



**GHANA POLICE SERVICE**

**PART OF THE TOOLKIT  
NPTS/RPTS CURRICULUM**

**INTEGRATING CHILD-FRIENDLY POLICING  
INTO THE GHANA POLICE SERVICE - GPS**

# **STUDENT'S MANUAL**

**OCTOBER 2016**





**GHANA POLICE SERVICE**

PART OF THE TOOLKIT  
NPTS/RPTS CURRICULUM

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

# STUDENT'S MANUAL

OCTOBER 2016

Canada 

unicef   
for every child



---

# TABLE OF CONTENTS

---

<b>A.</b>	<b>INTRODUCTION TO THE MANUAL .....</b>	<b>3</b>
<b>B.</b>	<b>STANDARD OPERATING PROCEDURES .....</b>	<b>8</b>
<b>C.</b>	<b>PRINCIPLES GUIDING POLICE INTERACTION WITH CHILDREN.....</b>	<b>9</b>
	<b>Module C1</b> Child Rights Legislation, Policies and Guiding Principles of the Standard Operating Procedures .....	10
	<b>Module C2</b> Understanding Childhood and Child Development .....	24
<b>D.</b>	<b>POLICE ROLE IN PROTECTION AND PREVENTION.....</b>	<b>35</b>
	<b>Module D1</b> Child Vulnerability, Neglect and Abuse–Detection, Prevention and Response .....	36
	<b>Module D2</b> Harmful Traditional Practices and Responses .....	49
<b>E.</b>	<b>CHILD-FRIENDLY POLICING ENVIRONMENT.....</b>	<b>59</b>
	<b>Module E1</b> Creating a Child-Friendly Environment .....	60
	<b>Module E2</b> Ethical and Professional Behaviour for Interacting with Children.....	66
<b>F.</b>	<b>INTERVIEWING A CHILD IN CONTACT WITH THE LAW .....</b>	<b>73</b>
	<b>Module F1</b> Interviewing Children.....	74
<b>G.</b>	<b>POLICE HANDLING OF CHILDREN IN CONFLICT WITH THE LAW .....</b>	<b>85</b>
	<b>Module G1</b> Handling Children in Conflict with the Law .....	86
	<b>Module G2</b> Restorative Justice and Police Diversion .....	96
	<b>Module G3</b> Police Responsibilities in Preventing Children from Coming into Conflict with the Law .....	106

<b>H.</b>	<b>POLICE COLLABORATION WITH KEY STAKEHOLDERS .....</b>	<b>113</b>
	<b>Module H1</b> Collaboration with Other Stakeholders in Child Protection-Formal and Informal.....	114
<b>I.</b>	<b>RECORDKEEPING PRACTICES FOR INTERACTION WITH CHILDREN.....</b>	<b>123</b>
	<b>Module I.1</b> Recordkeeping on Cases Involving Children.....	124

# A

# INTRODUCTION TO THE MANUAL

## BACKGROUND

Ghana's child welfare system has witnessed considerable improvement over the years. This can be attributed to the enhanced policy, legislative as well as institutional framework for child protection. It is important to note that children under 15 years of age constitute 38% of Ghana's population<sup>1</sup>. Notwithstanding the improvement in the child welfare system, a number of children still live in difficult circumstances. Many orphans live out of the family setting and some of them live with foster parents. While other children are engaged in child labour or living and working in the streets, others are victims of trafficking. These circumstances in which children find themselves put them at an even greater risk of exploitation, abuse and exposure to criminal influences.

Violence, abuse, exploitation and neglect of children are issues of growing concern. The number of cases officially reported to the Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Service has increased significantly from 1,128 in 2002 to more than 2,157 in 2013.<sup>2</sup> This included over 1,200 cases of defilement. It is not clear if this increase is due to increased incidents of abuse or increased rates of reporting. Surveys suggest that the actual prevalence of violence is significantly higher than formally reported.<sup>3</sup> A 2009 study conducted in select schools found that 14 per cent of school children surveyed had been sexually abused, with 53 per cent of sexual abuse occurring in school and 47 per cent happening at home.<sup>4</sup>

1 Ghana Statistical Service (October 2012) Population by Region, District, Age Groups and Sex, 2010, Accra

2 Data from DOVVSU, excluding non-maintenance issues.

3 A survey conducted in 1999 found that 20 per cent of women and girls across all regions of Ghana had their first sexual intercourse forced upon them (including 17 per cent of girls aged 10–14 and 64 per cent of girls aged 15–18). The majority of cases of sexual violence went unreported due to stigma and feelings of shame, advice to be tolerant or the view that little or no action would be taken: Appiah, D. and Cusak, K., Violence Against Women and Children in Ghana, Gender Studies and Human Rights Documentation Centre, Accra, 1999.

4 CRRECENT, Report on Child Sex Abuse in Schools, PLAN Ghana, Accra, 2009.

The lack of comprehensive, national data on children in the justice system makes it difficult to assess the full nature and scope of these issues. A mapping of community perceptions of child protection issues conducted in 2010 highlighted that young people forming gangs, becoming involved in criminal activity and displaying unacceptable behaviour were problems in both rural and urban areas. Theft was identified as the most common offence committed by children, and fighting, alcohol/drug use and sexual offences were also frequently highlighted as concerns.<sup>5</sup>With respect to children in conflict with the law, available data from the courts suggests that a relatively low number of children are being formally processed through the formal justice system, particularly in the northern regions.

Ghana was the first country to ratify the United Nations Convention on the Rights of the Child (CRC) and has ratified a number of international instruments relating to child protection including the African Charter on the Rights and Welfare of the Child (ACRWC).<sup>6</sup>Ghana generally has a robust legislative framework to protect children and their rights. The Government of Ghana promulgated a Children's Act (1998), has amended the Criminal Code through the Criminal Code Amendment Act (1998), passed 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.

Yet, 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 approved the Child and Family Welfare Policy (March 2015) and the Justice for Children Policy (2016).

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 have two 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. The initial training of law enforcement did not include a course on children's rights, although in many schools, police recruits were learning the 'Acts and Decrees' relevant to children. One training school in

---

5 Government of Ghana and UNICEF, 2011

6 This includes the ILO Convention 182 on the Worst Forms of Child Labour, but not the Optional Protocols to the CRC or the Trafficking Protocol



Pwalugu had introduced a child-friendly policing course and was regularly teaching this to recruits. This was the only school however, to address this issue. In other schools, ad hoc training focusing on human rights (including some child rights issues) and violence against women was sometimes offered to recruits.

Protecting children from violence and abuse is one of the key responsibilities of police institutions. The Police have an indispensable role to uphold the legal rights of children, protect them from abuse and exploitation, prevent children from coming into conflict with the law, and facilitate the administration of justice when children are exposed to abuse and offence. In order to perform these tasks adequately, the skills and knowledge of all police officers in these areas must be strengthened. Training serves not only to provide such skills and knowledge, but also to change attitudes among police officers with respect to children in contact with the law.

Accordingly, the *Integrating Child-Friendly Policing into the Ghana Police Service* initiative was launched to strengthen the ability of the police to enforce the laws in a manner that respects children's rights and their need for care and protection through the establishment of robust standard operating procedures for handling children in conflict with the law and investigations involving child victims and/or witnesses. A child-friendly curriculum has been developed to integrate training on child-friendly policing into every police training school. This means that all new recruits and senior command officers who go through the staff college or the academy will be taught child-friendly policing. Additionally, specialised course modules have been developed for the two specialised police units which deal with children as victims, witnesses and in conflict with the law – DOVVSU and AHTU. In an effort to improve analysis and strategic planning for justice for children, this initiative also includes improvement of national level recordkeeping and data capture of cases involving children.

## **Purpose of this Manual**

This student's manual has been designed to provide background information and lessons on child protection for police recruits who will undertake the child-friendly policing training course and in-service police officers who work with child-focused specialised units such as the Domestic Violence and Victim Support Unit (DOVVSU) and the Anti-Human Trafficking Unit (AHTU)<sup>7</sup>. It will also serve as useful material for those who require training on the Standard Operating Procedures for Child Victims and Witnesses and Children in Conflict with the Law. The manual contains various exercises and case studies that will stimulate learning and encourage users to undertake further research on the various topics addressed in the manual.

---

<sup>7</sup> Both DOVVSU and AHTU have supplementary training manuals that are directly related to the specific work they undertake involving children.

## **Process of Developing a Child-Friendly Policing Curriculum**

An assessment of previous capacity building and the impact of these, current training practices and future needs for training in child rights and protection was completed as a first step to determine the specific needs and context of the Ghana Police Service. Focus groups and interviews were held in Accra, Kumasi, Ho, Tamale, Pwalugu, Koforidua and Winneba, with a total of 230 police officers drawn from the police training schools, regional command, headquarters, DOVVSU, AHTU and regular police from stations. Each police training school was visited and instructors were interviewed about their courses and teaching methodologies. Where possible, classes were observed. Over 1000 police recruits were informed about the initiative and approximately 80 of these took part in discussions about police needs in the area of child rights and protection. The results of the assessment have been compiled in a Mapping Report, which serves as a gap analysis of police capacity in this area.

From the beginning, the process has been guided by two advisory committees. The Steering Committee provides high level advice and advocacy to the initiative and is chaired by the Minister of the Interior and composed of the IGP and Ministers of departments that are key partners in the police initiative, including Gender, Children and Social Protection, Chieftaincy and Traditional Affairs, A-G and Justice, among others. The Technical Working Group is chaired by the Director-General of the Human Resources Department at the GPS and is composed of each of the commandants of the eight Regional/National Police Training Schools, the Detective Training School, the National Police Academy, the Police Command and Staff College, the Police Public Safety Training School, one representative from DOVVSU and AHTU, a police commander from a district, a paediatrician from the Police Hospital, a representative of Prisons Service and the Director of Administration of Juvenile Justice at the Department of Social Development. This group provides technical support and advice for the implementation of the initiative and were responsible for making decisions about what modules to include in the child-friendly curriculum and how to teach these modules.

## **Organisation of this Manual**

This manual will serve as a comprehensive resource material on child-friendly policing for all new recruits and officers of the Ghana Police Service. It is intended to build competencies in child-friendly policing and the implementation of the SOPs. It includes the following sections:

- C. Principles Guiding Police Interaction with Children
- D. Police Role in Protection and Prevention
- E. Child-Friendly Policing Environment

- F. Interviewing a Child in Contact with the Law
- G. Police Handling of Children in Conflict with the Law
- H. Police Collaboration with Key Stakeholders
- I. Recordkeeping Practices for Interaction with Children

Section A only exists in the Facilitator's Guide since *A. Introduction and Guidelines for Facilitation* is only relevant to instructors and facilitators. Section *B. Overview of SOPs* includes the two SOPs upon which this curriculum is based. It is fully expected that all students, whether new recruits or in-service officers, will have taken the opportunity to read each of the two SOPs – *Procedures for Handling Children in Conflict with the Law* and *Procedures for Investigations Involving Child Victims and Witnesses* in advance of taking their training in child-friendly policing.

