

**Migration Review Tribunal
AUSTRALIA**

MRT RESEARCH RESPONSE

Research Response Number: GHA35634
Country: Ghana
Date: 4 November 2009

Keywords: Ghana – Ghana Police Service – Police clearance certificate – Corruption

Questions

Please provide any country information which indicates:

- 1. That the system for obtaining police clearance certificates from the Ghana Police is corrupt?**
- 2. That it can be very difficult for a person living outside Ghana to obtain a police clearance certificate from Ghana (albeit that a trustworthy, prominent person makes the request)?**
- 3. Whether police officers in the Ghana Police sometimes prepare and provide unauthorised police clearance certificates to persons who apply for such documents (probably so that they can keep the payment(s) made for the certificate)?**

RESPONSE

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Reports have frequently found many Ghanaian institutions to be places where bribery and corruption are commonly encountered. A number of reliable bodies have found a high level of corruption associated with the Ghana Police Service and surveys and other reports have described the general acceptance and expectation by the populace generally that payment of bribes to officials in many organisations is to be expected in order to facilitate the delivery of the required service.

A 2006 Research Response by the Canadian Immigration and Refugee Board compiled various reports of police corruption to that time. In the response, Transparency International had found that 76.8% of respondents in a 2005 report considered the country's police service to be one of the top ten most corrupt institutions. The response also describes some steps taken by the Ghana Police Service as well as the government to improve the level of investigation and punishment of corrupt practices (Immigration and Refugee Board of Canada 2006, *GHA101614.E - Ghana: Reports of corruption and bribery inside the police force; procedure followed to file a complaint and recourse available; the state's attitude toward police corruption and how police handle personal feuds* , 2 October - Attachment 1).

A 2008 survey conducted by the Ghana Centre for Democratic Development (CDD-Ghana) found a perception by citizens that corruption was increasing in Ghanaian institutions including the police, tax officials, government agencies and local government officials, amongst others;

The Police continue to top the list at 86 percent, though they recorded the least overtime increase (5points) between 2005 and 2008. Perceived corruption at the Presidency and among MPs jumped 14 percentage points, representing the highest, between 2005 and 2008. Likewise, that for government officials went up by 11 percentage points," according to the March 2008 survey, which looked at popular perceptions of corruption in public institutions among other issues.

But, expectedly, only small minorities of Ghanaians admit to complicity in corruption. " Typical of studies tracking complicity in corruption, just about a tenth of Ghanaians report paying bribe for a document or permit, 11percent, for water/sanitation or household services, 8 percent, and to avoid problems with the police, 10 percent," the survey declares ('Ghana: Corruption still rife in country – survey' 2008, *All Africa* [source: Public Agenda (Accra)], 27 June, <http://allafrica.com/stories/200806271096.html> - Accessed 28 October 2009 – Attachment 2).

The Business Anti-Corruption Portal also refers in an undated country profile on its website to reports and surveys published by Global Integrity 2008 and Transparency International 2007 in which the Ghana Police Service was generally viewed as “one of the most corrupt and dishonest agencies in Ghana. The traffic police are known to extract unofficial fees from drivers.” The profile also states that

Companies report that both regular and traffic police are the most frequent recipients of unofficial payments. According to Global Integrity 2008, the police are often condemned in the media for demanding bribes when handling court cases and for demanding bribes from motorists during vehicle registration. Companies should thus be aware of the potential for encountering demands for bribes from the police when dealing with court matters and vehicle registration (Business Anti-Corruption Portal (undated), 'Ghana Country Profile – Police', <http://www.business-anti-corruption.com/country-profiles/sub-saharan-africa/ghana/corruption-levels/police/> - Accessed 29 October 2009 - Attachment 3).

An article published in the *Ghanaian Journal* in October 2009 describes the high level of bargaining which occurs at the regional office of the Motor Traffic Transport Unit in Accra Central, where drivers readily pay bribes in order to avoid detention or being summonsed to appear in court. One police officer is quoted as saying that the bribes were necessary to support their families due to the inadequate pay they received ('Police in new extortion tricks' 2009, *Ghanaian Journal*, 2 October, <http://www.modernghana.com/news/241840/1/police-in-new-extortion-tricks.html> - Accessed 28 October 2009 - Attachment 4).

In an extensive interview conducted as part of a larger research project by two American based scholars in 2007, the Commissioner of the Ghana National Police Service, George Asiamah, acknowledged that the greatest problem for the police was its 'crisis of legitimacy' and that it had to 'earn the respect and trust of the community so that the community can support the police in its work';

Many judges and even the media as well as the general public seem to have very little confidence in police prosecutors and accuse them of inefficiency and corruption; police prosecutors will have to be countenanced for many years to come. This is because the AG [Attorney General] lacks professional lawyers who are prepared to prosecute criminal cases.

