



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Report on follow-up to the concluding observations of the Human Rights Committee\*

#### Addendum

### Evaluation of the information on follow-up to the concluding observations on Ghana

<i>Concluding observations (117th session):</i>	<a href="#">CCPR/C/GHA/CO/1</a> , 8 July 2016
<i>Follow-up paragraphs:</i>	18, 28 and 30
<i>Follow-up reply:</i>	<a href="#">CCPR/C/GHA/CO/1/Add.1</a> , 27 November 2017
<i>Committee's evaluation:</i>	Additional information required on paragraphs 18[B][C], 28[C][B] and 30[B]
<i>Information from non-governmental organizations:</i>	Centre for Civil and Political Rights <sup>1</sup>

#### Paragraph 18: Non-discrimination and harmful traditional practices

##### The State party should:

- (a) Strengthen its awareness-raising and education programmes in that regard, in particular in those communities where the practices remain widespread;
- (b) Further enhance its efforts to prevent and eradicate harmful traditional practices;
- (c) Proactively investigate cases of traditional harmful practices and ensure that victims have access to effective remedies and adequate protection, rehabilitation and reintegration mechanisms.

##### Summary of the State party's reply

- (a) No information provided;
- (b) No information provided;
- (c) The State party reiterates the information provided in its replies to the list of issues (CCPR/C/GHA/Q/1/Add.1, para. 27 (a) and (c)) regarding the establishment of a family tribunal and gender-based violence courts and of two domestic violence and sexual

\* Adopted by the Committee at its 127th session (14 October–8 November 2019).

<sup>1</sup> See [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fNGS%2fGHA%2f33446&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fNGS%2fGHA%2f33446&Lang=en).



and gender-based violence response centres in the Greater Accra Region for women working in markets and head porters (*kayayei*) to report cases of violence. The Domestic Violence and Victim Support Unit has a dedicated telephone line for victims of domestic violence and a system for ensuring that all cases of domestic violence are effectively investigated. Close cooperation between the judiciary and the Office of the Attorney-General ensures the prosecution and adjudication of reported cases.

#### **Information from non-governmental organizations**

(a) Since their establishment, the Regional Child Protection Committees have provided 53,000 communities with information on and programmes to combat harmful traditional practices, domestic violence and child protection. In November 2017, the Gender and Development Initiative for Africa was launched with the aim of eliminating harmful traditional practices, such as child marriage, and promoting women's participation in business and politics. However, there is no clear coordination between the Ministry of Gender, Children and Social Protection and the Office of the President for the implementation of the initiative. Steady and regular initiatives exist, but the challenge is to develop more targeted and sustainable campaigns in the communities;

(b) The online data management system of the Domestic Violence and Victim Support Unit was extended to include cases of child marriage, but it still does not cover cases involving accusations of witchcraft, female genital mutilation and ritual servitude (*trokosi*). Officers were trained in online data management;

(c) According to the Domestic Violence and Victim Support Unit, in 2016, six cases of forced marriage and no cases of child marriage were reported. The Helpline of Hope call centre was launched in 2017, giving victims of domestic violence a means of reporting abuse and requesting assistance. However, institutional protocols for referral are non-existent. The legislative instrument passed in 2017 to implement the Domestic Violence Act provides for the appropriate legal structures and support for victims of domestic violence, for example a framework for funding victim support. The State has two shelters that are accessible to adult and child victims. The shelter for victims of child trafficking is under renovation.

#### **Committee's evaluation**

[B] (a): The Committee regrets the lack of information provided by the State party, but notes the information received from civil society on awareness-raising and education programmes relating to non-discrimination and harmful traditional practices. It appreciates the establishment in 2017 of the Gender and Development Initiative for Africa, but requires information on its implementation, particularly regarding coordination between the Ministry of Gender, Children and Social Protection and the Office of the President. The Committee also requires information on the activities carried out by the Regional Child Protection Committees and on further measures taken to strengthen awareness-raising and education in the areas of non-discrimination and harmful traditional practices since the adoption of the Committee's concluding observations.

[C] (b) and (c): The Committee regrets that no information was provided by the State party on the measures taken to prevent and eradicate harmful traditional practices. The Committee reiterates its recommendations. The Committee notes the existence of a dedicated telephone line for victims of domestic violence, but requests clarification on whether it can be used to report cases related to harmful traditional practices. It also requires information on actions taken to ensure that reported cases are investigated and prosecuted. The Committee welcomes the adoption in 2017 of the legislative instrument for the implementation of the Domestic Violence Act, but regrets the absence of information from the State party on its content, particularly as regards harmful traditional practices, and on its implementation. The Committee also requires information on measures taken to ensure that victims have access to effective remedies and adequate protection, rehabilitation and reintegration mechanisms.

