghana and the challenges involved

For more than a decade, Ghana tried to implement new mechanisms in order to strengthen the judicial system, and facilitate access to justice for the people in need (A). Despite those numerous efforts, there are still challenges, often preventing Ghanaians from reaching the jurisdictions (B).

### A) The effectiveness of justice in Ghana

Source: *Resolution 2200A (XXI) International Covenant on Civil and Political Rights*, United Nations General Assembly, 1996 (ratified and signed on 7 September 2000)

Article 14

“All persons shall be **equal** before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a **fair and public hearing by a competent, independent and impartial tribunal established by law**”.

Source: *Sustainable Development Goal 16.3*, United Nations, 2015

“Promote the **rule of law** at the national and international levels and ensure **equal access to justice for all**.”

Source: *African Charter on Human and People’s Rights*, Organization of African Unity, 1981 (ratified on January 24, 1989)

Article 7

“Every individual shall have the **right to have his cause heard**. This comprises:

- (a) the **right to an appeal to competent national organs** against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
- (b) the **right to be presumed innocent** until proved guilty by a competent court or tribunal;
- (c) the **right to defense**, including the right to be defended by counsel of his choice;
- (d) the **right to be tried within a reasonable time** by an impartial court or tribunal.”

Source: *Constitution of the Republic of Ghana*, 1992

“Article 17 : All persons shall be **equal** before the law”.

“Article 19 : A person charged with a criminal offence shall be given a **fair hearing within a reasonable time by a court**. A person charged with a criminal offence shall

[...]

(c) be presumed to be **innocent** until he is proved or has pleaded guilty;

(d) be **informed** immediately in a language that he understands, and in detail; of the nature of the offence charged;

[...]

(h) be permitted to have, without payment by him, the assistance of an interpreter where he cannot understand the language used at the trial;

[...] Article 33 : Where a person alleges that a provision of this Constitution on the fundamental **human rights and freedoms** has been, or is being or is likely to be contravened in relation to him, then, without prejudice to any other action that is lawfully available, that person may **apply to the High Court for redress.**”

Source: *Legal Aid Commission Act (Act 977)*, Republic of Ghana, 2018

“The object of the Commission is to **provide legal aid** to :

(a) an indigent, and

(b) a person who has reasonable grounds to take, defend, prosecute or be a party to proceedings related to the Constitution in accordance with clause of article 294 of the Constitution”.

Source: Appiagyeyi-Atua Kwadwo, *Ghana - Justice Sector and the Rule of Law*, 2015

“Since 2001, the current administration has introduced **numerous reform initiatives**, under the umbrella of a judicial reform and modernisation programme housed in the Ministry of Justice and A-G’s Department. The Judicial Service has also made increased efforts at reform on its own initiative, including the promotion of greater access to information about the courts.

Amongst the highest profile innovations have been the **introduction of ‘fast-track’ automated courts and the creation of a new Commercial Division of the High Court**, with redesigned procedures aimed at reducing delays in the administration of justice. These innovations have helped to expedite cases for litigants with the resources to use them. Particularly interesting is the introduction of pre-trial settlement conferencing in the commercial courts.

[...] The government has shown, for the most part, an **increasing respect for the rule of law**, complying with difficult decisions handed down by the courts and appointing and respecting the findings of commissions of inquiry that have found government officials at fault.

The current administration has also led an **anti-corruption campaign** that has touched its own members as well as those of the past government.

Ghana has an impressive record of **encouraging public education on fundamental human rights as a means to improve citizens' access to justice**. NGOs have engaged in human rights promotion campaigns to complement education programmes conducted by two constitutionally-mandated institutions, CHRAJ and the NCCE.

[...] Article 294(1) of the Constitution provides for **legal aid** for the indigent and GLAB, set up almost 20 years ago, plays an important role in **providing representation to the poor**. GLAB has recently increased its nationwide coverage, but it is still not present in many districts.

[...] A more recent initiative to increase access to justice has been the **promotion of alternative dispute resolution** (ADR) to divert cases from the courts. An Alternative Dispute Resolution Bill was published in 1998, new High Court Civil Procedure Rules were adopted in 2004, and in 2005 a new Commercial Division of the High Court was established, with mandatory mediation during the pre-trial phase of a case. The judiciary have also promoted ADR on their own account, attempting to resolve cases in out-of-court settlements at the beginning of each legal term. Many judges, magistrates and lawyers have been trained in ADR techniques. A legal framework, as provided for in the ADR Bill, is now needed to provide certainty and allow the expansion of ADR to all courts in Ghana.

[...] Ghana passed the Disability Act of 2006 (Act 715) in fulfillment of a constitutional requirement to adopt legislation providing **protection for the rights of disabled people**. The passage of the law will help **promote access to justice for persons with disability**. Among others, the law states that, where a person with disability is a party in judicial proceedings, the adjudicating body must take into account the condition of the person with disability and provide appropriate facilities that will enable the disabled person to take effective part in the proceedings.

[...] The new High Court (Civil) Procedure) Rules adopted in 2004 (CI 47), which also apply in the circuit courts, are designed in part to **address the problems of long delays and unnecessary expense**. Order 37 of the High Court Rules asserts that the courts must do all within their power to ensure that any disputes are disposed of as speedily as the justice of the case permits.

There has been some success. One key issue addressed in the new Rules of Court are rules on service of court processes to **facilitate quicker dispensation of justice**. Previously, it was the court registry that controlled the process. Now, it has been privatised. According to the former CJ, this new procedure has resulted in an 80 per cent improvement in the service of court process.

The objective for establishing the 'fast-track' court (FTC) system was also to address these problems: the aim is to **reduce to a maximum of six months the average period for the disposal of a case from the date of filing to the delivery of final judgment**. The automated system links the Court Registry, bailiff, cashier, data entry and court room onto a central server. Special and higher fees are charged by the 'fast-track' court."

Source: Arkoh Isaac, *Embrace digitalisation to boost justice delivery - Chief Justice Tells JUSAG*, Ghana News Agency, 2023

“The Chief Justice, said the judicial system was gradually **shifting from automation to an e-justice system** to link all relevant actors in the justice space, giving them the opportunity to run virtually :

[...] An effective e-justice system makes clever use of digital technologies, information, communication, and knowledge management techniques to **improve citizen’s access to justice whilst enabling efficiency, effectiveness, and time delivery of justice.**

In effect, it reduces financial and time-saving cost, which means **reduction of the cost of justice, and enhances data security and high-quality legal datasets**”, she indicated.

[...] The Chief Justice said the judiciary had worked hard over the years to **improve the legal framework** in which it operated to uphold the highest standards in justice delivery”.

Source: Efua Addadzi-Koom Maame, *Positioning E-Justice in Ghana's E-Governance Agenda for Sustainable Development: Post-Pandemic Reflections*, 2023

“Ghana's **e-justice agenda** seeks to ensure justice delivery is effective, transparent, and efficient. Ghana has a long-term eGhana project to leverage ICT and adopt e-government applications to make selected government functions transparent and efficient, among other things. The **World Bank is sponsoring this eGhana project** of which e-justice is a part (World Bank, 2013; World Bank, 2006). The Ministry of Communications is the initiator of the e-justice project in collaboration with the Judicial Service of Ghana and the Ministry of Justice and Attorney General’s Department.”

Source: Crook Richard, *The State and Accessible Justice in Africa: Is Ghana Unique?*, 2011

“Since the late 1990s the Ghanaian government has been supporting the expansion of ADR and more **informal kinds of justice.**”

## **B) Persistent obstacles to a full access to justice in Ghana**

Source: Osse Lionel and Boateng Asiamah Gildfred, *Ghanaians cite high cost, bias, and long delays as barriers to using formal justice system*, Afrobarometer Dispatch No 346, 2020

“Only **one in 20 Ghanaians (5%) report having had contact with the formal judicial system** during the 12 months preceding the survey.

