

## **GHANA**

**POS Foundation/Amnesty International/Legal Resources Centre/Commonwealth Human Rights Initiative/Solace Brothers/Africa Centre for International Law and Accountability (ACILA) – JOINT UPR SUBMISSION – 2017**

**(Under the Ghana Human Rights NGOs Forum)**

**Joint Stakeholders' Report**

**United Nations**

**Third Universal Periodic Review Ghana**

### **INTRODUCTION AND METHODOLOGY**

1. This report considers the Right to Life and Access to Justice (excessive use of force by the Police, prison overcrowding, juvenile justice, unlawful detention and inadequate legal aid).
2. The information presented in this submission is based on interviews conducted by the above mentioned network of CSOs with officials of Ghana's Criminal Justice Delivery Systems, including officials at the court system and prison service in the regions of Ghana as well as with lawyers, justice advocates, the media, prisoners, convicts and civil society groups living and working in the communities. The information was further discussed at a pre-UPR submission workshop organised by Ghana Human Rights NGOs Forum (POS Foundation-Secretariat), KASA Initiative and UPR-Info Africa Office, Kenya on 21<sup>st</sup> and 22<sup>nd</sup> March, 2017 which was attended by more than 70 civil society organizations in Accra, and validated by same on 27th March, 2017. The submission subsequently highlights specific developments and follow-up measures by Ghana in relation to the summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution (16/21A/HRC/WG.6/14/GHA/3).

3. **Ghana has ratified the International Covenant on Civil and Political Rights (ICCPR), Second Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture (CAT), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the African Charter on Human and Peoples' Rights (ACHPR) including the Protocol on the Rights of Women in Africa (Maputo Protocol), and the African Charter on the Rights and Welfare of the Child (ACRWC).**
4. Ghana's domestic legal foundation is provided by the 1992 Constitution. Chapter 5 of the Constitution promotes and ensures the protection of the human rights of the citizenry. Subsequent Acts and legislation derived from the Constitution have been enacted by Parliament of Ghana under the 4<sup>th</sup> Republic, which include, but are not limited to, the Children's Act and the Juvenile Justice Act.

➤ RIGHT TO LIFE

### Death Penalty

5. Ghana is an abolitionist of the death penalty in practice<sup>1</sup> and as recommended in 2012 during the UPR Process from Recommendations 126.1 to 126.15<sup>2</sup>, it has not executed anyone since 1993<sup>3</sup>. The number of death-eligible crimes has also decreased in recent years. For example, robbery offences are no longer punishable by death.<sup>4</sup> In 2014, President John Mahama commuted 21 death sentences to life imprisonment in commemoration of Ghana's 54th Republic Day Anniversary. However, courts continue to pronounce death sentences. By August 2015, 129 people were under sentence of death<sup>5</sup>. The Constitution Review Commission's (CRC) December 2011 report recommends the replacement of the death penalty with life imprisonment without parole, which is a stiffer punishment than the current practice. In 2014, Government rejected the recommendation of the Constitutional Review Implementation Committee to abolish death penalty, or to adopt a formal interim moratorium on executions, or to ratify the ICCPR-OP2. Government agreed, however to put to a referendum all the recommendations of the CRC requiring amendment of the Constitution, including death penalty abolition, which is an entrenched provision in the Constitution and requires a referendum. However, although the CRC submitted a draft bill for the required constitutional amendments, the bill was not approved by the Cabinet, Parliament, or Council of State, as required before a referendum could be held.

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<sup>1</sup> Article 13 of the 1992 Constitution of Ghana guarantees the right to life. However, the same article allows for the death penalty:  
13.(1) No person shall be deprived of his life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which he has been convicted

Article 3 (3) provides for mandatory death sentence for persons convicted of high treason:

3. (3) Any person who (a) by himself or in concert with others by any violent or other unlawful means, suspends or overthrows or abrogates this Constitution or any part of it, or attempts to do any such act; or (b) aids and abets in any manner any person referred to in paragraph (a) of this clause; commits the offence of high treason and shall, upon conviction, be sentenced to suffer death.

<sup>2</sup> See Theme: D23 Death penalty from recommendations 126.1 to 126.15 where a number of States called on Ghana to take various actions to put a moratorium on executions, amend its constitution to align with its international obligations aimed at abolishing the death, to which Ghana noted.

