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THE REPUBLIC OF GHANA

THE CONSTITUTION

ABRIDGED

1992



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THE CONSTITUTION ABRIDGED

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I N T R O D U C T I O N

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It has been produced to provide a quick and easy access to the contents of constitution of the 4th Republic.

Its main purpose has been the need to make available to the general public a shortened and simplified version of the constitution which will provide a source material for the appreciation of the fundamental law of the land.

THE CONSTITUTION

The constitution shall be the supreme law of Ghana.

Everything done in the country must be consistent with it.

1. The constitution shall be the supreme law of the land. Its basic principle shall be that the powers of government derive from the people. An act or law which contradicts the Constitution shall be null and void.
2. A person who attempts to overthrow or suspend the Constitution commits the offence of high treason which is punishable by death.
3. Any person who resists an attempt to overthrow the constitution shall not be guilty of an offence.
4. Those provisions of the constitution, which are described as "entrenched" can only be amended through a referendum. The entrenched provisions are deemed to be important to the liberties of the individual. They can only be amended with the consent of the people. All other provisions may be amended by Parliament without recourse to a referendum.
5. The underlying principles of the constitution shall be observed by all persons.

CITIZENSHIP

Ghanaian citizenship can be acquired by birth, registration, adoption and other means which parliament may state.

Those who are not born Ghanaians can be deprived of their citizenship.

The following shall qualify to be citizens of Ghana under the constitution:

1. (a) A person who is a citizen of Ghana on the date that the constitution comes into force.
(b) A child born anywhere whose parent or a grand parent is a Ghanaian.
(c) A child of not more than seven years of age found in Ghana whose parents are not known.
(d) A child of not more than sixteen years of age adopted by a Ghanaian.
2. A foreigner married to a Ghanaian may apply for registration as a Ghanaian
3. A Ghanaian who is 21 years of age loses his Ghanaian citizenship if he acquires or retains the citizenship of another country.
4. Parliament may make laws to confer citizenship in other cases where appropriate, taking into account the public interest.

FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

The protection and preservation of Fundamental Human Rights and Freedoms are entrenched in the constitution. The Executive (President), Legislature (Parliament) Judiciary (Courts), and all persons shall respect and uphold these rights and freedoms.

1. Some of the rights entrenched are the following:
 - (a) No person shall be deprived of his life intentionally;
 - (b) Every person shall be entitled to his personal liberty;
 - (c) No person shall be held in slavery or servitude;
 - (d) All persons shall be equal before the law;
 - (e) A person shall not be discriminated against on grounds of his gender, race, colour, ethnic origin, religion, creed or social or economic status;
 - (f) Every person has the right to own property either alone or in association with others;
 - (g) A person charged with a criminal offence, shall be given a fair hearing within a reasonable time by a court;
 - (h) No property of any description or interest in or right over any property shall be compulsorily taken possession of or acquired by the state without reasonable justification;
 - (i) A spouse shall not be deprived of a reasonable provision out of the estate of a deceased spouse whether or not the spouse died having made a will;
 - (j) Administrative bodies and officials shall act with fairness and in compliance with the law. Persons aggrieved by any acts of such bodies and officials shall have the right to seek redress before any court;
 - (k) Every person shall have the right to work under satisfactory, safe and healthy conditions and for which he shall receive equal pay for equal work without discrimination of any kind;
 - (l) All persons shall have the right to equal educational facilities and opportunities;
 - (m) Every person is entitled to enjoy, practice and promote any culture, tradition or religion subject to the provisions of this constitution;
 - (n) Women and children shall be accorded special care and protection to realise their full potential;
 - (o) Disabled and sick persons shall have access to appropriate facilities, assistance and opportunities taking their physical and mental condition into account;

2. In addition, the following general fundamental freedoms are guaranteed by the constitution:
 - (a) freedom of speech and expression, which shall include freedom of the Press, and other Media;
 - (b) freedom of thought, conscience and belief, which shall include academic freedom;
 - (c) freedom of assembly including the right to take part in processions and demonstrations;
 - (d) freedom of association, which shall include the freedom to form or join trade unions or other associations national and international;
 - (e) freedom of access to information, subject to such qualifications as the law may permit;
 - (f) freedom of movement within Ghana, the right to leave and re-enter and immunity from expulsion from Ghana.
3. Fundamental rights and Freedoms of the individual may be restricted when the President under special powers bestowed on him, declares that a state of emergency exists in Ghana.
4. A state of emergency, may be declared in circumstances including natural disaster. A situation in which an action by a person or persons threatens the country or part of the country may render such declaration necessary.

DIRECTIVE PRINCIPLES OF STATE POLICY

The directive principles shall serve as a guide to the President, Parliament, Judiciary, all other authorities and all citizens.

1. Ghana shall be a democratic state, dedicated to the realisation of freedom and justice, respect for fundamental human rights and freedoms and the dignity of the human person.
2. All necessary steps should be taken to establish a sound and healthy economy so that development would secure the maximum welfare and happiness of all citizens.
3. Sports should be promoted throughout Ghana as a means of fostering national integration, health and self-discipline as well as international freidnship and understanding.
4. It is the duty of the State to provide educational facilities at all levels and in all regions and make them available to all citizens.
5. Appropriate customary values should be integrated into the fabric of national life.
6. Ghana should seek, in its international relations, to promote and protect the interest of the country, to establish a just and equitable international economic and social order, to promote respect for international law, and to adhere to the principles enshrined in international organisations of which She is a member.
7. All citizens have a duty to defend the constitution, foster national unity, contribute to the well-being of the community, respect the rights and freedoms of others and work honestly in their chosen professions.
8. There shall be a system of civic education aimed at the eradication of corrupt practices and abuse of power, and the promotion of political tolerance and a spirit of loyalty to Ghana which overrides all other loyalties.
9. Appropriate measures shall be taken to achieve gender balance in the recruitment and appointment to public office as well as ensure that necessary steps are taken to integrate fully women into the mainstream of economic development of the country.