### **How to Make Use of this Manual**

This manual provides background notes on the various topics in the Child-Friendly Policing Curriculum. It is intended for all new recruits into the Ghana Police Service. It has been designed to facilitate teaching and learning of the child-friendly policing curriculum by providing detailed information to users. There are exercises in the manual that will assist students practice and enable them better appreciate the various concepts and issues discussed in class. The manual will also be useful for in-service police officers new to child-friendly policing and the SOPs. Ideally, the manual should be accompanied by a training programme in the subject.

You will use the manual as directed by the course instructor, referring to background information where required and using the exercises/case studies in the manual when asked to undertake these activities.

## Section B

# STANDARD OPERATING PROCEDURES

## Section C

# PRINCIPLES GUIDING POLICE INTERACTION WITH CHILDREN

---

# CHILD RIGHTS LEGISLATION, POLICIES AND GUIDING PRINCIPLES OF THE STANDARD OPERATING PROCEDURES

---

## BACKGROUND

Children are generally vulnerable and do not have the capacity to protect themselves. In view of this, they require special protection under the law. There are many national, regional and international laws and policies in place to protect children and ensure that the best interest of the child is safeguarded.

### **Guiding Principles of the Standard Operating Procedures**

When interacting with both child victims and witnesses and children in conflict with the law, the police are to be guided by some key principles which are founded in national, regional and international laws and policies. These principles form the foundation of the Standard Operating Procedures. Every police officer is required to internalise these principles and apply them in their work with children. Below is a summary of the key principles and how they can be applied in practice.

### **Consideration of the best interest of the child**

This principle is clearly articulated in Article 28 of the 1992 Constitution, Section 2 of the Children's Act and Article 3 of the Convention on the Rights of the Child.

This implies that when making decisions concerning the child, the decision-maker must consider their best interest always. This includes the right to protection, safety and development and the types of services, actions and orders that will best serve the child:

The following should be considered in the determination of the best interest of the child:

- ▣ The health, safety and/or protection of the child;
- ▣ The importance of keeping families intact and avoiding removal of the child from his or her home, except in cases where the child's safety and wellbeing require removal;
- ▣ The role of parents, extended family and community members or fit persons in supporting the child;
- ▣ The child's need for support and assistance to participate effectively in the criminal justice process and to receive care, treatment and guidance to overcome the consequences of the crime; and
- ▣ The child's opinion

### **Upholding the rights of the child**

This principle is based on several laws including Article 28 of the 1992 Constitution, Sections 3, 8, 9 and 11 of the Children's Act; Sections 3 and 22 of the Juvenile Justice Act and Articles 2, 6 and 12 of the Convention on the Rights of the Child.

This principle implies that children in contact with the law are all entitled to the following rights:

- ▣ The right to safety at all times;
- ▣ The right to be treated with respect in all interactions;
- ▣ The right to be treated in accordance with the rule of law;
- ▣ The right to participate with the child's opinions given due consideration taking into account the child's age and development;
- ▣ The right to confidentiality and the protection of a child's personal data in accordance with law;

- ▣ Non-discrimination against a child on the grounds of gender, race, age, religion, disability, health status, custom, ethnic origin, rural or urban background, birth or other status, socio-economic status or because the child is a migrant or refugee;
- ▣ Ensure the protection of the child's right to survival and development including considerations of shelter, medical care and rehabilitation;
- ▣ Do not deprive a child access to education, immunisation, adequate diet, clothing, shelter, medical attention or any other thing required for his or her development;
- ▣ During arrest, investigation and trial, the child's procedural safeguards must be respected. The child must be informed of the charges against him/her in a language he/she understands and to read the arrest warrant at any time; remain silent; Have a parent, guardian, close relative or probation officer present at the proceedings; have legal representation or legal aid.

### **Adopting a child-friendly approach**

This principle is based on Article 28 of the 1992 Constitution, the Children's Act and the Justice for Children Policy and Article 12 of the CRC.

This implies that in all interactions and communication with child victims and witnesses, police officers must adapt their approach to be child-friendly and to ensure:

- ▣ That the child's dignity is respected and protected;
- ▣ That all interviews, examinations and other investigative procedures are conducted in a respectful, professional manner;
- ▣ That the nature and tone of questioning is adapted to the child's age and developmental abilities;
- ▣ That the child is treated as a credible witness and his right to be heard is respected;
- ▣ That children and their parents/caregivers are kept fully informed of progress in the case and are consulted on significant decisions, including asking the child's opinion about accompaniment, safety and any other needs the child has;
- ▣ That children are protected from any undue distress or hardship during the course of the investigation. This includes taking measures to reduce contact between the child and the suspect during the investigation. Any physical and medical examinations are carried out in a child-sensitive and the least intrusive manner;
- ▣ That investigations are completed as quickly as possible to reduce distress on the child and family;



- The use of child-friendly spaces in interviewing children, where none exists use a nearby private facility or improvise space to ensure confidentiality.

### **Priority to Diversion and Restorative Approaches**

This principle is founded on the Juvenile Justice Act and the Justice for Children Policy.

Children accused of minor offences are not unnecessarily processed through the courts. Where appropriate, police will seek to divert children from the formal justice system by issuing informal or formal cautions, using informal mediation or recommending community resolutions.

### **Use of Arrest, Custody and Remand as Last Resort**

This principle is found in Article 28 of the Constitution, 1992, the Children's Act and Article 6 of the CRC. The Child has the *right to survive and develop healthily*. Therefore, no person shall deprive a child access to education, immunisation, adequate diet, clothing, shelter, medical attention or any other thing required for his or her development. This is why police officers are encouraged to use arrest only as last resort.

### **Protection of Privacy and Confidentiality**

These principles can be found in the Juvenile Justice Act, 2003 and the Justice for Children Policy. Confidentiality is paramount in all actions relating to the child. Juveniles are particularly vulnerable to stigmatisation and public exposure. Privacy of children in conflict with the law must be respected and protected. All files in relation to a child should be kept strictly confidential, and information shared only with appropriate authorities.

In interacting with the public and media, the police must ensure that they do not share any information that might reveal the identity of a child who is alleged, accused or convicted of an offence.

### **Police Role in Crime Prevention**

This principle is also found in the Justice for Children Policy.

Police need to develop relationships with community leaders, agencies, institutions and non-governmental organisations (NGOs) that can intervene to support a child at risk. This can be done through arranging meetings with relevant community leaders, agencies, institutions and NGOs to ensure early intervention to avoid escalation of the issue in question.

Police may refer at risk children to social services, NGOs and community leaders who can support them. They can also put families in touch with social services, NGOs or community leaders who could help them in times of difficulty;

Other ways police can assist include: coordination with social services, NGOs and community leaders in family reunification, support the development of “community policing”, integrate officers into a local community to reduce crime and cultivate good community relations and take violence against women and children within families very seriously as this is a key reason for children to leave home and live on the streets; and finally advocate with communities and families on the prevention of violence and abuse, parental responsibility, children’s rights, positive child-rearing practices and non-violent and non-humiliating school discipline.

### **National Legislation and Policies on Child Rights**

There are many national laws on the rights of the child. Below are a list of laws and a summary of the key provisions. Note that all children, including children in conflict with the law, are guaranteed protection under the Children’s Act and other laws.

## Legislation

## Summary of key Provisions

### The Constitution, 1992

- ▣ Guarantees fundamental human rights and freedoms in Article 21
- ▣ Equality and freedom from discrimination (Art 17)
- ▣ Right to fair trial (Art 19)
- ▣ Defines child as a person below the age of eighteen years in Article 28
- ▣ Parliament's power to make laws for the protection of children (Art 28).
  - every child has the right to the same measure of special care, assistance and maintenance as necessary for its development from its natural parents except when those parents unless they surrender their rights and responsibilities according to law
  - child's entitlement to a reasonable provision out of the estate of parents
  - parents undertake their natural right and obligation of care, maintenance and upbringing of children in cooperation with relevant institutions...in all cases the interest of the children are paramount.
- ▣ Right of protection from engaging in work that is a threat to a child's health, education and development
- ▣ A child shall not be subjected to torture or other cruel, inhuman or degrading treatment or punishment
- ▣ No child shall be deprived of medical treatment, education or any other social or economic benefit by reason only of religious beliefs

---

**Children's Act, 1998  
(Act 560)**

- ▣ Defines a child as a person below the age of 18 years (S.1)
  - ▣ Establishes the welfare principle, non-discrimination against a child, right to education and wellbeing, right of opinion
  - ▣ Protection from exploitative labour (S.12, 87)
  - ▣ Protection from torture and degrading treatment (S. 13)
  - ▣ Prohibits forced betrothals, dowry transactions and marriage and stipulates that the minimum age for marriage of whatever type is eighteen years (S.14)
  - ▣ Meaning of care and protection (S. 18)
  - ▣ Section 19 (3) of the Children's Act gives the Department of Social Welfare the mandate to remove a child in need of care and protection as stated under section 18.
  - ▣ Investigation of child abuse by Social Welfare and Community Development Department (S.19)
  - ▣ Care order of family tribunal (S.20)
  - ▣ Establishment of child panels (S.27, 28, 29)
  - ▣ Family tribunals and the rights of the child
  - ▣ Determination of parentage and issues related to the custody and access to the child.
  - ▣ Fosterage and adoption
  - ▣ Provides ages for admission to employment, proscribes labour which exploits the child by deprivation of health, education or development
  - ▣ Establishment and supervision of homes for care of children and day care centres
-

**Juvenile Justice Act,  
2003 Act 653**

- ▣ Defines a juvenile as a person under 18 years who is conflict with the law (S. 1)
- ▣ A juvenile shall be dealt with in a manner which is different from an adult, except under
- ▣ Exceptional circumstances under section 17. (S.1 (2))
- ▣ Welfare principle (S.2)
- ▣ Rights of a juvenile (S. 3):
  - right to privacy during arrest, investigation and trial
  - prohibition of publication of information leading to the
  - identification of the juvenile
  - procedure for arrest (S.4,5)
- ▣ Caution by the police (informal caution- verbal warning)
- ▣ Senior officers may give formal cautions with or without conditions
- ▣ Interview of a juvenile to be done in the presence of parent guardian, lawyer or close relative or probation officer (S.13)
- ▣ Juveniles courts and their sittings
- ▣ Age determination (S.19)
- ▣ Social Enquiry Report, Diversion
- ▣ Committal to fit persons (S.34)
- ▣ Provisions on junior and senior correctional centres

