



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Summary record of the 995th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 May 2011, at 3 p.m.

Chairperson: Mr. Grossman

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Initial periodic report of Ghana (continued) (CAT/C/GHA/1)

1. *At the invitation of the Chairperson, the members of the delegation of Ghana took places at the Committee table.*
2. **The Chairperson** invited the delegation of Ghana to reply to the questions raised by Committee members at the previous meeting.
3. **Mr. Barton-Odro** (Ghana) said that the Attorney-General's Office was seeking approval to have the terms of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment incorporated into the State party's domestic law. When Cabinet had approved the relevant memorandum, the Office would submit the Convention before Parliament for consideration under article 106 of the Constitution.
4. Although there was no definition of torture in the State party's legislation, various offences falling into the category of ill-treatment of persons, including assault, causing bodily harm, female genital mutilation, manslaughter and murder, were covered by the Criminal Code. Individuals could use those provisions to launch civil actions in regular courts against the alleged perpetrators and the State. Misconduct by police officers could be reported to the Police Intelligence and Professional Standards Bureau.
5. Referring to the State party's initial periodic report (CAT/C/GHA/1, para. 47) and article 32 (1) of the Constitution, he reiterated that there was no derogation from article 2 of the Convention under Ghanaian legislation. Review tribunals could order the release of a detained person and the payment of compensation where appropriate.
6. **Mr. Lartey Annan** (Ghana) said that the Commission on Human Rights and Administrative Justice (CHRAJ) received inadequate funding from the Government but that external development partners, in particular the Danish International Development Agency (DANIDA), had helped finance the Commission's programmes since its establishment in 1993. It had been proposed that its budget, along with those of other independent bodies, should be submitted directly to a specific parliamentary committee for approval rather than to the Government, as was the current practice.
7. The Commission had formed a working group to advocate the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Cabinet had approved ratification and the working group would reconvene in June 2011 to consider what steps to take next.
8. Prison inspections by the Commission were carried out pursuant to article 15 of the Constitution and in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners. The Commission focused on the conditions of detention and sent reports on its findings to the Ministry of the Interior, the Director-General of the Prisons Service and the Inspector-General of Police. The Commission also had a women's and children's unit that received complaints, mainly concerning child protection issues and, in particular, child maintenance. Complaints relating to domestic violence, defilement and rape were referred to the police.
9. Replying to questions from the Committee concerning police brutality in mining communities, he said that, starting in 2006, the Commission had investigated and confirmed allegations of violence carried out by agents of mining companies against small-scale miners and people living in various mining communities. Its findings were contained in its 2008 report, *The State of Human Rights in Mining Communities in Ghana*. The Ministry of

Environment, Science and Technology had subsequently established a committee of enquiry and mining companies had begun to consult community members and address some of their socio-economic needs. One victim of the violence, shot in 2006 by security personnel of the AngloGold Ashanti mining company, had received around US\$ 43,000 in compensation, as well as education grants up to tertiary level for his only child.

10. With regard to “trokosi” shrines, found mainly in the Volta Region, in which victims were held in “atonement” for the sins or crimes of their forebears, the Commission was trying to raise awareness of the practice with the aim of gradually eliminating what was a deeply rooted tradition. Aided by International Needs (IN Network), the Commission had facilitated vocational training for “inmates” and secured the liberation of some of them. They had subsequently been provided with seed money to help them engage in meaningful economic activities.

11. Lastly, funding for the Commission’s programme of nationwide human rights training for law enforcement officials had run out in 2010. The Commission continued to serve as a resource for courses run by police and prisons colleges, and provided general human rights training for nurses and other health workers.

12. **Mr. Quaye** (Ghana) said that various independent bodies carried out inspections of prisons and published their findings. They included the Prisons Service Board, CHRAJ, Prisons Visiting Committees and the prison discharge boards, which dealt with prisoners who were about to be released. The Audit Service had also begun to inspect prisons in 2009 in order to assess inmates’ living conditions and the performance of prison personnel, and had submitted its first annual report in 2010.

13. Prison overcrowding had largely resulted from the closure of prisons that predated the beginning of British colonization in 1844 and the subsequent transfer of prisoners to Nswam prisons. A planned visit by Amnesty International to Ghana’s prisons at the time had been deemed too dangerous, but prison authorities had authorized visits at other times by several NGOs, including Amnesty International and the Commonwealth Human Rights Initiative. The construction of a new prison with capacity for 3,000 inmates would be commissioned in the current year and more farm settlement camps would be established for first offenders and prisoners serving minor sentences. The farm settlements were also designed to introduce convicts held in prisons to farm work. Pardons were granted on special occasions during the year, resulting in the unconditional release of first offenders and ill or aged prisoners, and thus helping to decongest prisons.

