



GHANA POLICE SERVICE



INTEGRATING CHILD-FRIENDLY POLICING INTO THE GHANA POLICE SERVICE (GPS)

MAPPING REPORT
SUMMARY

OCTOBER 2016



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ABBREVIATIONS

ACP	Assistant Commissioner of Police
ADR	Alternative Dispute Resolution
AGO	Attorney-General's Office
AHTU	Anti-Human Trafficking Unit
A/Spt	Assistant Superintendent
CHRAJ	Commission on Human Rights and Administrative Justice
CID	Criminal Investigation Division
CO	Commissioned Officer
Const	Constable
COP	Commissioner of Police
Cpl	Corporal
CLIC	Community LEAP Implementation Committee
CRC	Convention on the Rights of the Child
CRI	Child Rights International
CRRECENT	Child Research and Resource Centre
C/Supt	Chief Superintendent
CSO	Civil Society Organisation
DAs	District Assemblies
DC	Department of Children
D/COP	Deputy Commissioner of Police
DoC	Department of Children
DOVVSU	Domestic Violence and Victim Support Unit
DSP	Deputy Superintendent
DSW	Department of Social Welfare
DTS	Detective Training School
FIDA	International Federation of Female Lawyers
FPU	Formed Police Unit
GBV	Gender-based Violence
GES	Ghana Education Service
GHS	Ghana Health Service
NGOCRC	Ghana NGO Coalition on the Rights of the Child
GPS	Ghana Police Service
GPrS	Ghana Prison Service
Hon	Honourable
HRD	Human Resources Department
IBCR	International Bureau for Children's Rights
ICRC	International Committee of the Red Cross

IDP	Internally Displaced Person
IGP	Inspector General of Police
ILO	International Labour Organization
Insp	Inspector
JS	Judicial Service of Ghana
LEAP	Livelihood Empowerment Against Poverty
MMDA	Metropolitan, Municipal and District Assemblies
MoCTA	Ministry of Chieftaincy and Traditional Affairs
MoD	Ministry of Defence
MoE	Ministry of Education
MoGCSP	Ministry of Gender, Children and Social Protection
MOH	Ministry of Health
MoI	Ministry of the Interior
MoJ	Ministry of Justice and Attorney-General's Department
MoLGRD	Ministry of Local Government and Rural Development
NCCE	National Commission for Civil Education
NCO	Non-Commissioned Officer
NGO	Non-Governmental Organisation
NPA	National Police Academy
NPTS	National Police Training School
OVC	Orphans and Vulnerable Children
PCSC	Police Command and Staff College
POMAB	Police Operations and Management Advisory Board
PPSTS	Police Public Safety Training School
RPTS	Regional Police Training School
SCEF	Street Children Empowerment Foundation
SER	Social Enquiry Report
Sgt	Sergeant
SOPs	Standard Operating Procedures
Supt	Superintendent
SWAT	Special Weapons and Tactics/Special Weapons Assault Team
ToRs	Terms of Reference
ToT	Training of Trainers
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WAJU	Women and Juveniles Unit (predates DOVVSU)
WHO	World Health Organization

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EXECUTIVE SUMMARY

Introduction

This report is the outcome of a comprehensive mapping study commissioned by the Ghana Police Service and UNICEF Ghana in October 2014 and undertaken by the International Bureau for Children's Rights (IBCR) from October 2014 through April 2015. The objective of the study was to collect information and data to map the existing system of juvenile justice and child protection, with a focus on the roles and responsibilities of the police and the institutions with which they interact to carry out their duties.

The study involved the review of relevant existing literature related to juvenile justice and child protection in Ghana. Data collection was also done through interviews with key stakeholders. In all, 364 police, plus 1002 police recruits, and key stakeholders were interviewed. In addition, 39 children were interviewed. Eight police training schools were visited across various regions and focus groups were conducted with respondents from key stakeholder groups. Data was also collected through seven workshops and consultations.

Key Findings from the Study

Child Vulnerability in Ghana

The main reasons that children are at risk of coming into contact with the law are poverty and lack of parental care. These two factors increase the risk of child labour; trafficking of children; unaccompanied children; children living and/or working in the streets; orphaned children; children infected/affected by HIV/AIDS and violence against children. Children with disabilities and girls are especially at risk.

Child victims/witnesses and children who come into conflict with the law are more vulnerable since there are few resources and institutions available to uphold the rights of these children and support them by preventing crime, treating children distinctly from adults throughout the justice system and rehabilitating and reintegrating children after they have been victims or in conflict with the law. Many children who come into conflict with the law are first time offenders. The most common offences identified were stealing, assault/causing harm, as well as incidents of rape and defilement increasing.

Support and Protection for Child Victims/ Witnesses and Children in Conflict with the Law

Child victims and witnesses are offered very little protection when they come into contact with the justice system. The legislation, with the exception of a few provisions entitling children to adult accompaniment when reporting crimes¹, fails to protect these children. In addition, the police lack resources to provide shelter, food, clothing and other basic needs to child victims/witnesses. Many child victims/witnesses are unable to afford the cost of medical examinations to aid investigation and prosecution. In some cases, police officers are compelled to bear the cost of medical examinations.

Children who come into conflict with the law require additional protection safeguards under legislation and in the implementation of that legislation. Sometimes, proper care and protection of children in police custody is compromised when children are kept in adult cells due to lack of alternatives and limited support services.

¹ These provisions have been included in the Domestic Violence Act and the Human Trafficking Act.

Police have options to formally arrest, caution or divert children upon first contact with an alleged child offender, but, unfortunately, these options are rarely exercised. This is likely due to the fact that police receive no training about the content of the Juvenile Justice Act and how to apply it.

Meanwhile, committing children who are guilty of minor offences to long periods of incarceration at poorly resourced correctional facilities wastes their developmental and productive lives. A 2003 Department of Social Welfare report found that 1778 boys and 324 girls were incarcerated in adult prisons between 1993 and 2003.²

In effect, there exist both technical and resource constraints that hinder the ability of the police to provide adequate care and protection to children who come into contact with the law.

Police Capacity

Regular police (non-specialised) lack awareness of legislation and policies relevant to children in contact with the law and have no exposure to child-friendly policing. They also lack awareness of their role in the prevention of child involvement in crime, rarely use cautions and require approval from a senior officer before using their judgment to caution a child.

Officers at the Domestic Violence and Victim Support Unit (DOVVSU) were aware of legislation and policies on child protection, but lacked tools and infrastructure to apply the same. There is a gap in skill and resources required for crisis counselling and psychosocial support. It was also noted that DOVVSU lacks service vehicles and the capacity to manage data. There are no child-friendly spaces and spaces to hold juveniles. The study revealed that the state-owned shelters for children were insufficient and inadequate and there were no finances available for victim support. Training programmes in child-friendly policing have been ad hoc and inconsistent.

The challenges of the Anti-Human Trafficking Unit (AHTU) are not substantially different from that of DOVVSU. While officers of AHTU are knowledgeable on human trafficking issues, they lack the capacity to apply the law. They have no child-friendly spaces, no state-owned shelters to keep child victims and no financial support for victims. Officers also lack the capacity to manage data. There is a skill and resource gap in the provision of crisis counselling, psychosocial support and reintegration assistance. Only a few officers have undertaken training on ad hoc basis.

Judicial police and investigators/detectives also lack awareness of legislation and policies relevant to children in contact with the law. They have no guidance protocols on working with child victims; no child-friendly, private rooms; limited to no experience on how to interview children; and currently use investigation procedures that are neither child- nor victim-friendly. These police cannot access resources for victims and do not necessarily know who to partner with in order to support child victims. They too have a training gap in the area of working with children in contact with the law.

With the exception of the Pwalugu Regional Police Training School (RPTS), no child-friendly policing modules are taught to new police recruits at the schools. None of the schools currently teach the Juvenile Justice Act. Issues related to children are only addressed through “Acts and Decrees” where the Constitution and the Children’s Act are used as teaching resources. The curriculum of the police training schools does not include a special procedure for handling children differently from adults. There is also very limited education on linkages required with other justice stakeholders, particularly those who support victims.

Conclusion and recommendations

Among key juvenile justice and child protection stakeholders, there was a consensus that building a child protection system required the active participation, engagement and intervention of numerous sectors to be successful. Not only are the police an important point of contact for child protection, but families, communities, traditional and religious leaders (and other actors of influence

² Government of Ghana and UNICEF, (2005) *A Report on the State of Juvenile Justice Administration in Ghana*, p.39

such as assemblymen and women), schools, hospitals and clinics, teachers, correctional centres, prosecutors and the judiciary are key actors in building a system of protection for vulnerable children. Consequently, it is essential that the Ghana Police Service combine its efforts with the work of other ministries, departments, Metropolitan, Municipal and District Assemblies (MMDAs), donors, local nongovernmental organisations (NGOs) and UN agencies such as UNICEF, UNDP, UNFPA, to coordinate the different strategies and tools each contributes to build an effective protection system.

The key recommendations are related to measures required to strengthen the system for child protection, improve the handling of children and improve data collection and management within the Ghana Police Service. It is also recommended that relevant sections of the Juvenile Justice Act be amended to address challenges with diversion and clearly outline the responsibilities of each actor.³

It is also important to develop Legislative Instruments (LIs) for the Human Trafficking Act, the Domestic Violence Act and the Juvenile Justice Act to define the roles and responsibilities of the various actors. The two funds under the Human Trafficking Act and the Domestic Violence Act, should be established and made functional to provide support services to victims.

There is a need to create child-friendly spaces at police stations to enhance privacy and establish comfortable spaces for child victims and witnesses and those who come into conflict with the law. Remand homes need to be rehabilitated to serve their purpose of ensuring the safekeeping of children. Again, key stakeholders in the child justice sector, such as social welfare officers, probation officers, prosecutors, judges, and the Legal Aid Scheme, require assistance through training and logistical support to provide services

to child victims and witnesses, as well as children who come into conflict with the law.

The following are specific recommendations to be undertaken under the child-friendly policing project:

1. There is a need to develop standard operating procedures (SOPs) for the Ghana Police Service to effectively and uniformly manage cases involving children who come into contact with the law, including victims, witnesses and alleged offenders.
2. It is also important to develop a child protection curriculum for police officers, with corresponding initial and specialised training toolkits to incorporate regular, mandatory training for all new recruits and all specialised officers.
3. It is recommended that there be a trained cadre of police officers from all the police training schools across the country, and within DOVVSU and the AHTU, with the capacity to roll out and integrate child protection training into police training schools and training for specialised officers.
4. Finally, there is the need to improve national level statistics by designing a data collection and management system using smart solutions to record, collect and analyse data on cases involving children with the aim to improve analysis and strategic planning for children's access to justice.

³ In particular, Sections 4 and 10.

A.

BACKGROUND TO THE INITIATIVE TO INTEGRATE CHILD-FRIENDLY POLICING INTO THE GHANA POLICE SERVICE

The integration of a permanent course in child-friendly policing into the curriculum of the Ghana Police Service is part of a wider programme to build the capacity of the police to identify and respond to children's rights and protection when children come into contact with the law. It began with Ghanaian officials' engagement with the International Bureau for Children's Rights (IBCR).

To mark the 20th anniversary of the United Nations Convention on the Rights of the Child in November 2009, the International Organisation of the Francophonie (OIF), Francopol, and the IBCR organised a conference in Ouagadougou, Burkina Faso aimed at raising awareness on child rights and the application of the principle of the best interest of the child in police practices. Two key observations were made at this conference. First, while police appeared to have mastered the vocabulary and terminology associated with the rights of the child, they did not have a thorough comprehension of their meaning and practical application. With the exception of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, other international juvenile justice standards were generally unknown to the police officers. Secondly, several police officers had benefitted from training on the rights of the child, but had only done so for short, unevaluated and ad hoc sessions provided by external consultants. Consequently, these trainings produced little impact on the integration of the rights of the child into the everyday work of law enforcement agents.

Based on these observations, the IBCR developed a project to undertake training for police officers on the application of international standards in juvenile justice. At the Fifth Regional Workshop held in Abidjan, Ivory Coast, in November 2013, three official Ghanaian representatives, including one from UNICEF, developed an action plan to incorporate a training programme into police training, rooted in the experiences shared at the workshop, the lessons learned and the technical advice/support of the other African delegations. One of the representatives who is an instructor at the Pwalugu police training institution has already incorporated the lessons from this workshop and offers a course entitled, **Child-Friendly Policing**, to all new recruits at the school. UNICEF, for its part, developed a comprehensive proposal and plan to integrate child rights and protection into the Ghana Police Service, selecting the IBCR, through a competitive bid, as its technical partner in the initiative.

The official delegation from Ghana who participated in the Cotonou workshop explained that initial training of security agencies did not include a course on children's rights, although in

many schools, police recruits did learn the Acts and Decrees relevant to children.⁴ Ad hoc training focused on human rights (including some child rights' issues) and violence against women has been offered to some police officers in service. Ghana prides itself on being the first country to ratify the Convention on the Rights of the Child and it generally has a robust legislative framework to protect children and their rights. The Government of Ghana enacted the Children's Act (1998), Criminal Code Amendment Act (1998), the Human Trafficking Act (2005), the Domestic Violence Act (2007) and the Juvenile Justice Act (2003) to ensure the protection and special treatment of children in Ghana.

Unfortunately, the application of these laws has been inconsistent in practice. The country is taking notable steps to reform, improve and make relevant the overall child protection system and has recently adopted the Child and Family Welfare Policy (March 2015) and will soon approve a new Justice for Children Policy. Nevertheless, Ghana still suffers from other deficiencies in the protection of children's rights, including the lack of specialised criminal procedure laws to protect child victims and witnesses. The Ghana Police Service boasts of two relatively new units tasked with protecting children from violence, abuse and trafficking – the Domestic Violence and Victim Support Unit (DOVVSU), which is mandated to investigate cases of domestic violence, child abuse and acts as a juvenile police unit with responsibility to handle cases of children in conflict with the law, and the Anti-Human Trafficking Unit (AHTU), which investigates all human trafficking cases, including those involving children.

Both of these units, however, receive limited training in handling children, although donor agencies and international nongovernmental organisations have regularly provided training on domestic violence issues to DOVVSU members.

Integrating Child-Friendly Policing into the Ghana Police Service initiative is a collaborative effort spearheaded by the Ghana Police Service, with the key support of the IBCR and UNICEF Ghana. The overall aim of the initiative is identify the gaps in the implementation and application of legislative frameworks with the aim to improve the ability of the police to enforce laws in a manner respectful of children's rights and their need for protection.

This report presents the findings of the gap analysis on the key challenges that hamper the handling of child victims and witnesses and children who come into conflict with the law.

⁴ This information was collected during IBCR missions to Ghana which included visits to the police training schools between October 2014 and April 2015.

B

A WORKING METHODOLOGY BASED ON COLLABORATION AND PARTNERSHIP

As part of the gap analysis, IBCR undertook to collect and analyse information from a variety of sources through a number of different means. Available research, academic papers and different reports on child protection and juvenile justice in Ghana were reviewed.

The goal of data collection was to identify existing best practices and gaps and to enable the team develop training and Standard Operating Procedures which build on the strengths of the existing juvenile justice system and child protection institutions/actors. In addition, information was gathered on the practical needs for regular and specialised police. In order to work toward the development of national level recordkeeping and a practical database for police interaction with children as victims, witnesses and alleged perpetrators, information was also collected about existing recordkeeping and database procedures and systems in order to plan for improvements in this area.

i. Review of the literature

This involved a review of all the literature available on Ghana's legislative framework for juvenile justice and child protection, including ratification of international and regional laws, norms and standards, as well as reports and research relevant to the development and training of police in juvenile justice and children's rights.

ii. Framing Workshop

A one and a half day workshop was held at the police headquarters. It was attended by representatives from the police training schools, police from DOVVSU and AHTU, police hospital representatives, social workers and probation officers from the Department of Social Welfare, the Judicial Service, Ministry of the Interior, Department of Children, police headquarters and NGOs active in child rights and protection and/or juvenile justice. The workshop helped to illustrate existing procedures for handling children.

iii. Bilateral interviews

Bilateral interviews were held with a total of 364 individuals, institutions, stakeholders and beneficiaries with interest in the initiative. Meetings included staff from the departments of Social Welfare and Children, the ministries of the Interior, Gender, Children and Social Protection, Chieftaincy and Traditional Affairs, Local Government and Rural Development and Defence, Judicial Services, remand homes, probation offices, the girls' corrections centre in Accra, juvenile judges, legal aid, the ADR programme, universities, a number

of local NGOs active in child protection and justice for children, child protection teams and networks, community members and donor agencies implementing projects in the justice and child protection sectors.

iv. Interviews with members of the Police Service

The IBCR team also met with focus groups of police from regular police units, as well as those working for DOVVSU and the AHTU from most of the regions, including Greater Accra, Ashanti, Upper East, Upper West, Northern, Brong-Ahafo, Eastern, Volta and Central. The Western Region was the only region from which police were not interviewed. A total of 65 police officers were interviewed, providing useful information about the challenges they face and perceptions they have when dealing with children in contact with the law.

v. Visits to Police Training Schools

IBCR and UNICEF visited the regional police training schools in Ho, Accra, Winneba, Koforidua, Pwalugu and Kumasi, where a total of 165 police officers and 1002 recruits were met and advised about the initiative. In almost every school, the team was able to speak with instructors and recruits, as well as tour the facilities and interview the administrators to collect general information

on the schools. The National Police Academy in Accra, the Winneba Police Command and Staff College, the Detective Training School in Accra and the Police Public Safety Training School in Pwalugu were also visited to learn about these institutions, as well as conducting focus groups with teaching staff and small groups of recruits in these schools. In total, the team was able to conduct focus groups with 50 recruits from the RPTSs and 49 senior officers at the Command and Staff College.

vi. Interviews with children

Interviews were conducted with children from various backgrounds and in different locations to gain an understanding of their impressions of the police and justice for children. A total of 39 children participated in focus group discussions from Accra and Tamale. In order to collect data from a cross-section of children, the team interviewed boys and girls who had come into conflict with the law at the Osu Remand Home and Girls Correctional Centre, children who were at risk to come into contact with the law because of their family and socio-economic status and children who were not likely to come into contact with law because of strong family connections and residence in middle class neighbourhoods.