<p><b>Domestic Violence Act, 2007 (Act 732)</b></p>	<ul style="list-style-type: none"> <li>▣ Protection from physical abuse, sexual abuse, economic abuse and emotional, verbal or psychological abuse. Sexual harassment and intimidation by inducing fear in another person is also covered.</li> <li>▣ Definition of domestic violence (S.1)</li> <li>▣ Definition of domestic relationship (S.2)</li> <li>▣ Prohibition of domestic violence (S.3)</li> <li>▣ Protection orders by a court (S.12)</li> <li>▣ Duty of the police to respond to a request by a person for assistance from domestic violence and shall offer the protection that the circumstances of the case or the person who made the report requires, even when the person reporting is not the victim of the domestic violence (S.7)</li> <li>▣ Receipt of complaints and free medical treatment (S.8)</li> <li>▣ A child may be assisted to file a complaint by a next friend and complaints may be filed by a social worker, probation officer or health care provider.</li> <li>▣ The personal representative of a deceased person may also file a complain</li> <li>▣ The police play a vital role in the enforcement of domestic violence legislation since the police station is likely to be the first place that a victim of violence will go.</li> <li>▣ Mandatory co-operation of the police (S.7)</li> </ul>
<p><b>Criminal and Other Offences (Procedure) Act, 1960 (Act 30)</b></p>	<p>Defines a juvenile as a person under 18years (Section 414)</p>
<p><b>Criminal Offences Act, 1960 (Act 29)</b></p>	<p>For the purposes of the criminal law a person under twelve years of age is incapable of committing a criminal offence (S. 26)</p> <p>Criminalises the abandonment or exposure of a child to danger, abduction of a child and a range of sexual offences that could render a child vulnerable to HIV infection (S.71,91 and 92)</p>

<p><b>Human Trafficking Act 2005 (Act 694)</b></p>	<p>Seeks to prevent, reduce and punish human trafficking as well as provide for the rescue, rehabilitation and re-integration of victims</p> <p>Defines human trafficking as the recruitment, transportation, transfer, harboring, trading or receipt of persons within and across national borders by the use of threat, force, coercion, fraud, deception and abuse of power or exploitation of vulnerability or giving or receiving of payments and benefits to achieve consent.</p> <p>Prohibits the above acts (both provision and use of trafficked persons)</p> <p>Temporary care, tracing of family of trafficked persons or rehabilitation of trafficked persons and compensation of victims by offender.</p> <p>Human Trafficking Fund to support victims</p> <p>Persons with information about trafficking are enjoined to inform the police, CHRAJ, DSD, Legal AID or a reputable NGO.</p> <p>Provides for the rehabilitation and re-integration of victims of the phenomenon.</p>
<p><b>Wills Act, 1971 (Act 360)</b></p>	<p>The High Court may make reasonable provisions for children below 18 years where in the opinion of the Court reasonable provision has not been made for the estates of the testator [S. 13]</p>
<p><b>Evidence Act, 1975 (N.R.C.D 323)</b></p>	<p>A child is competent to be a witness unless that child is disqualified under Sec 59 (1) of the same Act (Sec 59 (2)).</p>
<p><b>Child and Family Welfare Policy</b></p>	<p>The policy is concerned with both the 'formal' component of Child and Family Welfare services (governed by laws, policies and regulations and delivered by state institutions) and the 'informal' (based on community and traditional processes and resources).</p>

<b>Justice for Children Policy, 2015</b>	<p>This policy establishes the framework for a well-structured and coordinated Justice for Children system that promotes the wellbeing of children, prevents violence exploitation and abuse, protects children from harm and promotes justice for children. It is primarily concerned with all children in contact with the justice system – as victims of crime, witnesses, alleged offenders and offenders, and other cases involving children. It addresses both criminal and civil cases involving children and focuses on the use of community processes to handle children in conflict with the law more than the use of the formal justice system.</p>
--	--

### Regional and International Legislation on Child Rights

Ghana is a state party to many international and regional laws related to the protection of the rights of children by virtue of Article 75 of the 1992 Constitution. Below is a summary of international and regional legislations on the rights of the child which are applicable in Ghana.

### Regional Legislation on Child Rights Applicable in Ghana

Title of Legislation	Purpose
African Charter on the Rights and Welfare of the Child	Ghana signed the African Charter on the Rights and Welfare of the Child; on 13th June 2000 to promote children's rights.
African Charter on Human and People's Rights	Enjoins State Parties to Protect human rights.
African Youth Charter	To promote the rights of the youth aged 15-35 yrs



## International Legislations on Child Rights Applicable in Ghana

Title of Legislation	Purpose
Convention on the Rights of the Child (CRC)	<p>Ghana signed and ratified the Convention on the Rights of the Child on 29th January 1990 and 5th February, 1990 respectively.</p> <p>Established the 4 main principles of the rights of the child in articles 2, 3, 6 and 12.</p> <p>Generally provides the framework for the protection of the child.</p>
Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	<p>Ratified on 13th June 2000 to help eliminate the worst forms of child labour.</p>
Optional Protocol to the Convention on the Rights of the Child on the Involvement of children in armed conflicts	<p>Signed on 23rd September 2003, to control involvement of children in armed conflicts</p>

### Child Protection Policies

There are two key national policies on child protection in Ghana. These include the Child and Family Welfare Policy, 2015 and Justice for Children Policy, 2015.

#### Child and Family Welfare Policy

The policy is concerned with both the 'formal' component of Child and Family Welfare services (governed by laws, policies and regulations and delivered by state institutions) and the 'informal' (based on community and traditional processes and resources).

#### Justice for Children Policy

This policy establishes the framework for a well-structured and coordinated Justice for Children system that promotes the wellbeing of children, prevents violence exploitation and abuse, protects children from harm and promotes justice for children. It is primarily concerned with all children in contact with the justice system – as victims of crime, witnesses, alleged offenders and offenders, and other cases involving children. It addresses both criminal and civil cases involving children.



## Exercise C1: The Guiding Principles in the SOPs and Putting them into Practice

1. Article 2 of the UN Convention on the Rights of the Child and other national laws enjoin stakeholders in child protection not to discriminate against children.

Explain the circumstances under which children may be discriminated against by police officers. With concrete examples, demonstrate how the SOPs will ensure that police officers do not discriminate against Child Victims and Witnesses and Children in Conflict with the Law.

2. “In all actions concerning children whether undertaken by public or private social welfare institution, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.”

With reference to the Standard Operating Procedures, explain the circumstances under which police officers can ensure the best interest of the child.

3. Identify 5 rights that Children in contact with the law are entitled to.

4. Kofi Manu aged 14 and two of his school mates Koo and Twiaa were returning home after school one afternoon. Koo asked Kofi and Twiaa to accompany him to the market to buy pen. All of a sudden, Abena Saa, a market woman shouted “thief, thief”. Unknown Kofi, Koo took the eraser from Abena and escaped with Twiaa without paying for it. Since Kofi was wearing a similar uniform, Abena took hold of him and brought him to the police station and wouldn’t listen to him. Upon arrival at the police station, Abena narrated the incident to the police officer on duty in the presence of many bystanders. Immediately, the police officer remarked “bad boy, come here” and wouldn’t listen to anything Kofi was saying.

With reference to the SOPs on handling children in conflict with the law, explain to your colleague which principles of the SOPs have been breached and advise him on the right thing to do.



# UNDERSTANDING CHILDHOOD AND CHILD DEVELOPMENT

## BACKGROUND

Children are different from adults in many respects. While adults are largely matured and independent, children, on the other hand, always require care, protection and guidance and may not necessarily fully appreciate the implications of their actions. As police officers who come into contact with children regularly, it is important to appreciate the nature of children with respect to their development. This will enable officers to handle children in a manner that is professional and in the best interest of the child.

Childhood may be defined as a period when a person is under the authority, control and care of some persons considered as adults in society. Childhood may include one or a combination of the following characteristics: the period before puberty rites; when a person is not married; a period in school, particularly if fees are being paid by an adult; a period of learning a trade; a period when decisions are made for a young person; a period when a young person is living under the same roof as their parents<sup>8</sup>. While these characteristics are not exhaustive, they present some considerations related to the concept of childhood. It is important to note that different cultures and communities have distinct ways of perceiving who they consider a child. For instance, a person who may be an adult by age but remains under the care of his/her parents may be considered a child. In another example, a teenager who might have given birth may be considered an adult.

Children go through various stages of development. These stages come with learning, and mastering skills like sitting, walking, talking, among others. It is a process that every child goes through. The development occurs in stages. This implies that the child will need to develop some skills before he or she can develop others. Examples of areas of in which children develop

<sup>8</sup> Child and Family Welfare Policy, 2015

skills include: cognitive development -the child's ability to learn and solve problems; social and emotional development -the child's ability to interact with others, which includes being able to help themselves and use self-control; speech and language development: the child's ability to both understand and use language and fine motor skills development -the child's ability to use small muscles, turn pages in a book or use a crayon to draw. It is therefore important for those whose work involves handling children, like the police, to understand the various stages of child development and the accompanying characteristics at each stage to enable them better appreciate how to handle children of various stages of their development more effectively.

Police officers encounter children in their daily work in diverse circumstances. While some children come into contact with the police as victims of abuse or crime or witnesses, for others it may be as a result of coming into conflict with the law, yet others may be children who are found unattended and brought to the police to help find their parents.

In handling children, police officers need to understand the dynamics involved in the growth and development of children. This is because children differ significantly in physical, cognitive, social and emotional growth patterns and have to be treated differently at each stage of their development.

### **Definition of a child**

A person considered a child is usually one who is young and still under the care of the parents or guardians. Usually they are too young to be engaged in employment and unmarried. They could be male or female, they are not assigned certain roles that require vigorous physical activities because of their stature. Different cultures perceive children differently, some people who live with their parents are considered children as long as they remain under the care of their parents. Others perceive people as children as long as they are unmarried and remain under the care of their parents. Given the various differences in how a child is perceived, there's the need to have a common definition for the purposes of policy and law enforcement relative to children.

### **Legislation Defining a Child**

Article 28 (5) of the 1992 Constitution defines a child as "a person below the age of 18 years" This definition is also in Section 1 of the Children's Act, 1998 (Act 560). According to the UN Convention on the rights of the child (Article 1): A child means every human being below the age of 18 years unless, under the national law applicable to the child, maturity is attained earlier.

It is an important first step for police officers to take steps to ascertain the age of a child whenever they are dealing with children. This will enable them to afford the child due care and protection as required under the law. It is wrong, for instance, to assume that a teenage mother is an adult and treat her as such.