[...] About three-fourths (74%) of survey respondents were able to cite reasons (up to three per respondent) that would prevent Ghanaians like themselves from using the formal judicial

system. The most frequently cited reason is that engaging with the justice system is **too expensive** (mentioned by 54% of respondents). About three in 10 respondents say citizens would refrain from using the judicial system because it **favours the rich and powerful** (31%) and because **the proceedings take a long time before judgment is given** (31%). Other common reasons are that **procedures are too complex and technical** (19%), that **officials will demand money or favours** (15%), and that **no legal aid services are available** (10%). About one in seven respondents attribute it to the **remoteness of justice centers** (8%) or the **lack of service providers** in most parts of the country (7%).

[...]

Ghanaians overwhelmingly see **corruption** in the judicial system, and only a minority trust the courts. Four out of 10 Ghanaians (40%) say that “most” or “all” judges and magistrates are corrupt, while an additional 45% think that “some” are corrupt. Only one out of 20 Ghanaians (5%) say there’s no corruption among judges and magistrates.

[...]

Concerns about the fairness of the legal system are also reflected in responses to other survey questions. A majority (58%) of Ghanaians say people are “always” or “often” **treated unequally under the law**. Even more (61%) believe that officials who commit crimes “always” or “often” go unpunished, while only 20% see the same treatment for ordinary people who break the law.”

Source: *Access to Justice, A Problem in Ghana*, Modern Ghana, 2013

“The courts are **few, poorly distributed, resourced, and incapable of providing justice to everyone**. This problem is also compounded by several challenges such as payment for **high filing fees** at the courts, **delay in filing cases**, and **state attorneys/police prosecutors abusing legal procedures** in the prosecution of cases”.

Source: Akoto Alexandria, *Access to justice and inmates at Kumasi central prison*, 2019

“The judicial processes are cumbersome and **most poor people do not have access to the formal channels for justice services**. [...]

1. Limited or no **knowledge about legal rights and entitlements**;
2. Limited or no knowledge about **legal and social responsibilities** leading to the infringement of the rights of others and the denial of entitlements to those that deserve and have a right to them;
3. Limited or no effective **access to inexpensive social services** which will forestall the need for justice avenues to resolve disputes relating to access;
4. Limited **voice for real stakeholders on the design of policies on Access to Justice**;

5. Limited and ineffective **real access to courts and other dispute resolution avenues** due to the cost of travel to the centers or the cost of legal processes, fees and penalties. and
6. **Discriminatory practices** against disadvantaged groups such as the poor, women, children, the physically and mentally challenged, PWDs and PLWHA.”

Source: *Growth and Poverty Reduction Strategy (GPRS II) (2006-2009)*, National Development Planning Commission, 2005

“The major difficulties associated with the administration of justice in Ghana can be categorised into two, namely judicial and attitudinal. Those that can be traced to the **judiciary** include **delays and costs** in administration of justice resulting in **lack of confidence** in the judiciary, and **inaccessibility of justice and legal institutions**. Key attitudinal issues relate to **poor compliance with rules, regulations and procedures** and **weak enforcement of existing rules, regulations and procedures**.”

Source: *Access to Justice*, The Ghana Report, 2023

“Access to justice for a great number of people has remained elusive or non-existent. The problem is further exacerbated by the **high cost of litigation in Ghana**. It cost a whopping GH¢1,000 in consultation fees for senior counsel [...]. Also, hourly rates as authorised by the Ghana Bar Association (GBA) can go up to as much as GH¢1000 for senior counsel. Relative to average earnings in the country, the figure is well above most ordinary people.

Human rights litigation, which most ‘poor’ people need to access to seek redress for the countless human rights abuses they encounter on a daily basis, does not come cheap: It ranges between GH¢6,000 to GH¢30,000. It is even more **expensive** to litigate in other areas of the law.”

Source: *Removing the Barriers of Access to Justice-The Role of the Legal Aid Commission of Ghana*, Journal of Law and Global Policy, 2023

“Poverty serves as an impediment to the right of access to justice due to the **high cost of justice administration** in Ghana. According to the World Bank, a person is poor if he or she lives on less than \$1.90 a day an equivalent of GH¢24 a today (World Bank Report, 2018). Data from the World Bank also puts the poverty rate of Ghana in 2020 at 25.5% (World Bank Report, 2020). Accordingly, 7.9 million of Ghana's estimated 30.8 million citizens live below the poverty line. This demonstrates that **many people in Ghana are likely to be excluded from the justice net due to their inability to afford the services** of legal representation, pay for filing processes at court, and other unavoidable expenses incidental to courtroom litigation. The net effect is that the desire of the poor to seek justice at the law court would be impeded. By reason of poverty, Anderson (2003) avers that access to justice has usually been seen as an



**avenue for the affluent in society.** Policy and lawmakers must pervert this school of thought since denying the poor and vulnerable people access to justice can generate civil upheavals the consequences of which may be a breakdown of law and order in the country.”

Source: Crook Richard, *Access to Justice and Land Disputes in Ghana's State Courts: The Litigant's Perspective*, Journal of Legal Pluralism and Unofficial Law, 2004

“We asked respondents if they could give an overall estimate of how much they had spent so far, and also asked them to break costs down by items if they could not give an overall figure. Just over half of them were able to give a figure. The modal amount was c2-5m, but only a small group (8.2%) had spent more than C20m. 3 Few were able (or willing?) to tell us how much they spent on their lawyers, but again the commonest amount given was 2-5 million, 70% falling within the CO.5-5m range.

c20m is **a lot of money for an average Ghanaian in regular employment**, but the more common amounts (CO.5-5m) are **not as out of reach** of a family or family segment acting corporately, or somebody with a farm or business, as might have been expected. The rural poor would of course be unlikely to have access to this kind of money.

[...]

The survey confirmed what is already well known, which is that litigants, particularly in land cases, are experiencing **severe delays**. Of the respondents, 45 % had filed their case more than two years previously, and another 25 % had been coming to court for between one and two years (Table 5.1). Even more striking was the **number of times people claimed they had had to attend court**, mainly for the case to be adjourned without a hearing: 40.9% said they had attended court more than 21 times since the case began - a small group (6.1 %) even claiming they had attended more than a 100 times. What is most significant about these findings however, is not so much the length of time cases have been going on, as the prevalence of **'adjournment'** The majority of the litigants whom we interviewed had experienced only preliminary hearings, or, more frequently, only adjournments after appearing before the judge.

[...] Is **failure to turn up** caused by a well founded expectation that the case will be adjourned, or are adjournments caused by people not turning up? It could be that **mundane conditions of Ghanaian life** are to blame: transport difficulties, lack of cash, other more pressing engagements. Whatever the reasons for the **extensive degree of no-show on the part of litigants**, lawyers agree that there are some administrative and legal/procedural problems to be tackled as well. Some cite a simple **insufficiency of judges**, caused by the unattractive pay and conditions; others say that there is **too much reluctance to bring summonses for attendance** and, in the event of that failing, moving for cases to be struck out for lack of prosecution.

[...] The formal state courts inherited from the British colonial system have often been criticised by commentators both Ghanaian and foreign for being **'alien', intimidatory, and entirely unsuited to the norms of Ghanaian society** [...]. In physical appearance and the organisation of the hearing, it is true that the High Courts can seem intimidating.

[...] The **issue of language** is of course, even more critical than procedure or style [...]. English is only used where it is the common mutually understood language of the parties (particularly important in the multi-lingual northern areas of the country), otherwise a combination of English and the local language (Twi in Kumasi and Goaso) is the predominant mode, and the judge and the court clerks record the evidence in English. Overall, 63.2% of the respondents said that their proceedings were conducted in English and Twi, but this is somewhat misleading insofar as the different locations were very different in their practices: in Goaso, 70% of proceedings were in fact conducted all in Twi, whereas in Kumasi and Wa the predominant mode was a combination of English and one of the appropriate local languages.”