C

JUSTICE FOR CHILDREN: THEORY AND PRACTICE

Justice for children is a broader approach than the traditional focus on juvenile justice since it encompasses not only children in conflict with the law, but also children who are victims or witnesses of crime, and children who may be in contact with the justice system for other reasons such as custody, protection or inheritance (child parties to a justice process). It can be seen as an overarching concept that works for the benefit and best interests of all children who come into contact with justice and related systems. It includes aspects such as prevention, diversion, rehabilitation, assistance services and protection measures. Above all, it seeks to provide for children who are lacking adequate care and protection or at risk of not receiving the protection and care they require – vulnerable children.

The family is considered the backbone of child protection, with the nuclear family (father, mother and siblings) forming the first line of protection and the extended family (a network of relatives outside of biological parents) assisting with the child's care and moral development, as well as ensuring the welfare of children from families with fewer financial resources. Yet, the effects of modernisation, urbanisation, migration, formal education, poverty and family breakdown have weakened the bonds of the extended family network and its commitment to care for children through kinship connections. Consequently, roles of members within the family have been modified to increase the responsibilities of the nuclear family. The result has been an increase in issues of child custody, maintenance and paternity; crimes against children; and children coming into conflict with the law.

While the 1992 Constitution of the Republic of Ghana (Article 28) recognises the family as the central unit for ensuring children's well-being, the legal framework guiding justice for children is largely silent on the fundamental role of the family and the irrefutable advantage that a strong family has for ensuring that the well-being of its children is guaranteed. Additionally, the legal framework focuses largely on response rather than prevention, and on interventions directed primarily at the child, rather than focusing on working with families to prevent and resolve problems that put children at risk and contribute to children's offending behaviour.

Two distinct systems operate to provide justice for children: the first is the **formal justice system** which consists of the legislative framework, the procedures established through the laws and the services provided by government ministries, departments and agencies. The second system is the **traditional justice system**, also known as **customary or informal justice**, which relies on "a normative order observed by a population, having been formed by regular social behaviour and the development of an accompanying sense of obligation".⁵

The elements of these two systems with respect to the protection of children in contact with the law – victims, witnesses and children in conflict with the law are discussed below

⁵ Gordon R. Woodman. (2011) A Survey of Customary Laws in Africa in Search of Lessons for the Future. The Future of African Customary Law 9, p. 10

1. Formal Justice System⁶

i. Legislative Framework

Ghana was the first country to ratify the Convention on the Rights of the Child (CRC) and has since ratified a number of international and regional instruments relating to child protection.⁷ The 1992 Constitution of the Republic of Ghana establishes the foundation for the rights of the child and calls for the enactment of legislation to promote the rights of children (Article 28). Two main national laws reflect these international commitments and constitutional provisions – the Children’s Act, 1998 (Act 560) and the Juvenile Justice Act, 2003 (Act 653), which establish the foundation for the national child protection system and govern children’s access to justice, along with two key policies – the Child and Family Welfare Policy 2015 and the forthcoming Justice for Children Policy.

Table 1- Key Domestic Child Protection Laws and Policies

Child Protection Area	Legislation/Policies
Child and Family Welfare	Constitution 1992; Children’s Act, 1998 (560); Legislative Instrument 1705 (Child Rights Regulation 2002); National Gender and Children’s Policy; National Plan of Action for Orphans and Vulnerable Children 2010-2012; Child and Family Welfare Policy 2015; Matrimonial Causes Act, 1971 (367)
Birth Registration	Children’s Act 1998 (560); Births and Deaths Registration Act, 1965 (301)
Child Custody and Maintenance	Children’s Act, 1998 (560); Alternative Dispute Resolution Act, 2010 (798)
Domestic Violence	Domestic Violence Act, 2007 (732)
Inheritance Rights	Constitution 1992; Children’s Act, 1998 (560); Intestate Succession Law, 1985 (PNDC 111)
Adoption	Children’s Act, 1998 (560); Adoption Rules
Child Labour	Constitution 1992; Labour Act, 2003 (651); Children’s Act, 1998 (560); National Programme for the Elimination of the Worst Forms of Child Labour in Cocoa (NPECLC); Hazardous Child Labour Framework; National Plan of Action for the Elimination of the Worst Forms of Child Labour 2008-2015
Children in Conflict with the Law	Children’s Act, 1998 (560); Juvenile Justice Act, 2003 (653); Alternative Dispute Resolution Act, 2010 (798)
Street Children	Children’s Act, 1998 (560);
Child Victims and Witnesses in Criminal Proceedings	Human Trafficking Act 2005 (694); Justice for Children Policy (forthcoming)
Physical Abuse/Corporal Punishment	Constitution 1992; Children’s Act, 1998 (560); Ghana Education Code of Discipline
Sexual Abuse	Criminal Offences (Amendment) Act, 1994 (484); Criminal Code (Amendment) Act, 1998 (554); Domestic Violence Act, 2007 (732); Criminal Offences (Amendment) Act, 2012 (849);
Child Prostitution	Criminal Offences (Amendment) Act, 1994 (484); Criminal Offences (Amendment) Act, 2012 (849)
Child Pornography	Criminal Offences (Amendment) Act, 2012 (849)

⁶ Several comprehensive reports on the state of justice for children have been completed for UNICEF and the government of Ghana. As such, this report does not attempt a full examination of the issue, instead, in the interest of not repeating much of these findings again, this section summarises relevant existing data, incorporates findings from interviews conducted and offers a brief review of the subject.

⁷ This includes the African Charter on the Rights and Welfare of the Child, ILO Convention 182 on the Worst Forms of Child Labour, the Optional Protocol to the CRC on

Trafficking in Children	Human Trafficking Act, 2005 (694); National Plan of Action for Combatting Trafficking; Human Trafficking (Amendment) Act, 2009 (784); Multilateral Cooperation Agreement to Combat Trafficking in Persons in West and Central Africa; Criminal Offences (Amendment) Act, 2012 (849);
FGM/C	Constitution 1992; Children's Act 1998 (560); Criminal Offences (Amendment) Act, 1994 (484)
Child Marriage	Constitution 1992; Children's Act 1998 (560)
Involvement of Children in Armed Conflict	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified 9 Dec 2014
Refugee/Unaccompanied Children	Refugee Law, 1992
Gender-based Violence	Domestic Violence Act, 2007 (732); Criminal Offences (Amendment) Act, 1994 (484); Criminal Code (Amendment) Act, 1998 (554); Criminal Offences (Amendment) Act, 2012 (849)
Children Affected by HIV/AIDS	National Policy Guidelines on Orphans and Other Children Made Vulnerable by HIV/AIDS; National Plan of Action for Orphans and Vulnerable Children 2010-2012
Children with Disabilities	Persons with Disabilities Act, 2006 (715)
Early Childhood Education	Education Act, 2008 (778)

The Juvenile Justice Act 2003 provides the legal foundation for a separate and distinct approach for handling children in conflict with the law. The Act makes the best interest of the child paramount and explicitly directs that juvenile matters be dealt with in a manner different from adults. Specialised juvenile courts, composed of a district court magistrate and two other people, one of whom must be a social welfare officer (social worker), have exclusive jurisdiction over children in conflict with the law. The Act outlines special procedural protections for children from the moment of arrest through trial and sentencing. A range of custodial and non-custodial sentencing options are available, and provision is made for the establishment of specialised Junior and Senior Correctional Centres, as well as remand homes for children. The Juvenile Justice Act also promotes the diversion of children away from the formal criminal justice system through police cautioning and through the exercise of judicial discretion (on the advice of a probation officer). Even though the Juvenile Justice Act outlines specialised provision of justice for children, there are currently no specialised criminal procedural laws for protecting child victims and witnesses in the justice system⁸.

8 UNICEF 2011 - http://www.unicef.org/wcaro/english/Ghana_Mapping_

Despite the comprehensive legislation for children in conflict with the law, there are gaps between the law and practice, with limited functioning of most of the institutions required under the law to promote children's access to justice and limited knowledge about the Juvenile Justice Act and special provisions for handling children. It has been noted that the legislation was informed by British (colonial) models, with an emphasis on separate, specialised courts, professionalised probation services and institution-based rehabilitation, without considering community practices in Ghana.⁹ Moreover, the institutions that do function under the Juvenile Justice Act are seriously constrained from a lack of resources.¹⁰

Under both the Juvenile Justice Act and the Courts Act, juvenile courts operate specialised panels within the District Court structure. Juvenile Courts are composed of the Magistrate of the District Court as the presiding person and two other people, one of whom is a social welfare officer and the other, a person of not less than 25

Analysis_Child_Protection.pdf

9 *Justice for Children Policy* (Draft 3), p. 17

10 Interviews with members of the police, the remand homes, corrections centres, social workers, probation officers, juvenile panels revealed that no budget lines exist to implement the legislation, resulting in a lack of services and the use of personal resources to fund transport, medical fees, food and basic needs of children who come into conflict with the law.

years, both of whom are appointed by the Chief Justice on the recommendation of the Director of Social Welfare. In practice, these courts do not function effectively in all districts because some panels have not been constituted as required by law, few panel members have received specialised training and when panel members retire or are transferred, long delays violate the six month maximum provided for completing juvenile trials, because the panel does not sit. Courts do not have special procedures for the case management of juveniles, nor are these cases expedited. While there are juvenile courts in all 10 regions of Ghana, some districts have no such courts at all, and most lack organisation and have numerous scheduling difficulties, meaning that children spend excessive time in police detention or remand centres, if available, awaiting trial.

The Children's Act establishes district-level Family Tribunals as specialised magistrates' courts to make orders with respect to care and protection (supervision orders and care orders), adoption, parentage, custody, access and maintenance of children. The Family Tribunal is constituted by a panel consisting of the District Court Magistrate and two other members, one of whom must be a social welfare officer. Conflicts over custody, maintenance and paternity of children are a growing concern and constitute the bulk of children's cases dealt with by the Family Tribunal. A detailed analysis of 2,243 Family Tribunal cases in five District Court Registries (Community Centre, La, Jamestown, Ho and Tamale) found that the majority of cases (57%) were related to maintenance, 11% custody, 9% paternity, 10% naming, 3% access, and 10% other issues. There were no cases concerning care and protection orders sent to the court during the three year period under review.

The Children's Act (Section 27) also provides for Child Panels to be set up by District Assemblies with powers to adjudicate on all civil issues and minor crimes committed by children. These panels are composed of the District Assembly Chairs of the Social Services Subcommittee and the Justice and Security Subcommittee, a member of a woman's organisation, a representative of the traditional council, the district social worker and two upstanding citizens from the community. Through this panel, children are diverted from the formal system, enabling communities and families to be involved in the resolution of problems concerning children. In reality, the Child Panels are not functioning effectively, if at all in some districts, owing to a lack of referrals from police and judges, lack of an operating budget to provide transport and fees to those who sit on the panels, constraints with the composition and mode of appointment under the law, and the long distances some panel members have to travel in order to convene the panel. There is also duplication of process and participation in the Child Panels – diversion to community-based processes (informal) is more common than diversion to Child Panels and district social welfare officers are unable to keep up with the requirements for participation on these panels, the juvenile court panels and the Family Tribunals, while also providing social work and probation services. In some districts, there is only one trained social welfare officer.¹¹

The other relevant laws concerning justice and protection for children which have not yet been mentioned include the following:

¹¹ As the team was advised during the Strategic/SOP Workshop in Tamale on 15-16 May 2015, in the Upper West Region, there is only one social welfare officer.

Table 2 - Other Relevant Legislation on Child Justice and Protection

The Criminal Offences Act 1960 (Act 29)	Prohibits various crimes against children including child abandonment, defilement, indecent assault
The Criminal and Other Offences Procedure Act 1960 (Act 30)	No special provisions to protect child victims and witnesses participating in criminal proceedings
Registration of Births and Deaths Act 1965 (Act 301)	Makes compulsory the registration of all births and deaths in the country
Matrimonial Causes Act 1971 (Act 367)	Provides for orders for child custody, access and visitation and maintenance
The Intestate Succession Act 1985 (PNDCL 111)	Revisions to this act have been proposed and deliberated in parliament, however, current act guarantees a part of intestate's property to surviving spouses and children, including setting aside funds for school fees where relevant
The Courts Act 1993 (Act 459)	No provisions for dealing with child victims and witnesses; although it provides for the Chief Justice to establish both juvenile courts and family tribunals at district court levels
Human Trafficking Act 2005 (Act 694)	Provides for shelters and psychosocial support for trafficked children and indicates that consent of child, parent or guardians is not a defence in prosecuting traffickers
Persons with Disabilities Act 2006 (Act 715)	Prohibits discrimination, creates free education and special schools for disabled children, requiring parents and guardians to take them to school
Domestic Violence Act 2007 (Act 732)	Provides for free medical services, protection for child victims of domestic violence

The legislation denotes particular procedures for dealing with children who come into contact with the law. These are, in many cases, dependent upon the establishment of government institutions and services and the full knowledge/awareness of government officials tasked with implementing these procedures. The table below outlines some of these procedural safeguards.

Table 3- Procedures to protect child victims and witnesses¹²

Issue/Area	Procedural Safeguard	Status of its Implementation ¹⁴
Right to Privacy	All government officials responsible for investigation, prosecution and social support of child victims are obliged to maintain confidentiality regarding the child	Lack of private space in police stations results in complete lack of privacy since other police and citizens in the station can hear everything
	Family Tribunal proceedings are closed to public	Names of child victims are routinely reported in the media
	Publication of child's identity is prohibited	Crimes committed by adults against children are heard in regular district and superior courts which are open to the public
Right to Participation	Children can participate freely in proceedings in front of Child Panels and Family Tribunals	Child Panels are, for the most part, not operational Family tribunals do solicit child input for various types of cases
Right to Procedural Safeguards	Children are entitled to give statements with a parent, guardian, next friend present	Police take victim and witness statements from children without an adult present
Right to Witness Protection	No safeguards	-

¹² Adapted from the 2012 Report of the Mapping and Analysis of Ghana's Child Protection System, p. 21

¹³ Information from this section is derived from interviews with key stakeholders in these areas during three field visits in Ghana in November 2014, March and May 2015.

Child victims and witnesses are offered very little protection when they come into contact with the justice system. The legislation, with the exception of a few provisions entitling children to adult accompaniment when reporting crimes,¹⁴ fails to protect these children. It was mentioned that the Chief Justice is considering installing and using closed circuit cameras for witness testimony in court¹⁵, particularly where a child is involved, however, implementing remote testimony is likely to require substantial resources that are not currently available through government budgets. The team at Public Prosecutions of the Attorney General's Department is fully supportive of a witness charter, which would involve procedures for children, but here again, limited human resources to complete the draft of such a charter has put this initiative on hold.¹⁶

Children who come into conflict with the law require additional protection safeguards under the law. Police have options to formally arrest or caution children upon first contact with an alleged child offender, yet they rarely exercise options other than formal arrest, leaving decision-making about caution to superior officers. This is certainly due to the fact that police receive no training about the content of the Juvenile Justice Act and how to apply it. In interviews the IBCR team conducted with police, they understood that children accused of committing serious offences could not be released on recognisance or be diverted from the formal system, but were not aware that they could use their own judgment to caution children, either informally or formally (with or without conditions) and that forms were provided for this option under the Juvenile Justice Act.

While all the police interviewed understood that all children in conflict with the law were to be processed by DOVVSU personnel, this was not possible for police located in districts that were spread out or in areas where no DOVVSU desks were available. The police acknowledged that police officers in remote, underserved areas might not be aware of the obligation to transfer

children to a DOVVSU officer as soon as possible, instead processing the children the same way they would process an adult.