## Child Development

Child development is a process that involves learning and mastering skills like sitting, walking, talking, among others. It is a process that every child goes through. The development occurs in stages. It starts in infancy and continues to adulthood. Different names are used to describe young children at different ages.

**Growth** refers to an increase in physical size. Growth represents quantitative changes such as height, weight, blood pressure and number of words in the child's vocabulary. **Development** refers to an increase in capability and function, for example, the ability to sit without support or to throw a ball overhand.

There are different ways in which children grow and show difference and changes in their early development processes. These are commonly categorised into four -physical, cognitive, emotional and moral development.



## Areas of Child Development

Area of Development	Characteristics
Physical Development	Relates to the bodily changes and developments of a child. The development includes the child growing bigger and experiences changes in the body due to the development of the internal and external sex organs and associated secondary sexual characteristics' (e.g. facial hair and deeper voice for boys, development of breasts and menstruation for girls).
Cognitive Development	Refers to the mental process of knowing, thinking, remembering, reasoning, understanding, problem solving, evaluating and using judgment. It is in contrast to emotional processes. As children get older, their ability in all of these areas increases.
Emotional Development	Relates to changes and improvement in feeling - emotional state of conditions. As a child gets older, he/she gains increasing control over his/her emotions. This is possible because of the process of learning through social interactions about what is considered 'appropriate' emotional behaviour in different circumstances.
Moral Development	Concerns knowledge about what is right and wrong. Normally, a child's understanding of what is right and wrong increases as she/he gets older. However, the speed and level of the change and development depends very much on what environment he/she is in and who his/her role models are. It should be noted that, there is a difference between 'cognitive' and 'moral' reasoning and judgment. For example, a child might 'understand' in a cognitive way, that stealing is 'against the rules' because he/she has been told so, but he/she may not 'understand' that it is 'wrong' in a moral sense.

## Major Stages in Child Development

Each child grows and develops at his or her own pace. Children display developmental landmarks at different times. They pass through various changes in their journey to adulthood. Maturity occurs as each child progresses from one stage to the next. The child becomes an adult when he/she is able to care for him/herself without the support of adults. There are four basic stages of development from birth to adolescence.

The characteristics of children at these stages of development are summarised below:

Stage	Age	Characteristics
<b>Infancy and Toddlerhood</b>	Birth-2 years	This is the period of babyhood. Rapid changes in all aspects of development occur at this stage including physical and intellectual development. Toddlers begin exploring their environment and begin to mimic those around them.



<p><b>Early Childhood</b></p>	<p>3-8 years</p>	<p>The major changes during this stage are steady physical growth; improvement of growth and fine motor skills; improvement of memory and language; development of gender identity; development of imaginative, elaborative and social play; manifestation of aggression and fearfulness.</p> <p>They can express themselves by the use of language. Although they have come to know many concepts, they cannot express accurately all feelings. They can also express themselves more through drawings. At this age they like to imitate adults.</p> <ul style="list-style-type: none"> <li>• A six-year old child likes to talk much. He/she likes to form a friendship with one child.</li> <li>• When he/she plays, he/she always wants to be a winner and a leader. He/she has reached at the stage of identifying what is a secret and what is not. He/she likes to form closer relationships with other children, his/her parents and teachers. He/she gets pleasure by setting his/her own standards and living up to them, listening to stories or accomplishing his/her assignments.</li> <li>• The child of seven years old begins to establish first “love affairs”. He/she distances him/her self from the mother and starts to tell secrets into ears.</li> <li>• The eight-year-old child can “critically” evaluate his/her work and that of others.</li> </ul>
<p><b>Middle Childhood</b></p>	<p>9-11 years</p>	<p>Physical growth; improvement of strength and athletic skills; development of concrete logical thinking; development of strong relationships with peers.</p> <p>He/she can set rules for games and understand the existence of alternative ways to solve problems. They like money, may be exposed to abuses through monetary bribes. It is also the optimum age for learning skills.</p>

---

**Puberty/  
Adolescence**

12-18+

Puberty/adolescence is the period of transition from childhood to adulthood. Dramatic changes in all aspects of development occur (physical, social, emotional and intellectual). These changes take place simultaneously and influence one another. This is the stage of peer pressure influence.

The major developments during this stage include: profound physical growth and other bodily changes; growth of reproductive maturity; development of ability to think abstractly and use of scientific reasoning; development of search for identity; and preparation for college or vocation.

During this period children face more exposure to health risks like eating disorders, drug abuse, and sexually transmitted diseases.

In girls, the beginning of puberty is heralded by the first menstruation and in boys by the first nocturnal emissions. Although girls reach puberty earlier than boys, on average, it occurs between the ages 12-15 years. Nevertheless, there is wide variation in the occurrence of puberty from individual to individual.

With regard to emotional development, boys and girls are highly sensitive of their physical appearances because they are constantly exposed to the glance of others. Both boys and girls are highly emotional with frequent outbursts of temper, depression and shyness. They are in a turmoil which may be referred to as storm and are feeling stress in their effort to accommodate the new world. Their feelings are unstable and they try out being rebellious, studious, or detached as they attempt to resolve questions about sexuality, self-worth and independence.

---

---

During puberty boys and girls are neither a child nor an adult. They face problems of being accepted by parents and adults. Adults do not accept their opinions because they consider them as children. It is the time when relationships with the opposite sex starts. During puberty many girls do need to be consulted /provided with support and preparation by her parents/elder sisters in order to accept the fact that they are potential mothers.

At this stage, children start to involve in sexual matters. Thus sex education is needed to help them know about themselves. During adolescence the youth attains adult-like sexual maturity and sexual relations.

By the time they are twenty-one they have resolved the identity crisis in a way that is consistent with their self-concept. They are ready to enter adulthood with self-confidence.

---

### **Factors that influence a child's development**

Environmental factors affect what children can do physically. These factors include proper nutrition and appropriate toys and activities. Other factors include trauma, emotional or physical abuse, poverty, exposure to environmental toxins, such as lead, and other influences. A child's development can also be affected by the parents, especially a mother who suffers from substance abuse, both during the prenatal period and after birth. A father who suffers from substance abuse can also affect the child's development in the womb and after birth.

### **How to interact with children at different developmental stages**

It is important to take note of the child's stage of development and understand the relevant characteristics of the child at that stage when handling the child. This is particularly important when interviewing the child. The Standard Operating Procedures provide guidance on what to consider in interviewing the child. These include the child's development relative to the child's age and abilities and culture.

A child, and particularly smaller children, communicate differently from adults and are not able to express thoughts, memories, ideas and concepts in the same way as adults. When a child is questioned as though she or he were an adult, misunderstandings and avoidable errors can occur that undermine the child's evidence and potentially compromise the effectiveness of the criminal investigation. A child's tendency to be suggestible can be minimised or avoided through the use of proper interviewing techniques.

Very young children find it difficult to focus their attention and search their memory effectively when interviewed. They may respond only to recognised words or simple phrases without considering the entire question and are not able to monitor their comprehension or answers to questions.

Young children may use words before they completely understand their meaning and may confuse even simple concepts such as "tomorrow", "a lot", "a long time", "yesterday", etc.

Because older children look much like adults, police may not appreciate that adolescents vary greatly in their verbal and cognitive abilities, thus failing to build rapport, provide interview instructions or ensure the comprehension of questions. Conscious of wanting to appear competent, adolescents may not ask for assistance. Police must guard against unreasonably high expectations for teenage victims/witnesses and should **not** adopt a less supportive approach or use technical language.

Adolescents also have their own unique challenges and barriers to communication. They may be withdrawn, angry, defensive and resistant to questioning, particularly if they have experienced exploitation by adults or have had past negative experiences with the justice system.

Overcoming these challenges and encouraging the child will require an attitude of patience and understanding. Teenagers require reassurance and support, however, it is important that they feel respected and that they are not talked down to. Teenagers who are treated like children (rather than young adults) may be resentful and withdrawn.

Victims of child trafficking may have developed attachments to their traffickers or may have completely lost trust in adults as a result of their experience. In these cases, police shall be sensitive to the child's needs, including the need for multiple interviews in order to build a rapport with the child and gain sufficient trust from the child so that she or he feels comfortable speaking the truth.

The table below illustrates the various developmental stages and recommended mode of interaction.

<b>Developmental stage</b>	<b>Mode of interaction</b>
Preschool Child	Use short, concrete questions within their immediate experience. To avoid yes/no answers, use a choice of options. "Did you eat or play or go out with the man?" One could also use toys or puppets when interviewing to represent different people in the child's life.
School-Age Child	Use familiar examples of experience of others to explore the child's feelings and behaviour, for example, when a boy was bullying another boy at school, he came to see me so we could talk about how he controls his temper. Do you ever get angry and bully others? You can get at their hopes and dreams by asking them, 'if I was a magician and could give you three wishes, what would they be?'
Adolescent (12-18 Years)	Should be given an opportunity to be seen alone as they may have problems and difficulties not known to the parents and that the adolescent does not want to share with them. Upsetting thoughts can be explored in some adolescents using metaphors. "Did you feel like a pot about to boil over?"



### **Exercise C2: How do various communities define a child?**

1. What are some of the characteristics of people considered a child as defined in your community?
2. Identify the various stages of child development.



## Section D

# POLICE ROLE IN PROTECTION AND PREVENTION

# CHILD VULNERABILITY, NEGLECT AND ABUSE-DETECTION, PREVENTION AND RESPONSE

## BACKGROUND

Poverty and lack of parental care are the key factors that account for the vulnerability of children in Ghana. These two factors increase the risk of child labour; child trafficking; unaccompanied children; children living and/or working in the streets; orphaned children and children in residential care; children infected/affected by HIV/AIDS and other diseases and violence against children. Children with disabilities and girls are particularly vulnerable. Vulnerable children are at high risk of inadequate care and protection and are therefore usually exposed to the risk of abuse and neglect. All vulnerable children share one important characteristic – they have no reliable social safety nets to depend on in order to manage the risk to which they are exposed daily. According to the Ministry of Employment and Social Welfare,<sup>9</sup> 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

<sup>9</sup> The MESW no longer exists as its work has been reorganised under the MoGCSW and Ministry of Employment and Labour Relations.



- Children living on the streets
- 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.

Children at risk of coming into conflict with the law may be identified by the characteristics they share with children already in conflict with the law. Their family background, living circumstances and current behaviour may affect their potential for future criminality. Generally, the most common characteristic of children who are at risk of coming into conflict with the law is that they are vulnerable.

## **Child Poverty**

Poverty is characterised by deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health care, shelter, education and information. The progress that Ghana recently made in reducing poverty has turned the country into an exemplary success in the African continent. Due to its healthy economic performance in recent years, Ghana is on track to achieve Millennium Development Goal 1 (MDG 1) by 2015 – reducing poverty and hunger by half its previous rate<sup>10</sup>.