14. The number of people held on remand had fallen from one quarter to one eighth of the total prison population since the introduction of the remand review project of the Justice for All programme, under which courts sat in prisons or outside normal court hours. Since 2007, 239 detainees had benefited from the project. At the most recent court sitting held in May 2011, 63 detainees had been discharged and 32 released on bail. Only one detainee had been convicted and four had been sent for trial to regular courts. The applications on behalf of the prisoners had been brought by an NGO, the Centre for Human Rights and Civil Liberties.

15. Turning to the matter of separate prison facilities for juvenile offenders, he said that offenders aged 12 and under were placed in one of four remand centres run by the Department of Social Welfare, while those aged 13 to 16 were held at the Senior Correctional Centre in Accra. Offenders aged 17 to 18 could be sent to prison but sentences could not exceed three years.

16. All prisons had infirmaries and received regular visits by doctors. When necessary, prisoners were sent to the nearest government hospital for treatment and all prisoners were entitled to national health care benefits, which had resulted in a significant drop in the number of prison deaths.

17. Prison officers, who were trained in prison psychology, could confine unruly prisoners and use reasonable force on inmates who refused to enter their cells. Prisoners who showed signs of ill-health could also be confined and, when appropriate, psychiatrists were called in to examine them. Although flogging remained on the statute books as a form of punishment, the formalities required of prison officers who wished to inflict it were so complicated that, in practice, no one did so any longer.

18. The prison food budget was less than US\$ 1 per day per prisoner, but prison authorities were endeavouring to have that raised, perhaps by indexing it to the national minimum wage. Prisoners also did farm work to supplement their rations and stay healthy. Under a 10-year prison modernization plan, construction, farming and other income-generating activities would be encouraged for the benefit of prisoners while they were in custody and after their release. The State party was taking steps to address flaws in the prison system and, in a project sponsored by the United Nations Development Programme, to improve the accessibility of more complete prisoner data between prisons.

19. Although the death penalty had not been abolished, the last known execution had taken place in 1993. Prisoners on death row could petition the head of State every five years for pardon and death sentences were generally commuted to life imprisonment.

20. **Mr. Boi-Bi-Boi** (Ghana), replying to questions from the Committee concerning the alleged ill-treatment of two students in the town of Wa, said that police in the Upper West Region had been unable to obtain confirmation of the alleged incidents.

21. To ensure fairness when a crime suspect was arrested, an independent witness, chosen with the suspect's consent, had to be present when police took the suspect's statement. Under Police Service instruction 195, on the other hand, counsel must be present during the interrogation of suspects. Interrogation rooms were bare except for chairs for the suspect, counsel and interrogators. Those in the Criminal Investigation Department headquarters in Accra had been equipped with closed circuit television cameras (CCTV), which were monitored in order to ensure that suspects were not ill-treated during interrogation and to provide a record of events should suspects complain of coercion under interrogation. If the system proved satisfactory, CCTV would be installed in interrogation rooms in other regions of the country.

22. A total of 43 cases of human trafficking had been reported and investigated and 25 sentences handed down, all of which had included deprivation of liberty for a period of at least eight years. Most perpetrators of trafficking were foreigners who had trafficked persons to Ghana for economic and sexual exploitation. On 12 May 2011, a trafficking operation had been stopped by the Ghanaian authorities in collaboration with Interpol, in which 116 victims had been rescued and 31 perpetrators arrested, of whom 28 had been prosecuted and jailed and 3 were still pending trial.

23. All individuals in police detention were monitored, and taken to the nearest government hospital immediately on any sign of illness. All suspects in police detention had the right to request a consultation with the physician of their choice. That request would be granted, and a government medical officer would also be present during the examination. CCTV cameras had been installed in police detention facilities to monitor the movement of suspects and police officers.

24. Turning to the situation in Bawku, he said that two factions had been involved and had targeted each other, outside the knowledge of the security forces. The District Officer of the CHRAJ had been attacked by armed robbers on 1 June 2009 and shot dead. One person had been arrested and was undergoing trial by the Supreme Court. The main culprit was still at large.