Police have another opportunity to use their judgment to decide whether to take children into custody or release on recognisance once a child is arrested. Police who participated in focus groups conducted by the IBCR team explained that they were unable to locate a child's parent or guardian in many cases, forcing them to hold the child at the station. In other cases, police were unsure that the alleged offender was under the age of 18 and they were unable to make an official determination of the child's age, leading them to again hold the child until they could confirm age with a family member or take the child to a medical facility where a screening could be conducted for age determination.

Holding children in police custody represented numerous challenges for police, beginning with a lack of juvenile holding cells, even within DOVVSU stations. In some cases, police reported having no option but to place children with adults in police cells, due to the lack of alternatives. In Ho and Tamale, some police confirmed taking children home with them while they were in custody because there were no suitable cells in the police station. In other cases, police would simply seat children behind the counter ("counterback") when they needed to hold them. The team observed a child offender who was handcuffed to a bench in a police station, which was explained by the officers as the only option available to them.

Feeding and providing medical care, if necessary, to children in police custody was also a difficulty faced by police interviewed. None of the police stations, including DOVVSU and AHTU, were provided with a budget to purchase basic items, food and drink or to pay medical fees when needed for children. Many officers admitted to purchasing these items out of their own pockets.

While those police interviewed also acknowledged problems with holding children beyond the 48 hours permitted in custody, they identified that it was difficult to secure court orders to hold children due to the inability to locate a judge to provide the order. Moreover, weekends posed a

¹⁴ These provisions have been included in the Domestic Violence Act and the Human Trafficking Act.

¹⁵ Information provided during the Accra Strategic/SOP Workshop on 20 May 2015.

¹⁶ Information provided during a meeting with the Director of Public Prosecutions' staff on 22 May 2015.

problem because the courts were not in operation from Friday afternoons to Monday morning.

Police investigators are neither trained in, nor provided with special procedures for, handling children in conflict with the law. Consequently, some are unaware of the child's right to family accompaniment (or a lawyer or probation officer if family/guardians are unavailable). Interviews with police officers revealed that only few of them advised children of their right to legal counsel. Without knowledge and skill in child communication and interviewing techniques, investigators are at risk of mishandling the information they do receive, rendering it inadmissible for prosecution, as well as violating the rights of the child to special care, protection and treatment.

Once the child is in custody and the investigation is finished, the police investigator completes a charge sheet, which is submitted to the prosecutor, either the police prosecutor or the public prosecutor. The Judicial Police (JuPol) deal with cases of children in conflict with the law, as well as those of child victims when there is no DOVVSU in the area. Jupol officers who were interviewed for this study were not knowledgeable about special procedures required for children, nor were they consistently aware of legislation directing them to use different procedures to protect children.

There is no standard and systematic induction training for newly-appointed prosecutors. Usually workshops are organised annually, which are delivered or supported by various actors such as UN agencies, NGOs, the Attorney General and other partners. A very limited number of police prosecutors are also lawyers, while all prosecutors from the Attorney General's Department are legally trained.

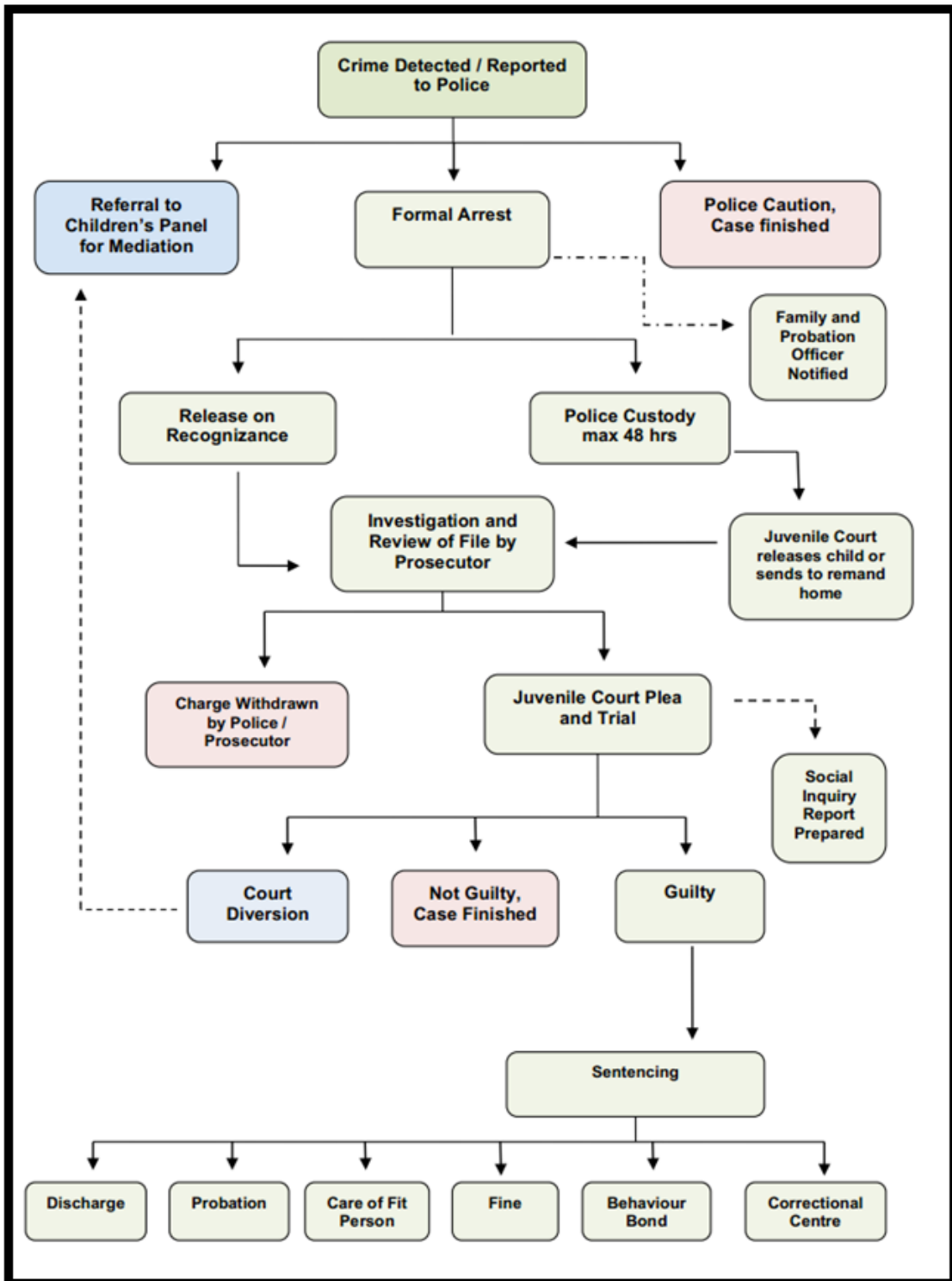
There are no separate directives or guidelines regarding prosecution of cases involving children, outside of the provisions of the Juvenile Justice Act and the Children's Act. Neither the Attorney-General's Department, nor the Judicial Police unit, has a special sub-unit or designated specialists to handle cases involving children. Nor are any measures in place for prosecutors to expedite cases involving children.

From this point on, the courts and prosecutorial staff have the option to divert the child from the formal system, withdraw the charges or continue the prosecution of the child. Due to limited functioning of diversion alternatives, many cases involving children continue to full prosecution. Judges handle the sentencing function, considering the recommendations of the Social Enquiry Report.¹⁷ Upon appointment, judges receive two weeks of induction training at the Judicial Training Institute. Later, they may attend workshops sponsored by international partners, but they do not receive in-service training on how to handle cases involving children. Judges interviewed stated that they "learned on the job".

Finally, the family and/or caregivers step in with provisional release of the child, along with the Department of Social Welfare, which will either follow up with the child who is released on probation or will take responsibility for the child's welfare while she or he is completing a custodial sentence. Families and caregivers are not provided support in the way of education or skills-building in order to work more effectively to protect children in their care and assist in rehabilitation of the child, if needed.

¹⁷ The Social Enquiry Report (SER) is completed by a social welfare officer (probation officer) from the Department of Social Welfare and includes information about the child's background and family situation, possible causes of the child's behaviour and considerations in determining the best course of action in the best interests of the child. Judges have identified problems with the SER being inadequate and poor, rendering them incapable of using it for its intended purpose.

Diagram 1- Legislative process for handling juveniles¹⁸



18 UNICEF 2011 - http://www.unicef.org/wcaro/english/Ghana_Mapping_Analysis_Child_Protection.pdf

The specific procedures involved in the implementation of legislation that protects children in conflict with the law are identified below.

Table 4- Procedures to protect children in conflict with the law¹⁹

Area	Protection Procedures	Status of Implementation ²¹
Prevention of juvenile crime	No mandate within legal framework	No action
Arrest and investigation	Due regard to the dignity and welfare of the child	Children often handcuffed when arrested
	Parent, guardian, close relative of child to be informed of arrest as soon as possible	Children are interviewed without family, guardians, lawyers present and sometimes without social welfare officer
	Parent, guardian, close relative, lawyer, social welfare officer must be present for police questioning / interviewing	Children not always told reason for arrest
Legal representation	Right to legal assistance at point of arrest; not clear if state must provide	Child not always advised of right to legal assistance Parents are not able to pay for legal services Legal Aid Scheme under-resourced and often not called in until quite late in the judicial process
Police custody and pre-trial detention/remand	Detained children in police custody must be separated from adults and have the right to food, medical treatment, reasonable visits from parents, guardian or lawyer	Due to lack of facilities, some children placed in adult cells, sometimes with adults No budget provided to police for child's food, clothing, medical attention – comes from police officer's own money
	Police custody permitted for 48 hr. maximum	Police custody sometimes extended beyond 48 hrs because of inability to locate child's family and/or unavailability of judge to make judicial orders
	Bail/recognisance favoured, but if a serious crime or no guardians available, judicial order can commit child to remand for a maximum of 3 months (6 months for offences punishable by death)	Children held in remand for considerably longer than specified maximum due to court delays and delays in police investigation CHRAJ received 643 complaints of unlawful custody of children in 2010 ²²
Protection of privacy	Right to privacy at all stages of the process; prohibited to release any information that may lead to the identification of the child	No private rooms available in police stations – all other police and citizens in station able to listen to child Media sometimes reports names of children in conflict with law
Status offences	Children not subject to status offences	-

¹⁹ Adapted from the 2012 *Report of the Mapping and Analysis of Ghana's Child Protection System*, p. 22

²⁰ Except where indicated, all information for this section was provided through interviews with police, juvenile judges, social welfare officers, probation officers, children in conflict with the law, corrections' centre staff, legal aid, CHRAJ and nongovernmental organisations supporting child justice.

²¹ CHRAJ Annual Report 2010, p.72

Court procedures	<p>Juvenile court hears cases involving children in conflict with the law</p> <p>Juvenile court proceedings conducted in different room and closed to public</p>	<p>Juvenile hearings held in judge's Department which are less formal, but not always child-friendly and secure (in some instances)</p> <p>Child participates in proceedings</p> <p>Proceedings limit number of people present to ensure privacy</p>
Celerity of court procedures	<p>Cases involving juveniles to be dealt with expeditiously and charges must be dropped if case not heard in 6 months</p>	<p>Delays are very common and no special procedures to dispose of juvenile cases as a priority</p> <p>Case not always discharged if delays extend past 6 month deadline</p>
Legal recognition of diversion	<p>Police may use informal or formal cautions, with or without conditions as alternative to arrest</p> <p>Court can divert child accused of minor offence, based on social enquiry report to Child Panels</p>	<p>Cautions, as proscribed in JJA are not used by police, although police may verbally warn children in some cases</p> <p>Police prosecutors rely on senior station officers to make recommendation for diversion</p> <p>Courts usually not in receipt of social enquiry reports until time of sentencing, making option of early diversion moot</p> <p>Child panels not operational in almost entire country</p>
Deprivation of liberty as last resort	<p>No statements or procedures indicating preference for non-custodial options</p>	<p>Most children released on probation or into parental care</p>
Sentencing options	<p>Conditional or unconditional discharge</p> <p>6-18 months' probation</p> <p>Care of relative or fit person</p> <p>Payment of fine, damages or costs</p> <p>Payment of fine, damages or costs by parents, guardians, close relatives</p> <p>Bond of good behaviour with security from parent, guardian or close relative</p> <p>Corrections' centre</p> <p>Any other option the court considers just</p>	<p>All of the options used by juvenile courts</p>
Restorative justice	<p>Child Panels can mediate and resolve minor offences through community guidance orders, apology, restitution</p> <p>CHRAJ not prohibited from providing services to juveniles although currently assist more child victims than offenders</p> <p>Court-annexed ADR are not prohibited from providing services to juveniles</p>	<p>Child panels are not functioning throughout the country</p> <p>CHRAJ currently assists more child victims through mediation than children in conflict with the law</p> <p>Court-annexed ADR used by adults only at the moment and the only child-related cases heard are regarding maintenance</p>

²² To be discussed further on in this section.

Maximum term of deprivation of liberty	Minor offence : Under 16 yrs – 3 months 16-18 yrs – 6 months Serious offence: 3 years Further detention of up to 1 year can be requested by Mol or MoGCSP	Standards are usually followed
Rights in detention	Kept separately from adult offenders	Evidence that there are many children in adult prisons ²⁴
Release and reintegration	Child can be released on probation after 6 months Upon completion of sentence, child remains under supervision of director of the corrections' centre for 1 year	Early release not often used due to lack of awareness of this option and limited resources to implement it Counsellors and psychologists at the Centre prepare inmates for discharge. Parents are invited for discussions as to the progress the juvenile has made, however, parents are often reluctant to receive their children from the SCC and frequently do not meet with Centre personnel for children's pre-release.
Standards for service provision	No regulations or standards for detention, probation or reintegration CHRAJ mandated to inspect facilities	No action
Review of judicial processes	May appeal to the High Court	No data available on this

At all points in the formal justice process, protection measures for children who come into conflict with the law are weak or non-existent, despite progress made by the government of Ghana to establish a strong legislative framework. There are no prevention measures through family strengthening and child counselling and children generally are not able to exercise full rights to legal representation, adult accompaniment through the justice process, deprivation of liberty as a last resort, basic and support services while held in state institutions and assistance reintegrating back into their homes, schools and communities. As a direct result of understaffing, inadequate (and in many cases none at all) budgets, poorly maintained buildings and infrastructure, insufficient education and awareness building, along with the lack of training and capacity building among key justice stakeholders working with children, children's rights are regularly violated when they are in contact with the justice system.

ii. Institutional Framework

Primary stakeholders concerned with the protection of children in contact with the law in Ghana include the Courts, the Ghana Police Service, the Department of Children, the Department of Social Welfare, Commission on Human Rights and Administrative Justice, district-level service providers such as the Child Panels and Departments of Social Welfare, where social welfare officers are located, and the Attorney General's Department. Yet, considering the need, these stakeholders provide a limited quality and quantity of service to child victims and witnesses and the resources provided for this work is very low. There is neither systematic pre-, nor in-, service training on the needs of children provided to any staff of these institutions, including areas such as the prevention of juvenile crime, detection of child abuse or trafficking, juvenile justice procedures, appropriate investigation and evidence collection in child cases and protection of child witnesses.

²³ DSW report in 2003 found that 1778 boys and 324 girls were incarcerated in adult prisons over a 10 year period. While it is recognised that this information is out of date, there is no more recent data available to incorporate into this report.

Key institutional actors and their mandates as related to justice for children are outlined in the table below.

