



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the initial report of Ghana*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please clarify the status of the Covenant within the domestic legal order, including whether the Covenant prevails over domestic laws in case of conflicting provisions, and provide example of cases in which the national courts have referred to the provisions of the Covenant. Please also indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol, and provide information on measures taken to ensure full compliance with the Committee's Views concerning communication No. 2177/2012, *Johnson v. Ghana*.
2. Please clarify how the members of the Commission on Human Rights and Administrative Justice are selected and appointed, and give details on how a diverse composition of the Commission is ensured. Please also indicate the measures taken to provide the Commission with adequate financial and human resources, so as to enable it to discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

3. Please respond to reports that non-Ghanaians face discrimination on the basis of national origin, nationality and ethnicity. Please provide information on measures taken to combat the stigmatization of and discrimination against children, adults with disabilities, in particular psychosocial or mental disabilities, sex workers, persons with albinism and persons living with HIV/AIDS.
4. Please clarify whether sexual relations between consenting adults of the same sex are criminalized by virtue of section 104 of the Criminal Offences Act, 1960 ("unnatural carnal knowledge"). Please comment on reports of discrimination, stigmatization, hate speech and homophobic discourse, including by State officials, religious actors and the media, as well as violence against lesbian, gay, bisexual and transgender individuals and activists, and report on the measures taken to ensure the protection of victims and address impunity for such acts.
5. Please report on measures taken to eliminate discriminatory provisions and practices, both in statutory and customary law, limiting women's access to land, property

* Adopted by the Committee at its 115th session (19 October-6 November 2015).



and inheritance, including in the context of marriage. Please also clarify the current status of the Intestate Succession Bill and of the Property Rights of Spouses Bill and explain what measures are being considered to ensure their effective implementation.

6. Please report on the status of the Affirmative Action Bill. Please provide further information on measures taken to increase the representation of women in national and regional governance institutions and in the judiciary, particularly in decision-making positions, and the resulting progress.

Violence against women and children, including domestic violence (arts. 3, 7, 23, 24 and 26)

7. Please outline the measures taken: to eradicate effectively harmful practices, such as female genital mutilation, *trokosi* (ritual servitude), polygamy, forced and early marriage, abusive widowhood rites and stigmatization of widows, and witchcraft accusations leading to severe violence and confinement in so-called witch camps; to bring perpetrators to justice (please include relevant statistics); and to provide appropriate redress to victims.

8. Please indicate the measures taken to address the prevalence of violence against women, including domestic violence, sexual assault and rape, particularly on: (a) encouraging reporting of such cases; (b) addressing impunity, discouraging mediation in cases of violence against women and ensuring their effective investigation and the prosecution and punishment of perpetrators; and (c) ensuring the availability of effective remedies for victims, including adequate State-run shelters and other resources and services to assist victims. Please also provide information on steps taken to combat effectively domestic violence and child abuse, including sexual abuse and incest, in the family, schools and care institutions.

Right to life (art. 6)

9. Please report on the progress made towards the abolition of the death penalty and the implementation of the recommendations of the Constitutional Review Commission in that respect. Pending the abolition of the death penalty, please indicate whether legislation has been amended to ensure that the imposition of the death penalty is not mandatory and is based solely upon the category of crime for which the offender is found guilty, without the circumstances of the particular offence being taken into account. Please indicate whether the State party intends to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

10. Please respond to reports of excessive use of force and unlawful killings by law enforcement and security personnel and provide information on investigations into such incidents, prosecution and punishment of the perpetrators and remedies granted to victims or their families. Please indicate whether measures have been taken to bring the permissive regulations on the use of lethal force, including article 13 of the Constitution, into compliance with the State party's obligations under article 6 of the Covenant.

11. Please give details of the measures taken to address the high maternal mortality rates and the resulting progress. Please outline the steps taken to ensure women's effective access to legal, safe and affordable abortions.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 2 and 7)

12. Please report on steps taken to include in the Criminal Code an offence of torture in full compliance with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 7 of the Covenant, providing for penalties commensurate with the gravity of the crime. Please clarify whether the principle

of the absolute prohibition of torture, as well as the inadmissibility of forced confessions and evidence procured by means of torture, have been explicitly codified in the State party's legal order and domestic law and whether any officials have been prosecuted and punished for extracting a confession under torture, or if there have been cases where the courts have excluded such confessions from being used as evidence.

13. Please provide information on measures taken to address instances of torture and ill-treatment in detention facilities, to investigate, prosecute and punish perpetrators and to provide effective remedies to victims. Please also clarify whether there are plans to set up an effective and fully independent mechanism to investigate promptly allegations of torture and ill-treatment. Please clarify whether an independent and effective mechanism mandated to inspect and monitor regularly places of deprivation of liberty has been established.

14. Please respond to reports of: (a) prolonged psychiatric treatment sanctioned by a court without periodic judicial review and hospitalization of patients long beyond their discharge date; and (b) electroshock therapy at the psychiatric hospital in Accra being practised with the use of restraints, without adequate anaesthesia and not as a measure of last resort, and allegedly without free and informed consent. Please report on measures taken to address the use of torture and inhuman and degrading treatment in psychiatric institutions and prayer camps, such as shackling and prolonged restraints, starvation or forced fasting, including of children, and treatment without free and informed consent, as well as measures to provide effective remedies for victims. Please clarify whether patients detained in prayer camps have their cases reviewed by a court (please provide relevant data) and whether an effective mechanism is in place to monitor prayer camps regularly.