25. The initial Refugee Board, established in 2009, had been found to be inefficient, and a new Board had therefore been established in January 2011. It faced a backlog of 700 asylum applications, 300 of which had been filed by Liberians. There were currently around 11,000 Liberian refugees who had been in Ghana for 21 years or more, and the question arose of whether to grant them permanent residence or to return them to Liberia. Most of them wished to be sent to a third country. Around 13,000 refugees had arrived in Ghana from Côte d'Ivoire, and a number of refugee camps had been established to provide them with shelter. They were being afforded protection by the Ghanaian police and armed forces, and were receiving assistance from a variety of NGOs and the World Food Programme. They were also being provided with medical care. The Ghanaian authorities were receiving logistical support from the Office of the United Nations High Commissioner for Refugees.

26. **Ms. Wood** (Ghana) said that on 25 June 2010 a request had been received from the Special Rapporteur on Torture to visit Ghana in August 2010. Since all the necessary arrangements could not be made in time for that visit, the Ghanaian authorities had decided to await a further request. No such request had been received.

27. Extended periods of pretrial detention had been caused by a combination of factors, such as the adjournment of court cases, lack of courtrooms and a shortage of judges. There were also problems with technology in courts: most court computers had broken down as a result of overuse, power outages and lack of capacity. Court proceedings were therefore recorded by hand, at dictation speed, which slowed down the administration of justice considerably. There were also problems with the procurement of witnesses and the lack of availability of legal counsel, particularly in cases where the Constitution ordered legal representation for the accused. Any individual who felt his or her trial had been unduly delayed had the right to seek redress through the Human Rights Court.

28. A domestic violence and victim support unit had been established in 1998 in response to the demand for the protection of the rights of the vulnerable, especially women and children. The unit was mandated to investigate and prosecute cases of abuse, and, in collaboration with NGOs, to provide counselling, medical assistance, temporary shelter and legal aid to victims. The unit conducted awareness-raising measures in schools, churches and mosques, and women's groups, and among chiefs and queen mothers nationwide. The number of cases of female genital mutilation and ritual servitude had fallen by 25 per cent between 1999 and 2010, mostly thanks to the efforts of the domestic violence and victim support unit. Marital rape was addressed under the Domestic Violence Act. There were no disaggregated data on the ill-treatment of domestic servants.

29. Turning to the Issa Molbila case, she said that the counsel of the accused had taken advantage of the legal process to challenge the empanelling of a new jury and whether the presiding judge, who had been elevated to the Court of Appeal, could sit as a judge of the High Court without the authorization of the Chief Justice. The case had gone as far as the Supreme Court, and in March 2011 had been referred back to the High Court to be tried by a new judge.

30. A mental health bill was currently before Parliament. Although efforts were being made to integrate some persons with mental disabilities into the community, the social stigma attached to mental health issues made mental health patients undesirable to their relatives. Psychiatric facilities were being expanded, and the new bill sought to establish a monitoring commission for psychiatric care, to which complaints could be addressed. Electro-convulsion therapy was used mainly in the treatment of epileptic patients.

31. **Mr. Nerquaye-Tetteh** (Ghana) said that the legal aid scheme had earlier been advertised through television and radio programmes, and an outreach programme, funded by the United Nations Development Programme (UNDP), had been conducted throughout the country. That programme had ended in 2010, since UNDP funding had not been

renewed. A legal aid week was due to be held in October 2011 to raise public awareness. The scheme faced a number of constraints, including insufficient staff, equipment, vehicles and office space. There were only 15 lawyers on the scheme's payroll, and 20 working pro bono. Private legal practitioners were reluctant to take on legal aid cases owing to low remuneration.

32. **Mr. Barton-Odro** (Ghana) said that where evidence was available, efforts were made to investigate judicial corruption. A code of ethics for judges and judicial staff had been drafted and distributed among judges and magistrates. Two new committees for ethics and integrity had been established by the judiciary to address misconduct, one of which was headed by the Chief Justice, and the other chaired by a judge of the Supreme Court. A complaints unit had been established for the public to lodge complaints against any staff of the judicial service, and a disciplinary council had been set up to address those complaints. There were currently five judges facing charges for offences committed while in office. Two were facing impeachment charges; one of those had sued the judicial service at the Supreme Court, and the other had tendered his resignation, which had not been accepted by the President. Another judge was facing a charge of embezzlement of funds, and a retired judge was being tried for offences committed during his time in office.