Table 5- Child Protection Institutions, Actors and their Mandate

Institution	Mandate
Ministry of Gender, Children and Social Protection <ul style="list-style-type: none"> • Department of Social Welfare (DSW) 	Under the Children's Act, the Department of Social Welfare is responsible for the provision of care and protection for children; operation of the Family Tribunal; adoption, fosterage and institutional care. Under the Juvenile Justice Act, the DSW is mandated to establish and run remand and corrections' centres and currently operates two remand homes (Osu and Swedru ²⁵); three boys' junior correctional centres ²⁶ and one girl's junior correctional centre.
Ministry of the Interior <ul style="list-style-type: none"> • Ghana Police Service (GPS) • Ghana Prison Service (PS) • Ghana Immigration Service (GIS) • Ghana Refugee Board (GRB) 	Children who come into contact with the law are reported to the GPS which has two specialised units to handle child-related cases – the Domestic Violence and Victims Support Unit (DOVVSU), mandated to handle child abuse cases and children in conflict with the law; and the Anti-Human Trafficking Unit (AHTU), mandated to rescue and protect child trafficking victims. These two units are guided by the Domestic Violence Act and the Human Trafficking Act, respectively. The Prison Service, under the Juvenile Justice Act, is responsible for operating the Senior Boys Corrections' Centre (located in Accra). Both the GIS (Immigration Act) and the GRB (under the Ghana Refugee Law) have responsibility for the protection of child immigrants and refugees.
Judicial Service	Under the Courts Act, district courts are mandated to sit as specialised courts to handle child-related cases. Juvenile Courts and Family Tribunals operate specialised panels within the district court structure, as mandated by the Juvenile Justice and Courts Act.
Ministry of Justice and the Attorney General <ul style="list-style-type: none"> • Attorney General's Department • Legal Aid Scheme 	The Attorney-General's Department is responsible for criminal prosecutions and has also mandated the police to prosecute minor crimes. The Legal Aid Scheme is mandated to provide legal assistance to the poor and vulnerable.
Ministry of Local Government and Rural Development <ul style="list-style-type: none"> • Metropolitan, Municipal and District Assemblies (MMDAs) • Child Panels • Community Development Departments 	Metropolitan, Municipal and District Assemblies are the decentralised government units found at district levels which have responsibility for establishing Child Panels, under the Juvenile Justice Act, to assist children who have committed minor criminal offenses and children in need of care and protection through restorative justice processes. Community Development Departments are also established in each MMDA, under which trained social welfare officers and probation officers are responsible for completing Social Enquiry Reports for children in conflict with the law, providing social service support to all children who come into contact with the law and providing supervision and support services to children sentenced to probation in the district.
Ministry of Health	Responsible for the provision of free, specialised medical services to child victims through two specialised units at the Korle Bu Teaching Hospital and the Police Hospital
Ministry of Chieftaincy and Traditional Affairs	Core mandate is to create linkages between the government of Ghana and the traditional authorities in the country, including promoting coordination between the two on issues of child justice
Commission on Human Rights and the Administration of Justice	Independent constitutional agency with responsibility to protect universal human rights and freedoms; protect and promote administrative justice to ensure that the government and its officers are accountable and transparent by investigating complaints concerning injustice and unfair treatment of any person by a public officer or institution and to establish an Anti-Corruption Agency.

²⁴ The team was unable to verify whether this remand home is still operational, although it was verified that homes in all of the other regions had been closed

²⁵ The team was unable to visit any of these boys' centres and cannot confirm whether or not they are still fully functioning.

The Department of Social Welfare is seriously under-resourced and understaffed, and as a consequence, unable to carry out its full mandate related to child protection. The draft Justice for Children Policy notes that “127 social welfare officers have been designated and trained as probation officers throughout the country,”²⁶ although not every district has sufficient professional social welfare officers to carry out its work.

Probation officers are responsible for completing and submitting Social Enquiry Reports (SER) in cases involving children in conflict with the law. Ideally, the probation officer should visit the home and school of the child to observe his or her living environment and conditions and interview people close to the child. Yet, the probation officer preparing the SER is not provided with fees for transportation to visit the child’s neighbourhood and conduct the investigation. They pay from their own pockets, and sometimes, the child’s family contributes.

The child is interviewed by the probation officer who completes the report, noting the causes and precipitating factors which led to the child’s behaviour, detailing the child’s background and family history, describing the community of care available to the child and making sentencing recommendations. Yet, not all probation officers have access to computers to type the report, resulting in complaints from judges who have to decipher the handwriting.

Sections 24 and 25 of the Juvenile Justice Act provide that the SER must be submitted early on in the proceedings. Yet in practice, the judge examines the social enquiry report only at the sentencing phase. Social workers submit the report a few days before the sentencing hearing. At this stage, there is little room left for diversion. Moreover, the juvenile is rarely informed of the content of the SER.

Depending on the age and the gravity of the offence, a child receiving a custodial sentence will be sent to a Junior Correctional Centre (JCC) or a Senior Correctional Centre (SCC), but not without

a commitment order. Custodial institutions in the country include a Junior Boys Correctional Centre in Swedru, a Senior Boys Correctional Centre and a Junior Girls Correctional centre both in Accra. The Junior Girls Correctional centre is a four-in-one facility comprising a Junior Girls correctional centre (and remand for girls), a Boys’ Remand Home, a Shelter for Abused Children and a vocational school for girls.

Boys and girls are separated in these institutions, as are untried children and convicted ones. Children receiving a custodial sentence are to be sent to correctional centres, and are not supposed to go to prisons. Anecdotally gathered from police focus groups, children found in adult prisons usually end up there because they are prosecuted as adults due to police officers telling them to claim to be over 18 years in order to avoid complications in dealing with children.

In Accra, regardless of the age and gravity of the offence, a child receiving a custodial sentence will be sent to the SCC if he is a boy and to the JCC if a girl (below 18 years). There is a concern that children as young as 12 years can be held together with older ones aged up to 21, a violation of the principle of separating children from adults. Furthermore, the SCC classifications children based on age. Juveniles aged 12 to 15 are classified and housed together while those aged 16 to 20 and above are also put together in the same dormitory. Classification of children is also based on the time they arrive at the centre, without taking into account other more pertinent criteria, such as the offence committed or the length of detention. Juveniles in custody are placed in trade/vocational training shops to acquire vocational skills of their choice. Those who excel write the National Vocational Training Institute (NVTI) examination and continue learning until they are discharged.

For girls, vocational training is less formally provided, however, there is room for improvement. The girls at the Corrections’ Centre were taking a needlework class at the time of visit. There are social workers, as well as trained trade instructors, who support the girls. There are social workers in both the remand homes and the Junior

²⁶ Justice for Children Policy (Draft 3), p. 14

Correctional Centres, since these institutions are under the responsibility of the DSW. In view of the an absence of social workers, the SCC under Prisons Service has trained and recruited social workers to provide support to juveniles.

Children in correctional centres and remand homes are allowed to receive visits from outside. Home visits by inmates of the SCC are not allowed. This situation applies to the JCC, and children on remand are also able to go to schools in the neighbourhood. The SCC has raised concerns about inadequate documentation to accompany juveniles to the centre from the Courts.

The Commission on Human Rights and the Administration of Justice (CHRAJ) conducts annual inspections of all places of deprivation of liberty, which includes police stations, remand homes, correctional centres and the prisons. They have unhindered access to these facilities. While the Commission received 4,768 complaints involving children in 2010²⁷, more than 80 per cent of these complaints were lodged by the biological mothers of children whose biological fathers were not providing support for their daily maintenance. There were also cases of defilement, maltreatment, trafficking, abduction/kidnapping, sodomy, child prostitution and forced marriages. Complaints of forced marriages were received mainly by the CHRAJ offices in the three northern regions of the country. There were no complaints regarding the child detention facilities.

Other actors, such as court members and probation committees, are at liberty to visits places where children are detained. Findings and recommendations of the team visiting a home or a centre are shared with concerned stakeholders, but implementation does not often follow. It is also unclear how frequently these types of visits are conducted.

Support services for the reintegration of children are also lacking. The law envisages the possibility of early release and places the juvenile under the supervision of the person in charge of the correctional centre, who must also prepare a report on the child. In general, reintegration

measures are largely not implemented, due to lack of awareness, low resources and understaffing. Children due for discharge are supposed to go on home visits in order to prepare them, the family and the community for their return. They are also supposed to be given a toolkit to help them begin work on the trade that they learned while in detention. These measures are not followed or at least not on a systematic basis. Children are discharged without any preparation, psychological or otherwise, potentially making them more likely to reoffend.

The SCC directs all reports, including quarterly reports of all discharges, to the Prisons Service Headquarters for further direction. These reports are not shared with the DSW. Through quarterly reports, the JCC informs the DSW of cases due for discharge. For each case, a letter summarising the situation of the child is prepared by the correctional centre. A discharge plan is drawn up between DSW and the child's family or guardian, arranging for where the child will live and where he or she will continue his or her education. A discharge form is signed by the person who picks up the child. The probation unit follows up for about one week to make sure the child has settled somewhere.

iii. Non-State Actors Working toward Justice for Children

The government of Ghana is provided considerable support – financial, technical and strategic, by a number of key international and national non-state organisations committed to justice for children. Without these organisations, much of the work carried out by DOVVSU, the AHTU, DSW and MMDAs in support of child protection would not be possible. The table below provides a list of the non-state actors and their programming in Ghana on issues related to child justice. It is by no means comprehensive, however, it includes all the organisations that the IBCR team was able to meet with or research in the course of its field visits.

²⁷ CHRAJ Annual Report for the 2010 Year, p. 67 & 72

Table 6- Key international and national non-state organisations working on justice for children²⁸

Organisation	Programming
UN Agencies	
UNICEF	Capacity building of DOVVSU; strengthening birth registration; child protection system reform and policy development; promoting child participation; developing and funding community-based child protection teams (CP teams) in selected districts in the North; building child-friendly policing capacity; supporting child health; capacity building of judiciary; strengthening coordination between government and traditional leaders on child issues
ILO	Support to children engaged in worst forms of child labour; supporting implementation of new child labour monitoring system
IOM	Rescue, recovery and reintegration of trafficked children; capacity building of AHTU
UNFPA	Capacity building of DOVVSU
International Nongovernmental Organisations	
Plan International	Capacity building for Child Panels; Safe Schools programme to combat violence in schools
World Vision	Community sensitisation on child rights and protection; support to at risk and poor families in the northern region
Action Aid	Advocacy on violence against children and child rights
National/Local Nongovernmental Organisations	
ARK Foundation	Integrated support services for women and child victims of violence and sexual abuse, including counselling, temporary shelter, legal aid, legal representation, medical referrals, subsistence and education support; although very limited financial resources to provide support and shelter at the current time, advocacy on violence against women and children
Curious Minds – Children and Youth in Broadcasting	Use electronic media to provide a platform for young people to participate and contribute to public debates and national policy issues; advocacy on child rights and protection through national radio programme
Street Children Empowerment Foundation (SCEF)	Rescue, rehabilitate and reintegrate street youth in James Town, Accra, by providing access to formal and creative educational opportunities; support of children's school fees and materials; support to families to keep children in school; providing a safe, child-friendly space for learning; community engagement and awareness raising on child protection
International Federation of Women Lawyers (FIDA)	Legal aid, legal representation and mediation services for women and children
Child Rights International (CRI)	Research, awareness raising and advocacy on child protection issues, especially juvenile justice
Child Research and Resource Centre (CREECENT)	Reintegration of juvenile ex-inmates from correctional centres through psychosocial, family, financial, educational/vocational support and shelter; advocacy to promote juvenile reform; Girl Power Project aimed at protection from violence, improvement in post-primary education, socio-political and economic empowerment
Ghana NGO Forum on the Rights of the Child (GNGORC)	A network of sixty-one (61) active NGOs which work with/for children and/ or whose activities impact on the rights of children; responsible for preparing Alternative Report to the CRC Committee
Women's Initiative for Self Empowerment (WISE)	Legal aid, legal representation and mediation services for women and children
Challenging Heights	Rescue, recovery and reintegration of trafficked children and child labourers; advocacy and awareness raising on child protection issues; support to at risk and poor families to combat child trafficking and labour

²⁸ Some of the information from this table has come directly from the *2012 Mapping and Analysis of Ghana's Child Protection System* report and the rest has been provided through interviews with the organisations in November 2014, March and May 2015.

Any initiative to build capacity within the child protection system is likely to require the support of most of these agencies listed above, since they are able to fill in some of the gaps in child protection resulting from insufficient government resources although often their own resources are limited.

2. Informal Justice System

Children mainly rely on their family members when in times of need or an emergency. Community justice processes play an important role in supporting children who have been physically or emotionally hurt, and include religious and traditional leaders, extended family members and neighbours, among others. There remains a social tendency to deal with issues related to children internally within the family or kin structure, before taking the issue to an outside institution or individual.

Minor cases involving child mistreatment, custody and maintenance disputes and juvenile offending are often handled informally among and within families or through the intervention of traditional authorities, including Chiefs, Queen Mothers, religious leaders, family heads or Assembly members. In northern and rural communities, there is a preference for community resolution and reluctance to use formal institutions and procedures. Some of the documented reasons include:²⁹

- » Inaccessibility of formal system to remote communities
- » Cost of formal system is a barrier
- » Children find the formal system foreign and intimidating and understand the informal systems better
- » More trust in the integrity and authority of traditional authorities – Chiefs and Queen Mothers
- » Maintaining harmony within the community more likely using traditional ways of resolving issues
- » Strong community cohesion leads to a reluctance to report to government authorities

- » Incarceration of children perceived to make child offenders worse
- » Chief's resolutions are perceived to send a strong message and deter both the offender and other children in the community.

Traditional authorities have been incorporated into a number of formal child protection structures, including Child Panels, court-annexed ADR and community child protection teams, where they exist. The customary law system in Ghana, despite not being codified, is still recognised under the Constitution as a form of law. Even though there are no known formal declarations of customary law related to the protection of child rights, local chiefs do issue community rules and local by-laws, for example, related to female genital mutilation and child labour, which have a direct impact of children's rights. Moreover, customary law is recognised in many communities as a legitimate means to settle disputes and minor criminal matters involving children³⁰.

Little is known about what actually happens during informal resolution. At a workshop held in Ho, Togbe Kwaku Ayim III, Paramount Chief of Ziavi provided a general overview of the procedures he used to resolve disputes involving children in his community. He identified the approach he used to address child-related offences, notably not judging a child's behaviour as right or wrong, but to instead recognise that a child needs to be taught and trained in proper behaviours. If a child veers from the path of good behaviour, it is likely a product of parental neglect of his or her care. As such, he invites parents to his palace to ask them why the child is not behaving properly or normally. Tradition requires that the family is invited through its head and the head of the family is encouraged to bring along the parents of the child. When the Chief identifies a problem with parenting, he calls upon teachers, religious leaders and other people to help support parents in raising their children. Children will be required to visit the youth Chiefs who will work to keep the development of the child on track. Girls who commit offences are called before the Queen Mothers to assist in the resolution of the issue.

29 Justice for Children Policy (Draft 3), p. 16

30 UNICEF 2011 - http://www.unicef.org/wcaro/english/Ghana_Mapping_Analysis_Child_Protection.pdf

Both the Chief and the Queen Mother use restorative justice processes, such as mediation, to assist victim and offender families to come up with appropriate resolutions for the issue. There is no compensation involved for child issues. When it is clear that the community members could be helped by social services, social welfare officers were called in to assist. The chief stated that traditional authorities know when situations are beyond their purview and will not hesitate to use government services, medical care and police from outside the community when needed. For example, traditional processes will not be used for defilement and very serious cases of child abuse.

Today, it is not uncommon for records of these procedures to be kept since there is a secretary in all Paramount Chief's Courts. Nonetheless, informal justice is not uniform across all communities, although principles of natural justice are uniformly applied – hearing both sides of a case before making determinations; being objective in coming up with resolutions and so on.

The Chief also indicated a willingness to work with police on child-friendly policing and invited three participants to attend the Regional House of Chiefs to discuss the initiative and their concerns about traditional justice. He was of the opinion that collaboration between government services and traditional authorities would be good for the community.

The Chief's perspective is very much in alignment with the direction of child protection system reform, where a return to solid traditional institutions to protect children instead of relying on "foreign" institutions established by the government is being promoted. Moreover, collaboration between the two systems – formal and informal is being encouraged to maximise existing services and capacities to protect children.

3. Discussion with Key Stakeholders on Justice for Children

A number of interviews were held with people representing institutions active in child rights and protection, and three workshops were held over two missions (Framing Workshop and Strategic/SOP Workshops (2)) to collect information about good

practices and shortcomings among the police in their interaction with children as victims, witnesses and in conflict with the law.

Key stakeholders interviewed included representatives from the following organisations and institutions:

- » UNICEF, UNDP, UNFPA
- » Ministry of Interior
- » Ministry of Gender, Children and Social Protection
- » Ministry of Chieftaincy and Traditional Affairs
- » Judicial Service of Ghana
- » Ministry of Foreign Affairs and Regional Integration
- » Ministry of Local Government and Rural Development
- » Department of Children - DoC (Ministry of Gender, Children and Social Protection)
- » Department of Social Welfare – DSW (Ministry of Gender, Children and Social Protection)
- » Attorney-General's Office
- » Prison Services
- » Ghana Police Services – Police Management and Advisory Board -POMAB; Research, Policy and Information Communication Technology Unit - R,P & ICT; Human Resources Department - HRD; Police Hospital
- » Domestic Violence and Victims Support Unit - DOVVSU
- » Anti-Human Trafficking Unit - AHTU
- » Regular police
- » All police training schools
- » Probation officers
- » Social workers
- » Remand home staff and children
- » Girl's corrections centre
- » University of Ghana & Kumasi Polytechnic
- » Presbyterian Church
- » Commonwealth Human Rights Initiative - CHRI Africa

- » DJODEV Foundation (NGO assisting children)
- » New Horizon Foundation of the Blind
- » International Federation of Female Lawyers - FIDA
- » International Needs
- » ARK Foundation
- » WITLOV (NGO assisting women and children)
- » Street Children Empowerment Foundation
- » Curious Minds
- » Child Rights International
- » Child Research and Resource Centre - CRRECENT
- » Ghana NGO Coalition on the Rights of the Child
- » Legal Aid Scheme
- » Alternative Dispute Resolution - ADR National Coordination Office
- » Commission on Human Rights and Administrative Justice - CHRAJ

High level support for child-friendly police training is evident at the Ministry level. Those who work most closely with the police, such as the DSW, Attorney-General's Office and local NGOs active in justice for children issues were clear in reporting that the police have serious gaps in treatment of children who come into contact with the law. Not only are there gaps with respect to handling children who are victims or witnesses of crime, but stakeholders identified that police do not follow proper procedures, as outlined in the Juvenile Justice Act, when processing children in conflict with the law. While a lack of resources – finances to pay fees for medical exams; purchase food and drink for children and pay for the transport of children to shelters and remand centres, coupled with capability limitations – no child-friendly spaces in police stations; no juvenile holding cells in police stations; no police vehicles to transport children; a lack of DOVVSU and AHTU units in remote areas; too few social workers and probation officers, seriously limit the police in carrying out their duties, they are also hampered by limited skill development and working tools to effectively and efficiently deal with children in contact with the law.