<sup>3</sup> <https://www.amnesty.org/en/countries/africa/ghana/report-ghana/>

<sup>4</sup> <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Ghana>

<sup>5</sup> Ibid

6. In addition, Ghana abstained from voting on UNGAOR 69/186 (universal abolition of death penalty/moratorium on executions) in 2014. UNHRC concluded that Ghana had violated its obligations under the ICCPR through the mandatory imposition of the death penalty (Johnson v. Ghana<sup>6</sup>).
7. In 2015, the proposals made by the Constitutional Review Implementation Committee (CRIC) to abolish the death penalty were delayed<sup>7</sup> due to a court case involving the Constitutional Review Commission. However, although the Supreme Court has now cleared the way for the review process to continue, no further action has been taken.
8. A number of public officials support abolition. In October 2015, the Accra Centre for Criminology and Criminal Justice published a survey of public opinion on capital punishment in a broad cross-section of the capital's residents. The survey's most important finding was that, contrary to popular belief, a majority of the residents of Accra are opposed to the death penalty<sup>8</sup>. The results showed that views about the death penalty do not appear to be polarised. The majority of Ghanaian respondents (48.3%) expressed strong opposition to the death penalty. Only 8.6% indicated strong endorsement of this form of punishment.
9. **Obligations: Ghana is obligated to respect its Right to Life obligations under Article 6 of the International Covenant on Civil and Political Rights; Optional Protocol to the International Covenant on Civil and Political Rights, Second Optional Protocol to the International Covenant on Civil and Political Rights, the Convention against Torture (CAT), Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

## 10. Recommendations

### 11. The State Party

- I. Should continue to abide by the moratorium on executions of persons convicted for murder.
- II. Commutes all death sentences to life imprisonment by 1st July, 2018 and thereafter commute all death sentences to life imprisonment.
- III. Repeals the mandatory death sentence provision in Ghana's constitution by prioritizing the holding of the referendum by December 2018 and thereafter repealing the mandatory sentence of death by December 2019 upon an affirmation by voters in the referendum.

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<sup>6</sup> <https://www.deathpenaltyproject.org/news/1911/dexter-johnson-v-the-republic-of-ghana/>

<sup>7</sup> <https://www.amnesty.org/en/countries/africa/ghana/report-ghana/>

<sup>8</sup> <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Ghana>

## ➤ ACCESS TO JUSTICE RECOMMENDATIONS – 2<sup>ND</sup> CYCLE

12. As per Recommendation 123.21 of the 2012 UPR Process, Ghana was expected to report back to the Working Group of the UPR on the subject of access to justice at the next review of Ghana for the UPR. In this vein, this submission considers excessive force, prison overcrowding, juvenile justice, unlawful detention and inadequate legal aid.

### **A. Excessive Use of Force by the Police**

13. Ghana had four Recommendations pertaining to excessive use of force by the police; 123.22, 124.3, 124.4, 125.5.

14. Article 13 of Ghana's Constitution, which guarantees the right to life also provides for much wider grounds for the use of lethal force than is permissible under international standards. While the use of force and firearms may sometimes be permissible when making an arrest or preventing a person from escaping, the provisions of Article 13 of Ghana's Constitution are impermissibly broad and do not require the existence of an imminent or grave threat of death or serious injury and have a more lenient standard of necessity than that which is required by international standards.

15. There is no independent mechanism to investigate police abuses. At a Multi-Stakeholder Roundtable Discussion on the establishment of an independent police complaint unit in Ghana held in Accra on December 10, 2014, the Minister of Interior made a commitment to establish an independent police investigation mechanism. However, no action has been taken to deliver on this commitment. The investigations on occasional unprofessional killings and injuries inflicted by the police during their operations often lack transparency and fairness. An example of the use of excessive force by the police occurred in 2015 when "Let my Vote Count Alliance", a non-state actor, went on a peaceful demonstration to put pressure on the Electoral commission of Ghana to create a new voter's register turned violent after some of the protesters deviated from the planned route and the police responded with tear gas, sticks and water cannons. The Ghana Police Service has categorically stated that its men followed due process in dispersing the "Let my Vote Count Alliance" protestors who were bent on storming the Electoral Commission of Ghana, contrary to a restraining court order. The police used tear gas and water cannons to stop the protestors resulting in several injuries.

16. The director in charge of police operations, COP John Kudalor, essentially patted his men on the back; "I don't feel sorry, the boys did well," COP Kudalor told Ultimate FM's Breakfast Show host Prince Minkah. He stressed: "That's what they were supposed to do...once there is life and property, we must maintain law and order."