Source: *The Perils of access to Justice in Ghana*, Justice Ghana, 2013

“A scant mind-mapping around the courts in Accra and the countryside reveals that **many Ghanaians do not know what is meant by legal aid**. They cannot imagine how government could be supportive in this [...]. Apart from the legal aid or help dilemmas, the greatest perils of access to justice in Ghana are **lack of coordination, timely communication among the interested parties to litigation**. In majority of cases, people summoned for court hearing come from faraway to court centres only to be told at the last-hour that his/her case docket cannot be traced or the trial judge is bereaved or indisposed. Some lawyers, including clients, also **fail to attend to court** without reasonable excuse, thereby, prompting unnecessary adjournments. Others parade on the corridors of justice in search of their case venues. Although they have been told to appear, their names could not be found on the case list pasted on the notice board. A lawyer friend concedes that this legal traffic-jam could be resolved if there were to be **coordination between the courts’ helpdesks and the practicing firms** but how long will this be?”

Source: Akoto Alexandria, *Access to justice and inmates at Kumasi central prison*, 2019

“Access to justice is affected by the physical accessibility of justice institutions. Where justice institutions are **physically remote**, the barriers to justice will be greater especially if **transport is poor or unaffordable**.”

### **III. Mental health issues in Ghana**

The mental health care in Ghana is framed by the 2012 Mental Health Act though gaps persist in funding and service access. Indeed, mental health is a topic addressed in this state, which is putting in place mechanisms to provide better care for sufferers (A). However, there are still many obstacles to the care of people suffering from mental disorders in Ghana (B).

## A) The mental health care in Ghana

*Source: Providing Sustainable Mental and Neurological Health Care in Ghana and Kenya: Workshop Summary, National Academies Press, 2016*

“In 2012, the **Mental Health Act 846** was passed by Parliament, repealing the Mental Health Decree (NRCD 30) of 1972. The act seeks to accomplish several major goals, said Asare. First, **the act protects the human rights of persons with mental disorders**: they have the right to “humane and dignified” treatment, the right to seek education and employment, and the right to participate in leisure, recreational, cultural, and political activities. Second, **the act deemphasizes institutional care and encourages decentralization of mental health care** by calling for the establishment of services and facilities at the primary, district, regional, and national levels. Third, **the act calls for collaboration with providers of traditional and faith-based medicine and provides for the monitoring of care of people with mental disorders in all facilities**, including those operated by traditional and faith healers.

The act also established a **Mental Health Board**, which is given the authority to propose and implement mental health policies in order to carry out the goals of the act. The board has already accomplished a great deal, said Asare, including drafting legislation, producing a strategic plan, and establishing regional mental health committees and coordinators. He said **programs are being implemented to train non-mental health workers, and protocols are being developed for the treatment of mental health in primary care**. Section 80 of the act established a Mental Health Fund to support the activities of the board; the fund is to be composed of governmental money, voluntary contributions from organizations and the private sector, grants, and gifts. However, Asare noted that no governmental funds have been provided since the inauguration of the board in 2013, and that the board is relying on funding from the U.K. Department for International Development.

[...] Health care in Ghana is **provided primarily by the government and administered by the MoH and the Ghana Health Service**. The government health system is divided into 10 regions, each with a director and a regional hospital, and 216 districts, each with a director, a health management team, and a hospital and health centers. In addition, the government **collaborates with the Christian Health Association of Ghana (CHAG)**, which provides services in 61 hospitals, 113 health centers, and 9 health training institutions across the country. Private clinics and alternative medicine practitioners also provide care. **About 10 million Ghanaians are covered by NHIS, which provides basic coverage for an affordable fee.**

**The country has three psychiatric hospitals** (Accra, Ankaful, and Pantang), as well as several regional psychiatric units and small private psychiatric facilities. Ohene noted that **fewer than 20 psychiatrists are currently practicing in Ghana**, and Asare said that out of the 1,887 staff working in mental health as of 2011, 38 percent are not trained to work in mental health care. Ohene said that **community psychiatric nurses provide the bulk of psychiatric care in most of the country. The ratio of mental health workers to population is extremely low**: there is one mental health staff person per 13,407 people, and one psychiatrist for every 1.5 million people. In comparison, European countries have one psychiatrist for every 12,000 people.”

Source: Weobong B., Ae-Ngibise K. A., Sakyi L., Lund, C., *Towards implementation of context-specific integrated district mental healthcare plans: A situation analysis of mental health services in five districts in Ghana*, Journal Plos One, 2023

“Ghana’s Mental Health Act, 2012 (Act 846) clearly **outlines the establishment of the Mental Health Authority (MHA)**, the core mandate of which is regulatory and policy formulation. **Mental health services are thus, according to policy and legislation, provided at all levels of the healthcare delivery system in Ghana.** The services are jointly provided by the MHA and the Ghana Health Service (GHS). In addition to its regulatory role, the MHA is also directly responsible for all tertiary mental health services in the three psychiatric hospitals in Ghana. These psychiatric hospitals are in the **southern zone of Ghana**. The GHS on the other hand is mainly responsible for mental health service delivery at the secondary and primary care tiers, coordinated by a directorate within the mental health unit of the GHS.

[...] Mental health services are provided at the **district hospitals** (except in Anloga), **health centres, and CHPS compounds**. Services are predominantly on an outpatient basis, and these are offered at the health centre level and in the district hospitals (only in Bongo, Ahanta West and Asunafo North). The outpatient service provision at the district hospital and health centre levels is usually **led by mental health professionals**.

[...] There is some evidence of **integrated mental health care**. For example, in Tolon and Bongo, **midwives** provide depression (both antenatal and postnatal) screening and services and **community health nurses** support with health education. Furthermore, in all districts, **mental health service users go through the general OPD in the same way as everybody else, starting with a routine consultation with a general physician (including examination for physical health conditions) before referral for specialist mental health services.** Routine recorded data on psychosocial services are quite patchy, but what are available suggest **the availability of services varies between districts**.

[...] **Ghana is one of a small number of countries in Africa** (less than 50% of countries in Africa) **with a mental health law**. Ghana’s Mental Health Act, 2012 (Act 846) is endorsed by the WHO as an example of **best practice in mental health legislation**, but the **slowness of its implementation has affected governance and organisation of mental health services**. [...] Poor governance is a barrier to effective integration of mental healthcare within PHC settings.”

Source: *Accroître et améliorer les soins de santé mentale au Ghana*, OMS - Bureau régional pour l’Afrique, 2023

“Selon les estimations, au Ghana, **plus de 2,4 millions de personnes vivent avec divers troubles mentaux** puis 98 % d’entre elles n’ont toujours pas accès aux médicaments et à un personnel de santé qualifié. L’insuffisance des traitements et la stigmatisation associée à cet état de santé, conduisent souvent les personnes dans le cas de Diana à se tourner vers des guérisseurs spirituels ou à rejeter toute forme d’aide.

Dans le cadre de ses efforts visant à améliorer les soins de santé mentale, le gouvernement du Ghana a élaboré une **politique nationale de santé mentale qui couvre la période 2019-2030**. Cette politique a pour **but de décentraliser les services de soins de santé mentale en les intégrant aux soins de santé primaires.**<sup>1</sup>

*Source: Medical Country of Origin Information : Ghana Psychiatry, European Union Agency For Asylum, 2024*

“The **Mental Health Authority (MHA)** is the Ministry of Health’s agency that oversees the operations of psychiatric hospitals. **It formulates and operationalises the government’s mental health plans, policies and enforcement of the Mental Health Act (846) (2012) to ensure humane and culturally appropriate services.** Ghana has **three psychiatric hospitals**, namely Accra Psychiatric Hospital and Pantang Hospital, both in the capital Accra, and the Ankaful Psychiatric Hospital in the Central region. Thus, **all the psychiatric hospitals are in southern Ghana** but are end-referral points serving country-wide and nationalities in the West African sub-region. The teaching hospitals, namely the Korle Bu, Komfo Anokye, Ho, Cape Coast, and Tamale teaching hospitals, also provide tertiary mental health services, including both inpatient and outpatient care.

[...] **All patients can access care at the nearest point of service to them at any level of the health system.** Based on **the severity of the condition and the capacity of the point of service to manage the condition, care will be continued**, or the patient will be **referred to the next higher level of care** for further appropriate case management.