Later in the interview the Commissioner further went on to refer to his worry about the

incipient perception of corruption that is working like a virus in a computer...Generally most police forces are underpaid and are working with poor conditions of service...

I think that there should be an international movement to fight for better conditions of service for the police. The so-called corruption eating up most police organizations can be traced to the fact that the police are not well catered for by the society. The larger society should not simply take it for granted that the police can thrive and survive on corruption. An incorruptible police service should not be an ideal, but a requirement (Crews, Gordon A. and Crews, Angela D. 2009, 'Interview with Commissioner of Police George Asiamah, Ghana National Police Service' in Das, Dilip K. & Marenin, Otwin (eds), *Trends in Policing. Interviews with Police Leaders across the Globe*, CRC Press, Boca Raton, Fl., pp. 100, 97, 104 - Attachment 10).

In 2003, the Ghana Police Service denied that the Service required illicit payments in order to process requests for police clearance certificates. The public relations officer, ASP Eklū, suggested that overseas resident Ghanaians who had complained about the charges might actually be retaining the money themselves;

In an interview in Accra on Monday, ASP Eklū, the public relations officer, told the Chronicle that residents pay ₵50,000, while non-residents pay \$80, for the document which is obtainable within seven days for the regular one.

Explaining further, he said, residents and non-residents pay ₵80,000 and \$100 respectively for the express processing of the document, which is obtainable within five working days.

On super express, ASP Eklū told the Chronicle that 100,000 cedis and \$120 are the fees residents as well as non-residents pay for the processing of the certificate, which is obtainable within three days.

Giving the purpose of charging non-residents dollars, ASP Eklū, said that the policy was instituted in order to assist government to raise funds to cater for certain pertinent needs of the police service adding that, the practice had existed for quite a long time.

He however explained further that the processing of the document is transparent and that receipts are issued to various applicants at the CID headquarters in Accra and therefore, wondered why some people are complaining about corruption to that extent ('Ghana: Police deny allegation over clearance certificate' 2003, *All Africa* [source; The Ghanaian Chronicle], 30 April, <http://allafrica.com/stories/200304300868.html> - Accessed 26 October 2009 - Attachment 5).

According to the website of the Ghana Police Service, a police clearance certificate may be obtained by either Ghanaian residents or those abroad. Applicants must complete an application form at the Police C.I.D. Headquarters, but 'non-resident Ghanaians can apply through resident Ghanaians'. The fee for overseas applicants is stated to be US\$120 (Ghana Police Service 2008, 'Criminal Investigation Department, Clearance Certificate',

http://www.ghanapolice.info/cid/clearance_cert.htm - Accessed 26 October 2009 - Attachment 6). Although the information on the website indicates that the Service would no longer accept cheques, it appears as though there is provision for mail order applications to be made, possibly using international money order. For example DIAC guidelines for police clearance certificates state that non-residents of Ghana seeking a police clearance certificate may apply to the Commissioner of Police, Ghana Police Service, Post Office Box 505, Accra applying with the associated photographs, certified copy of passport, application form and certified fingerprints (Department of Immigration and Citizenship 2009, 'Character Requirements Penal Clearance Certificates' <http://www.immi.gov.au/allforms/character-requirements/> - Accessed 30 October 2009 - Attachment 7).

A 2007 article published in the *Public Agenda* reports on delays and additional costs experienced by non-resident Ghanaians who were attempting to obtain their police clearance certificate

Though a source at the CID head office boasted that it takes only five days to process a clearance report, practically it can take several months to have such reports done, either due to lack of up to date data or the usual Ghanaian disregard for time.

One frustrated Ghanaian based in Canada, Mr. James Amoah in a complaint to Public Agenda regretted that his attempts to get a clearance report from the CID for the past three months have yielded no results.

Mr. Amoah said his initial attempts to get the report for the Canadian Immigration Authorities through the Ghana Mission in New York proved futile; as he was directed to contact the Ghana embassy in Washington D.C. Several attempts through emails and telephones to get the Embassy in Washington to act promptly on his case also yielded no results.

Several instances of official indifference by embassy officials toward Ghanaians abroad needing their help are characteristic of Ghana's Missions.

According to him, the Ghana Embassy in Washington D.C directed him to the CID in Ghana with the hope that he could get his report in time to sort himself out.