**17. Obligations: Ghana is a state party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT), Optional Protocol of the Convention against Torture (OP-CAT), the African Charter on Human and Peoples' Rights (ACHPR).**

### **18. Recommendations**

#### **19. The State Party**

- I. Establishes an Independent Police Complaint Commission to deal with police brutality cases and provide an effective remedy to victims of the police brutality.

- II. Educates the police on the human rights of detainees and accelerates necessary measures for training police personnel on the principles of human rights and the minimum treatment of prisoners and detainees according to a clear curriculum.
- III. Redoubles efforts to combat police brutality through administrative and judicial sanctions against perpetrators, provides ongoing training and education for serving police officers, and includes relevant human rights education materials in the training curriculum of cadets.
- IV. Clarifies that the forty-eight hours (48) period for detention without charge includes weekend arrest, which is often used to abuse the right of citizen upon weekend arrest, where there is no court sitting until the following week.
- V. Reviews and amends the Police Service Act, 1970 (Act 350).
- VI. Establishes an independent body (with participation from outside the police force) with a mandate to investigate issues of police brutality because the so-called independent body (Police Intelligence and Professional Standards (PIPS)) does not actually run impartial investigations.
- VII. Designates a national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

## **B. Overcrowding in Prisons**

20. As per Recommendations 123.22, 124.5, 124.6, 125.17, 125.18, 125.45 Ghana was expected to adopt and apply legislation that effectively improves detention conditions in prison centres and ensure the respect of judicial guarantees offered to detainees. To date, nothing has changed.

21. The Ghana Prison Service has revealed that conditions at the country's prisons have seen little improvement, despite countless appeals<sup>9</sup>. The Special Rapporteur has indicated that the human rights conditions in Ghana's prisons do not meet international standards.<sup>10</sup> There is an extreme level of overcrowding, resulting in a number of serious violations, including inadequate nutrition, insufficient access to medical care, poor sanitation, personal security and the absence of rehabilitation services. The deplorable state of conditions in Ghanaian prisons have been captured by the two documentaries ("Locked and Forgotten"<sup>11</sup> and "Left to Rot"<sup>12</sup>) produced by Seth Kwame Boateng of JoyFM in March 2015 and June 2016.

22. The Judicial service in collaboration with DANIDA, the Attorney Justice and Ministry of Justice, the Police and Prisons Service and the POS Foundation have attempted to alleviate overcrowding through the Justice for All programme,<sup>13</sup> but much remains to be done. "In the Nsawam medium security prison (men's section), which has a 750 to 800-person capacity, the Special Rapporteur found a total of 3,449 inmates (2,875 convicted, 297 on remand, and 126 in death row), at a staggering rate of 431% over capacity."<sup>14</sup>

<sup>9</sup> <http://ijmhs.biomedcentral.com/articles/10.1186/s13033-015-0011-0>

<sup>10</sup> Mendez, Juan E. "Follow up report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his follow-up visit to the Republic of Ghana." [http://antitorture.org/wp-content/uploads/2016/03/English\\_Ghana\\_Follow-up\\_Report.pdf](http://antitorture.org/wp-content/uploads/2016/03/English_Ghana_Follow-up_Report.pdf)

<sup>11</sup> <https://www.youtube.com/watch?v=eyFvSXC2x8I>

<sup>12</sup> [https://www.youtube.com/watch?v=9\\_V11EiwIMY](https://www.youtube.com/watch?v=9_V11EiwIMY)

<sup>13</sup> Justice for All Program Report, 2012, retrieved from POS Foundation Annual Report 2014

<sup>14</sup> Ibid

23. Similarly, the chairman of the Prison Service Council, Dr. Stephen Wengam, explained in 2015 that there are plans for what he termed the ‘Efiase project’. This is an initiative by the Prisons Service Council aimed at creating awareness of the deplorable prison conditions and to raise funds from corporate Ghana, institutions and individuals to improve the conditions of prisons and transform the prisons into practicable reformation centres.<sup>15</sup> With respect to the finances of the Project, Dr. Wengam indicated that the service received GH¢252,264.70 (57,980.52 USD) in cash and spent GH¢115,088.23 (26,451.88 USD) on activities, leaving a balance of GH¢137,176.47(31,528.64 USD) in its account. According to the report, the service would need GH¢25 million (5,746,000.00 USD) annually to run projects earmarked for the country’s penal system. As at July 2016 the Efiase Project has launched a shortcode, 9050, as part of fundraising measures.<sup>16</sup>

