



INFORMATION NOTE

3rd to 5th periodic report of Ghana

69th session of the United Nations Committee on the Rights of the Child

Summary of Juvenile Justice related issues

Ratification of the Convention on the Rights of the Child by Ghana: Signing on 29 January 1990 and ratifying on 5 February of the same year, Ghana became the first country to ratify the Convention.

Previous report presented in: June 1997 (15th session of the CRC). The initial report of Ghana, which was to be submitted in 1992, was delayed and submitted in 1995.

1.1 JUVENILE JUSTICE - KEY ISSUES

I) Legislation:

Article 28 of the 1992 Constitution guarantees the rights of children and enjoins Parliament to enact laws to further realise the rights and ensure the wellbeing of children. In fulfilment of this provision, Parliament has enacted the Children's Act 1998 (Act 560), Juvenile Justice Act 2003 (Act 653), Human Trafficking Act 2005 (Act 694), Disability Act 2006 (Act 715), Whistle Blowers Act 2006 (Act 720), the Criminal Code (Amendment) Act 2007, Education Act 2008 (Act 778), and the Criminal Offences (Amendment) Act 2012 (Act 849) to name a few.

A Justice for Children Policy (JfCP) is also currently being finalised to guide the interaction of children with the justice system of Ghana. The JfCP also seeks to establish a well-structured and coordinated Justice for Children System that promotes the well-being of children, prevent abuse, protect children from harm and promote justice for children. The JfCP focuses on all categories of children in contact with the justice system as victims of crimes, witnesses, offenders and other crimes involving children. Cabinet is expected to adopt and approve the Policy in June 2015.

II) Minimum age of criminal responsibility:

III) Number of children and length of detention:

a) Access to data:

- No
x Yes :

A delegate informed the Committee that a study on children in the criminal justice system to gather disaggregated data was concluded at the end of 2014. A report based on that study



would be sent to the Cabinet by the end of June and consequently it was hoped that a new juvenile justice policy would be adopted by the end of 2015. The most recent data available showed that at the end of 2013, 59 children aged 12 to 17 years of age were held in correctional facilities managed by the Ghana Prison Service. The study identified that 1.2 in every 100,000 children were held in pre-trial detention and at the end of 2013 72 children were held in pre-trial detention. Of those 72 cases, court proceedings had been started for 22 cases and the other 50 children had been charged with an offence.

IV) Trial conditions:

UN expert Clarence Nelson asked how successful the child panels are and requested for data on what kinds of cases the courts are dealing with.

V) Detention conditions

a) In general (access to health, education, etc.): In the list of issues in relation to the combined 3rd to 5th periodic reports of Ghana, the CRC requested the delegation to provide information on the measures taken to ensure that children in conflict with the law are detained only as a measure of last resort and for the shortest possible time. The CRC also needed information on the measures taken to ensure that children are not detained with adults and are provided with education and leisure activities during their time in detention, both in prisons and in correctional centres. The CRC requested data, disaggregated by age, sex, ethnic origin and type of crime, for the past three years, on the number of children who have allegedly committed a crime and who have been reported to the police; who have been sentenced and on the types of punishment or sanctions handed down for the offences they have committed, and on the length of deprivation of liberty; who are in detention facilities for children and in adult facilities.

b) Pre-trial detention:

There is a high number of young people held in pre-trial detention, according to UN expert Clarence Nelson. On the subject of juvenile justice a delegate informed the Committee that a study on children in the criminal justice system to gather disaggregated data was concluded at the end of 2014. The study identified that 1.2 in every 100,000 children were held in pre-trial detention and at the end of 2013 72 children were held in pre-trial detention. Of those 72 cases, court proceedings had been started for 22 cases and the other 50 children had been charged with an offence.

Children were held in pre-trial detention when they were charged with grave offences such as defilement and other sexual offences and stealing in aggravated circumstances, such as armed robbery. Sexual offences and robbery were classified as non-bailable offences, confirmed the delegate. Additionally, children were sometimes held in remand homes for their own safety because they risked being victims of retributive acts. Children were kept in special remand homes and were separated from adults. The Juvenile Justice Act specified that any court case involving a child had to be completed within six months and that was the maximum period that a child could be held in pre-trial detention.

c) Separation from adults: Children continue to be detained in adult facilities. The delegation of Ghana denied this fact, saying children are not detained with adults.