Table 7- Stakeholder Collaboration Offers of Support

Collaborating Stakeholder	Offer of Support
Department of Social Welfare (and its district Departments of Social Development)	<ul style="list-style-type: none"> • How to write a social enquiry report • Roles and responsibilities of probation officers • Written and procedural requirements to admit a child to the remand home or the shelter
Judiciary	<ul style="list-style-type: none"> • Special instructions for police prosecutors and investigators in order that they improve their procedures and secure more prosecutions
Ghana Education Services	<ul style="list-style-type: none"> • Provision of guidance and counselling services when lacking in districts • Signs that a child is neglected or abused • How to collaborate with schools for detection of abuse, vulnerability and when to inform schools of a child at risk
Ghana Health Services	<ul style="list-style-type: none"> • How to access paediatricians and clinical psychologists • Understanding child development and child psychology • Collaboration with public health unit to prevent vulnerable and at risk children from coming into contact with the law
Attorney-General's Office	<ul style="list-style-type: none"> • Special instructions for police prosecutors on how to build a docket for court
Nongovernmental organisations	<ul style="list-style-type: none"> • Learning which NGOs offer support to children in contact with the law • Identifying risk factors for children to come into contact with the law • Support of police in the area of public education and advocacy

D.

OTHER KEY FINDINGS AND OBSERVATIONS

i. Child Vulnerability in Ghana

The main reasons children are at risk of coming into contact with the law are poverty and lack of parental care. These two factors increase the risk of child labour; child trafficking; unaccompanied children; children living and/or working in the streets; orphaned children; children infected/affected by HIV/AIDS and violence against children. Children with disabilities and girls are particularly vulnerable. The police lack adequate resources and technical know-how to handle child victims and witnesses and as such, proper care and protection of children in police custody is compromised by holding children in adult cells, due to lack of alternatives, and a lack of resources to provide for children's basic needs such as food and medical services.

Vulnerable children are at high risk of inadequate care and protection. While all children are vulnerable by nature in comparison with adults, some are more critically vulnerable than others. All vulnerable children share one important characteristic – they have no reliable social safety nets to depend upon in order to manage the risk to which they are exposed daily. According to the Ministry of Employment and Social Welfare,³¹ the vulnerable children in Ghana include: orphans; children infected/affected by HIV/AIDS, children abused or neglected; children in conflict with the law; children in need of alternative family care; children with disabilities; children in “hard to reach areas”; children affected by the worst forms of child labour; children living on the streets and children in need of care and protection under

Section 18 of the Children's Act (560), which adds to this category children suffering from abject poverty, neglect, exposed to illegal or immoral activity, improper guardianship or unfit care, among other conditions.

ii. Children without Parental Care

Large segments of the population are unable to access basic services, employment opportunities or benefit from its middle-income country status. In times of crisis and when families are impoverished, communities have relied on informal foster care where custom dictates that children who cannot be cared for by parents are likely to be living with other family members. With the increasing focus on the nuclear family and socioeconomic pressures on extended family mechanisms, traditional forms of informal foster care are breaking down. Children are found living and working in the streets or exploited in child labour or even trafficked by parents. A significant number of families send their children to residential care, expecting that they will be better cared for in these environments. A 2006 study by the Department of Social Welfare revealed that 80 percent of children living in residential care facilities had families and could have been supported to live in their own communities with extended family or community members.³² At the end of 2013, there were 114 residential care facilities caring for a total of 4432 children, among which only three were government-run, with the rest private.³³

³¹ The MESW no longer exists as its work has been reorganised under the MoGCSW and Ministry of Employment and Labour Relations.

³² Ghana Business News, “Social Welfare Department Defines Conditions for Placing Children in Orphanages”, referring to the DSW 2006 –7 Study, supported by OrphanAid Africa.

³³ Better Care Network and UNICEF. January 2015 Country Care Profile – Ghana. p.8

A loss of parental care threatens children's rights to survive; be free from violence, abuse and exploitation; grow up in a supportive family environment; develop and learn; and participate in decisions about their future. Children face greater risks to their health and development while in residential facilities. As long-term residential care can cause developmental delays and expose children to violence and abuse, it is recommended for use as a last resort, and only when proven to be in the best interests of the child.

iii. Children in Conflict with the Law

Children in conflict with the law are one of the least privileged groups in the Ghanaian society, due to the many deficiencies within the juvenile justice system. Moreover, children most often come into contact with the law as a direct consequence of inadequate care and protection. Once in the formal system, children are subject to a number of rights' violations, beginning with detention in police stations (sharing cells with adults because there are no juvenile holding facilities); lengthy stays (sometimes up to 2-3 years) in remand homes awaiting trial because of the backlog in the courts; lack of protection mechanisms during investigation (not always provided with a guardian or probation officer) and trial (frequently without legal representation); judges who are not trained in child rights; a reliance on custodial sentences and the common practice for juveniles being kept in adult detention facilities because very few juvenile detention facilities are available to cater for children in conflict with the law. Finally, once a child completes his or her custodial sentence, the child is ill prepared for reintegration, often having his or her schooling interrupted, and inadequate opportunity to gain employable skills and faced with the stigmatisation of having been a "criminal". Families and communities may refuse to welcome a child back because of the prejudice associated with juvenile offending.

There is no comprehensive, reliable data on the number of children in the justice system, making it difficult to assess the scope and nature of the issue, however, a Government of Ghana/UNICEF joint study on juvenile justice indicators and child panels was able to collect some data on children arrested by regular police and DOVVSU officers.

Table 8 - Number of Children Arrested by Regular Police and DOVVSU³⁴

Year	Regular Police	DOVVSU	Total
2011	128	19	147
2012	190	15	205
Jan-Jun 2013	171	9	180

The numbers reported are not high, although they do appear to be on the increase. It was also noted that more boys (68%)³⁵ than girls are arrested, and the vast majority of offences by children are petty and non-violent offences. Concerns have been raised that police are not handling children in conflict with the law in accordance with legislation and that proper care and protection of children in police custody is hampered by officers being compelled to hold children in adult cells, due to lack of alternatives, and a lack of resources to provide for children's basic needs such as food and medical services.

The data above was supported by the focus groups held with police all over the country, which indicated that 95% of charges against children are for theft³⁶ and that most children are one-time offenders. The Domestic Violence and Victim Support Unit (DOVVSU) has noted increasing incidents (or the reporting of incidents) of child-on-child sexual violence and court data between 2011 and 2013 supports both of these assertions, with stealing the most common offence committed by children (50.7% cases reviewed); followed by assault/causing harm (17.9%) and then rape/defilement (12.4%).³⁷

Committing children who are guilty of minor offences to long periods of incarceration at poorly resourced correctional facilities wastes their developmental and productive lives.

³⁴ Robert Ame et al. 2014. (Draft) *Quantitative Report – Government of Ghana/UNICEF Assessment of Child Panels and Analysis of Some Key Indicators of Ghana's Juvenile Justice System*. p. 10

³⁵ *Ibid*, p. 11

³⁶ UNICEF. 2000. *Situation Analysis of Women and Children in Ghana*, p.156

³⁷ Government of Ghana and UNICEF. (2014) *National Child Protection Study: Quantitative and qualitative research towards the strengthening of child protection in Ghana*. (Draft). Data is incomplete due to low rate of returns (39% of magistrates and 36% of Court Registrars). A significant number of cases (27.4%) were categorised as simply "other", and the data appears to have mixed indecent assault and common assault cases under "assault / causing harm", according to the Juvenile Justice Policy.

A 2003 Department of Social Welfare report found that 1778 boys and 324 girls were incarcerated in adult prisons between 1993 and 2003³⁸. More current data on children in detention can be found below.

Table 9 - Number of Children in Detention³⁹

Year	Correctional Centres		Police Stations	DOVVSU Stations	Remand Homes	TOTAL
	Senior	Junior				
2011	111	18	76	21	198	424
2012	102	16	66	19	128	331
Jan-Jun (2013)	99	10	72	24	27	232

On 17 November 2014 in the **Daily Graphic**, Child Rights International published the findings of its study on the operations of select remand homes and corrections' centres in 2014. Their research revealed that most children in remand and correctional institutions are not registered under the National Health Insurance Scheme (NHIS) and consequently lack health care; the remand and correctional centres receive only a very small amount from the government for their budget, if at all⁴⁰, requiring that they rely on donations to feed and clothe children, as well as provide for basic needs; and there is no supplemental assistance for children to continue their attachment with the educational system once in custody or confinement.

No comprehensive studies have been undertaken which examine the underlying factors contributing to juvenile offending, although it is commonly understood that children lacking adequate care and protection, poor parental care who are living in impoverished conditions are at greater risk to offend. There are few, if any, programmes to build capacity of parents in the care and protection of children and strategies to alleviate poverty and protect children without care have been elaborated above.

While the Department of Social Welfare is responsible for support services to children in conflict with the law, including counselling, probation services and follow up for reintegration, it has very few resources to carry out this work and, as a consequence, few children receive adequate services. Defence for Children International (DCI), Child Rights International (CRI) and Child Rights Resource Centre CRRECENT are the few NGOs who work on rehabilitation and reintegration of children in conflict with the law.

iv. Child-Friendly Policing in Ghana

a. Domestic Violence and Victim Support Unit of the Police (DOVVSU)⁴¹

Formerly known as the Women and Juvenile Unit (WAJU), the Domestic Violence and Victim Support Unit (DOVVSU) is a specialised unit within the Ghana Police Service. It was established in 1998 in response to increasing rates of abuse and violence against women and children in the country. Many DOVVSU personnel interviewed believed that DOVVSU should be positioned under the Criminal Investigation Department, as is the AHTU, in order to underline the seriousness of domestic violence crimes and maintain synergies among all the police units conducting investigations and prosecutions.

38 Government of Ghana and UNICEF. (2005) *A Report on the State of Juvenile Justice Administration in Ghana*, p.39

39 Supra note 5 p. 14

40 The report notes that the last time the Girls' Correctional Centre in Osu received funding was in early 2013 and as of early March 2015, had still not received any funds, according to interviews conducted with staff.

41 Retrieved from: <http://www.refworld.org/docid/4dd22ae92.html> and <http://www.refworld.org/docid/45f147367.html>

DOVVSU's mandate is to respond to all acts of violence perpetrated against women, children and men in the domestic setting.⁴² The unit's functions include:

- » To prevent domestic violence;
- » To investigate and prosecute offenders in domestic violence cases;
- » To handle cases involving domestic violence;
- » To protect and promote the welfare of victims/survivors of abuse;
- » To handle cases of child abuse;
- » To handle juvenile offences;
- » To handle cases of child delinquency.

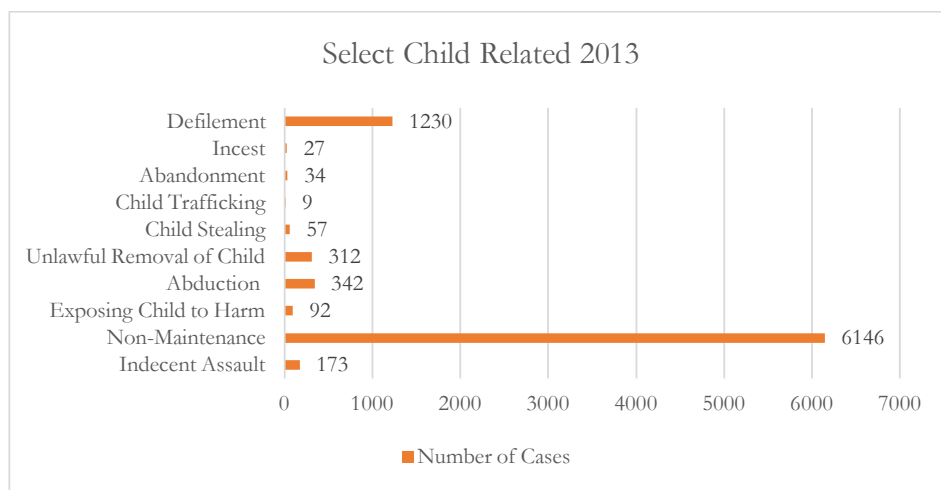
Section 29-31 of the Domestic Violence Act provides for a Victims of Domestic Violence Support Fund. The purpose of the fund is to provide basic material support to victims of domestic violence; training for families of victims of domestic violence; any matter connected with the rescue, rehabilitation and reintegration of victims of domestic violence; the construction of shelters for victims of domestic violence in regions and districts; and training and capacity-building of staff connected with the provision of shelter, rehabilitation and reintegration. It is not intended to provide any form of compensation to victims. The Fund is to be financed through voluntary contributions from individuals, organisations and the private sector, as well as moneys approved by Parliament for payment into the Fund. Since its establishment, the Fund has not been operational.

Services provided by DOVVSU are free of charge and the unit works with national and international agencies to meet the medical, shelter, legal and psychosocial support needs of victims. DOVVSU works closely with government agencies such as the Department of Social Development and its probation and social welfare officers at the district levels who provide psychosocial support, hospitals to provide medical services, CHRAJ and the Legal Aid Scheme to provide legal assistance to victims and family tribunals for assistance with prosecutions. Some nongovernmental organisations working with DOVVSU include Women's Initiative for Self-Empowerment (WISE), International Federation of Women Lawyers (FIDA) and ARK Foundation. These NGOs provide services such as psychosocial support, legal assistance and shelter for victims.

At the end of 2013, DOVVSU personnel numbered 607 of which 42 were senior police officers and 565 inspectors and the rest, junior staff. Currently, DOVVSU has offices in each regional capital and desks in 107 of 216 districts in Ghana. The majority of cases handled at the DOVVSU offices involve children, in particular, maintenance payments. With regard to children in conflict with the law, stealing tops the list as the most common offence. Because of the capacity gap in data management, DOVVSU could not disaggregate the data for offences committed by children.

⁴² National Secretariat DOVVSU. 2014. Annual Report for the Year 2013 (no page numbering in document)

Diagram 2 - DOVVSU Child-Related Offences 2013



*Recreated from DOVVSU Annual Report 2013

From the diagram, it can be seen that defilement is second on the list of offences against children. Conversations with DOVVSU staff revealed that defilement is the second most common juvenile offence in the country. While the provisions on defilement are essential to protect young girls and boys from predators of all ages, boys are often prosecuted for defilement when they have sexual relations with their girlfriends who are under the age of 16 years. While these boys have indeed engaged in a sexual act with a girl below 16 years, they have often been dating the girls for some time and are usually not prosecuted for the first time they have sexual relations. Little justice is served when boys, many of them under 16 years themselves, end up in senior correctional centres for a period up to three years, as provided in the Juvenile Justice Act (sect. 46).

Challenges faced at the DOVVSU

DOVVSU operates under several constraints that undermine its ability to effectively carry out its mandate. According to the 2013 Annual Report of DOVVSU, there is a serious skill and resource gap related to the provision of crisis counselling and psychosocial support since there are only two clinical psychologists on staff to attend to victim trauma. Even though there is a team of counsellors from WISE, they are only available in Accra, with such services non-existent in other regions.

DOVVSU equally lacks the capacity to collect, process and manage data on case trends. In view of the inadequacy and in some cases lack of computers, printers, telephones and fax machines at DOVVSU desks, effective administrative work, improved data management and networking are virtually impossible.

Out of the 107 units, only 12 serviceable vehicles are operational, with seven of these in the Greater Accra Region. The Tema, Upper West, Upper East and Western Regions are vast, with an increasing number of cases that require vehicles to move from place to place for investigations. Some of the divisional and district offices in the Northern Region, for example, require motorbikes for investigations in hard to reach areas. Moreover, transport for victims to medical facilities, to and from the police stations and to safe shelters is seriously hampered.