[...] Most regional hospitals have mental health units, which are often managed by mental health nurses and general practitioners. Some regional hospitals have specialist mental health providers, such as psychiatrists and clinical psychologists, or both. Tertiary level care is provided by specialists in teaching hospitals and psychiatric hospitals. **Only the Accra Psychiatric Hospital makes provision for the admission of children and adolescents.**

[...] **A few private mental health practices offer care by psychiatrists and psychologists. These are located mainly in Accra and Kumasi.** Very few private practices offer inpatient care and they often refer to the tertiary level care where admission is required.

**Various treatment options for mental disorders are available in Ghana.** These include psychotherapies / counselling, pharmacotherapy, support groups, electroconvulsive therapy (ECT), hospital and residential treatment programmes.

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<sup>1</sup> Translation made by DeepL: “It is estimated that more than 2.4 million people in Ghana live with various mental disorders, and 98% of them still lack access to medication and qualified health personnel. The inadequacy of treatment and the stigma associated with this condition often lead people in Diana's case to turn to spiritual healers or to reject all forms of help. As part of its efforts to improve mental health care, the government of Ghana has developed a National Mental Health Policy covering the period 2019-2030. This policy aims to decentralize mental health care services by integrating them into primary health care.”

Additionally, Ghanaians **seek alternate health from traditional medical practitioners as a first line**, and this is recognised by the Ministry of Health (MHA) and hence such alternate practices are incorporated in the Mental Health Act. 27 In alternative care facilities, there are different forms of care. Some use **herbal medications, spiritual psychism, divination, prayers and other forms of spiritual practices** for healing.

[...] There are **no national treatment programmes for specific psychiatric diseases**. Alcohol and other **substance use disorders benefit from drug treatment and rehabilitation programmes in the psychiatric hospitals** and in many private rehabilitation facilities. **Suicide hotlines have been established across the country and these are managed by the MHA**. In 2022, the authorities launched the toll-free number ‘0800678678’ that offers support for people with psychosocial difficulties, and can link them to mental health experts to access support.

Source: Laugharne R., & Burns T., *Mental health services in Kumasi, Ghana*, *Psychiatric Bulletin*, 23(6), 361–363. 1999

“Kumasi, the capital of the Ashanti region has a population of 1.5 million people - Ghana's total population is 16 million. It is **the only formal state psychiatric service in inland Ghana, the north of the country has none.**”

Source: Mintir Amadu P., Enyonam Hoedoafia R., *Mental Health Issues and Challenges in Northern Region of Ghana: Practitioners Perspectives*, *Journal of psychiatry and psychiatric disorders*, 2024

“Mental health disorders, such as depression, anxiety, posttraumatic stress disorder (PTSD), psychotic disorders, and substance abuse, **have become increasingly prevalent in the Northern Region**, impacting individuals of all ages and backgrounds. The prevalence of these conditions are influenced by various factors, including social isolation, unemployment, poverty, cultural beliefs, impact of conflicts, social upheavals, low level of mental health literacy and limited access to mental health services, particularly in remote and rural communities. [...] Cultural beliefs and attitudes surrounding mental health play a pivotal role in shaping help-seeking behaviours and treatment outcomes. Stigma and discrimination act as barriers, preventing individuals from seeking timely support and exacerbating the challenges in addressing mental health challenges effectively.

Source: Adu-Gyamfi S., *Mental Health Service in Ghana: A Review of the Case*, *International Journal of Public Health Science*, 2017

“The **Komfo Anokye Teaching Hospital is the main government hospital** located in Kumasi which attends to the health needs of people in the Ashanti Region of Ghana and the rest of Northern part of Ghana. [...] the hospital serves mainly as a referral hospital, hence cater for

emergency and critical conditions. **The psychiatry department of the hospital is by far the only government mental health facility serving the whole of the northern part of Ghana, including Ashanti, Brong Ahafo, Northern, Upper East, Upper West and part of Volta Region.**

## **B) Persistent obstacles to accessing mental health care**

Source: Weobong B., Ae-Ngibise K. A., Sakyi L., Lund, C., *Towards implementation of context-specific integrated district mental healthcare plans: A situation analysis of mental health services in five districts in Ghana*, Journal Plos One, 2023

“Across all five districts, there is evidence of **limited availability of these mental health professionals**, including that there are **no clinical psychologists or occupational therapists**. There is **wide variation in human resource availability for mental health services** provision across the districts. For example, in Tolon, one mental health professional serves a population of 18,414, while the ratio in Bongo is one to 892, and one to 14,895 in Anloga.

[...] **Access to regular supplies of psychotropic medications is a major challenge** across all districts. **Access to antiepileptics is, however, not a challenge** as it is readily available in all districts. Generally, psychotropic medications are supplied by the GHS from the national medical stores. These are received at the regional medical stores for onward distribution to the district via the district hospitals. [...] **medication is a challenge as one cannot be certain of its availability at any given time**, even in the tertiary psychiatric hospitals. Also, because of delays in the medication supply chain, **most of the medications that eventually reach the district hospitals are usually near their expiry date**. The analysis further found many instances where mental health service users **had to buy their medications from outside sources**. In terms of financing, the assessment found that all the antidepressants, mood-stabilisers and antiepileptics are **fully covered by Ghana’s National Health Insurance Scheme (NHIS)**; however, they must be prescribed by a medical officer.

[...] The **distribution of mental health services is skewed toward the southern part of the country, with limited services available in the northern regions**. Services and resources are largely concentrated in psychiatric hospitals rather than more accessible community settings. There is a (the difference between need and available treatment), especially for mood and substance use disorders. Additionally, there are systems-level challenges in financing psychotropic medications that limit their availability and procurement. **Shortages in human resources also persist**. Concurrently, **social stigma linked to mental disorders remains prevalent and limits help-seeking**.

Owing to the limitation of human resource, people needing specialist mental health professionals (i.e. psychiatrists and psychologists) often have **long waiting times**. This is especially problematic for follow-up.

**The inability to pay for the care available is among the main barriers to accessing treatment**. Patients who have registered with the National Health Insurance Scheme (NHIS)

or private medical insurance schemes will have their cost of care (either inpatient or outpatient) covered, as determined by their insurance package, while those without any form of insurance will have to pay out of pocket for these services. **Private health insurance schemes provide a better coverage in terms of services that will be paid for and cost of services than the NHIS.**

**Uninsured patients pay out-of-pocket for all services received** at outpatient as well as inpatient points of care. These include the **cost of consultation, diagnostic services, medicines and inpatient accommodation fees, as necessary.** If insured and if the treatment or medication is covered by NHIS, on presentation of one's insurance card, whether NHIS or private, no direct payment is made as the insurance company reimburses the service provider at a later date on submission of claims.

[...] **The Mental Health Act (2012) legislates free treatment for patients seeking mental healthcare in public institutions, but this has not been operationalised.** The cost of treatment in the public sector is regulated by fees approved by the parliament. These fees are by and large adhered to in all the public facilities. The cost for treatment in psychiatric hospitals is subsidised by the government and hence patients do not pay full cost. **The NHIS does not cover the cost of treatment of mental disorders.** The difference between the subsidised and the full cost of care is paid by the patient out of pocket.”

Source: *Mental health system in Ghana - Report*, WHO-AIMS, 2020

**“Mental health has not been a priority area of the government and thus has not seen much investment of the decade.** The country's mental health plan has seen little success due to limited funds and resources. Despite all the advocacy, mental health is not covered under the National Health Insurance Scheme and **services users often have to purchase medications out of pocket with no form of reimbursement. Mental health services are inequitably distributed** (concentrated in Accra and Kumasi), limiting the access of the greater populace.”

