

Ghana: Much remains to be done but UN expert welcomes steps taken to combat torture and other ill-treatment

ACCRA / GENEVA (7 October 2015) – United Nations Special Rapporteur Juan E. Méndez today urged the Government of Ghana to step up its effort to implement the recommendations issued after his first mission* to the country in November 2013. Mr. Méndez is the independent expert tasked by the UN Human Rights Council with monitoring and reporting on the use of torture and other cruel, inhuman or degrading treatment or punishment around the world.

“I welcome the steps taken by the Government of Ghana in its fight against torture and other ill-treatment in the country, but much remains to be done,” he said at the end of a four-day follow-up visit to Ghana, in which he assessed critical issues in the criminal justice system, including conditions of detention, as well as mental health-care practices, in particular the treatment and living conditions of persons held in psychiatric hospitals and prayer camps.

“I am concerned that instances of torture and ill-treatment continue to occur with some frequency during the apprehension, arrest, and interrogation stages by police and intelligence services,” he said. “I received troubling reports of forced confessions, despite the existence of legal guarantees intended to protect persons upon arrest and in police custody.”

“Of particular concern is the lacking sense of due diligence and urgency by oversight mechanisms such as the Commission on Human Rights and Administrative Justice – as well as courts and prosecutors – to tackle this issue with prompt, impartial, and effective investigations into all allegations of mistreatment,” Mr. Méndez said calling for proper complaint mechanisms and public awareness campaigns. “Without this, no real change is possible.”

“The right to counsel also needs to be made truly effective in all criminal cases by the expansion and effective implementation of the Legal Aid Scheme or the establishment of a Public Defenders’ Office,” the expert stressed.

The Special Rapporteur noted no significant improvements with regards to the still severe overcrowding in some detention centres, inadequate nutrition, a shortage of water, poor sanitation and health-care, and a lack of medicines, despite positive steps taken by the Government to accelerate the management of cases.

“I am encouraged by the projects and measures being implemented by the Government,” he said. “In particular, the ‘Justice for All’ programme with its travelling court has been able to partially clear up the backlog of remand cases in various regions. I welcome the establishment of a high court on the premises of Nsawam Medium Security Prison as a pilot project that aims to speed up appeals, thereby reducing the number of detainees.”

A further step forward are the new guidelines on sentencing, which despite not being binding on judges will, if implemented across all regions, contribute to a more consistent approach to sentencing and more reasonable use of discretion by judges.

“The introduction of statutory provisions for non-custodial measures would also assist in reducing overcrowding in prisons and facilitate the reintegration into society,” Mr. Méndez stated. “I call upon Ghana to swiftly ratify the Optional Protocol to the Convention Against Torture to ensure regular monitoring of places of detention, which is essential to guaranteeing the rights of inmates.”

Regarding the issue of mental health care, the Special Rapporteur noted that “while current practices are similar to those observed during my last visit, progress is being made in the implementation of the Mental Health Act and associated programmes established by its managing Mental Health Authority.”

“Initial steps have been taken to decentralise mental health care. Setting up visiting committees in the regions needs to be followed up by the passage of the Act’s Legislative Instrument, sufficient allocation of funds to its programmes, and actual changes of treatment and living conditions of mentally ill patients on the ground,” he urged.

Mr. Méndez stressed that private institutions treating mentally ill patients, such as prayer camps, must also be regulated and monitored by these programmes.

“I saw patients chained onto walls and forced to fast in a prayer camp,” the rights expert said. “These practices are frankly unacceptable and constitute torture, and the State of Ghana can no longer close its eyes to these practices.”

In the understanding that these are cultural practices and that families approach prayer camps voluntarily, the expert agrees with the State’s approach to use persuasion and engagement to monitor and enforce existing law and regulation and to obtain cooperation under the guidance and supervision of science-based, appropriately trained mental health professionals. The reference to culture and tradition cannot be invoked to justify harmful practices to individuals.

The Special Rapporteur will present a follow-up report to the Human Rights Council in March 2016.

(* Check the Special Rapporteur’s report on Ghana to the UN Human Rights Council:
http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/60/Add.1

ENDS

*Mr. **Juan E. Méndez** (Argentina) was appointed by the UN Human Rights Council as the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in November 2010. Mr. Méndez has dedicated his legal career to the defense of human rights, and has a long and distinguished record of advocacy throughout the Americas. He is currently a Professor of Law at the American University – Washington College of Law and Co-Chair of the Human Rights Institute of the International Bar Association. Learn more, log on to: <http://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>*

The Special Rapporteurs are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council’s independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures’ experts work on a voluntary basis; they are not UN

staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity.

Check the Special Rapporteur's report on Ghana to the UN Human Rights Council:

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/60/Add.1

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

UN Human Rights, country page – Ghana:

<http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/GHIndex.aspx>

For media requests, please contact:

In Ghana: Ms. Cynthia Prah (Tel: +233 (302) 665511 / Cell: +233 (0) 24 628 1113 / Cynthia.prah@unic.org)

In Geneva: Andrea Furger (+41 79-444 4917 / afurger@ohchr.org), Sonia Cronin (+41 22 917 91 60 / scronin@ohchr.org.)

For **media inquiries** related to other UN independent experts:

Xabier Celaya – Media Unit (+ 41 22 917 9383 / xcelaya@ohchr.org)

For your news websites and social media: Key messages about our news releases are available on UN Human Rights social media channels, listed below. Please tag us using the proper handles

Twitter: [UNrightswire](#)

Facebook: [unitednationshumanrights](#)

Google+: [unitednationshumanrights](#)

Youtube: unohchr