33. The Supreme Court had a supervisory jurisdiction that included an appellate jurisdiction, as well as the jurisdiction to review its own decisions in exceptional cases that had resulted in a miscarriage of justice, or where new and important evidence had come to light, which had not been available at the time of the original decision. Proposals had been made to create an independent prosecution service, which would not be under the direction or control of the Attorney General.

34. With regard to the Optional Protocol, he said that Parliament was facing a considerable backlog of work that was delaying ratification. Members of the Subcommittee on the Prevention of Torture had expressed their readiness to hold a workshop with the Ghanaian Parliament to discuss and promote the ratification of the Optional Protocol.

35. **The Chairperson**, speaking in his capacity as Country Rapporteur, asked what progress had been made in the process of the domestication of the Convention. He added that the Committee advocated a standard definition of torture in all States parties to the Convention, since a common understanding would facilitate the implementation of the Convention and ensure that under States parties' domestic law, penalties were commensurate with offences. He asked whether the State party derogated from any of the rights enshrined in the Convention in the event of a state of emergency, and whether the Government had any intention of stipulating the right to be protected against torture or ill-treatment as a non-derogable right under domestic law. He asked why the Commission on Human Rights and Administration of Justice was not being funded from the State budget, and why it, and other independent bodies, were seeking funding directly through Parliament.

36. **Mr. Lartey Annan** (Ghana) said that the CHRAJ was guaranteed State funding under the Constitution. That funding was, however, insufficient, and the Commission was therefore required to seek additional resources.

37. **The Chairperson** (Country Rapporteur) asked whether there were plans to increase funding for the Commission.

38. **Mr. Lartey Annan** (Ghana) said that there was no institution in Ghana that received adequate resources from the State. Since the CHRAJ was an independent body, its autonomy could be undermined if it relied on the Executive for funding. It had therefore been suggested that it should seek funding through Parliament.

39. **The Chairperson** (Country Rapporteur) said that since caning did not take place in practice, he wondered why it was not abolished by law. Similarly, in the light of the fact that the most recent execution had taken place in 1993, perhaps the death penalty could be abolished.
40. **Mr. Barton-Odro** (Ghana) said that the abolition of the death penalty was in the process of being debated between human rights activists and victim support groups. A de facto moratorium was in place.
41. **The Chairperson** (Country Rapporteur) asked whether the conditions for inmates held on death row satisfied minimum standards.
42. **Mr. Quaye** (Ghana) said that conditions had improved a great deal. Inmates now received visits from non-governmental organizations and religious groups. Every 5 years they could appeal to the President, and after 10 years their sentence was commuted to a jail term.
43. **The Chairperson** (Country Rapporteur) acknowledged Ghana's recognition of the flaws in its prison system. It was important that Ghana should be dissatisfied with some of its own arrangements and should take steps to change them.
44. **Mr. Quaye** (Ghana) said that a new prison service bill was currently before Parliament. It would bring radical changes, reviewing old regulations and modernizing prisons.
45. **The Chairperson** (Country Rapporteur) highlighted the importance of funding legal aid in order to enable the poor and disadvantaged to exercise their rights. The number of lawyers was insufficient. Consideration should be given to schemes which existed in other countries, whereby law students in universities, as part of their training, provided legal assistance for people facing less serious crimes.
46. **Mr. Barton-Odro** (Ghana) said that the Ministry of Justice, in association with the Faculty of Law at the University of Ghana, was considering training paralegal staff, because it was hard to convince fully-fledged lawyers to participate in the legal aid scheme.
47. **Mr. Lartey Annan** (Ghana) said that the CHRAJ supplemented the legal aid scheme and acted as a vehicle for people who were unable to access justice through traditional channels. It provided its services throughout the country and free of charge. It was limited to civil, not criminal, jurisdiction but in certain circumstances it did apply for bail for remand prisoners.
48. **The Chairperson** (Country Rapporteur) explained that sending someone to another State where they ran the risk of being tortured constituted a violation of article 3 of the Convention. He wanted to know whether Ghana had ever had to face such a situation but had accepted diplomatic assurances that the person concerned would not be tortured. In some people's opinion, that would also constitute a violation of the Convention.
49. He noted that Ghana had received no request for a visit from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. He asked whether people who felt that their trial had been unduly delayed actually exercised their right of appeal, and whether people taking civil action against the Attorney General exercised their right to go to court to seek compensation.
50. **Mr. Barton-Odro** (Ghana) said that people did exercise those rights and he gave the example of a lawyer who had been jailed when he had gone to ask for bail for his client. Following his release he had taken civil action against the police and the Attorney General and had received compensation.