DOVVSU also lacks adequate cells for juveniles and women in police stations nation-wide. This often results in the placement of children who come into conflict with the law in cells for adult males. None of the DOVVSU units have child-friendly spaces for interviewing children who come into contact with the

law and very few have private rooms for interviewing, resulting in a complete lack of confidentiality for anyone providing information at the office.

The lack of state-owned temporary shelter to house victims of abuse, particularly children who are rescued from scenes or situations of crime such as child trafficking, commercial sexual exploitation of children, child marriage and the worst forms of child labour, undermines DOVVSU's mandate to protect children and ensure their safety during investigations and prosecutions, not to mention addressing trauma counselling and reintegration service needs for these children.

Additionally, victim support requires a small budget to enable DOVVSU pay the medical bills, clothing and food needs of children who are highly traumatised and financially distressed victims of domestic violence. A serious issue for domestic violence victims is the need to provide a medical report as evidence for prosecution. Unfortunately, in cases where victims cannot afford to pay for medical forms, police officers are compelled to pay between 60 and 300 cedis (12-75 USD) to complete police medical forms. The Victims of Domestic Violence Support Fund has never been operational and cannot be relied upon to provide the support to victims required in the DOVVSU mandate.

There is also the need to pay attention to the capacity constraints of the police officers assigned to DOVVSU⁴³. Per anecdotal records, DOVVSU officers were first trained in 2005 and 2006 on gender and child sensitive case handling. Very few officers have received training on domestic violence or how to handle children. There is a deficit in training especially on how to handle children in conflict with the law. Even though short courses usually lasting for one week or less have been provided ad hoc by organisations such as UNICEF, UNFPA, Plan Ghana, ARK Foundation, WISE and other international and local NGOs, there is no guarantee that police officers who received this training are still working at DOVVSU. In fact, the problem of regular transfer within the GPS, where officers who have been at DOVVSU for a few years are transferred to an entirely different unit, has plagued the development of a skilled and knowledgeable DOVVSU. The only opportunity to learn the specialised skills required for the unit at the moment is through mentoring new officers by experienced senior officers, once they are transferred to the unit.

b. Anti-Human Trafficking Unit (AHTU)⁴⁴

AHTU personnel interviewed indicated that four investigators per unit were not sufficient to enable the AHTU fulfill its mandate and investigators were not able to pursue investigations as a result of inadequate staff.

The following statistics were provided for the Volta Regional AHTU:

Table 10- Volta Region AHTU Case Statistics

Year	# Cases	# Victims involved	Cases filed with the courts
2010	1 /0 child-related	1	closed
2011	4/2 child-related	126	2
2012	2 child-related	4	0
2013	3/1 child-related	4	0

As can be seen from the table above, the AHTU, similar to DOVVSU, does not report data disaggregated by age, gender or region. Comprehensive information on the number of criminal investigations,

⁴³ Interviews conducted with DOVVSU personnel on 7 & 18 November 2014; 5, 10 & 19 March 2015

⁴⁴ No government documents were available on the AHTU, its establishment, mandate or data. Consequently, information for this section comes from the US Government's Office to Monitor and Combat Trafficking in Persons, TIP Report 2014, accessed at: <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226729.htm>. Additional information was provided through two interviews with AHTU personnel on 27 October 2014 and 5 March 2015.

prosecutions, and convictions related to the worst forms of child labour is unavailable, since a centralised database is not maintained. It can be concluded that there is also a need for more effective administrative work, improved data collection and management and the provision of resources (computers, internet connections, phones, etc.) to enable staff to carry out these tasks.

Although officials acknowledged that prosecutors lacked training and resources to prosecute trafficking cases fully, no prosecutors have received specific anti-trafficking training since 2011.⁴⁵ In October 2013, the AHTU conducted anti-trafficking training for 30 police officers, which was funded through an International Labour Organization partnership with the Child Labour Unit and the Financial Intelligence Center (FIC). Only two AHTU officers received training from the FIC on the links between financial crimes and human trafficking.

Community Child Protection Committees, traditional leaders and children have been educated on child trafficking issues to enable them to identify and report trafficking victims to the District Department of Community Development for its collaboration and follow up with the GPS.

There was no funding available to the two shelters that house rescued children. The shelters are therefore unable to provide psychosocial counselling and reintegration or even basic services and security to residents. Budget constraints also resulted in no funding to carry out any anti-trafficking prevention. Activities of the Human Trafficking Management Board (HTMB) were suspended due to lack of funds. The agencies working with police to enforce child labour laws are not well coordinated and there is currently no effective, nor formal, referral system for victims.

c. Judicial Police (JUPOL)⁴⁶

The Attorney-General has designated police

prosecutors to exercise the powers of prosecution on its behalf, largely due to the small number of public prosecutors available. This function is undertaken by the Judicial Police (JUPOL) a unit within the GPS that prepares case dockets for prosecution and, in minor cases (misdemeanors), they have been granted the power to conduct prosecutions.

JUPOL appears before Circuit Court, Community Tribunals and Juvenile Courts (these are all lower courts of first instance, which hear minor criminal cases). All major offenses are tried on indictment before the High Court and, along with all appeal matters, are handled by public prosecutors from the Attorney General's Department.

The Attorney-General's Department estimates that 90% of all prosecutions are handled by JUPOL. Even though the police are not trained attorneys, it is known that they prosecute even serious offences. Only two police attorneys have been trained at the Attorney-General's Department. While there are currently a few JUPOL prosecutors with law degrees, this is a very new phenomenon. Because of their limited training in the law, the police are encouraged to seek legal advice from the Attorney-General whenever necessary during the course of investigations, but in reality, this does not happen frequently. It was noted that there were many complicated cases which would benefit from guidance with respect to what is the most appropriate charge to how to approach the prosecution. The Attorney-General's Department has oversight responsibility for police files, but again, the limited number of attorneys at the Department results in very little capacity to provide this oversight.

During police investigations, JUPOL plays the role of handling duties related to the court. For example, the police prosecutor applies to the court for arrest, search and detention warrants, which are then executed by police investigators. At the conclusion of an investigation, the police prosecutor critically examines the evidence available and the charge that has been laid, satisfying him or herself that the charge is in order and the case ready for prosecution. Should further investigation be required, the public

⁴⁵ Information regarding what type of training was provided and by whom was not available.

⁴⁶ There was no written information on police prosecutors available to the public. This information comes from discussions with police prosecutors on the 19 & 20 May 2015 and an interview at the Director of Public Prosecutions' Office on 22 May 2015.

prosecutor advises the investigator to do so. After determining that the case is ready to go to trial, JUPOL prepare the docket, as well as a duplicate, of the case to be tried on indictment, which is sent to the Attorney General’s Department. The prosecutor also arranges pre-trial conferences. Here he or she meets and interviews all parties of a case, with a view to clarifying certain issues and ascertaining the relevance of witnesses. The case then proceeds to trial, with the police prosecutor arguing the case. After the Court has decided on the case, the prosecutor is to return the case docket to the station that investigated the crimes so that entries can be made in the Register of Offences and the docket kept on file for a period of time.

JUPOL has an important function in ensuring the protection of children in contact with the law, by virtue of its role in overseeing police investigations for prosecution to ensure that the rights of child victims and witnesses are not violated or that children are not further traumatised through either the investigative or judicial process. Moreover, JUPOL is positioned to protect the rights of children who come into conflict with the law. Without awareness raising, education and training, JUPOL will not have the capacity and tools to oversee the upholding of child rights and protection.

v. Police Procedures for Handling Children

There are no standard operating procedures that police follow in dealing with children in contact with the law. The Juvenile Justice Act provides fulsome guidance for how to process a child in conflict with the law, but neither the Domestic

Violence Act, nor the Human Trafficking Act provide much instruction to the police on how to handle children. Since the key laws identifying the special protection to which children are entitled, with the exception of the Children’s Act, have not yet been detailed in Legislative Instruments, the role of the police and other stakeholders has not been clearly defined.

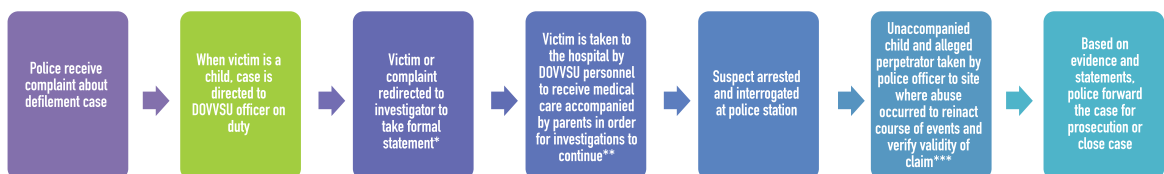
All police officers interviewed in the course of preparing this analysis welcomed the idea of having standard operating procedures to handle all children in contact with the law, as this was perceived to improve and make more efficient their work, in addition to guaranteeing that children would be protected from rights violations and future harm.

vi. Existing Tools used by the Police

Police identified three existing tools where guidelines exist that are applied to cases involving children. These are general investigation procedures, procedures identified in the Police Service Instructions and guidelines for interviewing children in the 2010 Police Handbook -a pocket guide for law enforcement.

Police procedures for conducting investigations in criminal cases, whether the complainant/victim is a child or adult, apply even in cases of abuse, sexual or otherwise. The same procedure used for adults is followed in cases involving children. The directive comes from the Criminal Investigation Directorate and it is taught in the Detective Training School. This process was uniformly described by police who were interviewed in focus groups across the country.

Diagram 3- Police Procedures for Investigations (example of defilement used below)



* Parents are allowed in the room with the child at the time the child's statement is being taken so long as they do not unduly influence the child.

** It was reported that physicians ask for fees to complete the police medical forms. These are not official fees, but rather fees doctors request in anticipation of having to attend court at a later date. This practice is reportedly widespread all over the country and fees range from a low of 60-100 cedis in greater Accra to a high of up to 2-300 cedis in the Volta and Upper West Region. Since 200 cedis is an average monthly income for many families, the fee is prohibitive and police estimate that about 20-25% of victims' families cannot pay the fees. Consequently, investigations into defilement cases are dropped in about 20-25% of cases due solely to families' inability to pay the medical fees.

***Police do not permit family to be present during the "walk through" of the scene of the crime for fear that they will influence the child and taint the evidence.

These procedures are neither victim nor child friendly and do not in any way offer protection to children and uphold their rights.

The second area where police may receive guidance on how to interact with children is through their manual, Police Service Instructions. Each recruit receives this manual upon graduation from the training schools. It includes information about police regulations (uniforms, supplies, entitlements), structure of promotions, disciplinary processes and provides procedures for arrest, search and seizure and other police functions. A review of the Service Instructions by the national consultant revealed that, while there was a section on children in conflict with the law, no special instructions exist for how to handle the child differently from adults. Nor were there any procedures outlined for treatment of victims or witnesses at all, not least when they are children.

Finally, in the pocket guide police recruits are given at graduation, the Police Handbook, provides the following instruction for interviewing children:

"Children should be interviewed in the presence of a parent or relative. However, where the parent or relative is a suspect or accomplice in the case, a social welfare officer should be present.

To interview a child you need to build trust.

The child must not be condemned as being a bad girl or boy.

Interviewing a child can take hours. Hence patience should be a virtue if any success is to be achieved.

Due to the age of the child being interviewed, one should expect inconsistency in narration of events. This does not necessarily mean the child is lying." (Police Handbook 2010, p. 48 of 61)

This handbook is consistent with the Juvenile Justice Act and articulates some good practices in interviewing a child, with the exception of guidance indicating that it is fine to take hours to interview a child. The instructions are limited, however, and it is not clear that the handbook is uniformly used by police, since none of the participants in police focus groups mentioned it, although all of the training school instructors were aware of its existence.

Based on the information collected regarding operating procedures, it is quite clear that child-friendly instructions for handling a child in conflict with the law are necessary, as are procedures for protecting child victims and witnesses during investigations.

vii. Recordkeeping Practices in the GPS

As an institution charged with the responsibility of investigating crimes, it is incumbent on all GPS stations to record all crimes that come to their notice. This comes in the form of crime returns from all District/Divisional/Regional

headquarters to the Commissioner of Police in charge of CID quarterly. By recording crime data accurately, victims of crime can be properly protected and access appropriate services. Crime problems in local station areas can be identified so that police efficiency and effectiveness are strengthened and the police can be held to account both locally and nationally.

Police receive reports of crime from the public through a number of ways, mainly:

- » By telephone to a police control room, where an incident is recorded and referred to the appropriate police station or unit to deal with
- » By the account of a victim of a crime who visits the local police station
- » By the account of a witness to a crime who visits the local police station
- » By referral from specialist bodies such as hospitals or victim services.

All police stations are obliged to record all crimes reported in a book called the Register of Offences. Particulars of every offence, other than offences under the motor traffic ordinance, are entered in this book under the appropriate heading immediately upon the reporting of the offence. Details collected include:

- » date and time of offence occurrence
- » date and time offence was reported to police
- » type of offence
- » name and address of complainant
- » name and address of suspect
- » sex, age, race, occupation of suspect
- » officer responsible for case
- » results of police investigation
- » results of trial in court

A summary of serious crimes reported at each station is forwarded to the district office at the end of every week for onward submission to the regional office and finally to the CID HQ. Returns of juvenile offenders are compiled from the Record of Offences at the end each quarter in CID Form 9: The Return of Juvenile Offenders Sheet and contains the following:

- » Each offender is identified by a serial number only, commencing with a new serial range each quarter
- » Brief details of the offence are shown, as well as the relevant Criminal Code section
- » Date on which the offence was reported
- » Age and sex of the child
- » The sentence handed down by the court and any remarks from the Court are entered

This form is submitted every quarter to the District Commander who will compile all such returns from the stations his district and forward the data to the Regional Command for onward submission to the CID HQ, and specifically to the Criminal Statistics and Data Bureau (CDSB), the unit responsible for collating crime statistics for the GPS.

DOVVSU offices follow a similar procedure, but also include a distribution of victims and suspects by gender and note the relationship between the victim and suspect.

A critical look at the existing procedures for data collection shows clearly that there is no separate collection of data for juveniles at the police stations. Secondly, current records only capture the particulars of suspects and complainants, without mention of the victim or witnesses to the crime. Moreover, the quarterly crime returns for juveniles also do not have space for victims or witnesses. These shortcomings make the data ineffective for victim analysis, as well as irrelevant for planning victim assistance. There is not much detail in the crime returns to indicate the extent of harm or damage done by the suspect to the victim:

The IBCR team held a meeting with the staff of the Research, Policy & Information and Communications Technology (RP&ICT) Directorate at headquarters on 16 March 2015. The purpose of the meeting was to share information regarding recordkeeping and database management. The unit is currently looking at developing SOPs for police stations in the area of complaints and reports; for CID for investigative procedures; for police hospital practices; for forensic lab procedures and for the arrest, prosecution and report of the Motor Traffic and Transport Department (MTTD). Through discussion, it was clear that coordination with this unit would be necessary to ensure that no duplication of efforts occurred and also to build upon one another's procedures, practices and programmes. The core team working on the Child-Friendly Policing initiative includes the Director of Research from RP&ICT, with whom the team will work closely to develop SOPs for handling children.

The exception is DOVVSU and AHTU officers, who, as part of their duties, take part in advocacy activities. Police from these units had interactions with children that were outside of the context of crime commission.

When asked about the most frequent crimes that put them in contact with children, the response was overwhelmingly that the police saw children as victims. For DOVVSU, non-payment of child maintenance was the single most common reason to encounter children, although interaction would be quite limited as the parent would be the person filing the complaint. AHTU police, because of the nature of their work, not surprisingly encountered children most frequently in the context of rescuing them from trafficking or child labour.

viii. Police Interactions and Perceptions of Children

The IBCR team held a number of focus groups with police on active duty, both regular police and those from the specialised units of DOVVSU and the AHTU, as well as interviewing some police individually. A total of 57 police took part in interviews and focus groups from various regions, such as Accra, Tamale, Winneba and Ho.⁴⁷ Police were asked about the nature of their most common interactions with children and the majority (approximately 90%) indicated that they only encountered children in the course of arresting a child or interviewing a child who has been a victim of crime. Since most of the police encountered were investigators or commanders, they would not be on the streets, nor would they be carrying out public education activities, so it makes sense that they are not running into children in these situations.

⁴⁷ The information for this section was provided entirely through interviews and, as such, is based on police officers' impressions about the data, as opposed to actual data collected on this. As earlier discussed, disaggregated crime data is not readily available.

The most common crimes involving children that police handle are presented in the table below.