**24. Obligations: Ghana is a state party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT), Optional Protocol of the Convention against Torture (OP-CAT), the African Charter on Human and Peoples’ Rights (ACHPR).**

## **25. Recommendations**

### **26. The State Party**

- I. Clarifies that the forty- eight hours (48) period for detention without charge includes weekend arrest, which is often used to abuse the right of citizens upon weekend arrest, where there is no court sitting until the following week.
- II. Fully implement the use Alternative Dispute Resolution (ADR) as against the Inquistorial Court System and adequately remunerates and provides resources for mediation officers under the Legal Aid Scheme to efficiently execute their duties targeted at vulnerable groups, as well as, adequately funds the legal aid scheme especially to represent vulnerable populations in rural areas.
- III. Ensures that the General Legal Council makes the provision of pro bono services for vulnerable populations a mandatory requirement for renewal of legal practice license and to make it a requirement for pupils to represent prisoners pro bono before their certificates as lawyers are issued and or renewed.
- IV. Expands the Justice for All Programme (JFAP) to cover convicts who wish to appeal their convictions.
- V. Decriminalizes narcotics especially cannabis by amending the NACOB law to make the sentence of possession commensurate with the offence or in the alternative convicts could be sent to rehabilitation centres.
- VI. Ensures human rights training for prosecutors and investigators as well as other justice sector actors on a regular basis.
- VII. Provides a mechanism to track recidivism of released former remand prisoners.
- VIII. Provides alternatives to custodial sentences, including non-custodial sentencing.
- IX. Establishes more courts in prisons;
- X. Provides a case management software to be used by stakeholders in the criminal justice system to monitor the movement of cases right from the police station to the court, the attorney-general and the prisons.
- XI. Adequately resources the legal aid scheme and the attorney-general’s department.<sup>17</sup>

<sup>15</sup> <http://www.ghanaprison.gov.gh/news19.html>

<sup>16</sup> <http://www.graphic.com.gh/news/general-news/prisons-service-launches-short-code-for-efiase-project.html>

<sup>17</sup> Joint communique issued by stakeholders – Justice for all programme (JFAP), following discussions held December 14, 2016 at the Accra City Hotel, Accra.

- XII. Ensures that juvenile courts are made available in at least 40 districts across the country before the next review and subsequently replicated in other districts in the long term.
- XIII. Continues efforts to reduce overcrowding in the prison system and detention centres and ensures that the standard minimum rules for the treatment of prisoners are observed, adopts and applies legislation that effectively improves detention conditions in prison centres and ensures the respect of judicial guarantees offered to detainees.

### **C. Juvenile Justice**

27. As per Recommendations 124.7, 125.59, Ghana was expected to ensure Juvenile Justice, however Ghana is still behind the times.

28. Although Ghana has a Criminal Procedure Code Act 30 of 1960, which provides for children in conflict with the law to be treated differently from adults, yet the Act has major shortcomings. For instance, part III of the Code, which elucidates a new system of punishment “encourages juveniles to inflate their ages to be treated as adults in the criminal justice system” (Osafo, 2007). This provision encourages age misrepresentation in Ghanaian courts. Ghana’s Commission on Human Rights and Administrative Justice (CHRAJ) reported that many juveniles are perishing in adult prisons in the country due to this unfortunate provision in the Criminal Procedure Code. The POS Foundation has also found this to be true and has reported it in its private Justice for All Programme reports after every court sitting to the Judicial Service of Ghana.

29. Unfortunately, the Children’s Act, 1998<sup>18</sup> and the Juvenile Justice Act 2003<sup>19</sup> which were meant to ratify some of the anomalies in the Criminal Justice Act of 1960 are themselves inadequate as they have gaps that hinder effective administration of juvenile justice in Ghana. For instance, Section 17(4) of the Juvenile Justice Act, 2003 stipulates: “A charge against a juvenile for an offence if committed by an adult would be punishable by death shall be heard by a court of summary jurisdiction other than a juvenile court.” Murder is a first-degree felony. Article 19 of Ghana’s 1992 constitution requires that it be tried by a judge and jury. Thus, the provision of the Act, 2003 contradicts this constitutional requirement. “Can a murder case be tried summarily?” The late Justice Osafo Sampong, justice of the Court of Appeal queried.<sup>20</sup>