Source: *Improving access to mental health services in Ghana*, WHO Regional Office for Africa, 2022

“A traumatic motor accident marked a turning point for Mariama Issifu. It was during treatment for her injuries that the 37-year-old teacher was first diagnosed with bipolar disorder. But instead of gaining clarity on her condition, she says, **she was treated poorly by care providers.**

There have been reports of **human rights violations against people with mental health conditions**, with some service users suffering **coercion and forced treatment.** To avoid mistreatment, many opt for **treatment by faith-based and traditional healers.**



Additionally, Ghana's mental health service system faces **inadequate qualified mental health professionals**. There are **only 39 psychiatrists** (0.13 per 100 000 people) for the entire population of whom an estimated 2.3 million people have mental health conditions and need care.

This means scant access to care for people like Mariama, **who live with mental health conditions in rural areas where only 2% receive psychiatric treatment and support**. Significant underfunding has constrained mental health service delivery.

In response, the government of Ghana has been **making efforts to improve** mental health service delivery through its National Mental Health Policy 2019–2030.”

Source: *Mental health disorders to be on NHIS*, Journal Modern Ghana, 2024

“In Ghana, more than **2.3 million individuals grapple with diverse mental health conditions** with a 98 per cent treatment gap as reported by the World Health Organisation in 2023. Alarming, **only around two per cent of Ghanaians dealing with mental health conditions have access to psychiatric treatment and support through healthcare facilities**. Ms Estelle Appiah, the Chairperson, Mental Health Authority Board, on behalf of the Minister, said the situation highlighted the gravity of mental health challenges in Ghana. She said: "It is crucial to acknowledge that these statistics **might not fully encapsulate the comprehensive landscape because unfortunately, we do not have precise data on mental health disorders in the country.**"”

Source: Atakora M., Ibrahim M., & Asampong E, *The Ghana Project in Psychiatry: A Systematic Description of the Mental Health services*, Open Journal of Psychiatry, 141–170, 2020

“As a middle-income country, economic disparities persist between southern urbanized and northern rural Ghana. **These economic disparities have affected access to quality mental health services among most of the population**.

[...] According to our survey, the structured day treatment services, which requires the availability, accessibility, and use of both material and human resources, are hospital-based and focused on patients who require daytime psychiatric support. Moreover, **there is only one day-treatment centre in Ghana**. This is a disadvantage to most of the patients who need daytime mental health services. **The centre is inaccessible for most of the population and overburdened in terms of the high patient number, inadequate resources, and limited space**.

[...] The report also noted that the limited funding to run the residential units makes it **challenging to provide mental health services for those who require residential services**. Additionally, these residential units are **far from most individuals living with mental**

**disorders who require residential services;** these patients cannot access residential services. Studies have confirmed that most people who require mental health services in low-middle-income countries typically cannot access care because they live far from the centralized psychiatric hospitals.

[...] We further assessed the resources of faith-based healers and operators of prayer camps, as society has accepted their methods of providing mental health services. Our findings indicate that **patients with mental disorders who visit these healers have no access to proper housing, water, clothing, food, and security due to a lack of resources.**”

Source: Mintir Amadu P., Enyonam Hoedoafia R., *Mental Health Issues and Challenges in Northern Region of Ghana: Practitioners Perspectives*, Journal of psychiatry and psychiatric disorders, 2024

“Limited resources and training hinder our ability to adequately address mental health issues. **There's a pressing need for more mental health facilities and specialists in the [North] region.**”

Source: *Medical Country of Origin Information : Ghana Psychiatry*, European Union Agency For Asylum, 2024

“[...] **Stigma is a considerable barrier** that prevents a person suffering from mental health conditions **from seeking healthcare**. Stigma towards mental disorders impacts negatively on how patients, their family and friends are perceived and their health seeking behaviours. **The stigma extends to health professionals who provide mental health services and that has impacted the recruitment and training of personnel for this area of health.** Few health professionals want to specialise in mental health, hence there are a limited number of psychiatrists and psychologists in the country.”

Source: *Ghana: Invest more in mental health services*, Human Rights Watch, 2023

“Human Rights Watch found that families often take people with real or perceived mental health conditions, or psychosocial disabilities, to **faith-based or traditional healers** because of widely held beliefs that **such disabilities are caused by a curse or evil spirits**, and because their communities have **limited, if any, mental health services**. According to the Ghana Mental Health Authority, there are more than **5,000 “prayer camps”** and traditional healing centers across the country. **Psychiatric facilities are also understaffed and in poor condition and continue to resort to forced treatment.**

[...] Over the past decade, Human Rights Watch visited more than a dozen prayer camps and documented cases of people with psychosocial disabilities **who were chained for long**

**periods**, some for years. Beyond **deprivation of liberty**, they endured **horrific abuses, unsanitary conditions and lack of hygiene, and lack of access to health care.**

[...] One woman included in the video described **being physically restrained in a psychiatric facility by as many as five men holding her down to forcibly inject her with medication.** “I have been ostracized a lot,” she said. “You know, there were times where I lost employment opportunities. And it affected almost all aspects of my life.”

[...] Another woman in the video **had been shackled**, and describes when they took the shackles off and locked her in a room. “I would be in there in the room alone during the night,” she said. “I really didn’t like that experience, being alone locked up.” She now works as a mental health nurse. She said that Ghana’s government **should raise awareness and reduce stigma** so that families and communities can offer support, especially when a person is going through a crisis.

A man in the video said he was **locked away at a prayer camp** in the Greater Accra area for two years when his children were still young.”

Source: Laugharne R., & Burns T., *Mental health services in Kumasi, Ghana*, Psychiatric Bulletin, 23(6), 361–363. 1999

“[...] mental illness is **taboo** in Ashanti culture.

[...] people with mental illness are **especially stigmatised in Ghanaian society.**

[...] The people of Ghana have a **strong tradition of religious observance** and cultural life revolves around religious rituals. This is still the case since most Ghanaians have converted to Christianity. As a result, **if a person becomes mentally ill they often turn to the Church as the first place of help.** A conventional minister [...] as well as helping spiritually, might also suggest that the patient seeks psychiatric help. Pentecostal churches (of which there are many independent churches and pastors) might not encourage psychiatric referral, but **suggest demonic or spiritual oppression as the sole source of the problems.** Some 'prayer houses' take in people with mental illness and often use physical restraints to deal with them. Spiritual churches, a mixture of Christian, traditional and animistic beliefs, also do this. These churches can be mildly antagonistic to Western medical models.”

#### **IV. Tribal conflicts resolution methods in Ghana**

Tribal conflicts in Ghana have ethnic dimensions and socio-political roots (A). There are three ways to solve them in this State: customary practices, legal frameworks, and hybrid methods (B).

## A) The definition of a tribal conflict

Source: *Intense tribal-based conflict*, AP Human Geography, Fiveable

“Intense tribal-based conflict refers to **violent disputes and struggles primarily occurring between distinct tribal groups, often fueled by historical grievances, competition for resources, or political power.** These conflicts can result in significant social and economic disruptions, impacting internal boundaries as tribal affiliations often dictate allegiances and divisions within a state or region.”

Source: *Ethnic conflict*, Britannica

“ethnic conflict, **a form of conflict in which the objectives of at least one party are defined in ethnic terms, and the conflict, its antecedents, and possible solutions are perceived along ethnic lines.**”

Source: Issifu, A. *Role of Civil Society Organizations in Conflict Resolution and Peacebuilding in Ghana.*, Journal of Interdisciplinary Conflict Science, 3(1), 2017

“**Ghana is faced with diverse forms of violence emanating from chieftaincy conflicts, land disputes, ethnic violence and the like.** [...] These conflicts, though **localized**, have had **dire consequences on the lives** of people, destroyed properties worth of thousands of Ghanaian Cedis, and above all affected the development processes of these communities, especially the Bawku and Dagbon communities. For example, several people were murdered in the Dagbon chieftaincy conflict in Northern Ghana, including the King, Na Ya and some elders in 2002.”

Source: Osei, E.K., *Conflict Resolution in Northern Ghana: Re (Considering) Indigenous Peace Mechanisms*, 1 January 2024

“[...] **there are a lot of disputes within Ghana's chieftaincy system and most of these conflicts in Ghana are long-lasting and most likely irreconcilable.** For instance, at the conclusion of the calendar year 2021, GhanaWeb, reported that the ministry of chieftaincy and religious affairs in Ghana had **over three hundred (300) unresolved chieftaincy issues**, with Northern Ghana's being among some of the bloodiest.”