## **Child Labour**

The term child labour refers to employment or work carried out by children that neither conforms to the provisions of national legislation, such as the Children’s Act, 1998 (Act 560), nor the provisions of international instruments such as ILO Convention Nos. 138 and 182, which define the boundaries of work in which child participation must be abolished. However, not all work done by children can be classified as child labour and targeted for elimination. Children’s or adolescents’ participation in work that does not affect their health and personal development or interfere with their schooling is generally regarded as being something positive. This includes activities such as helping their parents within the home, assisting in a family business or agricultural activities, as well as earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children’s development and to the welfare of their families; they provide them with skills and experience, and help to prepare them to be productive members of society during their adult life. This type of work is called children in economic activity. According to interviews with police working in the Northern and the Volta Regions, traditional customs dictate that as soon as a child is able to carry out some physical tasks (such as carrying a pot on one’s head) the child is considered old enough to

10 UNICEF and Ministry of Women & Children’s Affairs, Ghana, “A Situational Analysis of Ghanaian Children and Women”, October 2011, pg. 21, available on-line at [http://www.academia.edu/3814721/Situation\\_Analysis\\_of\\_Children\\_and\\_Women\\_in\\_Ghana\\_2011\\_](http://www.academia.edu/3814721/Situation_Analysis_of_Children_and_Women_in_Ghana_2011_) (last accessed 4 June 2015)

begin working.<sup>11</sup>

The Children's Act defines exploitative labour (child labour) as "work that deprives the child of his/her health, education or development". It sets the minimum age for admission into employment at 15 years for general employment, 13 years for light work and 18 years for hazardous work. Child labour constitutes one of the most serious violations of the rights of children, negating their rights to education, good health and their right to proper development.

In its worst forms, child labour subjects children to torture and degrading treatment that leaves them with lifelong psychological and emotional problems and condemns them to life long poverty. The Children's Act defines *hazardous work* (or the worst forms of child labour) as "work posing a danger to the health, safety or morals of a person", and provides an inexhaustible list, including fishing, mining and quarrying, portage or carrying of heavy loads, work involving the production or use of chemicals and work in places where there is a risk of exposure to immoral behaviour.

Household decisions for or against children working in Ghana are rarely the consequence of one single risk factor or event, but rather a multitude of reasons, ranging from the structure of the economy (largely driven by subsistence farming), cultural influences (social norms viewing child labour as part of socialisation), occupational choices (completion of basic education does not provide greater economic returns in rural areas), to low levels of institutional capacity (lack of enforcement of child labour laws) and, among other factors, demographic variables (children's economic value increasing with age and multiple children competing over limited resources in households).

These factors, in addition to poverty, often result in children leaving school to find work and, in some cases, migrating to other regions. The largest employer of children is the agricultural sector (particularly the cocoa industry), followed by the service and manufacturing industries. In rural areas, most children work in agriculture and some girls are employed in sales and retail, while in urban areas, most children engage in selling. The majority of working children are unpaid family workers. Children who are sent to work with extended members of their family are often exploited for their labour and, as a result, experience increased vulnerability and violation of their rights<sup>12</sup>.

The most hazardous work activities in which children engage in Ghana are stone-quarrying, artisanal mining, fishing support and work on cocoa plantations. Child labourers engaged in

---

<sup>11</sup> Interviews with police in Tamale (March 2015) and Ho (November 2014) are the source of this anecdotal information.

<sup>12</sup> Ghana Statistical Service Household Survey 2012

quarrying and mining include children who have never been enrolled at school, those who have dropped out of school to help their families and those who attend school while working at the same time to contribute to their families' income<sup>13</sup>.

In 2013, Ghana made some advancement in its efforts to eliminate the worst forms of child labour through the National Program for the Elimination of Child Labour in Cocoa (NPECLC) and the pilot of the Ghana Child Labor Monitoring System (GCLMS). The Ghana Police Service's Anti-Human Trafficking Unit (AHTU) increased the number of investigators it employs and opened its tenth regional office. Ghana became the first country to have its efforts against the worst forms of child labour peer reviewed by ECOWAS. Nevertheless, children in Ghana continue to be subjected to the worst forms of child labour in agriculture, including in cocoa and fishing. Enforcement of legal protections against the worst forms of child labour is severely limited due to resource constraints and social programmes do not cover all of the sectors in which children work.

## Trafficked Children

Ghana is a source, transit and destination country for the trafficking of children. Ghanaian children are internationally trafficked to Ivory Coast, Togo, Burkina Faso, South Africa, Nigeria, and The Gambia for domestic service (girls particularly), forced labour and forced prostitution (girls and women). There are some indications that young girls and boys of 16-17 years have been trafficked to Lebanon and other countries in the Middle East, lured by fraudulent recruitment agencies advertising in Ghana for domestic and retail work abroad, and that approximately 400 children have been trafficked from the mining region in Ghana to work in the Ivory Coast.<sup>14</sup>

Women and girls voluntarily migrating from primarily Vietnam, China, Nigeria, Ivory Coast, Burkina Faso, and Benin are subjected to commercial sexual exploitation after arriving in Ghana. Citizens from other West African countries are subjected to forced labour in Ghana in agriculture or domestic service.<sup>15</sup>

The trafficking of Ghanaians, and particularly children, within the country is more prevalent than transnational trafficking of foreign migrants. It has been estimated that 40,000 children are trafficked internally.<sup>16</sup> Ghanaian boys and girls are subjected to forced labor within the country in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, and agriculture, as well as the commercial sex trade. Ghanaian girls are at a higher risk than

<sup>13</sup> Ghana Statistical Service Household Survey 2012

<sup>14</sup> Information obtained during an interview at the Anti-Human Trafficking Unit at Ghana Police Headquarters on 27 October 2014.

<sup>15</sup> United States Department of State, 2014 Trafficking in Persons Report - Ghana, 20 June 2014, available at: <http://www.refworld.org/docid/53ad1da44.html>

<sup>16</sup> Research by the African Centre for Human Development, Report on Child Trafficking in Ghana (2002)

boys to be targeted by the sex trade within Ghana<sup>17</sup>. Ghanaian girls, and to a lesser extent boys, are subject to trafficking for prostitution and domestic labour all across the country, particularly in the Volta Region and the oil-producing western regions. Boys are often found fishing or working in agriculture in the Volta Region and cocoa-producing areas. Most victims of trafficking are uneducated young girls between the ages of 17-20 and sometimes as young as 14 years, lured with the promise of jobs offers and a better lifestyle. Trafficked girls are subject to all sorts of abuse, mistreatment, exploitation and violence, which have serious health, reproductive, psychological and physical consequences to their wellbeing. Moreover, because of the social stigma attached to prostitution, women and girls have a difficult time reinserting themselves into society, finding jobs and marrying after being victims of trafficking and sexual exploitation<sup>18</sup>.

## Unaccompanied Children and Child Migrants

The three main categories of migrant children in Ghana include those children who are fostered, street children and trafficked children<sup>19</sup>. *Fostering* refers to the extended kinship relationships common in West Africa, with extended family members taking responsibility for children. Child fosterage is one of the ways traditional family systems that are meant to serve as a safety net for children from poor families to receive support from relatively wealthier family members. It is a practice that can be observed commonly in the family systems of the various ethnic groups of Ghana, but it has been institutionalised among many tribes of Northern Ghana, especially the Dagomba. According to the practice, a man's first daughter is to be adopted by his sister, who is traditionally mandated to provide her with both formal and informal education, in addition to the necessities of life. In many circumstances, the practice has developed into a thin line between child fosterage and domestic servitude and, and, as has been noted, "traditionally it has been a common practice for poor parents to hand over their children to be looked after by relatives and friends. Traffickers are now exploiting this age-old tradition resulting in parents inadvertently but effectively selling their children."<sup>20</sup>

Remittances are an invaluable source of income for subsistence farming families, particularly in times of drought or during the "hunger season". To provide for their families during these times, children migrate to urban marketplaces in Accra and other major cities to work in a variety of menial jobs for income and end up *living in the streets*. This trend, coupled with increasing disparities between northern and southern regions and a concentration of poverty in

17 U.S. Department of State "Trafficking in Persons Report 2012" available online at <http://www.state.gov/j/tip/rls/tiprpt/2012/192367.htm> (last accessed 2 June 2015)

18 Taylor, 2002. "Trafficking in Women and Girls". Accessed online: <http://www.un.org/womenwatch/daw/egm/trafficking2002/reports/EP-Taylor.PDF>

19 Anarfi, John et al. 2003. *Migration from and to Ghana: A Background Paper* UK. Development Research Centre on Migration, Globalisation and Poverty, p.24

20 Ghana: Trafficked Children Freed. <http://www.iom.int/en/news/PBN260803.shtml>

the North, has resulted in overwhelming intra-country migration from rural to urban regions, with young girls between the ages of ten and sixteen constituting the majority of the migrant force. Most of these girls work as *kayayei* (porters), carrying heavy loads on their heads to and from the port or market in urbanised areas, which also constitutes hazardous work because of its physical danger<sup>21</sup>. Most child migrants are exposed to significant dangers, such as eviction, sexual exploitation, homelessness and hazardous work, which severely compromise their future wellbeing, their educational attainment and their physical and emotional development<sup>22</sup>.

## Children Living and Working in the Streets

Estimates suggest that 61,492 children live on the streets of Ghana, with most of them concentrated in urban areas, such as Accra and Kumasi<sup>23</sup>. As discussed above, many of these children, and particularly girls, have migrated from the north and other regions in order to find work, with girls becoming *kayayei*. Boys, too migrate from their homes to find more lucrative work in urban centres, picking up menial tasks that still pays better than anything at home. Street children can become victims of sexual predators or engage in commercial sex as a way to subsist. In turn, this renders children even more vulnerable and exposes them to violence, ill health, sexually-transmitted diseases such as HIV and physical and physiological abuse.

## Orphaned Children and Children Living in Institutional Care

Orphaned children in Ghana are among the most vulnerable groups, and often face stigma and discrimination based on their family status, HIV/AIDS assumptions. It is estimated that, as of 2012, there were 1 million orphaned children in Ghana, with 190,000 of those children orphaned by AIDS<sup>24</sup>. In consequence, there was a proliferation of institutionalised care facilities throughout the country. Moreover, institutionalised care has become a lucrative business in Ghana, and it was estimated in 2008 that only 30 percent of all funds received by Ghanaian orphanages from international NGO's and donors are spent on childcare<sup>25</sup>.