Table 11- Police Estimates regarding Child-Related Crimes and Their Frequency

Location	Children as victims/estimated frequency	Children in conflict with the law/estimated frequency
Ho, Volta Region	Defilement (12 cases/month) Rape (6 cases/month) Child abuse in family context (2-3 cases/month) Trafficked children (frequency not provided) Parents selling children (frequency not provided)	Petty theft (2 cases/month) Defilement (frequency not provided)
Osu, Nima & Cantonments, Accra Region	Defilement (15 cases/month) Child abuse/assault (4-10 cases/month) Child abduction – parental usually (5 cases/month) Child marriage (2 cases/month)	Petty theft (20 cases/month) Defilement (5 cases/month) Use of drugs (5 cases/month)
Tamale, Northern Region	Child abuse (50 cases in January 2015) Child sexual abuse (25 cases in January 2015)	Petty theft (frequency not provided, but mentioned that not common)
Winneba, Central Region	Child trafficking (frequency not provided)	Not provided ⁴⁹

A summary of the challenges police identified in handling children who come into contact with the law is provided below, along with recommendations for police training. It is notable that the police identified resource gaps, above all, as the greatest impediments to protecting children.

Table 12- Active Duty Police Perspectives – Challenges and Recommendations for Handling Children

Date and Location of Focus Groups	Police Number and Characteristics	Challenges interacting with children in contact with the law	Training Recommendations for Police
5 March 2015: DOVVSU - Ho	6 investigators (4 male/2 female)	<p>“Victims of defilement and sexual abuse cannot pay for medical form to be completed, ruining chances of prosecution”</p> <p>“No services available for counselling – no social worker, no psychologist”</p> <p>“No vehicle to carry out investigations – cannot do proper job”</p> <p>“No shelter/safe haven for children abused by parents or within family”</p> <p>“No privacy – one common office”</p> <p>“Language barriers”</p> <p>“Skilled officers do not stay in DOVVSU because they get transferred out”</p> <p>“No juvenile cells”</p>	<p>Sensitisation on domestic violence</p> <p>Knowledge about Juvenile Justice Act</p>

⁴⁸ The Winneba data is limited to an interview with AHTU police officers, which explains why there is no data on children in conflict with the law. The AHTU would only be handling cases involving children as victims.

<p>5 March 2015: Regular police - Ho</p>	<p>18 police (12 male/6 female)</p>	<p>"Poverty is main reason children come into contact with police"</p> <p>"Parents do not permit children to be witnesses, even in cases where children are defiled"</p> <p>"Children are considered bad if they testify"</p> <p>"Need to pay medical fees for children"</p> <p>"Local criminals use children to commit crimes such as stealing"</p> <p>"No shelters, no operational remand homes, so no option but to partition male jail"</p> <p>"No vehicles to carry out investigations and transport children"</p> <p>"No training in how to handle defilement victims"</p>	<p>Child victims require counselling to open up – need to learn how to build relationships with children;</p> <p>Child psychology;</p> <p>Train DOVVSU investigators in child interviewing;</p> <p>Because not all stations have DOVVSU, all police need to know how to handle child cases;</p> <p>How to work effectively with social workers;</p> <p>How to treat children who have been abused;</p> <p>Regular upgrading on these skills.</p>
<p>10 March 2015: DOVVSU - Accra</p>	<p>9 investigators (4 male/5 female)</p>	<p>"Need to drive child victims to hospital and pay medical fees if not at Police Hospital"</p> <p>"No child friendly space in stations"</p> <p>"Not always able to connect with DSW so child's statement has to be taken twice"</p> <p>"No vehicles to carry out investigations and transport children"</p> <p>"No budget to buy food, clothing and soap for children in contact with law"</p> <p>"Not all stations have social workers"</p> <p>"Not trained to help children"</p> <p>"This is the first time anyone has spoken to us about child rights"</p> <p>"We have to use our wives, mothers and uncles to fill in for social workers who are not available"</p>	<p>Training is not adequate and does not enable investigators to assist children;</p> <p>Physical, moral and social support to provide to children;</p> <p>Training on child labour issues;</p> <p>Training should extend to all who come into contact with emergency system.</p>

19 March 2015: DOVVSU and Regular police – Tamale	3 investigators (2 male/1female); 1 station head (male)	<p>“Children physically abused as form of ‘correction’”</p> <p>“Cultural practices – child is no longer a child, no matter the age, once she can lift a heavy pot or once a boy can work in fields”</p> <p>“Duty bearers do not consider children as having separate rights or needing special protection”</p> <p>“Most issues involving children are not handled by police, but are handled internally in communities”</p> <p>“Children face sexual and psychological abuse, particularly when children are sent to live with relatives”</p> <p>“Only one social worker serves the whole region”</p> <p>“No shelter for child victims”</p> <p>“Problem with trafficking”</p> <p>“No juvenile holding cells”</p> <p>“No vehicles, motorbikes to allow access to remote regions – cannot investigate or rescue children”</p> <p>“No privacy – one room in DOVVSU office for everyone”</p>	<p>Need training in application of child rights and protection;</p> <p>All investigators, desk officers, district commanders and station officers need training in child-friendly policing.</p>
10 April 2015: AHTU - Winneba	1 regional crime officer (male)	<p>“Problems with trafficking children for mining, fishing and farming”</p> <p>“Personnel frequently transferred and not replaced”</p> <p>“No holding centres for rescued children”</p> <p>“No reliable vehicle to transport rescued children”</p>	None offered
Total number interviewed	<p>Police officers - 38</p> <p>Male - 24</p> <p>Female - 14</p>		

All police interviewed noted that they were insufficiently trained to interview children in conflict with the law and did not have adequate knowledge about the Juvenile Justice Act and the rights of children. Since the majority of children the police encounter are victims, it was identified that they require specific skills in handling, counselling and understanding traumatised children.

Comments from interviews with the police include the impression that “police do whatever they want, without adherence to any standards” in cases involving children in contact with the law. While some police are very good and caring with children, others are not. Few know how to speak to children, either as complainants or offenders. Children are often treated as adults and kept in regular cells,

sometimes with adults. Part of this stems from the lack of juvenile holding space and part is due to lack of knowledge on the part of the police. The police do work with social workers, however, not consistently in cases involving children. One commander noted that his region did have a child psychologist at one time working with the police, but the man was no longer in the area and had not been replaced. He noted that there was a need for appropriate juvenile facilities and welcomed the initiative to equip police with standards and skills in handling cases involving children.

It was also noted that the significant challenges for police in dealing with communities in the north where children’s issues were rarely, if ever, addressed outside of traditional processes. While police have knowledge of the violation of children’s rights through child abuse, defilement, child marriage and trafficking, they are unable to prosecute these cases when the community hides the child or refuses to produce complainants. A particular problem is seen in cases where tradition requires that a man’s first born girl is given to his sister and her family to raise, and children are not treated as though part of the family. In these cases, most of these children become household servants, are not sent to school and typically eat less than the rest of the family. Sometimes there is physical abuse and almost always, there is emotional abuse.

ix. Children’s Perceptions of the Police

The IBCR team met a total of 39 children, twelve who were not likely to come into contact with the law because of more favourable socio-economic family conditions in Tamale; 17 of whom lived in low income neighbourhoods in the Accra and could come into contact with the law due to their vulnerability; and 10 boys and girls who were either on remand awaiting court dates or had been convicted and were serving custodial sentences in Accra.

Table 13- Children interviewed

Gender	Children in detention or remand	Children considered vulnerable to contact with law	Children not likely to come into contact with law
Boys	3	9	6
Girls	7	8	6
Totals	10	17	12

a. Children who have already come into conflict with the law

Two boys on remand and were interviewed at the Osu Remand Home. The team also conducted a focus group made up of seven girls at Shelter and Girls’ Correctional Facility in Osu. It was evident that the boys’ time in remand had extended far beyond maximum authorised time, with one boy held since May 2013; one since May 2014 and the last since January 2015. The social workers explained that this length of time was not unusual considering the time needed for police to conduct investigations and prepare for court and more importantly, the regular delays in court. Three of the girls on remand had also been there for significant time, although not as long as the two boys.

The boys on remand generally found the police to be well intentioned. This notwithstanding, it was common for the boys to be placed in cells with adults at the police station, handcuffed when transported and not advised on their right to a lawyer when questioned. All these acts contravene the Juvenile Justice Act. One of the boys stated that he was beaten to get a confession. None of the boys reported having a social worker, lawyer or guardian present when they were being interviewed. With few exceptions, the children in remand reported reasonable treatment by the police, but did have several suggestions for improving police interaction with them, including learning how to speak with children; taking the time to build relationships with them; believing them when children described what had happened; not holding them in adult cells; not handcuffing them and using a space that is comfortable for children

when interviewing them.

The girls who were serving custodial sentences reported that the police generally treated them well, however, they spent substantial time behind the “counterbacks” at the police stations while waiting for their cases to be investigated.

Additional recommendations for the police included the following:

- “we are little – treat us like sisters and brothers or daughters and sons”
- “show respect to us by listening to us and treating us kindly”
- “don’t use handcuffs and walk peacefully with us when you arrest us”
- “don’t try to trap us or trick us to tell you something because it just confuses us”
- “juvenile cells are very bad and dirty (when they exist at all)... do not leave us there to eat”

b. Children likely to come into conflict with the law

The team also interviewed seven children between the ages of 7-10 years in Accra who had not been in conflict with the law, but because of their disadvantaged social standing, they were at greater risk of being exploited and/or ending up living or working in the streets. The children identified the need for police protection, which they felt was lacking in their neighbourhood, and they spoke about feeling discriminated against by police, based on where they lived.

Children who had not had encounters with the police generally had similar recommendations with regard to police treatment, urging the police to listen to children and treat them as though they were family members, being respectful and polite. They also wanted assistance from the traffic police to cross busy streets and suggested that police visit schools and other places where children congregate in order to normalise relations and enable the children to understand how they can seek help from police. Most children wanted police to learn how to treat them so that children would not be afraid of them.

Children who participated in a workshop to test the SOPs provided the following feedback:

- The need for training of policemen in how to handle children
- The need to respect children and their rights
- The need to involve children in the planning of whatever affects them
- The need to clarify confidentiality and the limits to it
- The right of a child to privacy
- The need to sensitise our communities in the way children should be dealt with
- The need to engage all stakeholders when dealing with children’s issues

c. Children not likely to come into conflict with the law

A focus group discussion was organised with twelve (six boys, six girls) children, ages ranging from 12-18 years, from various schools in the Northern Region. The children were asked a number of questions regarding their perceptions of police officers. Children’s responses were mixed, with some of them believing that “police arrest people and do bad things”, and others thinking that there is no reason to fear police unless you have done something wrong. Children were not likely to go to the police, however, if they needed help or witnessed a crime, preferring instead to use family or community members to assist them in resolving issues. They believed that police favoured some people and discriminated against others.

While children in the north indicated that they saw police regularly at the roadside directing traffic, resolving conflicts and at the police barracks those who lived in urban areas observed that they saw police officers either beating people in the street, directing traffic, demanding money from drivers, harassing people for no reason and police walking around.

E.

TRAINING OF POLICE IN CHILD RIGHTS' PROTECTION



NPTS Visit 11 November 2014

1. General Information on the National/ Regional Police Training Schools (RPTS)

The six police training institutions are located on the outskirts of the regional capitals of Accra, Kumasi, Ho, Tamale, Koforidua and Winneba. With the exception of the Accra school which is known as the National Police Training School (NPTS), each of the other schools is called a Regional Police Training School (RPTS). All schools are under the supervision and direction of the Director General of Human Resources Directorate (DG/

HRD) of the GPS. Their primary role is to provide basic training to recruits who will become police officers.

There are two different categories of recruits accepted: regular recruits and those designated for officer training (under cadet sergeants), who are university graduates. Regular cadets undergo six months of basic training, while the under cadet sergeants are fast tracked through in three months. The Accra NPTS also offers refresher courses to in-service police personnel.

a. Police Recruitment

According to the GPS, there are strict procedures followed for the recruitment of new police personnel. This begins with an advertisement in all national newspapers informing the general public about impending police recruitment. The criteria for qualification are specified in the advertisement. All qualified applicants are informed of their successful qualification through the issuance of a letter inviting them to one of the centres for an in-person screening process at a specified date (places are indicated on application forms and the applicants select the nearest one). The screening process involves verifying all information on the forms, including academic certificates, birth certificates, the height and weight of the applicant. If screened through, applicants are then given numbers which enabled them to write examination the following day. Names of successful applicants are pasted on the notice boards of all the regional police training schools and also at the national police training school in Accra. They are then invited to the police hospital for a thorough medical examination, which is the last stage of screening for applicants before being invited to attend the police training schools.

b. Teaching Personnel

RPTS instructors are active duty police officers appointed by the GPS and include full-time, in-house teachers, as well as part-time instructors located in regional or district command offices. Instructors are posted to the schools from national headquarters without input from the training institutes. Instructors may spend as little as two years at the institutions, with many still found working with the institutions after 14 years. With the exception of physical education and drill instructors, most RPTS teachers have completed a Bachelor's degree. Instructors are not provided with any training to upgrade their knowledge in their respective teaching fields, unless on a personal and ad hoc basis (similar to the in-service police interviewed, a few instructors have been invited to participate in specialised training courses on an ad hoc basis). One instructor (the commander from the Pwalugu RPTS) had attended the Fifth Regional Workshop on integrating child rights and protection into police training hosted by the IBCR in Abidjan, Ivory Coast, and had already begun teaching what he learned to recruits at the school. He was the only instructor, and Pwalugu was the only school, to teach a course on child-friendly policing.



Female recruits at the Kumasi RPTS on 16 November 2015

c. Curriculum

The curriculum for the RPTSs is essentially the same in all the schools. The same topics are covered in each school although the instructor will choose the content and teaching methods to deliver the course. With the exception of the RPTS in Pwalugu as referenced below, none of the schools teach a module on child protection or juvenile justice. In fact, the Juvenile Justice Act is not even covered under the schools' curriculum. All of the school commanders and instructors were very open to developing a curriculum in child-friendly policing and understood fully the benefits of such a course. The Children's Act and the Constitution are presented in the course module, Acts and Decrees, but the teaching is limited to a short presentation.

Table 14- Content of the Police Service Training Curriculum

Police Disciplines	Judicial Disciplines	Other Disciplines
Practical Police Duties (PPD)	Law of Evidence	Information & Computer Technology (ICT)
Basic Officer Skills (BOS)	Acts and Decrees	Map Reading
Criminal Investigations	Criminal Law	English Language
Service Instructions	Human Rights Law	French Language
Defence and Safety Skills		Report Writing
Community Policing		Professional Policing Ethics
Musketry		

The teaching method most commonly used is lecture style, with recruits permitted to ask questions for clarification. Course units are one hour in length. It is expected that recruits will study handout materials (usually notes from the instructor) and memorise the material, as they will be tested on their ability to reproduce what they have been taught. Most instructors do not have access to powerpoint facilities, so instead use a whiteboard to highlight taught themes. Basic recruits are evaluated with two written exams – one at the end of the first semester (after 3 months) and a final examination at the end of the term (at 6 months). When a recruit fails the exam in the first semester, she or he is given permission to re-write the failed subjects. When a recruit fails the final examination, HRD at headquarters is informed and a decision on how to proceed is taken at that level. For the most part, these recruits are given additional lessons in the area they failed and permitted to re-write the examination.



RPTS Volta Region - Recruits in classroom 3 March 2015

Table 15 - Learning needs according to recruits ⁴⁹

Date and Location	Number and Characteristics	Knowledge about child-friendly policing ⁵⁰	Training recommendations
4 March 2015: RPTS – Ho	10 male recruits from 21-30 yrs	<p>“Children are special and delicate”</p> <p>“Brain is soft, require proper care, food and shelter”</p> <p>“Juvenile court is last resort”</p> <p>“Best interest must be taken into account”</p> <p>“Right to be heard”</p> <p>“Right to life necessities”</p>	<p>Child development;</p> <p>How to interview children and get information;</p> <p>Social psychology of children;</p> <p>Child psychology;</p> <p>How to work with social workers;</p> <p>Prevention;</p> <p>Understand ourselves better.</p>
18 March 2015: RPTS - Pwalugu	10 male recruits from 21-29 yrs	<p>“Need to protect, counsel and assist children”</p> <p>“Children are always children and should not be treated like criminals”</p> <p>“Children are vulnerable”</p> <p>“Criminal responsibility is 12 yrs for the child”</p> <p>“Professional conduct”</p> <p>“Piaget’s theory – child development”</p> <p>“Who stakeholders are that help police – formal and informal”</p> <p>“Child-friendly policing means treating all children as victims”</p> <p>“Must fight violence and abuse of children”</p> <p>“Rights of children are different from the rights of women”</p> <p>“Alternative measures to keep children out of court”</p> <p>“With a reduction in poverty, child crime will be reduced”</p> <p>“Children reliant on parents and parents need to be taught”</p> <p>“Most societies have used and manipulated children”</p> <p>“Older children (17 yrs) have better understanding of actions than young ones”</p>	<p>Need to teach the Juvenile Justice Act;</p> <p>Cannot learn without seeing – should visit schools and have one-on-one interaction with children;</p> <p>Understanding of mental and psychological cycles of child development;</p> <p>Professional conduct when dealing with children;</p> <p>How to solicit information from children effectively;</p> <p>Working with district assemblies to demonstrate how children should be treated;</p> <p>Greater public awareness of child rights;</p> <p>Visit schools to explain the law and procedures to be used with children;</p> <p>More technical knowhow in order to effectively interact with children;</p> <p>Negotiation and mediation skills;</p> <p>Cannot work in isolation – need to establish good relations with other stakeholders;</p> <p>Train community and visibility police;</p> <p>In-service training required;</p> <p>Work with teachers and communities;</p> <p>Comprehensive manual on child-friendly policing.</p>

⁴⁹ These are direct quotes from the recruits themselves.