Source: Strouboulis A., Yayboke E., and Edwards A., *Conflict Prevention, Climate Change, and Why Ghana Matters Now*, CSIS Center for strategic and international studies, 2023

“**Many current risks of violence stem from localized conflicts, including competition over chieftaincy succession.** In Ghana, chiefs are considered part of the formal governance system under Article 270 of the constitution and they have significant political and cultural influence.

Chiefs are the traditional custodians of the land and determine how it is used. They are also traditional leaders responsible for managing community development and **mediating conflicts**. Because there is no established political process for deciding succession after the death of a powerful chief, there can be violent clashes between hopeful ascendants. [...] **There are currently over 350 protracted chieftaincy conflicts around the country, with the most violent ones concentrated in northern Ghana.**”

Source: Sulemana, M., *Understanding the Causes and Impacts of Conflicts in the Northern Region of Ghana*, Institute of Economic Affairs (IEA Ghana), 2009

“An analysis of **inter-ethnic conflicts in the Northern Region reveals a pattern of struggle for paramountcy and autonomy**. [It is] one of the main causes of conflict between Konkomba and other ethnic groups such as the Dagomba [...]. **Land Ownership and control of land are another major source of ethnic conflicts in the Northern Region.**”

Source: Kwaku Mbowura, C. *Inter-Ethnic Conflicts and their Impact on National Development, Integration and Social Cohesion: A Study of the Nawuri-Gonja Conflict in Northern Ghana*, International Journal of Humanities and Social Science, 2014

“The causes of ethnic conflicts in the Northern Region of Ghana are varied. They include **competition for chieftaincy positions and litigation over rights of land tenure.**”

## **B) The resolution of tribal conflicts in Ghana**

Source: Law firm Integri Solicitors and Advocates, *Ghana Dispute Resolution Guide*, April 16, 2024

“In Ghana, the primary methods of dispute resolution include **litigation in formal courts, court-assisted alternative dispute resolution (ADR) methods** recently adopted and promoted, and **traditional ADR methods**.

[...] **The efficiency** of these methods **varies** depending on the **conflict's nature** and the **parties' willingness to cooperate** to find a resolution. In litigation, parties submit to a **formal judicial system**. In court-assisted ADR, parties in the formal judicial system are **given the opportunity by the court to attempt settlement** with court-appointed officials, and the settlement reached is binding. In traditional ADR, parties elect a **neutral person who acts as a judge** in disputes between them.”

Source: Nolan-Haley J., *Mediation and Access to Justice in Africa: Perspectives from Ghana*, 21 Harv. Negot. L. Rev. 59, 2015

“Like many other African states, **Ghana has a dual legal system that includes customary dispute resolution by traditional authorities and a formal legal regime.** Both systems have faced difficulties caused by the lack of resources to manage crowded court dockets in the formal legal system, as well as challenges to the authority of traditional decision makers. Responding to these problems, **the state has turned to court-connected ADR, promoting modern dispute resolution methods while at the same time incorporating aspects of traditional dispute resolution into the formal legal system.**”

[...] The processes used in Ghanaian **customary law** for resolving disputes included **negotiation, mediation and arbitration.**[...] **Traditional justice systems are still very much operative today, co-existing with the formal legal regime.** In some cases, awards obtained in the informal system of justice may be brought to the formal courts for enforcement.”

Source: Osei-Hwedie K., M.J. Rankopo, *Chapter 3: Indigenous Conflict Resolution in Africa: The Case of Ghana and Botswana*, 2012

“**Conflict resolution can be processed through either the courts, (western judiciary model) or the indigenous system through the customary process.** When there is a dispute, the elders discuss the issue to find a solution. If they fail, then the issue is passed on until it reaches the chief. **It must be noted that the indigenous and the western models of conflict resolution co-exist [...].**”

### 1) Customary dispute resolution

Source: Osei-Hwedie K., M.J. Rankopo, *Chapter 3: Indigenous Conflict Resolution in Africa: The Case of Ghana and Botswana*, 2012.

“ The methods, processes and regulations [of traditional conflict resolution] are deeply rooted in the **customs and traditions** of peoples of Africa.

[...] **The role of chiefs, elders, family heads, and others** is not only to resolve conflicts but also to anticipate and stop/or intercept conflicts.

[...] Generally, conflict resolution is a **community process** involving the identification of the root cause of the problem, and bringing all parties involved to address the underlying issues. This usually ends with the guilty accepting wrong doing, leading to reconciliation which may include **compensation or just forgiveness.**

[...] Traditional conflict resolution is a **structured political, judicial and arbitration mechanism.** **Traditional leaders play a vital role in local and grassroots communities in**

relation to socio-economic development and the administration of justice in the modern political system.”

Source: Nolan-Haley J., *Mediation and Access to Justice in Africa: Perspectives from Ghana*, 21 Harv. Negot. L. Rev. 59, 2015

“In addition to disputing parties, **the key players in customary dispute resolution are family heads, elders, chiefs, and queen mothers.**

[...] Customary dispute resolution generally operates within a communitarian framework with **variations depending upon the customs and practices acceptable in a particular region, ethnic groups, or community.**

[...] The process is **voluntary** and any decision must be based on **mutual agreement**. While the officiating chiefs or elders do have authority to ultimately make decisions, the consent of the parties involved in the conflict as well as that of the community is what truly validates the decision-making process. **The goal of customary dispute resolution is to achieve solutions that meet the needs of all and can be honored by all.** [...]

Chiefs continue to occupy positions of power today, and have been referred to as “the first port of call” for many Ghanaians who seek justice. **They belong to the various Houses of Chiefs, and are vested with primary responsibility for resolving disputes through customary arbitration. The Chief Tenancy Act confers on all chiefs the power to act as an arbitrator in customary arbitration in any dispute where the parties consent.** Inclusion of queen mothers in the Council of Chiefs is now part of a reform of the chieftaincy. [...]

ADR processes are **now promoted** [...] to deal with violent ethnic conflicts[...]

**A recent report on access to justice in Ghana identified six problems with traditional ADR processes:** cost, lack of fairness, cases that do not belong in the traditional processes such as murder and rape, bias, difficulty of enforcing awards at the local level, negative attitudes by the judiciary and the bar towards traditional processes. The report concluded, however, that **traditional systems of justice are usually a better fit for local communities because they employ inquisitorial and restorative methods of dispute resolution rather than the adversarial, win-lose focus approach of litigation.**”

Source: Zoe, Akyea & Co., *The Adoption of ADR in Ghana*, Legal practitioners and notaries, 2022

“Historically, ADR in Ghana first existed in the form of customary arbitration.

**Today, customary arbitration continues to involve the resolution of disputes according to the specific and unique cultural norms, practices, and values of each tribe;** it is a well-established relic of ADR that is recognized by law and the Ghanaian legal community.

Nonetheless, **arbitration, mediation, and negotiation are the primary and prevalent systems of ADR available in Ghana today**. Mediation and negotiation are non-adjudicatory, whereas arbitration is adjudicatory.

During the **arbitration**, parties to a dispute may submit their case to a neutral third party whose role is to evaluate the arguments of each party and render a decision based on the substantive merits of the case. The neutral third party shall then issue a final decision which becomes an award that is binding on the parties. **A Ghanaian High Court may enforce the arbitral tribunal's decision through enforcement proceedings initiated by a successful party.**

On the other hand, **mediation**, which is also known as assisted negotiation, involves parties employing the services of a neutral third party to act as a facilitator who helps the parties in resolving their common dispute. Parties can enter into a mediated agreement if mediation is successful.