PARLIAMENT

The sovereign people of Ghana mandate their elected representatives to go to Parliament and make laws for the effective administration of the Country.

1. To qualify to be a member of Parliament, a person should be :
 - (a) a citizen of Ghana;
 - (b) at least twenty-one years old;
 - (c) a registered voter;
 - (d) either hail from his constituency or be resident there for at least five years out of the ten years immediately preceding the elections for which he stands; and
 - (e) should have paid all his taxes or made satisfactory arrangements for their payment.
2. Persons disqualified from contesting elections to Parliament include:
 - (a) those who owe allegiance to a country other than Ghana;
 - (b) those who have been declared
 - (i) bankrupt or
 - (ii) to be of unsound mind;
 - (c) those who have been convicted for an offence involving the security of the State, fraud, dishonesty or moral turpitude, or for any other offence punishable by death or by a sentence of not less than ten years; and
 - (d) those who have been found by a report of a Commission or Committee of Enquiry to be incompetent to hold public office.
3. Other persons who are not eligible for Parliamentary elections are Chiefs and members of the following public services; the Police Service, the Prisons Service, the Armed Forces, the Judicial Service, the Legal Service, the Audit Service, the Parliamentary Service, the Statistical Service, the Fire Service, the Customs, Excise and Preventive Service, the Immigration Service, and the Internal Revenue Service.

They can make themselves eligible by abdicating or resigning.
4. The power of Parliament to make laws shall be exercised by bills passed by Parliament and assented to by the President.
5. A bill affecting the institution of Chieftaincy shall not be introduced in Parliament without prior reference to the National House of Chiefs.
6. Parliament shall not have power to pass any law that takes effect before the date of the making of the law if it imposes limitations on the rights and liberties of any persons.
7. The Vice President, or a Minister or Deputy Minister who is not a member of Parliament can participate in the proceedings of Parliament, but shall not be entitled to vote or hold office.
8. The duration of Parliament shall be four years beginning from the date of its first meeting.

THE EXECUTIVE

The Executive Power of Ghana shall be exercised by a popularly elected President who shall be aided by a Vice - President. He shall, in consultation with Parliament, appoint a 25-member Council of State to counsel him in the performance of his functions.

1. The President shall be the Head of State, Head of Government and commander in Chief of the Armed Forces.
2. To qualify to be elected as President of Ghana, a person must be a citizen of Ghana by birth, at least 40 years old and otherwise qualified to be a member of Parliament.
3. To be elected as President, the candidate must be nominated by a document signed by himself and by at least two persons who are registered voters resident in the area of authority of each District Assembly and delivered to the Electoral Commission on or before the day appointed as nomination day for the Presidential elections.
4. He must also designate a person to serve as Vice-President.
5. The election of the President shall be by universal adult suffrage.
6. The President must obtain at least 50% of the valid votes cast otherwise a run-off shall be held within 21 days of the previous election.
7. A person elected as President shall hold office for a term of four years beginning from the date on which he is sworn in as President.
8. He shall not be elected to hold office for more than two consecutive terms.
9. The Vice-President shall be the running-mate of the elected President.
10. He shall perform such functions as may be assigned to him by the constitution or by the President.
11. His qualification to stand for the office shall be the same as that for the President.
12. He shall be the next in line to succeed the President upon the latter's death, resignation or removal from office.
13. The Council of State shall perform three main functions:
 - (a) counsel the President in the performance of his duties;
 - (b) consider, at the request of the President, bills which have been published in the *gazette* or passed by Parliament; and
 - (c) act in an advisory capacity to any other authority which the constitution specifies, especially in respect of appointments.
14. There shall be a cabinet to assist the President in the determination and implementation of the general policy of the government.
15. The cabinet shall consist of the President, the Vice-President and Ministers of State whose number shall not exceed nineteen or be less than ten.
16. The President shall appoint such number of Ministers of State as may be necessary for the efficient running of the state machinery. The majority of Ministers of State shall be appointed from among members of Parliament. All ministers shall be appointed with the prior approval of Parliament.

COURTS AND TRIBUNALS

The equality of all persons before the law and their freedom to enforce their rights and liberties in a court of law is guaranteed under the constitution.

The independence of the Judiciary from the Executive and the Legislature is entrenched in the constitution.

The Judiciary shall be accountable to the constitution and the people.

- 1. The Judiciary is the branch of government given authority to interpret, apply and enforce the laws of Ghana.**
- 2. It shall be made up of the Supreme Court, the Court of Appeal, High Court and Regional Tribunals, and such Lower Courts and Tribunals as Parliament may establish.**
- 3. The Courts and Public Tribunals form one structure headed by the Chief Justice.**
- 4. The Supreme Court is given power as the highest authority to interpret the constitution.**
- 5. The Supreme Court shall have the final authority to say what the law is including determining whether any acts of Parliament or President comply with the constitution. The High Court shall also have the power to enforce the Fundamental Human Rights and Freedoms under the constitution.**
- 6. All citizens as guardians of the constitution have the right and unimpeded access to the courts to challenge any acts of the President, Parliament or any other body, public or private, which are inconsistent with the provisions of the constitution.**
- 7. In furtherance of the principle of independence of the Judiciary from both Parliament and the President, the financial administration of the Judiciary shall be independent of executive control and shall be subject to annual expenditure approvals by Parliament.**
- 8. Citizens may exercise popular participation in the administration of justice through the institution of public and customary tribunals and the jury and assessor system.**
- 9. In order to safeguard the principle of judicial independence, a Justice of the Superior Court or a Chairman of the Regional Tribunal or a Judicial officer shall not be removed from office except for stated misbehaviour or incompetence or on ground of inability to perform the functions of his office arising from infirmity of body or mind.**

FREEDOM AND INDEPENDENCE OF THE MEDIA

The principle of the freedom and independence of the media as an essential requirement of a free and democratic society is entrenched in the constitution. There shall be no sponsorship of the media in Ghana.