51. **The Chairperson** (Country Rapporteur) asked the Ghanaian delegation to comment on the subject of complaints from non-governmental organizations concerning the treatment of women accused of witchcraft.
52. **Ms. Wood** (Ghana) said that those were ingrained cultural practices. Sensitization was necessary to make people understand that they could not harm supposed witches with impunity. She mentioned the case of a 72 year-old woman, who had been burned alive on suspicion of being a witch. The perpetrators were currently facing trial for murder.
53. **The Chairperson** (Country Rapporteur) asked whether Ghana felt the need for a project to upgrade the system of tribal justice extensively practised in the country's local communities. He wanted to know if Ghana had considered the possibility of developing training in that field insofar as tribal justice had a direct effect on people's daily lives. Many of the issues it dealt with concerned the Convention, because they could lead to torture or degrading treatment.
54. **Ms. Wood** (Ghana) said that non-governmental organizations and Government agencies were working to sensitize opinion leaders and tribal chiefs, especially in northern Ghana.
55. **Ms. Sveaass** said that her own country of Norway had a good record on public campaigns concerning social issues. She had heard many instances in Ghana's replies where such campaigns could help publicize the illegal nature of certain traditional practices.
56. She expressed her satisfaction at the work of the CHRAJ. She wanted to know whether the Commission's mandate was set forth in the Ghanaian Constitution and why it had not sent a separate report to the Committee.
57. She asked whether the Domestic Violence and Victims Support Unit had received any more complaints from women, and if there had been greater official focus on the situation of women. Was stronger action being taken against crimes of domestic violence? She welcomed the 25 per cent fall in the cases of female genital mutilation and asked what Government plans were in place to reduce it further. The sentencing and punishment of a number of human traffickers was an important step, but she wondered whether investigations and legal action were also under way against people who exploited domestic workers. She asked for further information on action relating to women and girls in "trokosi" shrines.
58. Ghana had mentioned the difficulty of discharging patients from psychiatric hospitals because their families often refused to take them back. It was vital to help people understand mental disorders, and one way to achieve that was to ensure interaction with the mentally disabled within the community by creating alternative housing and mental health centres.
59. She wanted to know whether there would be video monitoring of interrogation rooms to reduce the use of harsh interrogation techniques. Was there a system for investigating and documenting complaints of torture or violence brought by inmates in prisons or hospitals, and was reference made in such cases to the Istanbul Protocol?
60. She noted that the incident involving police and students from the Wa Technical School had taken place on 7 April and asked for further information on that episode.
61. **The Chairperson** (Country Rapporteur) said he was interested in the issue of police and security in refugee camps. It was vital to have properly disaggregated data in order to formulate public policies and to make the best use of the Committee's expertise.
62. **Mr. Bruni** said that priority must be given to abolishing caning in detention centres. He noted that paragraph 61 of Ghana's initial report (CAT/C/GHA/1) stated that the Armed Forces Act did not sanction torture. That was an excellent principle, in conformity with

article 2, paragraph 3, of the Convention, but no procedure for its implementation was mentioned in the report. He wanted to know what would happen if, for example, an officer ordered a soldier to perform an act amounting to torture, and whether there was a recourse procedure by which the soldier could object. Were the provisions of the Penal Code vis-à-vis torture applicable to military personnel and how were they applied?

63. The Ghanaian delegation's explanation that interrogation rooms were furnished simply with chairs and tables was unsatisfactory. Since, according to paragraph 92 of the initial report, interrogation rooms had been established as a pilot scheme because of the high likelihood of torture in detention centres, they needed to be equipped with video and audio recording facilities. He wanted to know how interrogations were conducted in detention centres that had no interrogation room.

64. **Mr. Barton-Odro** (Ghana) said that CCTV cameras were in place in interrogation rooms.

65. **Mr. Bruni** said that that fact was not mentioned in the initial report. If interrogations were conducted under the supervision of senior officers who ensured that torture did not take place, he wanted to know how that was done in practice.