8 April 2015: RPTS - Winneba	10 male recruits from 25-34 yrs	<p>"Children need to be given special attention in society"</p> <p>"Children should be given food, shelter and good health"</p> <p>"Children cannot make decisions on their own and should be protected"</p> <p>"Children need to be educated on their rights"</p>	<p>Comprehensive module on child rights before recruits begin to work as constables;</p> <p>In-service training needs to be provided to all police serving on the rights of the child;</p> <p>Child-friendly interviewing skills;</p> <p>Effective collaboration between health personnel and the police in defilement and abuse cases.</p>
11 April 2015: RPTS – Koforidua	10 all male from 21-32	Students were categorical that they have learned nothing on child rights and protection	<p>What is in the Children's Act;</p> <p>Child psychology;</p> <p>Skills to interview a child;</p> <p>Pocket manuals on interaction with children;</p> <p>Negotiation and mediation skills;</p> <p>Roles and functions of other stakeholders who work with the police when a child is involved.</p>

2. General Information on the Specialised Training Schools

The Ghana Police Service has three additional schools which teach specialised subject areas to in-service police officers, as well as one academy that provides officer-level training to new recruits. They include: National Police Academy (NPA), Detective Training School (DTS), Police Public Safety Training School (PPSTS) and Police Command and Staff College (PCSC)

The NPA is the only school of the GPS that provides senior officers with training prior to them moving on to command positions. The school is focused on delivering a comprehensive programme to build upon the intellectual, academic and professional skills of students who are expected to become transformational leaders, agents of change and skilled at harnessing resources to promote the police institution.

The DTS trains GPS investigators locally. It runs courses for officers who have already undergone basic police training and, due to their specialty, have been selected to become detectives. It also runs refresher courses for officers to upgrade their skills and knowledge in criminal investigations.

The Command and Staff College provides in-service training to senior commanders in preparation for them to take up senior command positions. The school currently serves the double purpose of a regional police training school (RPTS) for the training of new recruits and a command and staff college to train top senior commanders.

The PPSTS trains special units within the police services and other sister security institutions, such as the prison and fire service. Its mandate is to provide formed police units (FPU) with the tactical and strategic skills to manage high risk situations. Training did not include handling children in specific high risk situations that the FPUs would be operating in, however, the Commander believed that a lecture of approximately two hours' duration would be of value to all the police coming to the PPSTS.

F.

CONCLUSION AND RECOMMENDATIONS

Among key juvenile justice and child protection stakeholders, there was a consensus that building a child protection system required the active participation, engagement and intervention of numerous sectors to be successful.

Not only are the police an important point of contact for child protection, but families, communities, traditional and religious leaders, schools, hospitals and clinics, teachers, corrections' centres, prosecutors and the judiciary are key actors in building a system of protection for vulnerable children. Consequently, it is essential that the Ghana Police Service coordinate its efforts with the work of other MDAs, MMDAs, donors, local NGOs and UN agencies, to integrate the different strategies and tools each contributes to build an effective system.

Below are the recommendations which have been classified into two sections-general system strengthening recommendations and recommendations to improve police handling of children.

1. General System Strengthening Recommendations from Stakeholders

The following recommendations emerged during interviews and workshops with participants from the following stakeholder institutions and groups.

a. Legislation

- i. Legislative Instruments (LI) defining the roles and responsibilities actors should be developed based on the Human Trafficking Act, the Domestic Violence Act and the Juvenile Justice Act.
- ii. The two funds established under the Human Trafficking Act and the Domestic Violence Act, which are administered through the Ministry of Gender, Children and Social Protection, must be resourced and activated in order to provide support services to victims.
- iii. The Juvenile Justice Act provides for diversion but is not adequately instructive. Relevant sections of the Juvenile Justice Act should be amended to address challenges with diversion and also delineate more clearly the responsibilities of each actor – police, prosecutors and judges, in diverting children away from the formal system at different points in the process. In addition, more detail on the options for diversion, including the role of traditional leaders and communities, would be helpful. More clarity on the jurisdiction of traditional justice in general would contribute to stronger and more consistent procedures for handling children. There are also instructions regarding the arrest and search of children in conflict with the law that contravene international best practices and standards.
- iv. The age of criminal responsibility should be reviewed and raised to 14 years.
- v. The law should also be amended to address the discrepancy in the age of sexual consent (16 years) and that of marriage (18 years).

b. Institutions⁵⁰

- i. Remand homes should be rehabilitated to serve their purpose of ensuring the safekeeping of children. Attention must be paid to the rural and remote areas of the country where there are limited services and institutions.
- ii. MMDAs should be strengthened through additional budget and additional personnel in order to fulfil their child protection mandate. Additionally, staff tasked with child protection at the district level must be adequately trained and knowledgeable to perform their duties.

c. Programmes/Services

- i. Community service options must be developed for children in conflict with the law who are diverted from the formal system in order to end the reliance on custodial sentencing.
- ii. Programmes should be developed to assist children at risk of criminal activity, such as recreational programmes, good parenting programmes, anger management courses for children and other types of programmes to divert children from involvement in crimes.
- iii. Multi-stakeholder meetings where discussion of common issues related to child justice should be developed and scheduled regularly for exchanges and knowledge building.
- iv. Communities, including traditional leaders, should be sensitised to understand the child protection system and their roles within it. Programming to build awareness of issues related to child justice, as well as knowledge about all stakeholder functions within the child protection system should be established countrywide. This will be of particular value when SOPs are introduced for the police since all Ghanaians should be aware of the new procedures. Awareness-

raising and advocacy in these areas should also be specifically introduced for actors in the justice system, such as lawyers, judges and prosecutors.

- v. It is recommended that awareness raising similar to that above (in justice for children, the child protection system and describing the new SOPs for police interaction with children) take place in schools and communities with children so that they are fully informed of their rights and protection procedures.
- vi. Expansion and adequate resourcing of the Legal Aid Scheme is needed to meet children's right to legal assistance and representation. The development of witness protection programming would also go a long way to protect children who are victims of abuse. Witness protection services should be located in the courts and also serve children with disabilities.

d. Policies/Procedures

- i. A critical need for child victims is the provision of free medical examinations and treatment, particularly in relation evidence of an alleged crime. A policy guideline requiring that the state take responsibility for the payment of physician fees for completing police medical reports would be of utmost importance to provide justice for children.
- ii. The development of a witness charter, including a child witness charter, which has begun but is not completed, would be very important to direct police, prosecutors and judges in appropriate procedures for handling victims and witnesses through investigation, prosecution and court processes.
- iii. Not only do the police need standard operating procedures in relation to handling children in contact with the law, but so do the other stakeholders such as probation officers, social workers, prosecutors, judges, prison officials, corrections' staff and lawyers.
- iv. Coordination of services requires mechanisms to ensure that child protection

⁵⁰ Most stakeholders interpreted institutions as just that – infrastructure and buildings required to improve child protection.

actors know the roles and responsibilities of other institutions/actors and when to access them. The justice for children sector could benefit from a justice for children network that meets regularly and the development of recordkeeping forms for each stakeholder to enable the clear tracking of a child as she or he progresses through the justice system.

- v. Data collection on cases involving children is poor across the board, inhibiting the ability to analyse trends and develop strategies and programming to address issues. All actors in the justice for children sector – police, DSW, prosecutors, courts and, if possible, traditional chiefs who address these issues in communities, must develop adequate recordkeeping practices and the capacity to collect data at the national level from the district and lower levels.

e. Capacity Building of Personnel

- i. Capacity building in child-friendly and protective behaviours, procedures and practices is necessary in all sectors of the justice system for children. Social welfare officers, probation officers, police, prosecutors, judges, corrections' and prison centre staff, as well as teachers, medical staff, health workers and community members, all require training specific to handling children in contact with the law.
- ii. Clearly defined job descriptions with roles and responsibilities in relation to child protection would also assist staff to properly carry out their mandates.

2. Recommendations to Improve Police Handling of Children in Contact with the Law

While there is some overlap with respect to some of the general recommendations made, the recommendations which follow address the police role in connection to children who come into contact with the law and the resources, institutions and capacities they defined as necessary to implement child-friendly policing practices.

To improve practices in the arrest and processing of a child in conflict with the law, police require:

1. Knowledge regarding DOVVSU and its mandate to handle children in conflict with the law
2. Strong coordination mechanisms between regular police stations and DOVVSU to be able to transfer children in conflict with the law
3. Vehicles/money for transport to be able to take children to nearest DOVVSU desk
4. Clear procedures for when and how to use diversion – cautions, conditional or otherwise, as well as other options for diversion e.g. the development of a full complement of community service approaches in support of diversion.
5. Mediation and negotiation skills to be able to resolve minor issues between complainants and alleged juvenile offenders.

The following recommendations are for DOVVSU, in particular, although there are regions of the country where regular police stations require these skills, knowledge and resources because DOVVSU units are not available or not accessible.

1. Knowledge and skills related to how to approach and arrest a child
2. Knowledge of children's rights when arrested
3. Strong coordination mechanisms with DSW (or more particularly the social welfare officers within the Districts) to be able to have probation officers present with the child if family is unable to be located or cannot come in to accompany the child. It would be ideal to have a probation officer/social worker present in every single DOVVSU station to facilitate this coordination.
4. Strong coordination mechanisms with medical services for children requiring medical attention – local clinics or hospitals. These services should not have to be paid for by either the police or the child/child's family

5. A private, child-friendly room where the child could be processed and interviewed without violation of his or her right to privacy and confidentiality
6. A written list of the child's rights which could be provided to the child and his or her family upon arrest
7. Adequate facilities for holding a child in custody at the police station which ensures that the child is not held with adults and has a clean and child-friendly space that is secure. All police stations should have small budgets to purchase food, drink, clothing, medicine for children who are in police custody
2. Knowledge regarding DOVVSU and its mandate to handle child victims and witnesses and AHTU and its mandate to handle trafficked children
3. Strong coordination mechanisms between regular police stations and DOVVSU/AHTU to be able to transfer child victims and witnesses
4. Vehicles/money for transport to be able to take children to nearest DOVVSU/AHTU desk

To improve investigation procedures for cases involving alleged juvenile offenders, police require:

1. Strong coordination mechanisms with legal aid (could be the legal aid scheme, NGOs providing services such as FIDA and WISE, or both) to enable the provision of legal assistance and representation for the child during the interview process, moreover, legal aid should be provided for free to children and should be of high standard and easily accessible in all regions of the country
2. Knowledge and skills on child-friendly interviewing procedures, information gathering techniques
3. Knowledge and skills to apply protective legislation and policy when interviewing the child
4. SOPs
5. A private, child-friendly space in every station where children can be interviewed without violation of their rights to privacy/confidentiality
6. Recordkeeping forms exclusive to juveniles and computers to input data at every police station

To improve practices for handling child victims and witnesses, police require:

1. SOPS for handling child victims and witnesses

The following recommendations are for DOVVSU and AHTU, in particular, although there are regions of the country where regular police stations require these skills, knowledge and resources because DOVVSU/AHTU units are not available or not accessible.

1. Gender and ethnic balance within the police force would facilitate gender-sensitive practices with children and ensure that police have the ability to communicate effectively in different languages, as required by child victims and witnesses
2. Strong coordination mechanisms with medical services for children requiring medical attention or when medical forms identifying the harm to victim must be completed – local clinics or hospitals. These services and forms should not have to be paid for by either the police or the child/child's family
3. Knowledge and skills to collect evidence about a crime without causing undue trauma to the child – is it possible to not rely so heavily on medical forms for evidence?
4. Strong coordination mechanisms with DSW (or more particularly the social welfare officers within the Districts) to be able to have social workers present with the child during the interview. It would be ideal to have a social worker present in every single DOVVSU station to facilitate this coordination.
5. Capacity building to develop the know-how to ensure that child victims and witnesses tell their "story" only one time and not multiple times

6. A private, child-friendly space in every station where children can be interviewed without violation of their rights to privacy/confidentiality and visibly away from the alleged perpetrator, if he or she is in the station at the same time
7. Capacity building to be able to involve children in the planning of whatever affects them and decision making about the next steps
8. Strong coordination mechanisms with legal aid (could be the legal aid scheme, NGOs providing services such as FIDA and WISE, or both) to enable the provision of legal assistance and representation for the child during the interview process. Legal aid should be provided for free to children and should be of high standard and easily accessible in all regions of the country
9. Knowledge and understanding of effects of trauma on a child and mechanisms to support them through trauma
10. Knowledge and skills on child-friendly interviewing procedures and information gathering techniques
11. Knowledge and skills to apply protective legislation and policy when interviewing the child
12. Small budget provided to each police station to supply child with food, clothing and medicine, as may be needed
13. Strong coordination mechanisms with government and nongovernmental shelter, psychosocial and rehabilitation service providers in the area to be able to refer the child immediately after interviewing to the appropriate services

Commitments must be made by the GPS headquarters and regional commands to ensure that trained DOVVSU and AHTU officers remain in their units for significant time to see the benefits from training and to pass on the knowledge and skills they have gained to more junior officers. A time of five years post-training before transfer was set as a minimum, with DOVVSU and AHTU personnel then only transferred within their specialised unit to another DOVVSU or AHTU posting.

ANNEX 1

INTERNATIONAL OBLIGATIONS OF GHANA IN THE FIELD OF CHILD PROTECTION

Reports Submitted to Treaty Bodies and the Concluding Observations of CRC Committee

	Report number	Type of report	Due Date	Date of submission or relevant CRC session	Name of Organisation
Convention on the Rights of the Child First Country to Ratify Convention on 05.02.1990	1	State report	01.09.1992	19.12.1995	CRC/C/3/Add.39
	1	Alternative Report	CRC Session 15, 20 May – 6 June 1997		Ghana NGO Coalition on the Rights of the Child
	1	Concluding Observations		18.06.1997	CRC/C/15/Add.73
	2	State report	01.09.1997	14.07.2005	CRC/C/65/Add.34
	2	Alternative Report	CRC Session 41, 9 – 27 January 2006		Ghana NGO Coalition on the Rights of the Child
	2	Concluding Observations		17.09.2006	CRC/C/GHA/CO/2
	3, 4, 5	State report	01.09.2011	24.05.2012	CRC/C/GHA/3-5
3, 4, 5	Alternative Report	06.2014	-	-	
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography Signature 24.09.2003	Not applicable- this country has yet to ratify this Protocol				
Optional Protocol to the CRC on the involvement of children in armed conflict Signature 24.09.2003 Ratified 17.07.2009 ⁵²					
Optional Protocol to the Convention on the Rights of the Child on a communications procedure Signature 24.09.2013					

⁵¹ Ghana's State Report to the CRC Committee uses this date for ratification in parliament.

ANNEX 2

SYNTHESIS OF TARGET GROUPS MET DURING DATA COLLECTION

Location	Stakeholder Group/Organisation	Number Met on Mission #1	Number Met on Mission #2	Number met after Mission #2 ¹¹	Number met on Mission #3	Total Number Met to Date
Accra	Police officers	7	9			16
	Police from headquarters	-	6	2		8
	Police training institutions (2)	33	2	2		37
	Justice system	2	7		1	10
	Government ministries	5	5	2	2	14
	Children	17	10			27
	NGOs	10	7	4	2	23
	Social Workers/Child protection system – govt	7	6			13
Others (Kumasi Polytechnic & UNFPA)	1	2			3	
Kumasi	Police officers	2				2
	Police training institutions (1)	13				13
	Justice system					
	Government ministries					
	Children ¹²					
	NGOs					
	Social Workers/Child protection system – govt	3				3
Ho	Police forces		27			27
	Police training institutions (1)		28 (+453 recruits)			28
	Justice system					
	Government ministries					
	Children					
	NGOs					
	Social workers/Child protection system – govt		9			9
Chief				1	1	
Tamale/ Pwalugu	Police officers		6			6
	Other (UNICEF field office)		2			2
	Police training institutions (2)		19 (+100 recruits)			19 (+100 recruits)
	Justice system		2			2
	Government ministries					
	Children		12			12
	NGOs					
	Social workers/Child protection system – govt		15			15
Winneba	Police officers					
	Police training institutions			61 (+ 100 recruits)		61 (+100 recruits)
Koforidua	Police officers			6		6
	Police training institutions			7 (+349 recruits)		7 (+349 recruits)
Totals		100	727 (+553 recruits)	84 (+449 recruits)	6	364 (+1002 recruits)





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