No person shall be required to obtain a licence as a prerequisite to the establishment or operation of a private press or media.

1. Editors and publishers and other officials of the mass media, shall not be controlled, interfered with or harassed by the Government or any other person for their editorial opinions and views or the contents of their publications.
2. The State-owned medias shall provide fair opportunity for the presentation of divergent views and dissenting opinions.
3. Publishers and Editors are obliged to publish rejoinders from persons affected by earlier publications.
4. A National Media Commission shall be established under the constitution. It shall have the following:
 - (a) the promotion and defence of the freedom and independence of the media;
 - (b) the establishment and maintenance of the highest journalistic standards in the mass media;
 - (c) the investigation, mediation and settlement of complaints made against or by the Press and other mass media;
 - (d) the insulation of the state-owned media from government control
 - (e) the regulation and registration of newspapers and other publications.
5. The National Media Commission shall not be subject to the direction or control of any authority in the performance of its functions.

ELECTIONS AND POLITICAL PARTIES

Every Ghanaian who is eighteen years and above can vote in National and Local elections.

Political parties may be formed by Ghanaians who qualify to enter Parliament.

Elections shall be conducted by the Electoral Commission.

1. All citizens of Ghana of eighteen years and above and of sound mind are entitled to register as voters and have the right to vote.
2. All electoral functions shall be performed by the Electoral Commission. Such functions shall include the determination of electoral boundaries.
3. All citizens of voting age (ie. 18 years old) have the right to join political parties. However, a person does not qualify to enter Parliament or form a political party unless he/she attains the age of 21.
4. Any person who does not qualify to enter Parliament cannot be a founding member, a leader or a member of a political party's executive body.
5. Political Parties are recognised as one of the agencies necessary in shaping the political will of the people, the dissemination of information on political ideas and social and economic programmes of a national character.
6. There is no restriction on the number of political parties that can be formed.
7. Every political party shall have a national character and its name, emblem, colour or motto, or any other symbol shall not have any ethnic, regional, religious or other sectional interpretation, or give the appearance that its activities are confined only to a part of Ghana.
8. The internal organisation of a political party shall be on democratic lines and its actions and aims shall be both lawful and in line with the constitution.

LOCAL GOVERNMENT AND DECENTRALISATION

The people of Ghana shall have a system of Local Government and administration that is characterised by the following:

- (a) the election on a non partisan basis of 70% of the membership of the Assembly;**
 - (b) the local direction and control of decentralised public services and government institutions and**
 - (c) the financing of development including the establishment of District Assemblies Common Fund into which Central Government shall pay at least 5% of total national revenue.**
1. The principle of participation by all the people in government through the District Assemblies is entrenched in the constitution. Participation of the people shall be through their election of 70% of the membership of the District Assembly and also their involvement in the implementation of the projects and programmes proposed by the Assembly. Communal labour for development is encouraged and recognised as a vital public service and duty.
 2. At most 30% of the membership of the District Assemblies shall be by appointment of persons from important and identifiable groups in the district. This will include representatives of traditional authorities.
 3. The District Assemblies shall have power to initiate policies and implement programmes designed to develop their districts through the building of schools, health posts, and provisions of electricity and water among other functions. These powers extend also to making appropriate local laws to encourage good government and order in the localities.
 4. Elections to the Assemblies shall be non-partisan and be held every 4 years. Political parties shall not sponsor candidates for elections to the Assembly. Assembly men and women are required to have total allegiance to the community they represent irrespective of their party preference as individuals.
 5. To ensure the availability of financial resources to fund district projects and programmes, the constitution establishes the District Assemblies Common Fund into which at least 5% of the gross revenue of Ghana realised through taxation and other resources shall be paid. Payments from the Common Fund to the districts shall be based on a formula to be established by Parliament with equity as the over-riding principle for allocation of these funds for development. Other financial resources shall come from government grants and also monies raised by District Assemblies in exercise of their limited taxation and licensing powers.

6. Executive power at the District level shall be exercised by the District Chief Executive who shall be responsible for the day-to-day administration of the district and be the link between the District and Central Government. He shall be appointed by the President and approved by two-thirds of the members of the Assembly present and voting.

The District Chief Executive shall, therefore, be accountable not only to the President but also to the District Assembly and shall be expected to respect and promote the interests of the district in which he serves within the framework of national policy. His term of office shall be four years. He may be removed during the period for abuse of office by two-thirds of all the members of the District Assembly. This ensures the principle of accountability. He will also be a non-voting member of the District Assembly.

7. The Principal Legislative officer of the District Assembly shall be the Presiding Member of the Assembly. He shall be elected from the membership of the District Assembly by a two-thirds majority and is removable by the Assembly. His term of office shall be two years and he may seek re-election.

He shall co-ordinate and ensure the smooth implementation of the Assembly's Legislative programme as well as consult from time to time with the District Chief Executive.

8. Citizens shall have the right to petition the Courts or the Commissioner for Human Rights and Administrative Justice for any violations of their freedoms resulting from the administrative and legislative actions of the Assembly and its officers.
9. Regional Ministers and Deputy Ministers shall be appointed by the President and shall co-ordinate affairs of all the districts through the Regional Co-ordinating Council which shall include all District Chief Executives and Presiding Members in the region.

THE PUBLIC SERVICES

**The public services shall be non partisan,
impartial and accessible to all citizens.**

Public servants shall not use their position for private gain.