66. **Ms. Kleopas** asked the representative of the CHRAJ if a complaints procedure had been developed to enable victims of torture to contact the Commission. What was the procedure and how did people know about it? Were any data available on torture cases investigated by the Commission, and had the results been submitted to prosecutors? Was the Police Intelligence and Professional Standards Bureau independent of the executive authorities? Did a specific procedure exist whereby torture victims in prison could complain of mistreatment? She added that it was difficult to bypass people in authority who might be the subject of torture complaints.

67. **Ms. Belmir** said that Ghana's reply to her question on preventive detention was unsatisfactory. Temporary detainees were treated like prisoners and overcrowding meant that there was nowhere for them to sleep. Unjustified postponements and delays existed, and it was unacceptable just to say that there was a shortage of courts. The issue of pretrial detention, also involving minors, had to be faced.

68. She asked for a reply to her questions concerning the high cost of the justice system, child labour and the fact that the Attorney General was also Minister of Justice. The State party had to make further efforts. Reforms of the penal justice system could be backed up by a further review, which included the issue of pretrial detention.

69. **Mr. Mariño Menéndez** enquired about the status of customary law in the hierarchy of Ghanaian legislation, particularly with respect to discrimination against women in the area of ownership of property and inheritance. He asked the delegation to explain the distinction between provisional and permanent refugee status. Did provisional refugees enjoy the same protection as permanent refugees? He recommended that the Evidence Decree (NRC 323) adopted in 1975 should be updated to reflect recent developments in respect of the interrogation of detainees.

70. **Ms. Gaer**, referring to the principle of universal jurisdiction, asked what action the Ghanaian authorities would take if a person who had been indicted by the International Criminal Court for torture or crimes against humanity was present in the country.

71. Could the Government comment on allegations that pregnant women who had been unable to pay their medical bills had been placed in cages in the Eastern Regional Hospital in Koforidua? With reference to paragraph 46 (b) of the report, could the delegation describe the restraint measures taken when a person who fell ill in police custody was conveyed to a medical facility?

72. With regard to the 37 Military Hospital Mortuary case, paragraph 71 of the report referred to the demotion of soldiers, the dismissal of civilians and the payment of compensation to victims. She reiterated her question as to whether any criminal penalties had been imposed.

73. **Mr. Wang** Xuexian, referring to allegations that powerful local chiefs tended to impose severe punishments on persons under their control, asked whether there was any legislation that could be invoked to regulate their authority. According to the delegation, all prisoners were medically insured. He wished to know who paid for the insurance.

74. **Mr. Barton-Odro** (Ghana) said that all prisoners were covered by the national health insurance scheme. The Chieftaincy Act of 2008 regulated the conduct of local chiefs. Provision had been made, inter alia, for chieftaincy tribunals. With regard to the hospital in Koforidua, the Minister of Health had informed him the previous day that when patients who were about to be discharged were unable to pay their bills, a social worker visited them in the hospital, investigated their background, identified their place of residence and made arrangements for payment in instalments. Unfortunately some social workers had exceeded their authority. Nobody had been literally caged but some patients had been detained in the hospital. Steps were being taken to address the problem. Pregnant women were currently treated free of charge. Procedures were being developed to deal with cases where hospital bills for treatment of a child remained unpaid. Philanthropists and NGOs sometimes intervened, but more permanent arrangements were necessary.

75. When suspects or prisoners were escorted to a medical facility, they were not placed in chains and their rights were respected. Security officers remained outside the facility in order to protect the confidentiality of the doctor-patient relationship. The Intestate Succession Law (PNDC Law 111) addressed the issue of a widow's rights and the fair distribution of the deceased husband's estate. As a result, complaints concerning the discriminatory treatment of widows under customary law had sharply decreased.

76. The payment of litigation costs was a major problem in developing countries. As most lawyers were reluctant to take on pro bono cases, the Legal Aid Board was engaged in a major effort to mobilize additional financial resources. If persons indicted by the International Criminal Court sought to enter Ghana, the authorities would admit them only if they had been granted bail. If they had escaped from custody, Ghana would act in accordance with the Court's regulations. He reminded the Committee that a Ghanaian national served as a judge of the International Criminal Court.

77. The Constitutional Review Commission was dealing with the question of the separation of the Attorney General's Office from the prosecution service. Proposals for an amendment to the Constitution to establish an independent prosecution service were under consideration. With regard to interrogation rooms, he noted in passing that the word "interview" would be more appropriate, since the purpose was simply to glean information for the purposes of a police investigation. While senior police officers were obviously more experienced, junior officers were also carefully trained to ensure that their actions were consistent with Ghana Police Service regulations.