A significant number of families send their children to residential care, expecting that they will be better cared for in these environments or because they are deceived into believing that they are sending a child to "boarding school". A 2006 study by the Department of Social Development/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

21 Sheryl Buske, 2014. "Prostitutes, Orphans, and Entrepreneurs: The Effect of Public Perceptions of Ghana's Girl Child *Kayayei* on Public Policy"

22 IRIN 2010 - <http://www.irinnews.org/report/89438/ghana-curbing-child-migrant-flows-to-capital>

23 Department of Social Welfare Census 2012 - <http://www.casghana.com/overview.php>

24 *Ibid.*

25 IRIN, West Africa: Protecting children from orphan-dealers 2008 - <http://www.irinnews.org/report/84582/west-africa-protecting-children-from-orphan-dealers>

family or community members.<sup>26</sup> 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.<sup>27</sup>

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.

### **Children infected/affected by HIV/AIDS**

Although Ghana is making notable progress in reversing the spread of HIV and AIDS, bringing the national prevalence rate down from 3.6 percent in 2003 to 1.4 percent in 2012, it is estimated that 120,000 women and 28,000 children in Ghana are living currently with HIV/AIDS. Females aged 15-24 are more likely to contract HIV than their male counterparts of the same age with a prevalence rate of 0.5% compared to 0.3% for young males. This disease also affects non-infected children by causing them to be orphans, thereby affecting their psychological, physical and financial wellbeing. Moreover, whether HIV positive or not, children who are associated with HIV/AIDS, through infection of a family member, for example, are stigmatised and often ostracised from their communities, who still lack understanding about the disease. Social service agencies struggle to meet the needs of these children since there is limited, if any, funding for them in the government budget.

### **Children with Disabilities**

There is very limited information and data on the incidence of children with disability in Ghana. The most recent data (2006) from Ghana Statistical Service indicates that 16 percent of children ages 2-9 live with at least one disability<sup>28</sup>. Moreover, Ghana has limited capacities for early detection and treatment of children with disabilities, buildings and transportation are often inaccessible to children with a disability, and there is a lack of policies aimed at inclusion and integration. The invisibility of disabled children increases their level of marginalisation and vulnerability.

---

26 Ghana Business News, "Social Welfare Department Defines Conditions for Placing Children in Orphanages", referring to the DSW 2006=7 Study, supported by OrphanAid Africa.

27 Better Care Network and UNICEF, January 2015 **Country Care Profile – Ghana**, p.8

28 UNESCO 2010 - <http://unesdoc.unesco.org/images/0018/001865/186588e.pdf>

There are pervasive negative social attitudes towards mental disability specifically, since it is considered to be caused by evil spirits and demons. Consequently, people who experience mental disability are subject to a range of human rights' abuses, both at home and in the facilities, such as prayer camps and hospitals, where they live. These include denial of food and medicine, physical and verbal abuse, prolonged detention, inadequate shelter and inhuman treatment, among other rights violations<sup>29</sup>.

## Violence Against Children

In Ghana, domestic abuses against children continue to be an issue of concern, particularly for girls. In 2010, of the 13,000 abuse cases reported, 85 percent of victims were girls, including cases of physical violence (982 cases), rape (286), abduction (238) and forced marriage (21).<sup>30</sup> Girls and women are also victims of domestic violence throughout Ghana, which renders gender-based violence a normal activity (44.1% of girls agree conjugal violence is justifiable<sup>31</sup>) and creates a power imbalance between men and women in the household. Sexual abuse and defilement also disproportionately affects girls, for reasons tied to the family's inability to provide sufficient care and protection for their children. Most sexual abuse perpetrators are people the child knows and incidents commonly happen in the child's home, neighbourhood or school<sup>32</sup>.

The true extent of sexual violence women and girls experience in Ghana is largely unknown, due to underreporting and a social preference to settle such cases internally within the community. Data from the Domestic Violence and Victim Support Unit (DOVVSU) Annual Report (2013)<sup>33</sup> indicates 1230 cases of defilement and 315 cases of rape were reported during that year. In both instances all prosecutors were male, and the overriding majority of victims were women (100% in cases of rape and 99% in cases of defilement). Moreover, 27 cases of incest were reported, 100% of victims being women and all perpetrators being male. Regarding assault, the unit recorded 5457 cases of assault, 4687 (or 86%) of which women were victims. Although both girls and boys are vulnerable to sexual abuse and harm, females are disproportionately more likely to be victimised by this kind of violence.

Corporal punishment is a common occurrence in Ghanaian households and schools, which is widely socially accepted, and permitted by law through a teacher's code of conduct that allows caning in schools. Consequently, this not only institutionalises, but also tacitly condones,

29 Human Rights Watch 2012 - <http://www.hrw.org/sites/default/files/reports/ghana1012webwcover.pdf>

30 Ghana Statistical Service, *Ghana Living Standard Survey – Round 6 (GLSS-6)*, August 2014, p. 92.

31 *Ibid.* p 34

32 UNICEF and Government of Ghana, 2014. “*National Child Protection Study: Quantitative and qualitative research towards the strengthening of child protection in Ghana*”

33 Domestic Violence and Victim Support Unit Annual Report, 2013

violence against children in Ghana. Surveys suggest that the actual prevalence of violence is significantly higher than formally reported.<sup>34</sup> A 2009 study conducted in selected schools found that 14 per cent of school children surveyed had been sexually abused, with 53 per cent of sexual abuse occurring in school and 47 per cent happening at home.<sup>35</sup>

## Children in Conflict with the Law

Children in conflict with the law are one of the least privileged groups in 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 to be 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, 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.

## Dealing with Child Abuse and Child Neglect

### Child Abuse

Child abuse is a term used to describe situations that involve ill-treatment of children. It consists of anything which individuals, institutions, or processes do or fail to do which directly or indirectly harms children or damages their prospects for safe and healthy development into adulthood. This may include serious physical and sexual assaults, as well as failure to provide the basic care required from parents or caregivers. It may also involve psychological harm caused to the child which has implications for the child's development. It must be noted that physical, psychological and sexual abuse of children is widespread, hence there is the need to empower police officers to protect children against such occurrences. Child abuse has existed for centuries but societies have been slow to acknowledge it as a problem.

34 A survey conducted in 1999 found that 20 per cent of women and girls across all regions of Ghana had their first sexual intercourse forced upon them (including 17 per cent of girls aged 10–14 and 64 per cent of girls aged 15–18). The majority of cases of sexual violence went unreported due to stigma and feelings of shame, advice to be tolerant or the view that little or no action would be taken: Appiah, D. and Cusak, K., *Violence Against Women and Children in Ghana*, Gender Studies and Human Rights Documentation Centre, Accra, 1999.

35 CRRECENT, *Report on Child Sex Abuse in Schools*, PLAN Ghana, Accra, 2009.



## Types of Child Abuse:

Abuse Type	Description
Physical Abuse	It may involve hitting, shaking, throwing, burning or scalding, suffocating or otherwise causing physical harm to the child. This can happen one time or repeatedly.
Emotional Abuse	This is made up of a series of incidents that insult, threaten, isolate, degrade, humiliate and/or control a child. It may include constant insults, criticism, aggressive demands or expectations, threats, rejection, neglect, blame, emotional manipulation and control, isolation, punishment, terrorising or ignoring the child.
Sexual Abuse	It involves forcing or enticing a child or a young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative acts such as defilement, rape, oral sex, and/or non-contact activities, such as looking at or producing pornographic material or watching sexual activities or encouraging children to behave in sexually inappropriate ways.
Neglect	It is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or caregiver failing to provide adequate food and clothing, shelter, protection from physical and emotional harm or danger, access to appropriate medical care or treatment.

## Signs that Children have Experienced Trauma

Symptoms of child abuse or trauma may include physical signs such as scars on the child's body or psychological symptoms which may cause the child to be unusually quiet and/or the child may not like to associate with others. While the abuse may be noticed through careful observation of the child, it is possible that the child may tell someone about it. Depending on the age of the child, he or she may demonstrate the effects of abuse differently, as indicated below.

Category of child	Effect of Abuse
Babies	Apathetic, delayed development, non-demanding
Toddlers & preschool children	Violent, apathetic, fearful
School children	Wetting, soiling, relationship difficulties, non-attendance, antisocial behaviour
Adolescents	Self-harm, depression, oppositional, aggressive and delinquent behaviour, being bullied, poor school results

Specialised medical and psychosocial support for children who have been victims of neglect and/or abuse is required to help the child to heal.

There are many stakeholders in child protection who support the police in handling child abuse and neglect cases. The module on Police Collaboration with Stakeholders addresses this subject in more detail, but below is a list of some of the stakeholders:

- ▣ Department of Social Development/Welfare
- ▣ Legal Aid Board
- ▣ NGOs (Shelters/orphanages/psychosocial support/reintegration)
- ▣ Medical professionals
- ▣ Psychologists
- ▣ Religious leaders

### Procedures to protect children in harm's way

The police, in collaboration with other stakeholders in child protection, have the duty to ensure that children enjoy the needed protection that they deserve. Below are some of the procedures involved in protecting children from harm:

- ▣ The identification of children who might be at risk from abuse and neglect;
- ▣ Referral of children to appropriate stakeholders for support;
- ▣ Investigation of alleged offences against children;
- ▣ Exercise of emergency powers to protect children;
- ▣ Ensure prosecution and punishment of offenders.

Refer to the referral procedure for child victims and witnesses in the *SOP for Investigations involving Child Victims and Witnesses*.

## Responding to child abuse and neglect

A good investigation is key to successful prosecution of a child abuse case. There is no substitute for careful and thorough investigations. Unlike other cases, child abuse-related cases are usually reported through other stakeholders in child protection, underlining the need to work with such stakeholders routinely.



### Exercise D1: Case Study

Rukaya 15 yrs, lives in Yendi with her parents who are peasant farmers. Due to the failure of the rains, their crops didn't do well this season. Her elder sister who lives in Ashaiman convinced her to come to Accra to find some work to do. On arrival, Rukaya was introduced to a couple to serve as a house help. Under this arrangement, Rukaya normally woke up at 3:00am and went to bed at midnight each day. Whenever she made any mistakes her madam beat her, leaving scars on her body. One day, in the absence of her madam, her husband sexually abused Rukaya and warned her not to tell anyone or else she would be sacked. Three days after the incident, Rukaya took ill. When she complained to her madam, she ignored her. The situation deteriorated and Rukaya was screaming at home all alone when a neighbour came in to check what the matter was. Upon explaining to the neighbour, she called the police to come and assist. The police came and took Rukaya to the police station:

1. What steps will you take to protect Rukaya from further harm?
2. Explain how you will investigate and prosecute Rukaya's sister, madam and her husband.
3. What specific measures will you take to assist Rukaya and which stakeholders with you approach for assistance?