1. The Public Services of Ghana shall be governed by the principle of impartiality and non partisanship in the discharge of their functions. To secure this principle certain categories of public officers shall not be eligible to stand for parliamentary elections unless they resign. This includes those citizens serving in the army, Police and Civil Services.
2. In addition to the fundamental liberties they enjoy, Public Servants are protected by the Constitution from victimisation and discrimination by political authorities. This important protection may be enforced through the Courts of the Commissioner for Human Rights and Administrative Justice.
3. The Public Services Commission shall be an independent body, manned by a Commissioner, two Deputies and other members appointed by the President. It shall see to the regulation and supervision of recruitment, promotions and discipline of public officers.
4. The Public Services Commission shall ensure that all Ghanaians who are qualified to work in the public service shall have equal access to it. To this end the constitution provides that the Public Services be manned by citizens from all the regions of Ghana and that women be adequately represented.
5. The constitution prohibits the use of public office for private gain. All public officers are to see public service as the highest form of duty to the state and are required to discharge their functions fairly and reasonably for the public good. This applies to the messenger as well as the President of the Republic.
6. To ensure that this duty of Public Servants is respected, all persons holding responsible positions are required to declare their assets at the time of entering office, during and after leaving office. This ensures the commitment to probity and accountability and is a firm recognition of public demand for exemplary conduct from holders of public office.
7. The Public Services and Public Servants shall act with respect for the rights of individuals whom they serve. Failure to do this gives citizens the right to seek redress from the Courts or the Commissioner for Human Rights and Administrative Justice.
8. The constitution establishes the voluntary retiring age of 45, and the compulsory retiring age at 60.
9. Pensions shall not be taxed and shall be payable to beneficiaries from the age of 55 onwards.

FINANCE

Taxation may be imposed only by or under the authority of Parliament.

All other financial matters require the authority of Parliament.

1. No taxation shall be imposed unless by or under the authority of Parliament.
2. The two main sources of public funds available for government business shall be the Consolidated and Contingency Funds.
3. The Government shall require the approval of parliament:
 - (a) in the granting of a loan from any public fund or account, and
 - (b) in the raising of a loan on behalf of itself or any other public institution or authority.
4. The President shall cause to be prepared and laid before Parliament at least one month before the end of the financial year, estimates of the revenues and expenditure of the Government of Ghana for the following financial year.
5. The Bank of Ghana shall be the Central Bank of Ghana and shall be the only authority to issue the currency of Ghana.
6. The public accounts of Ghana and public offices shall be audited and reported on by the Auditor-General.

PUBLIC, COMMUNAL AND PRIVATE LANDS

The constitution recognises public, communal and private ownership of land

1. All public lands in Ghana are vested in the President on behalf of the people and are administered by the Lands Commission.
2. Public lands include all lands acquired by Government in the public interest.
3. All minerals in their natural state are vested in the President on behalf of the people.
4. Stool lands also are vested in the appropriate stools or skins on behalf of their subjects; however all stool lands shall be subject to the control and management of the Administrator of Stool lands.
5. A non-citizen of Ghana may not have a freedhold interest in any land in Ghana. The only interest a non-citizen may hold shall be a 50 year leasehold.
6. Every Ghanaian citizen shall have the right to own property including lands and that right may not be interfered with except only as the law provides.
7. The State can only acquire lands compulsorily under specific conditions stated in the constitution and for adequate and fair compensation which should be paid promptly.

CHIEFTAINCY

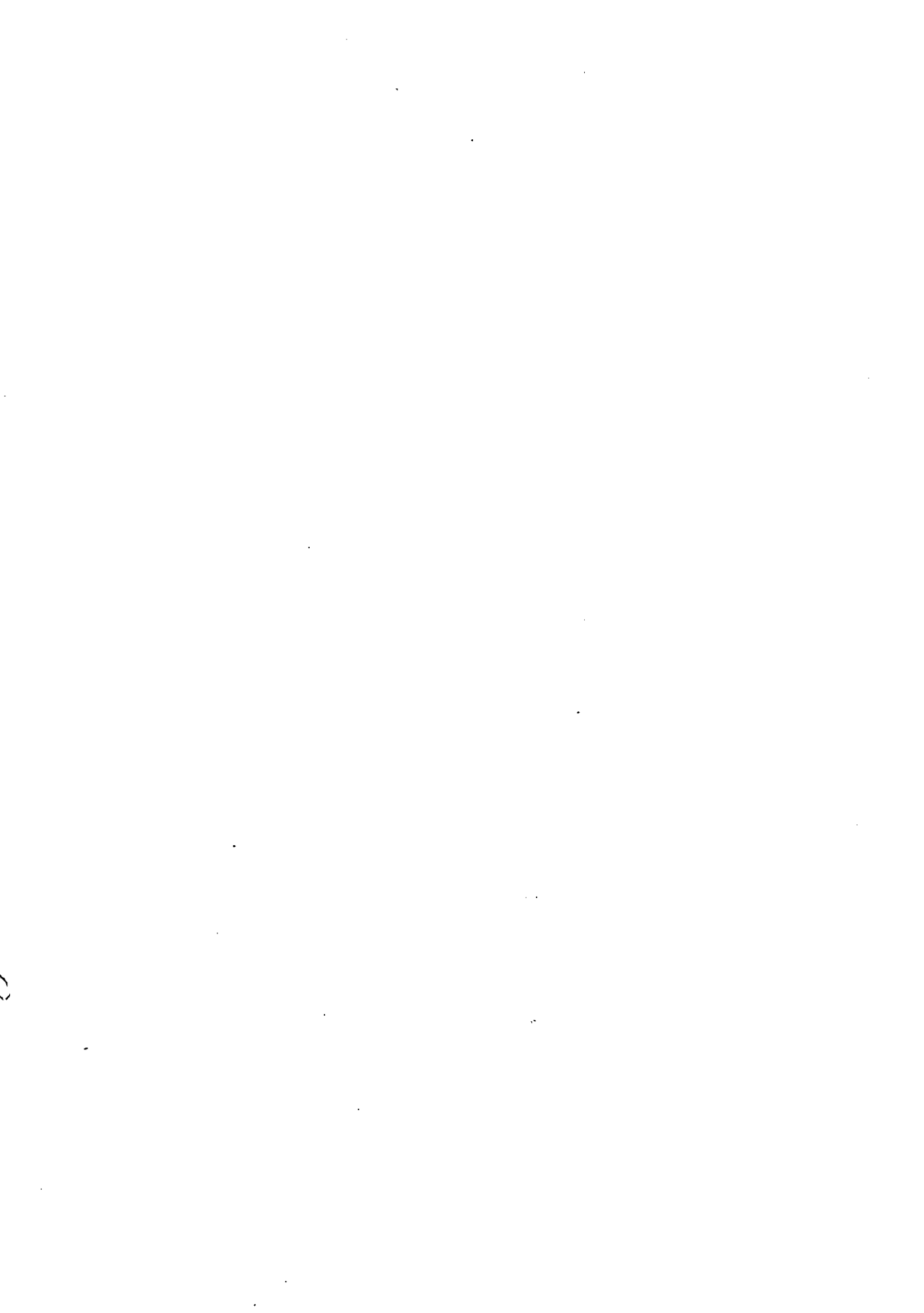
Government shall not interfere in Chieftaincy matters.