As time was running out for him, Mr. Amoah contacted a family member to help him get the clearance report from the police for which he sent down three passport size pictures and \$100. He said to his dismay the family member called him and stated that the police were charging \$120 for the report.

Even with \$120 and all the necessary documents, he said his relative has been shuttling between the CID headquarters and his house for the last three months without the report ('Ghana: CID on the carpet' 2007, *All Africa* [source: Public Agenda], 11 June, <http://allafrica.com/stories/200706111417.html> - Accessed 26 October 2009 – Attachment 8).

3. Whether police officers in the Ghana Police sometimes prepare and provide unauthorised police clearance certificates to persons who apply for such documents (probably so that they can keep the payment(s) made for the certificate)?

A search of the sources consulted did not find any reports of the Ghana Police Service issuing false documents or any form of certificate it was not entitled to issue.

In a general article published in 2001 on the poor standards of many Ghanaian documents, the author Kwame Twumasi-Fofie, based in Switzerland, commented on the limited information provided in the typical police clearance certificate, which appeared to make it difficult to distinguish one holder of such a certificate from another with the same or similar name, as the certificate appeared to provide no details as to passport number, date or place of birth, person's address or the like ('Ghana: Governance: the change must start from here (ii)' 2001, *All Africa* [source: The Ghanaian Chronicle', 24 April, <http://allafrica.com/stories/200104240124.html> - Accessed 26 October 2009 - Attachment 9).

List of Sources Consulted

Internet Sources:

Government Information and Reports

Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

International News & Politics

BBC News <http://www.bbc.co.uk>

The Economist <http://www.economist.co.uk>

Non-Government Organisations

UNHCR Refworld <http://www.refworld.org>

European Country of Origin Information <http://www.ecoi.net>

Region Specific Links

All Africa <http://allafrica.com>

Africa Confidential <http://www.africa-confidential.com/home>

Afrol News <http://www.afrol.com>

Modern Ghana <http://www.modernghana.com>

Ghana Web <http://www.ghanaweb.com/>

Ghana Nation <http://www.ghananation.com>

Search Engines

Webcrawler <http://www.webcrawler.com>

Google Scholar <http://www.google.com>

All the Web <http://www.alltheweb.com>

Hakia <http://www.hakia.com>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

University of Melbourne Library Catalogue

List of Attachments

1. Immigration and Refugee Board of Canada 2006, *GHA101614.E - Ghana: Reports of corruption and bribery inside the police force; procedure followed to file a complaint and recourse available; the state's attitude toward police corruption and how police handle personal feuds*, 2 October. (REFWORLD)
2. 'Ghana: Corruption still rife in country – survey' 2008, *All Africa* [source: Public Agenda (Accra)], 27 June, <http://allafrica.com/stories/200806271096.html> - Accessed 28 October 2009.
3. Business Anti-Corruption Portal (undated), 'Ghana Country Profile – Police', <http://www.business-anti-corruption.com/country-profiles/sub-saharan-africa/ghana/corruption-levels/police/> - Accessed 29 October 2009.
4. 'Police in new extortion tricks' 2009, *Ghanaian Journal*, 2 October, <http://www.modernghana.com/news/241840/1/police-in-new-extortion-tricks.html> - Accessed 28 October 2009.
5. 'Ghana: Police deny allegation over clearance certificate' 2003, *All Africa* [source: The Ghanaian Chronicle], 30 April, <http://allafrica.com/stories/200304300868.html> - Accessed 26 October 2009.
6. Ghana Police Service 2008, 'Criminal Investigation Department, Clearance Certificate', http://www.ghanapolice.info/cid/clearance_cert.htm - Accessed 26 October 2009.
7. Department of Immigration and Citizenship 2009, 'Character Requirements Penal Clearance Certificates' <http://www.immi.gov.au/allforms/character-requirements/> - Accessed 30 October 2009.
8. 'Ghana: CID on the carpet' 2007, *All Africa* [source: Public Agenda], 11 June, <http://allafrica.com/stories/200706111417.html> - Accessed 26 October 2009.
9. 'Ghana: Governance: the change must start from here (ii)' 2001, *All Africa* [source: The Ghanaian Chronicle], 24 April, <http://allafrica.com/stories/200104240124.html> - Accessed 26 October 2009.
10. Crews, Gordon A. and Crews, Angela D. 2009, 'Interview with Commissioner of Police George Asiamah, Ghana National Police Service' in Das, Dilip K. & Marenin, Otwin (eds), *Trends in Policing. Interviews with Police Leaders across the Globe*, CRC Press, Boca Raton, Fl., pp. 100, 97, 104.