15. Please respond to reports that: (a) owing to the understaffing of prisons, selected prisoners are entrusted to exercise authority over other prisoners in their cell or block; (b) prisoner-on-prisoner violence is being committed by certain prisoners designated by the authorities as "black coats", in particular in Kumasi and Sekondi prisons; and (c) caning is sometimes used as a physical punishment by prison guards, but is most often carried out by prisoners under the authority of the prison staff.

**Liberty and security of person and treatment of persons deprived of their liberty
(arts. 7, 9 and 10)**

16. Please respond to reports that, in practice, persons suspected of having committed an offence, including juveniles, are not always brought before a judge within 48 hours as prescribed by law, and that often remand warrants are signed by police officers. Please report on measures taken: (a) to address arbitrary or unlawful detention due to lengthy delays in the administration of justice and unavailability of legal aid; (b) to address the severe shortage of legal aid defence counsels and to ensure effective legal aid for indigent persons and for all criminal offences; (c) to ensure access to genuine independent medical examination not controlled by government medical officers; and (d) to ensure that detainees have the right, in any circumstances, to challenge the lawfulness of their detention before a judge and to be released if their detention is found to be unlawful.

17. Please report on measures taken:

(a) To improve the poor living conditions and the treatment of patients in psychiatric institutions, in particular the Accra Psychiatric Hospital, and to facilitate their reintegration into society;

(b) To address overcrowding and to improve the poor conditions of detention, including for prisoners on death row, including such elements as inadequate nutrition and health care, the shortage of food, medicine and bedding, and poor hygiene conditions;

(c) To address the severe shortage of prison staff;

- (d) To increase educational opportunities and skills training for prisoners;
- (e) To facilitate meaningful family visits, including by children under 18 years of age, and communication in private;
- (f) To increase the number of remand homes for juvenile offenders, improve conditions of detention and ensure that juvenile offenders are segregated from adult offenders;
- (g) To ensure that accused persons are segregated from convicted persons;
- (h) To use alternatives to custodial sentences.

Right to a fair trial and independence of the judiciary (arts. 14 and 24)

18. Please respond to concerns that the dual political and prosecutorial role vested in a single official acting both as Attorney General and Minister of Justice may breach the principle of separation of powers and undermine in some cases the independence of the judiciary. Please report on measures taken to address the lengthy delays in the criminal justice system, including the substantial backlog of remand cases (please provide relevant statistics). Please explain how domestic courts interpret the obligation to bring a person to trial within “a reasonable period of time” (art. 14 (4) of the Constitution) and how this is implemented in practice. Please also indicate whether adequate remedies are provided in practice for delays in proceedings.

Elimination of slavery and servitude (art. 8)

19. Please report on measures taken: (a) to eliminate child labour in such sectors as artisanal gold mining, agriculture, including cocoa-farming and fishing (in particular artisanal or small-scale fishing sector), *trokosi* and child domestic servitude; (b) to combat internal and cross-border trafficking in women, men and children for purposes of sexual exploitation, including within the tourism industry, or forced labour; (c) to provide specialized training for all relevant stakeholders, including prosecutors and other judicial personnel; (d) to effectively investigate, prosecute and punish perpetrators for trafficking and child labour (please provide relevant statistics); and (e) to address the lack of adequate government shelters and support and assistance services to victims.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 12 and 13)

20. Please report on measures taken: (a) to amend refugee legislation to ensure unhindered access to fair and efficient asylum procedures, including referral mechanisms at the border crossing points, and adequate procedural safeguards for asylum seekers, particularly effective legal remedy for those whose asylum applications have been rejected; (b) to prevent statelessness; and (c) to address the causes of the internal displacement of persons in the Northern Region and to ensure, in law and in practice, the protection of internally displaced persons.

Right to privacy and family life (art. 17)

21. Please provide information about the legal safeguards in place against arbitrary interference with the privacy, home and correspondence of individuals, and their observance in practice. Please respond to reports of increased use of practice of secret tape recordings of prominent Ghanaian politicians.

Rights of the child (arts. 16, 24 and 26)

22. Please report on measures taken to explicitly prohibit the corporal punishment of children in all settings, including in the home, school and alternative care settings, and repeal the “reasonable” and “justifiable” legal defences.

23. Please report on measures taken: (a) to ensure a sufficient number of specialized juvenile courts and remand facilities; and (b) to ensure that juvenile offenders are held in custody only when it is absolutely necessary, as a measure of last resort and only for as short a time as possible. Please also give details of any available alternative measures to imprisonment of juvenile offenders and their application in practice.

24. Please report on measures taken to further increase the birth registration rate, particularly in rural areas, and the resulting progress. Please also clarify whether steps have been taken to ensure that recognized refugees, in particular refugee children who are born outside Ghana and do not possess a birth certificate, may be issued with a substitute birth certificate.

Freedom of opinion and expression (art. 19)

25. Please respond to reports that journalists are subjected to physical attacks and threats by security forces and individuals, as well as to arrests and detention, and report on measures taken to protect journalists and bring perpetrators of such acts to justice. Please provide information on the status of the Right to Information Bill and its compliance with the Covenant.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

26. Please provide information on the steps taken to disseminate information on the Covenant and the First Optional Protocol thereto, the submission of the initial report of the State party and its forthcoming examination by the Committee. Please also provide more information on the involvement of civil society, non-governmental organizations and the Commission on Human Rights and Administrative Justice in the preparation of the report.