1. Chieftaincy as is established by customary law is guaranteed under the constitution.
2. A Chief shall not take part in active party politics and any chief wishing to do so shall abdicate his stool or skin. However, a chief may be appointed to any public office for which he is qualified.
3. The power of government to give recognition to a Chief by way of gazeting is not required.
4. A person who has been convicted of serious crimes such as treason or offences involving dishonesty or moral turpitude shall not qualify to become a Chief.
5. Matters affecting Chieftaincy shall be mainly decided by Regional and National Houses of Chiefs.
6. Before any bill which affects the institution of chieftaincy is introduced in Parliament, it must first be referred to the National House of Chiefs.

TRANSITIONAL PROVISIONS

The Transitional Provisions enable the elected President and the elected Parliament to start work under the new constitution. They also indemnify the P.N.D.C. and its appointees.

1. The President and Members of Parliament are to be taken as having been duly elected for the purposes of the constitution.
2. The existing Supreme Court, the Court of Appeal and the High Court should be taken as have been established under the Constitution.
3. Nothing in the Constitution should adversely affect the conditions of service of any person.
4. The Consolidated Fund and the Contingency Fund will continue to exist under the Constitution.
5. The Provisions indemnify Members of the P.N.D.C. and its appointees, and extend the indemnity to those responsible for the changes in government on 24th February, 1966; 13th January, 1972, June 4 1979 and 31st December, 1981.



**NEW
DOCUMENT**



REPUBLIC OF GHANA

The Constitution Abridged

1992

RELEASED BY THE NCD

F Clifton White Resource Center
International Foundation for Election Systems

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3. Fundamental rights and Freedoms of the individual may be restricted when the President under special powers bestowed on him declares that a state of emergency exists in Ghana.

4. Such a state of emergency, may be declared in circumstances including natural disaster. A situation in which an action by a person or persons threatens the country or part of the country may render such declaration necessary.

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2. All necessary steps should be taken to establish a sound and healthy economy so that development would secure the maximum welfare and happiness of all citizens.
3. Sports should be promoted throughout Ghana as a means of fostering national integration, health and self-discipline as well as international friendship and understanding.
4. It is the duty of the State to provide educational facilities at all levels and in all regions and make them available to all citizens.
5. Appropriate customary values should be integrated into the fabric of national life.
6. Ghana should seek, in its international relations, to promote and protect the interest of the country, to establish a just and equitable international economic and social order, to promote respect for international law, and to adhere to the principles enshrined in international organisations of which it is a member.
7. All citizens have a duty to defend the constitution, foster national unity, contribute to the well-being of the community, respect the rights and freedoms of others and work honestly in their chosen professions.
8. There should be a system of civic education aimed at the eradication of corrupt practices and abuse of power, and the promotion of political tolerance and a spirit of loyalty to Ghana which overrides all other loyalties.
9. Appropriate measures should be taken to achieve gender balance in the recruitment and appointment to public office as well as ensure that necessary steps are taken to integrate fully women into the mainstream of economic development of the country.

PARLIAMENT

The sovereign people of Ghana mandate their elected representatives to go to Parliament and make laws for the effective administration of the Country.

1. To qualify to be a member of parliament, a person should be
 - (a) a citizen of Ghana;
 - (b) at least twenty-one years old;
 - (c) a registered voter;
 - (d) either hail from his constituency or be resident there for at least five years out of the ten years immediately preceding the elections for which he stands; and
 - (e) should have paid all his taxes or made satisfactory arrangements for their payment.

2. Persons disqualified from contesting elections to Parliament include:
 - (a) those who owe allegiance to a country other than Ghana;
 - (b) those who have been declared
 - (i) bankrupt or
 - (ii) to be of unsound mind;
 - (c) those who have been convicted for an offence involving the security of the State, fraud, dishonesty or moral turpitude, or for any other offence punishable by death or by a sentence of not less than ten years; and
 - (d) those who have been found by a report of a Commission or Committee of Enquiry to be incompetent to hold public office.

3. Other persons who are not eligible for Parliamentary elections are Chiefs and members of the following public services; the Police Service, the Prisons Service, the Armed Forces, the Judicial Service, the Legal Service, the Audit Service, the Parliamentary Service, the Statistical Service, the Fire Service, and the Internal Revenue Service. They can make themselves eligible by abdicating or resigning.
4. The power of Parliament to make laws shall be exercised by bills passed by Parliament and assented to by the President.
5. A bill affecting the institution of Chieftaincy shall not be introduced in Parliament without prior reference to the National House of Chiefs.
6. Parliament shall not have power to pass any law that takes effect before the date of the making of the law if it imposes limitations on the personal rights and liberties of any person.
7. The Vice-President, or a Minister or Deputy Minister who is not a member of Parliament can participate in the proceedings of Parliament, but shall not be entitled to vote or hold office.
8. The duration of Parliament shall be four years beginning from the date of its meeting.

THE EXECUTIVE

The Executive Power of Ghana shall be exercised by a popularly elected President who shall be aided by a Vice-President.