# HARMFUL TRADITIONAL PRACTICES AND RESPONSES

## BACKGROUND

Despite legislative and educational attempts to eradicate these, some harmful traditional practices continue to exist in Ghana, which adversely affect the welfare, dignity, normal growth and development of the child. Traditions represent the sum total of all behaviours that are learned, shared by a group of people and transmitted from generation to generation. It includes language, religion, types of food eaten and methods of their preparation, childrearing practices and all other values that hold people together and give them a sense of identity and distinguish them from other groups. Traditional cultural practices reflect values and beliefs held by members of a community for periods of time and spanning generations. Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to members, while others are harmful to a specific group, such as children, or women and girls.

Despite their harmful nature and their violation of domestic legislation and international human rights laws, such practices persist because they are not questioned and take on an aura of morality in the eyes of those practising them. In spite of the apparent slowness of action to challenge and eliminate harmful traditional practices, the activities of governments and human rights bodies in this field have, in recent years, resulted in noticeable progress. Traditional practices have become a recognised issue concerning the status and rights of children. The police have a responsibility to prevent child victimisation and abuse through these practices and a key responsibility to prosecute offenders who harm children through these practices.

Harm to children includes adverse effects on the child's health, education, physical and emotional development, future prospects, social network and support system.

### **Harmful Practices in general are banned in law:**

Article 24(3) of the Convention on the Rights of the Child requires State Parties to “take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.»

Article 21 of the African Charter on the Rights and Welfare of the Child obliges State Parties to:

“...take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:

- (a) those customs and practices prejudicial to the health or life of the child; and
- (b) those customs and practices discriminatory to the child on the grounds of sex or other status.

Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.”

Some harmful practices include, but are not limited to, the following:

- Female genital mutilation/cutting (FGM/C)
- Child marriage, child marriage by abduction and early pregnancy
- Trokosi and ritual enslavement
- Witch camps/banishment
- Widowhood rites
- Child labour (traditional forms alongside parents when children work long hours and are removed from school)
- Informal fostering as a tradition that takes on abusive dimensions when it means little more than food and shelter in exchange for labour, with no provisions for attending school

The World Health Organization (WHO) defines **female genital mutilation** (also called ‘**female genital cutting**’ or ‘**female circumcision**’) as any procedure which involves the partial or total removal of the external female genitalia or which causes any other injury to the female genital organs whether for cultural or any other non-therapeutic reasons. Instruments used include knives, scissors, razors, and pieces of glass. Occasionally sharp stones and cauterisation (burning) are used.

Even though female genital mutilation/cutting – FGM/C is illegal in Ghana, the practice still prevails in certain regions of the country, particularly the Upper West and Upper East regions<sup>36</sup>. The true prevalence of FGM is however unknown due to its sensitive and “taboo” nature. The complexity of the issue increases due to the secrecy in which the practice is carried out, which not only makes it hard for authority figures to know its true magnitude, but also puts the lives of girls in danger.

The Constitution of Ghana provides for protection of women and girls against FGM. Article 26.2 states that “all customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited”. The Constitution also contains a statement of its government policy through article 39.2: “...traditional practices which are injurious to the health and well-being of the person are abolished...” The Criminal Code was amended in 1994, including FGM as a second-degree felony. Article 69A provides that: 1) Whoever excises, infibulates or otherwise mutilates the whole or any part of the labia minora, labia majora and the clitoris or another person, commits an offence and shall be guilty of a second-degree felony and liable on conviction to imprisonment or not less than 3 years. 2) For the purposes of this section, “excise” means to remove the prepuce, the clitoris and all or part of the labia minora; “infibulate” includes excision and the additional removal of the labia majora. Additionally, the Criminal Code Amendment Act 1998 (Act. 554), an Act to amend the 1960 Criminal Code, increases age of criminal and sexual responsibility, includes specific offence of indecent assault and revises provisions regarding sexual offences. Shortcomings and gaps that hinder the law’s effectiveness were identified and a bill was drafted to further amend Section 69A of the 1994 Criminal Code. In 2007, Parliament amended the criminal code to include the offence of FGM. The law attracts a penalty of five to ten years imprisonment for FGM offenders. The 2007 amended Article 69A states: “Whoever carries out female genital mutilation and excises, infibulates or otherwise mutilates the whole or any part of the labia minora, labia majora and the clitoris of another person commits an offence, and is liable on summary conviction to imprisonment for a term of not less than five years and not more than ten years. Whoever participates in or is concerned with a ritual or customary activity that subjects a person to female genital mutilation commits an offence and is liable on summary conviction to imprisonment for a term of not less than five years and not more than ten years.”

**Child marriage** is defined by UNICEF as a formal **marriage** or informal union entered into by an individual before reaching the age of 18. The legally prescribed **marriageable age** in some

36 UNICEF and Government of Ghana, 2014. “National Child Protection Study: Quantitative and qualitative research towards the strengthening of child protection in Ghana”

jurisdictions is below 18 years, especially in the case of girls; and even when the age is set at 18 years, many jurisdictions permit earlier marriage with parental consent or in special circumstances, such as **teenage pregnancy**. In certain countries, even when the legal marriage age is 18, cultural traditions take priority over legislative law. Child marriage affects both boys and girls, though the overwhelming majority of those affected are girls, most of whom are in poor socioeconomic situations.

Twenty-one percent of female children marry before age 18, and 5 percent before age 15<sup>37</sup>. It is not known how many boys marry before 18 years of age. The minimum legal age of marriage in Ghana is 18 years<sup>38</sup>. Early marriage robs these girls of their childhood, deprives them of an education and has negative effects on their physical, psychological and social development.

Both the Constitution of Ghana and the Children's Act set the legal age of marriage at 18 years for both boys and girls, with the minimum marriage age being 16 years with parental consent.

The 1992 Constitution and the Children's Act (Act 560) both define a child as a person below the age of 18. The Children's Act further pegs the minimum marriage age in Ghana at 18 and frowns on children being withdrawn from school for marriage. Section 14 of the Act provides that a person shall not force a child to be betrothed, to be subject of a dowry transaction or to be married. The Criminal Code Amendment Act (Act 554) prohibits compulsion in marriage and giving a girl out in marriage without her consent. Section 100 of the Act provides that if a female is compelled to marry another person by duress this makes the marriage void or voidable, the marriage is of no effect". Section 109 also states that "whoever by duress causes any person to marry against his or her will shall be guilty of a misdemeanor" Section 92 states that "a person is guilty of abduction of a female who with intent to cause her to be married to any person when he unlawfully takes her from lawful possession and care and detaining her. Section 109 also states clearly that forcing a person to marry against their will is illegal while the Children's Act also stipulates that forced child marriage is illegal (Sec. 13 and 14).The Domestic Violence Act, (Act 732) 2007. Section 1(b) defines domestic to include" the forcible confinement and detention of another person".

**Early pregnancy** refers to **pregnancy** in females under the age of 20. A girl can become pregnant from **sexual intercourse** after she has begun to **ovulate** which can be before her **first menstrual period** (menarche), but usually occurs after the onset of her periods. Pregnant

37 Ghana Statistical Service, *Ghana Living Standard Survey – Round 6 (GLSS-6)*, August 2014, p. 79, table 9.

38 Central Intelligence Agency "The World Factbook" available online at <https://www.cia.gov/library/publications/the-world-factbook/fields/2123.html> (last accessed 2 June 2015)



girls aged under 15 face additional medical concerns as they are less likely to have become physically developed enough to sustain a healthy pregnancy or to give birth. Risks of **low birth weight, premature labour, anemia, fistula, and pre-eclampsia** are connected to young girls giving birth.

**Trokosi** is a practice of ritual servitude in **Ghana, Togo, and Benin** where traditional religious shrines (popularly called **fetish shrines** in Ghana) take human beings, usually young virgin girls, in payment for services or in religious atonement for alleged misdeeds of a family member. In Ghana, it is practiced by some members of the **Ewe tribe** in the Volta region. These shrine slaves serve the priests, elders and owners of a traditional religious shrine without remuneration and without their consent, although the consent of the family or clan may be involved. Those who practice ritual servitude usually feel that the girl is serving the god or gods of the shrine and is married to the gods of the shrine. If a girl runs away or dies, she must be replaced by another girl from the family. Some girls in ritual servitude are the third or fourth girl in their family suffering for the same crime, sometimes for something as minor as the loss of trivial property. Victims are commonly known in Ghana as fetish slaves. There are an estimated 6000-8000 girls, women and their children currently enslaved as trokosi in Ghana.<sup>39</sup>

Criminal Code (Amendment) 1998 Section 314A criminalises customary or ritual enslavement of any kind, provides:

1. Whoever
  - a. sends to or receives at any place any person; or
  - b. participates in or is concerned in any ritual or customary activity in respect of any person with the purpose of subjecting that person to any form of ritual or customary servitude or any form of forced labour related to customary ritual commits an offence and shall be liable on conviction to imprisonment for a term not less than three years.
2. In this section to be "concerned in" means -
  - a. to send to, take to, consent to the taking to or receive at any place any person for the performance of the customary ritual; or
  - b. to enter into any agreement whether written or oral to subject any of the parties to the agreement or any other person to the performance of the customary ritual; or
  - c. to be present at any activity connected with or related to the performance of the customary ritual.

<sup>39</sup> Mistiaen, 2013 "Virgin wives of the fetish Gods - Ghana's trokosi tradition", Thomson Reuters Foundation. Accessed online: <http://www.trust.org/item/20131003122159-3cmci/> (accessed on-line 4 July 2015)

A witch camp is a settlement where girls and women suspected of being witches can flee for safety, usually in order to avoid being lynched by neighbours. Witch camps exist solely in Ghana, where there are at least six of them, housing a total of around 1000 inhabitants (BBC, 1 September 2012). Such camps can be found at Bonyasi, Gambaga, Gnani, Kpatinga, Kukuo and Naabuli, all in Northern Ghana. Some of the camps are thought to have been set up over 100 years ago (Npong, Francis (2014). “Witch Camps of Ghana”. *Utne Reader* (Winter): 48–49). The Ghanaian government has begun to close some of the camps and educate the population regarding the fact that witches do not exist. The Anti-Witchcraft Allegations Campaign Coalition-Ghana (AWACC-Ghana) reported that the number of outcasts in witch camps is growing, and that food supplies are insufficient.

This practice violates numerous clauses in section 5 of the 1992 Constitution. That section protects human rights and outlaws cultural practices which “dehumanise or are injurious to the physical and mental well-being of a person.” Ghana’s constitution ensures the rights of citizens and is further supported by international laws and conventions such as the African Charter on Human and Peoples’ Rights (ACHPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Ghana is a signatory.