78. **Ms. Wood** (Ghana), responding to the question concerning the Military Hospital Mortuary case, said that she had contacted the military officer concerned in order to ascertain whether any criminal sanctions had been imposed but had not yet received a reply.

79. The Domestic Violence and Victims Support Unit had provided statistical data for the period January to December 2010: the courts had dealt with 954 cases; 118 accused persons had been convicted and 23 had been discharged; 794 cases were still pending. She was unfortunately unable to provide any statistical data on child labour. Poverty was one of the key factors precluding its elimination. The Ministry of Manpower, Youth and Employment planned to implement a public awareness programme that would highlight the

adverse impact of all kinds of forced labour. She reassured the Committee that Ghana hoped to reduce the rate of female genital mutilation to zero.

80. **Mr. Barton-Odro** (Ghana) said that the military personnel who had tortured a victim to death in the Issa Mobila case had been charged before the ordinary courts. Although the Armed Forces Act provided for a court martial in certain cases, the provision in question did not preclude the jurisdiction of the ordinary courts. The choice of court was left to the Attorney General. In general, the armed forces had no jurisdiction in murder cases.

81. **Mr. Lartey Annan** (Ghana) said that the Women and Children's Unit of the Commission on Human Rights and Administrative Justice dealt with issues relating to gender equality, mainstreaming, women's rights and child protection. Cases involving domestic violence were referred to the Domestic Violence and Victim Support Unit of the Ghana Police Service. The Supreme Court had recently ruled that the Commission was mandated to investigate human rights abuses only on receipt of a complaint from an identifiable complainant. Routine monitoring of detention facilities was not triggered by complaints but was undertaken with a view to ascertaining that detainees were not being held in inhuman or degrading conditions. As torture had not been codified owing to definitional problems, nobody filed complaints alleging torture as such. Moreover, the Commission's jurisdiction was confined to civil cases; it had no criminal jurisdiction.

82. Anyone, including persons who were incarcerated, was entitled to file a complaint. The Commission accepted complaints that were filed by telephone, electronic mail or telex, even from complainants outside the country. Complaints could also be filed on behalf of persons who were unable, owing to their circumstances, to appear personally before the Commission. The 99 districts and 12 regional offices all received and investigated complaints free of charge. Annual reports were submitted to the Ministry of the Interior and relevant agencies about conditions in prisons that amounted to degrading or inhuman treatment. When people reported cases of brutal treatment, harassment or the use of excessive force by the police, the Commission dealt with the complaints under the rubric of professional misconduct, invoking the Police Intelligence and Professional Standards (PIPS).

83. **Mr. Boi-Bi-Boi** (Ghana) said that there were 11 police regions and 55 divisions. The divisions were subdivided into 174 districts and 788 stations. So-called tent cities had also been established to serve as police stations in remote and vulnerable areas. All complaints were registered and a statement was taken from the complainant. When the suspect was located, he or she was interviewed, evidence was collected and the case was forwarded to the appropriate judicial authorities.

84. **Mr. Quaye** (Ghana) said that there was a simple but effective procedure for dealing with prisoners' complaints. Complaint books were available in all cells and blocks. A visiting committee checked the books at least twice a month and listened to prisoners' complaints. The committee issued a report and appropriate investigations were undertaken. A number of prison officers had been tried for misconduct and demoted or dismissed. He added that there were no interrogation rooms in prisons.

85. **Mr. Barton-Odro** (Ghana) said that military officers were not required to obey unlawful orders from a superior. If they considered that their rights had been violated, they could take action before a human rights court. If a complainant lacked confidence in the Police Intelligence and Professional Standards (PIPS) arrangements, he or she had other options, including a complaint under the Whistleblower Act 2006. The department of the Attorney General's Office that dealt with complaints against public officials under the Act was run by the Director of Public Prosecutions.

86. **Ms. Wood** (Ghana) said that domestic workers could file a complaint of ill-treatment with the police. She agreed with the recommendation that the general public should be educated to accept people discharged from mental hospitals. Social workers and the psychiatric hospital had recently launched a project aimed at returning long-term patients to their families.

87. **Mr. Barton-Odro** (Ghana) assured the Committee that the delegation had taken careful note of the concerns raised and that the Ghanaian authorities would take steps to find solutions.

The meeting rose at 5.55 p.m.