#### **Paragraph 28: Persons with disabilities and psychiatric treatment**

**The State party should:**

(a) **Ensure the implementation of the Mental Health Act, including through the adoption of legislative instruments for its implementation and the recruitment of qualified mental health professionals;**

(b) **Ensure registration, regulation and control of “prayer camps”, with a view to preventing ill-treatment, including inhumane practices involving shackling and mandatory fasting;**

(c) **Ensure an effective and independent monitoring and reporting system for mental health and social care institutions, and ensure that abuses are effectively investigated and prosecuted and that compensation is provided to the victims and their families;**

(d) **Prohibit non-consensual psychiatric treatment, such as forced medication and confinement;**

(e) **Ensure that persons with mental disabilities or their legal representatives are able to exercise the right to effective remedy against violations of their rights.**

#### **Summary of the State party’s reply**

(a) On 13 June 2017, staff of the Judicial Council of Ghana were provided with training on matters related to the rights of patients with mental health issues;

(b) On 30 June 2017, the Mental Health Authority obtained the release and transfer to a psychiatric hospital of 16 mental health patients, including 2 girls, who had been held and shackled at the Nyankumasi Prayer Camp in the Central Region of Ghana. The Mental Health Authority conducts monitoring visits to some of the prayer camps with the support of the Department for International Development of the United Kingdom of Great Britain and Northern Ireland;

(c) Any prayer camp refusing to release mental health patients will be prosecuted;

(d) The State party reiterates information provided in its replies to the list of issues ([CCPR/C/GHA/Q/1/Add.1](#), para. 12) regarding its plan to invest in community-based services for people with mental health disabilities, and to ensure that mental health services are based on the free and informed consent of the patient;

(e) No information provided.

#### **Information from non-governmental organizations**

(a) No legislative instrument has been adopted for the implementation of the Mental Health Act. The Mental Health Authority has established Community Mental Health Units in all the 216 district hospitals and health centres. Since 2017, no coordinators have been appointed for those units. The Board of the Mental Health Authority was dissolved in 2016 and its members have not yet been replaced;

(b) In 2017, the Mental Health Authority, with the support of the Human Rights Advocacy Centre, developed guidelines for traditional and faith-based healers on mental health care. The Commission on Human Rights and Administrative Justice proposed that compliance with those guidelines become a requirement for mental health centres to renew their licences. The State party did not establish a mental health tribunal as required under the Mental Health Act. The Ministry of the Interior reported that 15,000 community policing assistants had been recruited to support the Ghana Police Service in addressing abuses in communities. The Mental Health Authority established specialist outreach clinics in some traditional and faith-based healing centres to advocate for the prevention of abuse of the rights of persons with mental disabilities. In 2017, regional mental health coordinators unshackled 278 persons with mental disabilities in prayer camps. On 30 June 2017, officials from the Mental Health Authority rescued 17 persons with mental disabilities from a prayer camp in the Central Region and transferred them to Ankaful Psychiatric Hospital;

(c) Abuses in mental health and social care institutions are not investigated or prosecuted due to the lack of tribunals for prosecuting abuses against persons with mental disabilities. On 13 June 2017, the Mental Health Authority provided selected staff of the

Judicial Council of Ghana with training on the Mental Health Act. As at 2017, the Mental Health Authority had established 3 of the 10 regional visiting committees required under the Mental Health Act;

(d) The Mental Health Authority developed a draft mental health policy for psychiatric hospitals, which deals with issues of non-consensual psychiatric treatment;

(e) A commonly held perception that persons with mental disabilities lack rights often leads to cases of abuse going unreported.

#### **Committee's evaluation**

[C] (a), (c), (d) and (e): The Committee notes the information provided by the State party on the training of staff of the Judicial Council of Ghana, but regrets that no information was provided about the adoption of legislative instruments for the implementation of the Mental Health Act or about the recruitment of qualified mental health professionals. The Committee also notes the information provided by civil society and requires information about whether coordinators have now been appointed for the Community Mental Health Units and whether a new Board has been constituted for the Mental Health Authority. The Committee reiterates its recommendation.

The Committee notes the information provided by the State party that any prayer camp refusing to release mental health patients will be prosecuted. However, the Committee requires concrete information on any prosecutions that have been carried out in the last two years. In this regard, the Committee regrets that no information was provided on measures taken to ensure that abuses were investigated and prosecuted and the victims and their families were compensated. It notes the information provided by civil society on the establishment of three regional visiting committees, and requires information on the establishment of the remaining regional visiting committees and on any monitoring visits that have been carried out.