IX) Training of professionals: Concerning the implementation of the Convention on the Rights of the Child by the courts, some courts apply the provisions. In order to improve the situation, the delegation of Ghana said they are helped by the NGO Coalition to do trainings in



the justice system. According to State officials, the best interest of child is the principle that is applied in any proceedings because it is enacted in the Children Act. The government wants to ensure lawyers are trained on the CRC and the African Charter of Human Rights.

X) Role of the media:

UN expert Muhamad Shariff expressed concerns about the lack of provisions for the participation of children to exercise fully their freedom of expression. Very few media are proposing opportunities for children and youth and there are challenges in access to information. Especially, she denounced the lack of computers in schools and poor education of children in computer skills.

State officials of Ghana denied the lack of computers and confirmed 60,000 computers have been provided in schools recently. The delegation of Ghana justified better participation thanks to the launch of a new website dedicated to adolescents and a new magazine where they are encouraged to write. Apparently, adolescents clubs and health offices for adolescents have been open in more schools.

Concerning the media portrayal of child abuse and presence of nude pics of children on the internet, the delegation of Ghana said they collaborate with the Journalist Association of Ghana to provide guidance to media about how they should report on child related issues.

XI) Child participation and sensibilization:

UN expert Amal Salman Aldoseri confirmed there are more child clubs ensuring better participation. However, she asked if participation has been extended to rural areas or not and what measures have been taken to include children in decision-making. She also requested awareness raising campaigns to make the Convention on the Rights of the Child widely known at the national level.

XII) Other relevant areas:

- **Discrimination against girls:** UN expert Aldoseri said the traditional practice of “trokosi” is still practised on girls and corporal punishment as well. She said discrimination is prohibited by the legislation of Ghana, but in practice, discrimination against vulnerable children, especially girls and disabled children, is an important issue. For instance, Ms. Aldoseri noted gender disparities in access to education. UN expert Suzanne Aho Assouma was concerned the delegation did not mention the practice of “trokosi” in its presentation of the periodic report and said it is crucial to improve awareness raising and find a way to stop this form of slavery.

The delegation of Ghana explained the Constitution was amended regarding violence and traditional practices, but they did not manage to secure convictions against trokosi and free girls victims of trokosi. The police did not arrest any priests owners of slave girls. The government tries to have a constant dialogue with religious leaders and communities despite strong cultural resistance to change.

- **Discrimination against disabled children:** UN expert Aman Salman Aldoseri said children with disabilities (mental health) in Ghana are victims of stigma and violence. She said they are often confined in prayer camps or in psychiatric hospitals. They don't have access to education. She underlined this problem is even more worrying in rural areas and emphasized the need to prioritize an inclusive education in Ghana. She asked what vocational trainings are in place for these marginalized disabled children who



drop out of school.

The delegation of Ghana said they encourage an inclusive pedagogy and education policy thanks to sensitization programs for teachers about the inclusion of marginalized and disabled children. However, they precised children with severe disabilities are housed in a special environment and special schools for them. State officials said there is a set of indicators to assess if a district is deprived of education.

The delegation reminded Ghana passed a Mental Health Act, set up a Mental Health Unit and ratified the Convention on Persons with Disabilities.

- **Violence against children:** The Chairperson of the Committee, Benyam Dawit Mezmur, asked if there is any incentive to create a mandatory reporting on domestic violence to get a national data base on this issue. UN expert Clarence Nelson asked if there are any sentencing policies prepared by the courts regarding cases of children abused or beaten at home.

Regarding FGM, the delegation said they managed to get convictions. However, State officials confirmed FGM is legal in the upper east region of Ghana and said some girls are still transported to Tchad to endure this inhumane treatment. The delegation of Ghana recognized they are worried about the increase of sodomy against children, practised on young boys especially. They said they have some data about this fact.

- **Early marriage:** UN expert Kirsten Sandberg recognized early marriage is prohibited under the age of 18 in Ghana. However, she asked if there is in the law some exceptions enabling marriage under 18. She also wanted to know whether when married young brides are still considered as children. Mr. Mezmur asked if there are any survey that is currently conducted in Ghana to clarify the causes of early or forced marriage, because he said poverty might not be the only cause.