Regarding **negotiation**, parties, either on their own or through their representatives, may convene and attempt to resolve their issues without the involvement of a third party. This is undertaken by exchanging offers and counteroffers with the aim of reaching a settlement through negotiation. **In cases where negotiation is successful, the parties may enter into a negotiated settlement which may form the basis of a consent judgment that may then be formally adopted in a Ghanaian court if the negotiation is court-connected.**

Source: *Ghana Dispute Resolution Guide*, Law firm Integri Solicitors and Advocates, April 16, 2024

“ADR encompasses methods and processes for resolving disputes outside the traditional court system, aiming for flexibility, informality, and faster resolutions. **In Ghana, ADR is significant for efficiently and effectively resolving disputes, integrating traditional methods with modern techniques to provide comprehensive and culturally sensitive approaches.** [...]”

**The Alternative Dispute Resolution Act of 2010 (Act 798) provides a legal framework for ADR methods** in various sectors like national peace issues, business, family, community, labor, and land disputes. Ghana aligns ADR methods with cultural values and traditions, promoting community involvement and local solutions for enhanced access to justice and reduced burden on the formal court system.”

Source: Nwauche E.S., *State Responses to Outcomes of Traditional Justice Resolution Mechanisms in Commonwealth Africa: Customary Arbitration in Nigeria and Ghana*, 4 *Journal of Commonwealth Law* 43, 2022

“In general, the ADR Act provides a **legislative framework for customary arbitration**. In doing so, it is **coupled with other aspects of alternative dispute resolution** in the ADR Act,



such as **arbitration** in part one, **mediation** in part two, and **the Alternative Dispute Resolution Centre** in part four, **as an overarching institutional mechanism for all aspects of alternative dispute resolution.**”

Source: Apuko-Awuni P., *Mediation as an option under alternative dispute resolution: The case of Ghana.*, UCC Law Journal, 2(1), 2022

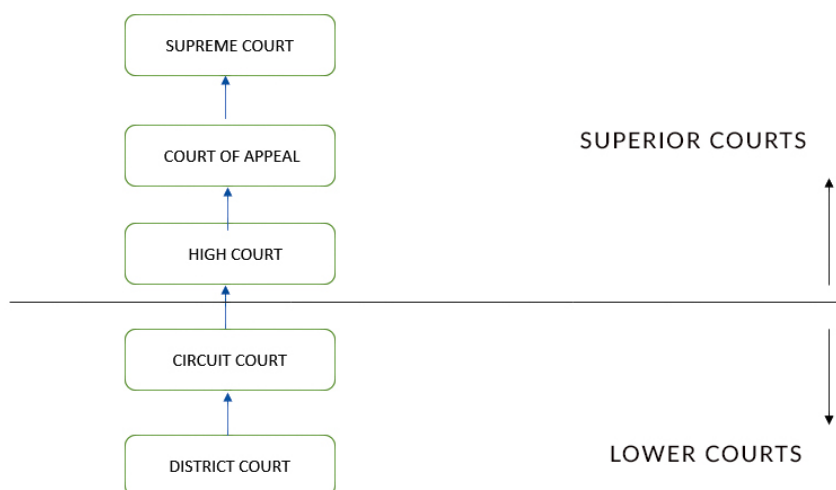
“**The [...] Alternative Dispute Resolution Centre [established] by the State, [is] a separate legal entity that can sue and be sued.** Its functions shall include facilitating the practice of ADR and providing facilities for the settlement of disputes through arbitration, mediation, and other voluntary dispute resolution procedures.”

Source: Perpertua F.M. and Imoro R.J., *Assessing the effectiveness of the alternative dispute resolution mechanism in the Alavanyo-Nkonya conflict in the Volta region of Ghana*, International Journal of Peace and Development Studies Vol. 2(7), pp.195-202, 2011

“The research revealed that the method of alternative disputes resolution was preferred by the people of the two communities compared to traditional method of litigation **owing to the delays and judgemental posture of these traditional methods.** Again, the research revealed that the use of **alternative dispute resolution operated under a three pronged structure; the mediation committee, the consultative committee and the community pacesetters.**”

## 2) Formal legal system

Source: Official website of the Judicial Service of Ghana



“There are two types of courts in Ghana : The superior courts, which include the Supreme Court, the Court of Appeal, the High Court and the Regional Tribunals. The lower courts, which include the Circuit Courts, District Courts or any other Lower Courts that parliament sets up.”

Source: Issifu A.K. and Bukari K.N., *(Re)thinking homegrown peace mechanisms for the resolution of conflicts in Northern Ghana, 2022*

“**Parties to the conflict have resorted to the law courts to adjudicate and decide which gate has the legitimate right to rule.** The most prominent of this is the 1986 Supreme Court decision on the ‘Yendi Skin Affairs’ which aimed at giving finality to the Dagbon conflict. [...] Besides, previously, in 1974, the Abudu gate resorted to the Supreme Court to challenge the political outcome of the Ollenu Committee. The court ruled against, which led to further tensions between the two conflicting parties. It is important to emphasise that **the court processes have always reignited tensions and exacerbated the conflict.** [...] Also, the release of Abudu suspects – who were initially arrested on the orders of the president following the WC recommendations – by a higher court of appeal due to lack of evidence caused bitterness among the Andani group, hence sustaining fear, insecurity, and covert tensions in Dagbon. As Ahorsu and Gebe (2011) noted, **the Dagbon crisis was unlikely to be resolved amicably through judicial processes.**”

Source: Official Website of the National Peace Council, Republic of Ghana

“The National Peace Council (NPC) is an **independent statutory national peace institution** established by the eight hundred and eighteenth (818) Act of the Parliament of the Republic of Ghana, named The National Peace Council Act, 2011. [...] **The core function of the Council is to prevent, manage, and resolve conflict and to build sustainable peace.** With the passing of Act 818, NPC became operational in 2011. Its establishment abolished the previous peace strategy of National, Regional and District Security Councils that established Regional Peace Advisory Councils (RPACs) and District Peace Advisory Councils (DPACs). [...]

The National Peace Council comprises at the national level of a governing body known as the Board of thirteen eminent persons appointed by the President. [...] At the Regional and District Levels, the NPC is comprised of Regional and District Peace Councils.

[...]

The objects of the [National Peace] Council as stipulated in Act 818 is to facilitate and develop mechanisms for conflict prevention, management, resolution and to build peace in the country. **The Conflict Management and Resolution (CMR) Department is therefore established to lead in formulating strategies to achieve this objective.**”

Source: Anumel B., *Assessing the effectiveness of conflict resolution mechanisms used by National Peace Council in resolving the Alavanyo/Nkonya and Hohoe Conflicts in Ghana*, 2017

“In Ghana, a number of conflicts have assumed a protracted nature. Most of these conflicts have been handled by state and civil society organizations with various conflict resolution mechanisms. However, these conflicts have been reoccurring over time which leaves one to question the effectiveness of the resolution mechanisms employed to resolve the conflicts. This study therefore sought to assess **the effectiveness of conflict resolution mechanisms used by National Peace Council in resolving the Alavanyo/Nkonya and the Hohoe conflicts.**[...] the study revealed that the National Peace Council mostly used mediation in the conflicts. [...]

Lastly, **the mediation mechanism has not been effective because the mediators failed to identify the needs of the parties who were not represented in the mediation. The mediation committee failed to consider the structure of the society.** ”

Source: Stockholm International Peace research Institute (SIPRI) and West Africa Civil Society Institute (WACSI), *Resolving communal conflicts in Ghana: the role of non-state actors*, 2011

“**The [National Peace Council] still lacks legal status which hinders its work and efficiency on a wider scale.** Initially, the objective of the council was to act as a governmental policy implementation agency of conflict resolution, while promoting indigenous perspectives and indeed, rendering the conflict management process as “more Ghanaian.” The council has been able to make some important concrete initiatives; **however, the lack of resources has forced them to protract the establishment of regional peace councils in all the regions and district peace councils in all districts** (the former is incomplete and the latter, non-existent), among other projects. **The Council also requires legally binding mechanisms, which would highly improve its operational capacity.** “

Source: Issifu, A., *Role of Civil Society Organizations in Conflict Resolution and Peacebuilding in Ghana*, Journal of Interdisciplinary Conflict Science, 3(1), 2017

“[...] many of the conflicts in Ghana have **often needed the intervention of civil society organizations** to end them, or to bring relative peace since warring parties often do not see the government as neutral. [...]