30. In addition to the outlined inadequacies in the above mentioned Acts, Baerg and Hoffmann (2011) bemoaned the lack of enforcement of these regulations by the courts and the police. Under the Juvenile Justice Act, juvenile courts have been established to deal with juvenile cases, except that they are not available in all districts across the country. The Juvenile Justice Act also establishes homes for juvenile offenders, but they are inadequately resourced.<sup>21</sup>

**31. Obligations: Ghana is a state party to the Convention on the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture (CAT), Optional Protocol of the Convention against Torture (OP-CAT), the**

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<sup>18</sup> <https://s3.amazonaws.com/ndpc-static/CACHES/PUBLICATIONS/2016/04/16/CHHILDREN+ACT.pdf>

<sup>19</sup> [http://www.africanchildinfo.net/clr/Legislation%20Per%20Country/ghana/ghana\\_juvjustice\\_2003\\_en.pdf](http://www.africanchildinfo.net/clr/Legislation%20Per%20Country/ghana/ghana_juvjustice_2003_en.pdf)

<sup>20</sup> <http://www.jtighana.org/new/links/papers/TREATMENT%20OF%20JUVENILE%20OFFENDERS%20-Justice%20Sampong.pdf>

<sup>21</sup> <https://www.newsghana.com.gh/ghanas-juvenile-reformation-centres-in-broke/>

**African Charter on Human and Peoples' Rights (ACHPR), and the African Charter on the Rights and Welfare of the Child (ACRWC).**

**32. Recommendations**

**33. The State Party**

- I. Fully implements the Juvenile Justice Act 2003.
- II. Ensures the separation of juveniles and adults in prison cells, through, inter alia, establishing adequately resourced juvenile detention centres.
- III. Adequately resources the Legal Aid Scheme.

**D. Unlawful detention and Inadequate Legal Aid**

34. As per Recommendations 123.19, 124.6, 125.17, 125.58, Ghana was required to ideally eradicate unlawful detention and improve on the availability of legal aid.

35. In October 2015, the UN Special Rapporteur on Torture visited Ghana and, noting widespread violations of the right to counsel – especially in criminal cases, called for the effective implementation of the Legal Aid Scheme.<sup>22</sup>

36. The Legal Aid Scheme was set up by an Act of Parliament, Act 1997, (Act 542). According to the Act, the Legal Aid Scheme “was established to protect and defend the rights of the poor and vulnerable against abuse. It also ensures that no person in Ghana suffers injustice by virtue of his or her poor economic status”.<sup>23</sup> However, the existing Legal Aid Scheme is bedeviled with challenges. There is an average of three attorneys for each regional office with a total of fourteen attorneys serving Ghana’s total population of twenty-four million<sup>24</sup>. The lack of awareness about legal rights, long delays in proceedings, woeful underrepresentation of lawyers at the Legal Aid Scheme and cost associated with the legal process and running of other supporting agencies impede the practical delivery of justice. This lack of resources affects their monitoring of cases that have been referred to pro bono lawyers, causing the weak and vulnerable to spend long detention in prison and sometimes serve wrongful sentences without legal representation in court.

37. Government has introduced the Justice for All Programme, which seeks to adjudicate remand cases through a special in-prison court setup across the country, as a means to decongest the prisons and remedy the high incidence of wrongful detention.

38. It must be mentioned that one of the root causes of this long pre-trial detention emanates from article 14(4) of the 1992 Constitution of Ghana, which provides that a person who is arrested or detained, but has not received a trial within a ‘reasonable period of time’, is entitled to unconditional release or release subject to conditions necessary for reappearance for judicial proceedings. What constitutes reasonable time, as stipulated by the constitution, is yet to be properly determined. The absence of codification of this rule is in large measure responsible for the excessive periods persons detained on suspicion of having committed a crime in Ghana are held without trial.

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<sup>22</sup> <http://www.un.org/apps/news/story.asp?NewsID=52196#.Vv5jV8fPySM>

<sup>23</sup> The Legal Aid Scheme Act of Parliament, Act 1997, (Act 542)

<sup>24</sup> <http://www.modernghana.com/news/398087/1/govt-urged-to-expand-legal-aid-scheme.html>



39. Moreover, when a person is arrested and charged before a competent court of jurisdiction by the police/prosecution, the court may begin trial, grant bail or issue a ‘Remand’ warrant for the person to be kept either in police or prison custody. The warrant issued ought to be renewed fortnightly in order to legitimise the continued detention. When the remand warrant on which a prisoner is held expires and the prisoner is not released, continued detention is illegal. In most cases, prisoners are not brought before court within the stipulated 14-day period for the renewal of the arrest warrant. In addition, in cases where remand prisoners appear before the courts, their warrants are frequently renewed and they are sent back to prison without evidence that progress is being made in the investigations. The courts in some instances remand prisoners without charge, for indefinite periods of time.

