



**International Covenant on
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Human Rights Committee

Concluding observations on the initial report of Ghana

Addendum

**Information received from Ghana on follow-up to the
concluding observations***

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* The present document is being issued without formal editing.



I. Harmful Traditional Practices

1. The Domestic Violence and Victims Support Unit (DOVVSU) of Ghana Police Service has put in place a system to ensure that every case of domestic violence including female genital mutilation that is reported is effectively investigated. DOVVSU works closely with the Judiciary and the Attorney General's Office for the effective prosecution and adjudication of reported cases of Domestic Violence.
2. DOVVSU has a 'walk-in' system that allows victims and witnesses to directly report cases of abuse. The Unit also maintains a dedicated telephone line, which is part of the Ghana Police Service crisis response intervention and linked to police and hospital facilities nationwide.
3. DOVVSU maintains a referral system for victims that include medical, legal and counseling services. Officers of DOVVSU have been trained to provide basic counseling to clients and traumatized victims.
4. Family Tribunal and Gender- Based Violence Courts in Accra have been established to speedily resolve gender-based violence cases and more importantly to improve the administration of justice for gender-based violence.
5. Domestic Violence/Sexual and Gender Based Violence (DV/SGBV) Response Centres have been established in the Greater Accra Region targeted at market women and head porters ("Kayayei") to enable them to report cases of violence to the Centres. These Centres are manned by officers from DOVVSU, the Commission on Human Rights and Administrative Justice (CHRAJ), the Social Welfare, the Ministry of Education and the Ministry of Health among others.

II. Health Care

6. The Mental Health Authority of Ghana has taken steps to release 16 people, including two girls, held in shackles at Nyankumasi Prayer Camp, a spiritual healing center in the Central Region of Ghana. Those freed, some of whom have mental health conditions, were taken to the nearby Ankaful Psychiatric Hospital, also in the Central Region on 30th June, 2017.
7. The focus now is on investing in appropriate community-based services to support people with mental health conditions to enable them to live full and independent lives in the community, and to ensure that any mental health service provided to patients are based on their free and informed consent.
8. In an effort to ensure the implementation of the Mental Health Act, the Mental Health Authority organized a training programme for the Judicial Council of Ghana on 13th June, 2017 since judges play a vital role in the implementation of laws in Ghana. They were also trained on how to deal with mental health patients who appear before them to enable them identify genuine patients from those who pretend just to escape from the law.
9. Aside being trained on identifying real mentally challenged persons and their rights to social justice and hearings, the training also sought to share knowledge on depression, a phenomenon identified among the judiciary and the psychiatrists but least talked about.
10. The Mental Health Authority has stepped up efforts to address human rights abuses against people with psychosocial disabilities. These efforts include adopting regular monitoring visits to some of the prayer camps. With the support of the United Kingdom (UK) Department for International Development (DFID), the Mental Health Authority has visited some prayer camps and pushed for an end to the practice of shackling people with psychosocial disabilities.
11. The Mental Health Authority has been structured in such a way that the psychiatric Hospital would be able to admit those released from prayer camps. Any prayer camp that refused to release any mentally challenged person would be dragged to court to face the full rigours of the law.

III. Conditions in Detention Centres

12. Ghana is guided by the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) as well as the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines). In particular, the operations of the Ghana Prisons Service and the Ghana Police Service are regulated by Standard Operation Procedures consistent with the Nelson Mandela Rules and the Luanda Guidelines.

13. The Commission for Human Rights and Administrative Justice (CHRAJ) has the mandate to investigate complaints of violations of fundamental human rights and freedoms. Despite the absence of a designated National Preventive Mechanism (NPM), CHRAJ has since 1995 been conducting visits to places of detention. The ratification and implementation of the Optional Protocol to the Convention against Torture (OPCAT) will ensure the establishment of an NPM to undertake regular visits to places of detention in order to monitor conditions in detention centres.

14. Article 15(4) of the 1992 Constitution categorically states that “*a juvenile offender who is kept in lawful custody or detention shall be kept separately from an adult offender*”. Pursuant to the above-mentioned provision and in accordance with the laws regulating the Ghana Prisons Service, adult prisoners are detained in adult prisons while young offenders and juvenile offenders are detained at the Senior Correctional Centre.

15. To address the problem of overcrowding, efforts have been made to speed up work on the final phase of the Ankaful Maximum Security Prisons to make the facility fully operational. When the project is finally completed many high profile prisoners across the country would be relocated to the prison so as to create more space for short-term prisoners.

16. The Prison Service in collaboration with the Judicial Service of Ghana through the Ministry of Interior has put measures in place to introduce alternatives to imprisonment in Ghana’s Sentencing Policy. It is anticipated that a legal framework and proper structure to institutionalize alternative sentencing policies would ease the pressure on the courts committing all manner of offenders into prison custody and thereby reduce congestion with its associated challenges in the prisons.

17. A new and modern remand prison is under construction near the Nsawam Medium Security Prison. This would drastically reduce the rate of overcrowding at the Nsawam Prisons and the Central Prisons in Ghana.

18. The “Justice For All Programme” is also aimed at decongesting the country’s prisons and promote prisoner rights, especially those of remand prisoners. This involves the setting up of special courts at the prisons where cases of prisoners whose cases meet the criteria of the programme are reviewed. This programme has been beneficial to the vulnerable and poor who find themselves in detention for one reason or the other and are unable to afford legal fees, forcing them to either self-represent or remain unrepresented.

19. Other interventions in the offing to make inmates productive and contribute their quota to the socio-economic development of the country include the parole system and non-custodial sentencing in Ghana’s prisons. Such a policy would give way to the introduction of community services, among other things.

20. Ghana ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman Treatment or Punishment (OP-CAT) in June 2016. Prior to the ratification of the OP-CAT by Ghana, the Commission on Human Rights and Administrative Justice (CHRAJ) has been discharging the responsibility of a National Preventive Mechanism (NPM) through the unfettered monitoring of detention facilities, especially prisons and police cells. As an independent constitutional body, which meets the criteria for National Human Institutions (NHRI) under the Paris Principles coupled with its track record in monitoring detention facilities, CHRAJ has the needed capacity, which makes it eligible to be designated as an NPM in Ghana. The Office of the Attorney-General would take the necessary action to seek Cabinet and Parliamentary approval to amend CHRAJ’s mandate to enable it undertake the additional responsibility as an NPM before the end of the tenure of the present Parliament.

21. There is the possibility that, CHRAJ, having the requisite attributes of an NPM may in the future qualify to be designated Ghana’s NPM. There will be the need to amend the

law establishing CHRAJ in order to expand its mandate and functions to include the undertaking of preventive visits to places of detention in order to prevent torture and other cruel, inhuman and degrading punishments. This would require some changes in its mandate to enable it comply with the OPCAT, in particular, to aspects relating to financial independence and monitoring methodology.

22. Consideration also needs to be given to the recruitment of qualified experts by CHRAJ, their salaries and emoluments and the provision of adequate resources to enable it operate effectively as an NPM.

IV. Conclusion

23. In compliance with its international human rights and treaty obligations under Article 40 of the 1992 Constitution, Ghana is committed to the implementation of human rights instruments for which it is a party, and will endeavour to take all necessary steps to promote human rights in Ghana and particularly continue to strengthen institutions responsible for the promotion and protection of human rights.