He shall, in consultation with Parliament, appoint a 25-member Council of State to counsel him in the performance of his functions.

1. The President shall be the Head of State, Head of Government and Commander in Chief of the Armed Forces.
2. To qualify to be elected as President of Ghana, a person must be a citizen of Ghana by birth, at least 40 years old and otherwise qualified to be a member of Parliament.
3. To be elected as President, the candidate must be nominated by a document signed by himself and by at least two persons who are registered voters resident in the area of authority of each District Assembly and delivered to the Electoral Commission on or before the day appointed as nomination day for the Presidential elections.
4. He must also designate a Person to serve as Vice-President.
5. The election of the President shall be universal adult suffrage.
6. The President must obtain at least 50% of the valid votes cast otherwise a run-off shall be held within 21 days of the previous election.
7. A person elected as president shall hold office for a term of four years beginning from the date on which he is sworn in as President.

8. He shall not be elected to hold office for more than two consecutive terms.
9. The vice-President shall be the running-mate of the elected President.
10. He shall perform such functions as may be assigned to him by the constitution or by the President.
11. His qualification to stand for the office shall be as that for the President .
12. He shall be the next in line to succeed the President upon the latter's death, resignation or removal from office.
13. The Council of State shall perform three main functions:
 - (a) counsel the President in the performance of his duties;
 - (b) consider, at the request of the President, bills which have been published in the gazette or passed by Parliament; and
 - (c) act in an advisory capacity to any other authority which the constitution specifies, especially in respect of appointments.
14. There shall be a cabinet to assist the president in the determination and implementation of the general policy of the government.
15. The cabinet shall consist of the President, the Vice-President and Ministers of State whose number shall not exceed nineteen or be less than ten.
16. The President shall appoint such number of Ministers of State as may be necessary for the efficient running of the state machinery. The majority of Ministers of State shall be appointed from among members of Parliament. All ministers shall be appointed with the prior approval of Parliament.

COURTS AND TRIBUNALS

The equality of all Persons before the law and their freedom to enforce their rights and liberties in a court of law is guaranteed under the constitution.

The independence of the Judiciary from the Executive and the Legislature is entrenched in the constitution. The Judiciary shall be accountable to the constitution and the people.

1. The Judiciary is the branch of government given authority to interpret, apply and enforce the laws of Ghana.
2. It shall be made up of the Supreme Court, the Court of Appeal, High Court and Regional Tribunals, and such Lower Courts and Tribunals as Parliament may establish.
3. The Courts and Public Tribunals form one structure headed by the Chief Justice.
4. The Supreme Court is given power as the highest authority to interpret the constitution.
5. The Supreme Court shall have the final authority to say what the law is including determining whether any acts of Parliament or President comply with the constitution. The High Court shall also have the power to enforce the Fundamental Human Rights and Freedoms under the constitution.

6. All citizens as guardians of the constitution have the right and unimpeded access to the courts to challenge any acts of the President, Parliament or any other body, public or private, which are inconsistent with the provisions of the constitution.
7. In furtherance of the principle of independence of the Judiciary from both Parliament and the President, the financial administration of the Judiciary shall be independent of executive control and shall be subject to annual expenditure approvals by Parliament.
8. Citizens may exercise popular participation in the administration of justice through the institution of public and customary tribunals and the jury and assessor system.
9. In order to safeguard the principle of judicial independence, a Justice of the Superior Court or a chairman of the Tribunal or a Judicial officer shall not be removed from office except for stated misbehaviour or incompetence or on ground of inability to perform the functions of his office arising from infirmity of body or mind.

FREEDOM AND INDEPENDENCE OF THE MEDIA

The principle of the freedom and independence of the media as an essential requirement of a free and democratic society is entrenched in the constitution. There shall be no censorship of the media in Ghana.

No person shall be required to obtain a licence as a prerequisite to the establishment or operation of a private press or media.

1. Editors and publishers and other officials of the mass media, shall not be controlled, interfered with or harassed by the Government or any other person for their editorial opinions and views of the contents of their publications.
2. The State-owned media shall provide fair opportunity for the presentation of divergent views and dissenting opinions.
3. Publishers and Editors are obliged to publish rejoinders from persons affected by earlier publications.
4. A National Media Commission shall be established under the constitution. It shall have the following:
 - (a) the promotion and defence of the freedom and independence of the media;
 - (b) the establishment and maintenance of the highest journalistic standards in the mass media;
 - (c) the investigation, mediation and settlement of complaints made against or by the Press and other mass media;
 - (d) the insulation of the state-owned media from government control
 - (e) the regulation and registration of newspapers and other publications.
5. The National Media Commission shall not be subject to the direction or control of any authority in the performance of its functions.

ELECTIONS AND POLITICAL PARTIES

Every Ghanaian who is eighteen years and above can vote in National and Local elections.

Political parties may be formed by Ghanaians who qualify to enter Parliament. Elections shall be conducted by the Electoral Commission

1. All citizens of Ghana of eighteen years and above and of sound mind are entitled to be registered as voters and have the right to vote.
2. All electoral functions shall be performed by the Electoral Commission. Such functions shall include the determination of electoral boundaries.
3. All citizens of voting age (ie, 18 years old) have the right to join political parties. However, a person does not qualify to enter parliament or form a political party unless he/she attains the age of 21 ,
4. Any person who does not qualify to enter parliament cannot be a founding member, a leader or a member of the political party's executive body.
5. Political parties are recognised as one of the agencies necessary in shaping the political will of the people, the dissemination of information on political ideas and social and economic programmes of national character
6. There is no restriction on the number of political parties that can be formed
7. Every political party shall have a national character and its name, emblem, colour or motto, or any other symbol shall not have any ethnic, regional, religious or other sectional interpretation or give the appearance that its activities are confined to a part of Ghana.
8. The internal organisation of a political party shall be on the democratic lines and its actions and aims shall be both lawful and in line with the constitution.