To tackle early and forced marriage, the Government had, in partnership with the United Nations Children's Fund, set up an Anti-Child Marriage Coordinating Unit which was developing factsheets, training packets and resource guides, providing regular updates on social networking platforms on child marriage and establishing a committee of experts to advise it. Child victims of forced marriage could seek help from a shelter established in the Greater Accra area.

- **Street children:** UN expert Suzanne Aho Assouma asked if there is a national survey about street children with concrete data. The delegation of Ghana replied there were 18,000 children in street situation across the country and 90% are girls. There are three major studies on street children. The government adopted a multi-sectorial approach to combat this issue and an action plan in accordance with the committees of the Parliament. Girls are the most affected as many of them flee child marriage, especially in the North of Ghana. State officials said there are now support unit officers who are in charge to offer immediate humanitarian assistance to street children. They also confirmed cash transfers will be provided to victims and had meetings with the Association for Street Children. The government has put in place the strategy to provide food at school to make sure girls from poor families return to school.

Ms. Aho Assouma was not satisfied about the answer of the delegation and asked for the date of the publication of the survey which identified 18,000 street children.

Mr. Nelson said it was not clear which kinds of measures have been taken and what the root causes of this phenomenon are.

The delegation said they do not want to engage on cross-border cooperation because that issue would fall into the mandate of ECOWAS.



- **Trafficking and sexual exploitation:** Mr. Mezmur asked a question regarding sexual exploitation of children in Ghana. The delegation said sexual exploitation and prostitution are criminalized in the Criminal Offense Act of 1960. According to State officials, families can be convicted for such offense. A Trafficking and Abuse Fund has been set up by the government to offer better assistance and compensation to victims. The UNFPA also gave funds to enable Ghana to conduct advocacy activities. The government has an AIDS Commission helping children infected and/or affected by HIV/AIDS.
The government of Ghana is developing a sentencing policy. The minimum sentence is 7 years for prostitution and maximum is 24 years.
- **Child labour:** Ms. Aldoseri talked about the issue of human rights and businesses in Ghana, and especially child rights violations in the context of artisanal gold mining and oil industry. She said local communities do not benefit from industries and asked if there is any recognized framework to regulate activities of these businesses.
Mr. Nelson also raised the issue of gold mining and wanted to know the outcomes of the national action plan and what the next steps are. He wondered whether the government considered prosecuting the industries hiring children.
State officials said the ECOWAS periodic mechanism identified some gaps despite 1,000 children were rescued from mining. The delegation said, last year, many families were provided with livelihoods to avoid them sending their children at work. The Child Labour Day is also used to raise awareness on this issue.
- **Access to education:** Ms. Aldoseri underlined the unprecedented increase of private schools, causing sacrifices of parents to pay school fees in order to avoid poor performance often observed in public schools. She said this increase leads to a socio-economic segregation between poor and rich families. She asked what efforts the government makes to monitor and assess the results of private schools.
The delegation justified the situation saying the government partners with private sector to provide education and that most private schools are located in urban areas.
Ms. Aldoseri was not satisfied by the answer and wanted to get clarification on private schools supported by multinational companies and hiring low paid and unqualified teachers. She asked what makes the private schools so attractive to poor families.
The delegation said the government gave grant to families so they can afford the fees for primary education. A “zero tolerance” principle has been introduced to stop teachers absenteeism and the monitoring of teachers’ time on task will be introduced soon.
- **Birth registration:** Ms. Aho Asouma asked how the government is fighting against the corruption occurring in the birth registration system. The delegation replied that they are not aware that corruption is happening and, in any case if there is such issue, complaints can be made to local government. They explained birth registration is decentralized as units will be part of the birth registration process. Within health care facilities, parents have to give information and a birth certificate is issued. Birth registration is also done in schools and it is free for the first year. Volunteers in charge of registration are trained and go around collecting data. The government is taking advantage of the Child Rights Promotion Week to register children in communities. For school entry, birth certificates are asked so this system would encourage more people to register their children.



