UNIVERSITY OF GHANA

HUMAN RIGHTS AND EX-CONVICTS IN GHANA'S FOURTH REPUBLIC (1993 - 2023)

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ABSTRACT

This study examined human rights and reintegration of ex-convicts in Ghana's Fourth Republic (1993–2023). It focuses on the fundamental contradiction between the nation's constitutional guarantees of equality, dignity, and non-discrimination, and the systemic marginalization experienced by individuals after incarceration. Despite Ghana's progressive legal framework and international human rights commitments, ex-convicts face structural stigma, economic exclusion, inadequate institutional support, lack of focused policy attention and social rejection that constitute a form of de facto "secondary punishment". Employing a qualitative research design, the study draws on Reformative, Egalitarian, and Ubuntu theoretical perspectives. Data were collected through semi-structured interviews with a purposive sample of 35 participants, comprising twenty (20) ex-convicts and fifteen (15) key stakeholders from the legal, civil society, employer, landlord, and traditional authority sectors. Thematic analysis, guided by Braun and Clarke's six-phase model, was used to analyse the data. The findings reveal a significant disjuncture between law and lived reality. While Ghana's 1992 Constitution (Articles 15, 17, 19) promises universal rights, its implementation is negated by exclusionary statutes, an absence of a Reintegration Act, and a critical institutional void for post-release support. Ex-convicts navigate a landscape of "social death," characterized by discrimination in employment and housing, ostracism from families and religious communities, and a lack of mental health services. Civil Society Organizations (CSOs), though vital as de facto service providers, operate under severe constraints, donor dependency, fragmented interventions, and lack of a formal state mandate, highlighting a democratic accountability gap where the state outsources its constitutional obligations. The study concludes that true democratic maturity requires transforming reintegration from a discretionary act of charity into a state-anchored,

rights-based obligation. It proposes an integrated, African-centered model of Communitarian Justice, synthesizing institutional reform, structural equality, and communal ethics. Key policy recommendations include enacting a Reintegration and Rehabilitation Act, establishing a National Reintegration Board (NRB), creating record expungement mechanisms, instituting employer tax incentives and housing protections, and formalizing state-CSO partnerships. By bridging the gap between constitutional promise and lived experience, Ghana can affirm its commitment to an inclusive democracy where justice extends beyond punishment to genuine restoration and belonging for all citizens.