LOCAL GOVERNMENT AND DECENTRALISATION

The people of Ghana shall have a system of local Government administration that is characterised by the following;

- (a) the election on a non partisan basis of 70% of the membership of the Assembly;**
- (b) the local direction and control of decentralised public services and government institutions and**
- (c) the financing of developments including the establishment of District Assemblies Common fund into which Central Government shall pay at least 5% of total national revenue.**

1. The principle of participation by all the people in government through the District assemblies is entrenched in the constitution. Participation of the people shall be through their election of 70% of the membership of the District Assembly and also their involvement in the implementation of the projects and programmes proposed by the Assembly. Communal labour for development is encouraged and recognised as a vital public service and duty.
2. At most 30% of the membership of the district assemblies shall be by appointment of persons from important and identifiable groups in the district. This will include representatives of traditional authorities.
3. The District Assemblies shall have power to initiate policies and implement programmes designed to develop their districts through the building of schools, health posts, and provisions of electricity and water among other functions. These powers extend also to making appropriate local laws to encourage good government and order in the localities.
4. Elections to the Assemblies shall be non-partisan and be held every 4 years. Political parties shall not sponsor candidates for elections to the Assembly. Assembly men and women are required to have total allegiance to the community they represent irrespective of their party preference as individuals.

5. To ensure the availability of financial resources to fund district projects and programmes, the constitution establishes the District Assemblies Common Fund into which at least 5% of the gross revenue of Ghana realised through taxation and other resources shall be paid. Payments from the Common Fund to the districts shall be based on a formular to be established by Parliament with equity as the overriding principle for allocation of these funds for development. Other financial resources shall come from government grants and also monies raised by District assemblies in exercise of their limited taxation and licensing powers.
6. Executive power at the District level shall be exercised by the District Chief Executive who shall be responsible for the day-to-day administration of the district and be the link between the District and Central Government. He shall be appointed by the President and approved by two-thirds of the members of the Assembly present and voting. The District Chief Executive shall, therefore, be accountable not only to the President but also to the district assembly and shall be expected to respect and promote the interests of the district in which he serves within the framework of national policy. His term of office shall be four years. He may be removed during the period for abuse of office by two-thirds of all the members of the District Assembly. He will also be a non-voting member of the District Assembly.
7. The Principal Legislative officer of the District Assembly shall be the Presiding Member of the Assembly. He shall be elected from the membership of the District Assembly by a two-thirds majority and is removable by the Assembly. His term of office shall be two years and he may seek re-election. He shall co-ordinate and ensure the smooth implementation of the Assembly's Legislative programme as well as consult from time to time with the District Chief Executive.
8. Citizens shall have the right to petition the Courts or the Commissioner for Human Rights and Administrative Justice for any violations of their freedoms resulting from the administrative and legislative actions of the District Assembly and its officers.
9. Regional Ministers and Deputy Ministers shall be appointed by the President and shall co-ordinate affairs of all the districts through the Regional Co-ordinating Council which shall include all District Chief Executives and Presiding Members in the region.

THE PUBLIC SERVICES

**The public services shall be non partisan,
impartial and accessible to all citizens.
Public servants shall not use their
position for private gain.**

1. The Public services of Ghana shall be governed by the principle of impartiality and non partisanship in the discharge of their functions: To secure this principle certain categories of public officers shall not be eligible to stand for parliamentary elections unless they resign. This includes those citizens serving in the Army, Police and Civil services.
2. In addition to the fundamental liberties they enjoy, Public Servants are protected by the Constitution from victimisation and discrimination by political authorities. This important protection may be enforced through the Courts or the Commissioner for Human Rights and Administrative Justice.
3. The Public Services Commission shall be an independent body, manned by a Commissioner, two Deputies and other members appointed by the President. It shall see to the regulation and supervision of recruitment, promotions and discipline of public officers.
4. The Public Services Commission shall ensure that all Ghanaians who are qualified to work in the public service shall have equal access to it. To this end the constitution provides that the Public Services be manned by citizens from all the regions of Ghana and that women be adequately represented.

5. The constitution prohibits the use of public office for private gain. All public officers are to see public service as the highest form of duty to the state and are required to discharge their functions fairly and reasonably for the public good. This applies to the messenger as well as the President of the Republic.
6. To ensure that this duty of Public Servants is respected, all persons holding responsible positions are required to declare their assets at the time of entering office, during and after leaving office. This ensures the commitment to probity and accountability and is a firm recognition of public demand for exemplary conduct from holders of public office.
7. The Public Services and Public Servants shall act with respect for the rights of individuals whom they serve. Failure to do this gives citizens the right to seek redress from the Courts or the Commissioner for Human Rights and Administrative Justice.
8. The constitution establishes the voluntary retiring age of 45, and the compulsory retiring age at 60.
9. Pensions shall not be taxed and shall be payable to beneficiaries from the age of 55 onwards.

FINANCE

**Taxation may be imposed only by or under the authority of Parliament.
All other financial matters require the authority of Parliament.**

1. No taxation shall be imposed unless by or under the authority of Parliament.
2. The two main sources of public funds available for government business shall be the Consolidated and Contingency Funds.
3. The Government shall require the approval of parliament;
 - (a) in the granting of a loan from any public fund or account, and,
 - (b) in the raising of a loan on behalf of itself or any other public institution or authority.
4. The President shall cause to be prepared and laid before Parliament at least one month before the end of the financial year estimates of the revenues and expenditures of the Government of Ghana for the following financial year.
5. The Bank of Ghana shall be the Central Bank of Ghana and shall be the only authority to issue the currency of Ghana.
6. The public accounts of Ghana and public offices shall be audited and reported on by the Auditor-General.