40. Government can take a cue from the criteria of the Justice for All Programme’s Remand Review Task Force, under which murder suspects qualify to benefit from the programme if the prisoners have been on remand for at least two (2) years. And misdemeanours are eligible to benefit from the Justice for All Programme, no matter the period of time served on remand. This is because the Supreme Court of Ghana in 2016 held that henceforth a court has jurisdiction to hear murder, rape, treason, piracy, defilement cases, among others to grant suspects bail.<sup>25</sup>

41. Among all the remand prisoners interviewed by the Justice for All Programme facilitators, about 60% who had their warrants expired complained of police officers not taking them to court, but taking their remand warrants to be renewed or signed for them to be brought back to prison.<sup>26</sup>

42. The medical status of prisoners has been one of the issues facilitators of the Justice for all Programme have been confronted with. In the course of interviewing remand prisoners, facilitators have found that the most common medical condition in the prisons is skin disease due to overcrowding or congestion. Prisoners often receive only the most basic medical attention from the prison infirmary, which is often inadequate.

43. While prisoners do enjoy the right to appeal unfavorable determinations, most are unable to avail themselves of this right due to financial constraints. Some are able to obtain assistance from human rights organizations and other pro-bono advocates like the Human Rights Advocacy Centre (HRAC) to appeal.

**44. Obligations: Ghana is a state party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all forms of Discrimination against Women, Standard Minimum Rules for the Treatment of Prisoners, the Convention against Torture (CAT), Optional Protocol of the Convention against Torture (OP-CAT), the African Charter on Human and Peoples’ Rights (ACHPR), including the Protocol on the Rights of Women in Africa (Maputo Protocol), and the African Charter on the Rights and Welfare of the Child (ACRWC).**

#### **45. Recommendations**

#### **46. The State Party should:**

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<sup>25</sup> <http://citifmonline.com/2016/05/05/supreme-court-strikes-out-non-bailable-offences-law/>

<sup>26</sup> Justice for All Program Report, 2012” retrieved from POS Foundation Annual Report 2014

- I. Clarifies that the forty- eight hours (48) period for detention without charge includes weekend arrest, which is often used to abuse the right of citizens upon weekend arrest, where there is no court sitting until the following week.
- II. Fully implement the use Alternative Dispute Resolution (ADR) as against the Inquistorial Court System and adequately remunerates and provides resources for mediation officers under the Legal Aid Scheme to efficiently execute their duties targeted at vulnerable groups, as well as, adequately funds the legal aid scheme especially to represent vulnerable populations in rural areas.
- III. Ensures that the General Legal Council makes the provision of pro bono services for vulnerable populations a mandatory requirement for renewal of legal practice license and to make it a requirement for pupils to represent prisoners pro bono before their certificates as lawyers are issued and or renewed.
- IV. Expands the Justice for All Programme (JFAP) to cover convicts who wish to appeal their convictions.
- V. Decriminalizes narcotics especially cannabis by amending the NACOB law to make the sentence of possession commensurate with the offence or in the alternative convicts could be sent to rehabilitation centres.
- VI. Ensures human rights training for prosecutors and investigators as well as other justice sector actors on a regular basis.
- VII. Provides a mechanism to track recidivism of released former remand prisoners.
- VIII. Provides alternatives to custodial sentences, including non-custodial sentencing.
- IX. Establishes more courts in prisons;
- X. Provides a case management software to be used by stakeholders in the criminal justice system to monitor the movement of cases right from the police station to the court, the attorney-general and the prisons.
- XI. Adequately resources the legal aid scheme and the attorney-general's department.<sup>27</sup>
- XII. Ensures that juvenile courts are made available in at least 40 districts across the country before the next review and subsequently replicated in other districts in the long term.
- XIII. Continues efforts to reduce overcrowding in the prison system and detention centres and ensures that the standard minimum rules for the treatment of prisoners are observed, adopts and applies legislation that effectively improves detention conditions in prison centres and ensures the respect of judicial guarantees offered to detainees.

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<sup>27</sup> Joint communique issued by stakeholders – Justice for all programme (JFAP), following discussions held December 14, 2016 at the Accra City Hotel, Accra.