The Committee regrets that the State party has not provided any information on measures taken to prohibit non-consensual psychiatric treatment. The Committee notes the information provided by civil society on the draft mental health policy for psychiatric hospitals, but requires information on its content and the timeline for its adoption. The Committee reiterates its recommendations.

The Committee regrets that no information was provided by the State party regarding the measures taken to ensure the right to an effective remedy for persons with mental disabilities. The Committee reiterates its recommendations.

[B] (b): The Committee welcomes the measures taken by the Mental Health Authority to release mental health patients, including from the Nyankumasi Prayer Camp. It notes the information provided that the Mental Health Authority conducts monitoring visits in some of the prayer camps, but requires information on the dates of the visits that have been carried out in the last two years. It also notes information provided by civil society on the guidelines for traditional and faith-based healers on mental health care and on the establishment of specialist outreach clinics, but requires further information on the content of the guidelines, the progress made in implementing them and the work carried out by the clinics. The Committee reiterates its recommendation.

#### **Paragraph 30: Conditions of detention and violence among inmates**

**The State party should take measures to improve the conditions and treatment of persons held in custody and take steps to address the problem of prison overcrowding, including by introducing a genuine policy on the use of non-custodial penalties, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should take the necessary steps to separate prisoners by age, sex and custodial status. The State party should also ensure that inmates are not given any disciplinary authority over other inmates. Given the recent ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the State party should expedite its efforts to establish a national mechanism for the prevention of torture as soon as possible, as well as a mechanism for receiving and processing complaints lodged by detainees.**

### Summary of the State party's reply

The State party is guided by the Nelson Mandela Rules and the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa. The State party reiterates the information provided in its initial report and in its replies to the list of issues on the construction of a new detention facility (CCPR/C/GHA/Q/1/Add.1, para. 62 (ix)), the improvements carried out in an existing detention facility (CCPR/C/GHA/1, para. 234), the Justice for All Programme (CCPR/C/GHA/1, para. 232, and CCPR/C/GHA/Q/1/Add.1, paras. 56 and 66), the proposal submitted by the Ghana Prisons Service for non-custodial sentences (CCPR/C/GHA/Q/1/Add.1, para. 62 (xi)) and the separation of detainees according to their age (CCPR/C/GHA/Q/1/Add. 1, para. 61 (viii)). The Office of the Attorney-General is seeking the approval of the Cabinet and Parliament to amend the mandate of the Commission on Human Rights and Administrative Justice to make it the national mechanism for the prevention of torture, as required under the Optional Protocol to the Convention against Torture. The Commission has conducted monitoring visits in detention facilities since 1995.

### Information from non-governmental organizations

A bill on non-custodial sentencing for minor offences, which is in accordance with the Nelson Mandela Rules, was launched on 10 October 2018. A policy on non-custodial sentencing is pending approval by the Cabinet. The production of food supplies for detainees by agricultural farm prisons increased with the acquisition of about 200 hectares of land by the Government for this purpose. However, the feeding fee remains unrevised, at 1.80 cedis (US\$ 0.36) per prisoner per day. Prisoners are separated on the basis of their age, sex and custodial status. Juveniles suspected of having falsified their age are placed in custody in adult detention facilities and are given assistance to appeal their sentences. Some inmates ("black coats") are appointed by prison administrators as leaders for the effective management of cells. The memorandum on a bill on torture, prepared in 2017 by the Office of the Attorney-General to implement the Optional Protocol to the Convention against Torture, is pending submission to Parliament.

### Committee's evaluation

[B] The Committee notes that the State party has repeated information provided in its initial report and its replies to the list of issues (CCPR/C/GHA/1 and CCPR/C/GHA/Q/1/Add.1). It notes the information provided by civil society on a bill on non-custodial penalties and a policy on non-custodial sentencing, pending approval by the Cabinet. However, the Committee requires information on the contents of the bill and the policy, as well as on timelines for adoption. It also requires information on additional measures taken to address the situation of overcrowding and to improve the conditions and treatment of persons held in custody, including information on food provided to prisoners.

The Committee welcomes the separation of prisoners by age, sex and custodial status, but requires information on the report received that juveniles suspected of falsifying their age are placed in prisons for adults.

The Committee regrets that no information was provided on measures taken to ensure that inmates were not given disciplinary authority over other inmates.

The Committee welcomes the information provided on the process to amend the mandate of the Commission on Human Rights and Administrative Justice to make it the national mechanism for the prevention of torture and requires updated information in this respect. It also requires information on measures taken to establish a mechanism for receiving and processing complaints submitted by detainees.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.