PUBLIC, COMMUNAL AND PRIVATE LANDS

The constitution recognises public, communal and private ownership of land

1. All public lands in Ghana are vested in the President on behalf of the people and are administered by the Lands Commission.
2. Public lands include all lands acquired by Government in the public interest.
3. All minerals in their natural state are vested in the President on behalf of the people.
4. Stool lands are also vested in the appropriate stools or skins on behalf of their subjects; however all stool lands shall be subject to the control and management of the Administrator of Stool lands.
5. A non-citizen of Ghana may not have a freehold interest in any land in Ghana. The only interest a non-citizen may hold shall be a 50 year leasehold.
6. Every Ghanaian citizen shall have the right to own property including lands and that right may not be interfered with except only as the law provides.
7. The State can only acquire lands compulsorily under specific conditions stated in the constitution and for adequate and fair compensation which should be paid promptly.

CHIEFTAINCY

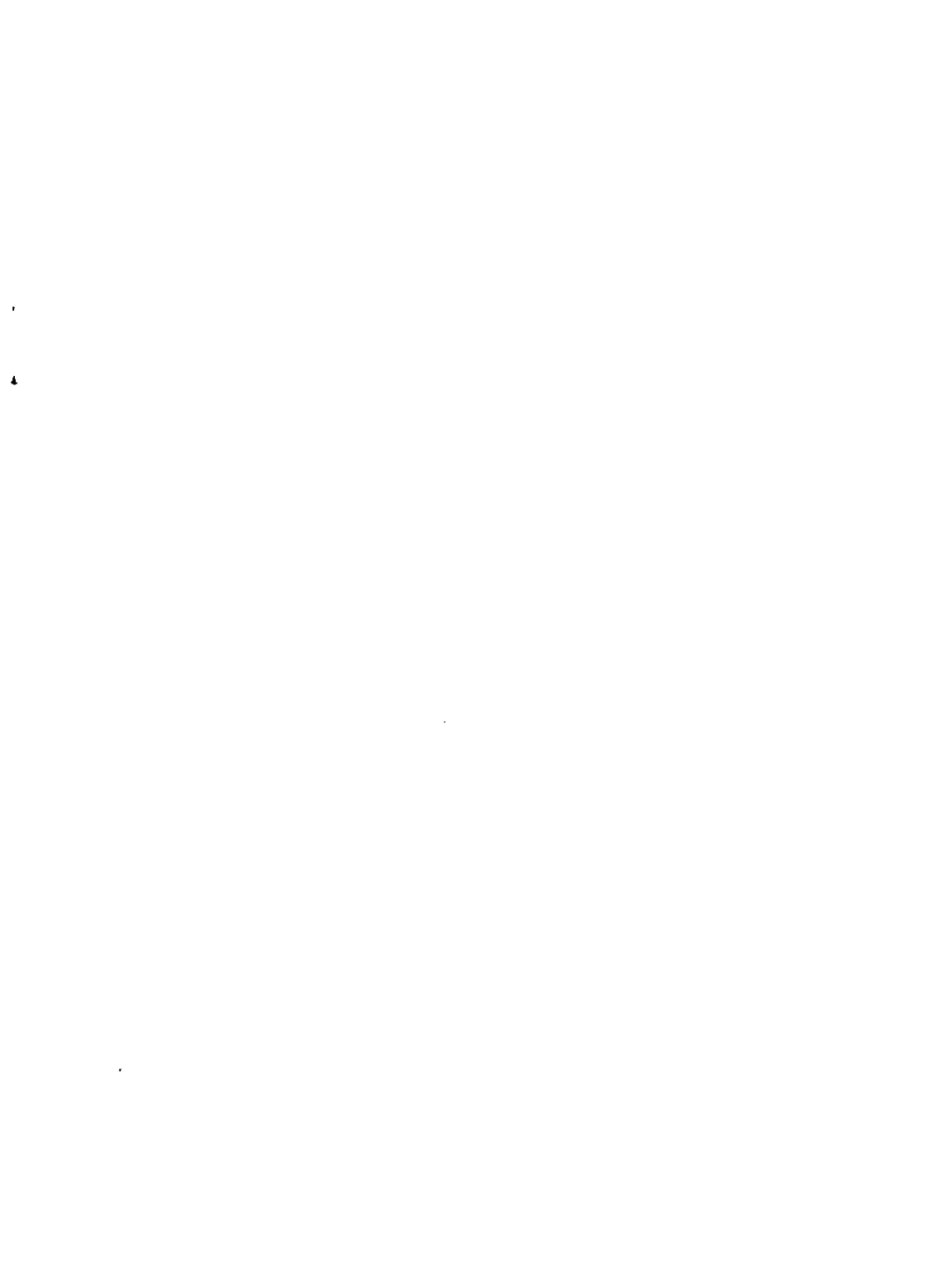
Government shall not interfere in Chieftaincy matters.

1. Chieftaincy as is established by customary law is guaranteed under the constitution.
2. A Chief shall not take part in active party politics and any chief wishing to do so shall abdicate his stool or skin. However, a chief may be appointed to any public office for which he is qualified.
3. The power of government to give recognition to a Chief by way of gazetting is not required.
4. A person who has been convicted of serious crimes such as treason or offences involving dishonesty or moral turpitude shall not qualify to become a Chief.
5. Matters affecting Chieftaincy shall be mainly decided by Regional and National Houses of Chiefs.
6. Before any bill which affects the institution of chieftaincy is introduced in Parliament, it must first be referred to the National House of Chiefs.

TRANSITIONAL PROVISIONS

The Transitional Provisions enable the elected President and the elected Parliament to start work under the new constitution. They also indemnify the P.N.D.C. and its appointees.

1. The President and Members of Parliament are to be taken as having been elected for the purposes of the constitution.
2. The existing Supreme Court, the Court of Appeal and the High Court should be taken as having been established under the Constitution.
3. Nothing in the Constitution should adversely affect the conditions of service of any person.
4. The Consolidated Fund and the Contingency Fund will continue to exist under the Constitution.
6. The Provisions indemnify Members of the P.N.D.C. and its appointees, and extend the indemnity to those responsible for the changes in government on 24th February, 1966; 13th January, 1972, June 4, 1979 and 31st December, 1981.



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