- **Adoption:** Ms. Khazova said inter-country adoption is still a challenge. According to the national report, she said she saw no changes and lot of drawbacks. She also linked this issue to trafficking via illegal adoption. The delegation said since 2010, about 200 children have been reunited with their families. The government is carrying mass sensitization about orphans and gives trainings on reunification of families. It develops programs to make sure children are in families and not in institutions.

1.2. GENERAL OBSTACLES:

Discrepancy between the laws and the implementation.

Cultural, religious and traditional beliefs.

The government said often victims of sex-related offenses and rape tend to withdraw their case, cancelling attempts of prosecution and conviction.

Girls are often considered as a “tool” to support the family.

Funding for health is insufficient so the government is planning to increase funds for the National Insurance Scheme that is delivering family planning services. In terms of budget allocation, some budget is dedicated to child health but in general only 1% of the budget of Ministries is for children.

There are no specific child district offices that can intervene locally.

Corruption in the birth registration system has been denounced by UN experts: State officials said there are not aware and that no complaints would have been submitted to local governments.

1.3. INTERAGENCY PANEL ON JUVENILE JUSTICE: Did the Committee ask any questions in relation to technical advice and assistance in juvenile justice or if they mention the Panel in any way?

No

Yes : *(specify)*

2. MAIN CONCLUSIONS AND RECOMMENDATIONS BY THE COMMITTEE:

(please use bullet points or give title to paragraphs in order to facilitate the reading)

AMAL ALDOSERI, Committee Member acting as Rapporteur for the report of Ghana, thanked the delegation for their candid and detailed answers and their cooperation with the Committee. It was obvious that a lot had been done over the last decade to realize the rights of the child in Ghana. However, much more needed to be done, said Ms. Aldoseri, highlighting in particular discrimination against vulnerable groups and the quality of education provided by private schools.

NAN OYE LITHUR, Minister for Gender, Children and Social Protection of Ghana, said on behalf of the people of Ghana they greatly appreciated the work of the Committee and other stakeholders, including civil society organizations and development partners, many of whom



had watched the discussion from Ghana via the live webcast. Ghana was the first country to ratify the Convention and so a lot was expected from it. Ghana was committed to realizing, respecting and protecting the rights of its children and would look forward to the Committee's concluding observations which in particular would help it focus on the implementation of the Convention.

BENYAM DAWIT MEZMUR, Chairperson of the Committee and Rapporteur for the report of Ghana, agreed with Ms. Aldoseri that much work had been done but issues of budgeting, prioritization, and collaboration between the various ministries and stakeholders had to be focused on. Mr. Mezmur also appreciated the multi-sectorial composition of the delegation of Ghana.

Sources:

- United Nations Convention on the Rights of the Child
- United Nations Committee on the Rights of the Child. Concluding observations and recommendations to the Initial report of *Ghana*:
http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GHA/INT_CRC_COC_GHA_20799_E.pdf
- United Nations Committee on the Rights of the Child. Initial report and 2nd/3rd periodic reports of *Ghana* (State reports).
- *Ghana* NGOs' Working Group 'on Protection of Children Rights', (Alternative report)

3. ANNEX:

5.1. CRC members present

Ms. Amal Salman ALDOSERI (Vice Chairperson), Bahrain
Ms. Suzanne AHO ASSOUMA, Togo
Ms. Olga A. KHAZOVA, Russian Federation
Mr. Benyam Dawit MEZMUR (Chairperson), Ethiopia
Ms. Yasmeeen MUHAMAD SHARIFF (Vice Chairperson), Malaysia
Mr. Clarence NELSON, Samoa
Ms. Kirsten SANDBERG (Rapporteur), Norway
Mr. Peter GURAN, Slovakia

5.2. Composition of country delegation

The delegation of Ghana included the Minister for Gender, Children and Social Protection and representatives of the Ministry of Education, Maternal and Child Health Unit, Ghana Police Service, Parliamentary Select Committee, Department of Children, Department of Social Development, Human Trafficking Secretariat and the Permanent Mission of Ghana to the United Nations Office at Geneva. The delegation also included representatives of the following non-governmental and media organizations: Child Rights International, NGO Coalition on the Rights of the Child, Human Rights Advocacy Centre, UNIQ Radio/Curious Minds, Daily Graphic newspaper, Ghana News Agency, Radio Gold, Peace FM radio, Gray Weston Media and United Television.



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