In an attempt to help ensure sustainable peace in violence prone communities in Ghana, the role of Civil Society Organizations (CSOs) cannot be overemphasized. In recent years, there has been increased recognition of **the role CSOs can play as partners with government and intergovernmental organizations in the conflict resolution and peacebuilding agenda.** CSOs have been instrumental in ensuring some level of stability in conflict-shattered areas, especially in the Northern regions of Ghana. [...]

**The problem of government interference in the majority of the conflicts in Ghana tends to make CSOs the preferred option for peace mediation in the country. [...]**

Bukari and Guuroh (2013) add that many of the conflicts in Ghana have often had to involve the mediation efforts of CSOs to end them since factions often perceive the government biased. **In cases where the CSOs intervened, stability prevailed.** Parties in a conflict often see CSOs as neutral and trustworthy compared to the government. [...]

This trust gives CSOs the advantage over state institutions to achieve the successful resolution of conflicts in Ghana. A typical example is the joint efforts of the **Permanent Peace Negotiation Team (PPNT) and the Nairobi Peace Initiative (NPI)** in Ghana. The PPNT made up of a consortium of Non-Governmental Organizations (NGOs), and the NPI helped to resolve the protracted ethnic conflicts between the Konkomba and Nanumba/Dagomba, and the Gonja and Nawari/Konkomba in Northern Ghana, by bringing the warring parties together through mediation, which the Ghanaian government failed to do.

[...] Lipchitz and Crawford (1995) postulate that **using CSOs and local NGOs in mediation is normally the best solution to effective conflict resolution.** To them, CSOs are able to set up early warning systems and get to the underlying issues of the conflict. For instance, **the InterFaith Dialogue made up of Churches and the Muslim communities** provided early warning signals to the appropriate security agencies to set up conflict prevention mechanisms that prevented the Bawku chieftaincy conflict from escalating in the neighboring communities.”

Source: Stockholm International Peace research Institute (SIPRI) and West Africa Civil Society Institute (WACSI), *Resolving communal conflicts in Ghana: the role of non-state actors*, 2011

“ She stressed the importance of civil society organizations in establishing an effective peace structure in Ghana and **helping communities to discover their “own” conflict resolution mechanisms that would also acquire grass roots level legitimacy. Communities must be guaranteed an active role in conflict resolution with the help of civil society organizations and their professional expertise.**

[...] The inter-NGO consortium (ndlr the **Civil Society Organization**) that was formed to facilitate a series of peace and reconciliation workshops among the warring factions **greatly aided the government in mitigation.**

[...] **The two organizations initiated a thorough investigation on the Dagbon chieftaincy crisis and are now using the findings as a base to suggest better approaches for conflict resolution.** It is also in the interest of both organizations that these suggestions are applied in a more general manner of resolving communal conflicts beyond Dagbon, even beyond the borders of Ghana to other conflict prone areas in Africa.”

### 3) Hybrid peace mechanisms

*Source: Apuko-Awuni, P., Mediation as an option under alternative dispute resolution: The case of Ghana., UCC Law Journal, 2(1), 157–175, 2022*

**“Ghana has established a [Court Connected ADR] programme. All courts in Ghana have the jurisdiction and capacity to entertain such cases.** The CCADR encourages any court with criminal (non-aggravated cases) and civil jurisdiction to promote reconciliation and facilitate the settlement of disputes in an amicable manner between parties.

**[...] the Court-Connected ADR refers to the various methods of resolving disputes that are available to the court other than court trial processes.** These methods include Negotiation, Mediation, Conciliation, Arbitration, Customary Arbitration, Mediation-Arbitration (Med-Arb), and Neutral Case Evaluation. **Mediation however is the main method used for the CCADR.**

[...] When it comes to the practice of CCADR, the Court plays a significant role since they are clothed with the capacity to determine which case is amenable to mediation at any time before final judgment is delivered and to also refer such a matter for mediation. All courts have the capacity and jurisdiction to carry out this mandate.

[...]

**The practice of ADR (mediation) is conducted by state-established entities,** private corporate entities as well as individuals.

The following include some of the statutorily established bodies which have the capacity to conduct mediation. **All Courts** in Ghana, namely District/Magistrate Court, Circuit Court, Court of Appeal, Supreme Court as well as specialized courts such as Commercial Courts. Other quasi-judicial State entities that conduct mediation are the Labour Commission, Commission of Human Rights and Administrative Justice (CHRAJ), Lands Commission, Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service, Department of Social Welfare, Legal Aid Scheme and the National Peace Council.”

*Source: Uniform practice manual on court-connected alternative dispute resolution (ADR) practice, Judicial service of Ghana official website*

“Benefits of CCADR

- To the Parties
  - a) saves time and money
  - b) increases flexibility and control in:
    - i. the procedure followed
    - ii. the interests considered and
    - iii. agreements reached

- c) private and confidential
- d) improves communication and preserves relationships, and
- e) reduces stress and enhances personal satisfaction

- To the judicial system
  - a) results in having happier Parties
  - b) offers comparative advantages
  - c) reduces backlog of cases pending in the Courts and
  - d) leads to greater professional satisfaction

[...]

#### Drawbacks of CCADR

In spite of its many benefits, ADR has its drawbacks which include :

- a) fewer evidentiary and procedural protections,
- b) no right of appeal
- c) not providing the opportunity for the development of legal precedents
- d) parties not making themselves available in order to buy time and misuse and abuse of confidential information disclosed during ADR.”

Source: Osei E. K., *Conflict Resolution in Northern Ghana: Re (Considering) Indigenous Peace Mechanisms*, January 01, 2024.

“The violent conflict in Northern Ghana's Dagbon in March 2002 prompted **urgent intervention from Ghana's government**. In response, the government through formal liberal principles like deployment of joint police-military forces, the law courts, curfews and commissions of inquiries tried to contain the escalating conflict. Despite these efforts, the intricacies of the dispute prevented a restoration of peace between the opposing factions, the Andani and Abudu gates. Recognizing the limitations of its approach, the Ghanaian government established the **Committee of Eminent Chiefs (CEC) within a domesticated hybrid peace framework to leverage indigenous peace mechanisms in resolving the conflict**. By 2019, the comprehensive steps outlined in the peace pact agreement “road map to peace” culminated in the installment of a new overlord and Chief of Dagbon, Ya Na Abukari Mahama II, signifying the successful restoration of peace after a prolonged period of strife.

[...] **Customary mediation, negotiation and reconciliation were used by the CEC to resolve the Dagbon conflict** as the challenges the CEC faced were non-involvement of women in the peace process and also the new King struggling to appoint sub-chiefs that will be appreciated by all parties and the realization of developments in Dagbon post conflict resolution process. **In order to promote peace in Northern Ghana, the research indicates that using indigenous peace mechanisms in a domesticated hybrid peace system may be able to resolve (chieftaincy) conflicts, especially those that occur in that region.”**

Source: Issifu I. K. et Noagah Bukari K., *(Re)thinking homegrown peace mechanisms for the resolution of conflicts in Northern Ghana*, April 7th 2022.

“The domesticated home-grown resolution approach used in Dagbon succeeded in resolving the conflict, where liberal approaches failed to.

[...] First, a key challenge with the conflict resolution process is that **the CEC limited the negotiation process to only the ‘veto players’** – Abudu and Andani leaders, **ignoring ‘limited peace spoilers’** such as youth leaders, women group leaders, religious leaders, **and other civil society** whose influence can either make or unmake the peace attained.

[...] Factions in the conflict are still distrustful of each other and **have rejected the Ya Na’s nominated chiefs for some chieftaincy titles and have described those appointments as bias.** This has the **tendency to ignite the conflict and derail the success chalked by the CEC** in essentially resolving one of the most protracted conflicts in Ghana”

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