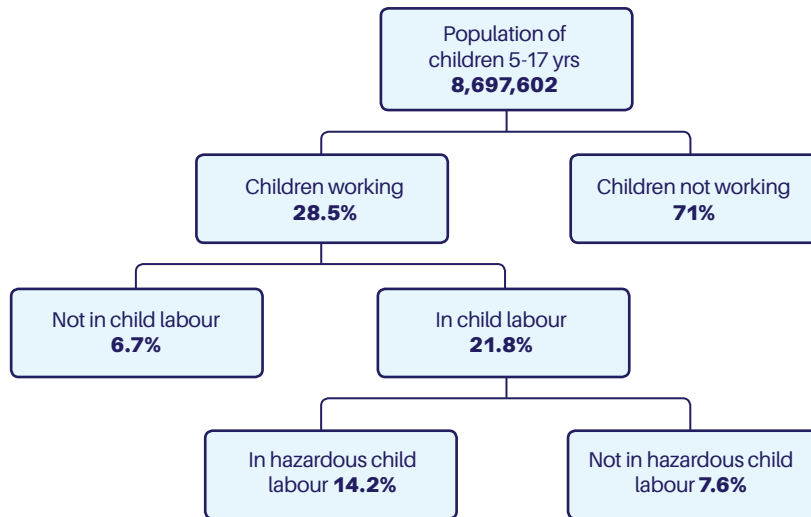
**Widowhood rites** refer to the negative practices and impacts facing girls and women whose husbands die. While there is little research on these rites, it is known that widowhood rites are considered dehumanising by many widows (*Accra Daily Mail* 24 May 2004). Among some of the activities widows are forced to undergo are: stripping the widow naked and having her wear only shea tree leaves; having the widow bathe naked in public; forcing the widow to marry a man from her late husband’s family; having the widow feed the ritualist during and after the funeral; bathing and cleansing rituals; and isolating the widow and exposing her to black ants (*Accra Daily Mail* 24 May 2004).

The Criminal Offences Act, section 278A—Immoral or Indecent Customs or practices in relations to bereaved Spouses, etc. Whoever compels a bereaved spouse or a relative of such spouse to undergo any custom or practice that is immoral or grossly indecent in nature shall be guilty of a misdemeanour.

In many countries **child labour** is mainly an agricultural issue. UNICEF Ghana states that the majority of working children (71 per cent) are found in the agriculture sector (including fishing and forestry), followed by services (22.6 per cent) and manufacturing (5.8 per cent). Poverty is the main cause of child labour in agriculture, together with limited access to quality education,

inadequate agricultural technology and access to adult labour, high hazards and risks, and traditional attitudes towards children’s participation in agricultural activities. Especially in the context of family farming, small-scale fisheries and livestock husbandry, some participation of children in non-hazardous activities can be positive as it contributes to the inter-generational transfer of skills and children’s food security. Participation in some agricultural activities is not always child labour. Age- appropriate tasks that are of lower risk and do not interfere with a child’s schooling and leisure time can be a normal part of growing up in a rural environment. It is important to distinguish between light duties that do no harm to the child and child labour, which is work that interferes with compulsory schooling and damages health and personal development, based on hours and conditions of work, child’s age, activities performed and hazards involved.

### Working Children and Child Labour in Ghana



*Adapted from GLSS-6 2014*

Ghana has ratified most key international conventions concerning child labour, such as the ILO conventions 138, 182, 29, the Palermo Protocol on Trafficking in Persons and the United Nations Convention on the Rights of the Child.

## National Legislation

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Section 89 of the Children's Act
Minimum Age for Hazardous Work	Yes	18	Section 91 of the Children's Act
Prohibition of Hazardous Occupations and/or Activities for Children	Yes		Sections 91-92 of the Children's Act; article 58 of the Labor Act
Prohibition of Forced Labour	Yes		Article 16.2 of the Constitution
Prohibition of Child Trafficking	Yes		Sections 1-2 of the Human Trafficking Act
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 107-108; 110-111; 274-277; 279-283 of the Criminal Code
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Armed Forces Regulations (Administration) Volume I
Compulsory Education Age	Yes	15	Section 2(2) of the Education Act
Free Public Education	Yes		Section 2(2) of the Education Act

\* No conscription

**Informal fostering**, also known as informal kinship care, is practised in Ghana. It is defined as "...any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority. This is not always detrimental to the child, but some children living in kin households away from their communities are being treated as child servants. Some may have been placed in these households for educational purposes but end up becoming household servants or children in domestic servitude. They are denied schooling, may not receive enough food and nutrition and in some cases are abused – physically and/





## Section E

# CHILD-FRIENDLY POLICING ENVIRONMENT

# CREATING A CHILD-FRIENDLY ENVIRONMENT

## BACKGROUND

### What is child-friendly justice?

Child-friendly justice forms a key part of the practice of child protection and particularly concerns children who come into contact with the justice system. It stipulates the principles and ways to treat children and handle their cases. It emphasises a practice where the standards of juvenile justice are fulfilled and all rights of children are preserved during apprehension, investigation, prosecution and adjudication for all children who come into contact with the justice system. This applies to children who are victims and/or witnesses, as well as those in conflict with the law, and operates with regard to criminal, as well as noncriminal, matters.

A child-friendly justice system makes the justice process friendlier to all children who pass through– victims, offenders and witnesses. “Child-friendly justice” refers to justice systems which guarantee the respect and the effective implementation of all children’s rights at the highest attainable level, bearing in mind the key guiding principles of national legislation, policies and the CRC and giving due consideration to the child’s level of maturity, understanding and the circumstances of the case. It is justice that is accessible, age appropriate, speedy, diligent and adapted to and focused on the rights and needs of the child.





**Child-friendly environment** is a safe place within or outside a police station that is adapted to make a child feel less intimidated and more emotionally secure to enable effective interviewing of a child victim/witness or a child in conflict with the law, including limited contact with suspects and other adults and an adaptation of space to accommodate the child, such as lower furniture and desks, less formality and more welcoming, with children’s posters and toys, where possible.

**Child-friendly approach:** refers to how a police officer interacts with a child. Every child is treated with kindness, dignity and in a manner appropriate for his or her age and maturity. Children are accorded their full rights whether in custody or as victims and/or witnesses to crime. Police use language a child can understand and inform him or her about the process currently underway at the police station – investigation, interview, etcetera. Where viable, children’s views and opinions should be taken into account.

A number of children were interviewed in the course of developing an understanding of existing police-child relations for the Mapping Report prepared for the Ghana Police Service. Children were interviewed who had *already come into conflict with the law*, including several boys in remand who generally found the police to be well intentioned, although it was common for them to be placed in holding cells with adults in the police stations, to be handcuffed when transported and to not be advised of their right to a lawyer when questioned, all of which 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 interviewed. 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. 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.

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”

Seven children were interviewed who were between 7-10 years of age, lived in Accra and had not been in conflict with the law, but because of their disadvantaged social standing, they were at *greater risk of coming into contact with the law* through increased vulnerability at being exploited and/or ending up living or working in the streets. Three girls and four boys responded to questions about their experiences living in a low income neighbourhood with active police intervention. 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 the 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.

A group of 10 children and youth (five girls and five boys), ranging in age from 13 to 23 years, who were members of a youth advocacy organisation, provided significant feedback on the lack of trust and confidence in police. These young people came from a variety of backgrounds, including some who lived in low income areas and were residing with only one parent or relative. Furthermore, 12 children from this organisation attended the Strategic/SOP workshop in Accra for the last day of role-plays with officers to “test” the SOPs during interviews and offer feedback. These children suggested that police learn and apply the rights of children,

particularly when interviewing children. They also agreed that police need to develop relations with children by visiting schools and religious institutions to ensure that the police role is understood and that children are educated about their rights vis-à-vis the justice system.

Their feedback from the workshop roleplays included the following:

- The need for training of policemen in how to deal with 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

Twelve (six boys, six girls) children, ages ranging from 12-18 years, from various schools in the Northern Region 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.

Children interviewed from urban areas were from socioeconomic and family backgrounds that tended to make them more vulnerable, as they were living in impoverished neighbourhoods. A much stronger negative view was expressed from the children living in urban areas than those in the Northern Region and it is evident that the GPS needs to restore its reputation among residents who perceive the police as corrupt and lack confidence and trust in their abilities. That said, it was acknowledged by almost all urban children that the police are necessary as an institution and, if they were victims of a crime, they would indeed go to the police to make a report. In the north, it was clear that children, like their parents, believed that issues involving them were supposed to be handled within families and communities and police were not an option.

### **Why must police use child-friendly measures?**

As part of the specialised approach to justice for children, police must adjust and adapt their behaviours when involved with children and prepare the physical space where they will be

receiving children. Children are accorded special rights and protections that do not apply to adults. It is well known that a child's first contact with the police will shape his or her view of the institution, including whether or not to trust the police, whether or not to cooperate, whether or not the police can help keep children safe. A comfortable child (insofar as possible) who feels safe, understood and not judged, is much more likely to become an ally of the police. Consequently, you must consider how to adapt your own behaviours and adapt physical space in low resource environments, such as currently exist in most police stations/posts, to receive child victims, child witnesses and children who come into conflict with the law.

## **Module E1 - Roleplays for child-friendly reception and welcome**

In pairs, take turns having one student act out the investigator role, preparing to receive and welcome a child (played by the other student) in the first case, then the other student will play the investigator role, with the first "investigator" now playing the role of the child in the second case. You should only take about 5 minutes each to act out the reception and welcome, since this exercise does not require you to conduct an interview. Tell each other what the experience was like for you when you were the "child".

### **Case 1**

A 15 year old boy has been apprehended for the robbery of an elderly woman and is brought to your police station to be processed. His mother died when he was three and he is looked after by his father. His father is currently on bail for a burglary of a shop and has a series of previous violent offences. You suspect that the father groomed his son to undertake robberies.

Set up a space (if you are able) and receive the child at the station. Use child-friendly procedures. Act out the role only up to the point of formal interview.

### **Case 2**

You are working late one night at the police station when a member of the public arrives with a young girl saying she found her crying in the street. The person who brought her in is unable to provide any information. The young girl, who looks to be about 6 or 7 years old, keeps crying.

Receive the child at the station using child-friendly procedures. Take her to a child-friendly space if you can. Act out the role to the point of formal interview.



# ETHICAL AND PROFESSIONAL BEHAVIOUR FOR INTERACTING WITH CHILDREN

## BACKGROUND

Ethics and professional behaviour concern the principles and acceptable standards of behaviour by which people are judged, particularly in their relationships with others. Ethics describe the actual values, conduct and behaviour and norms of a group/community.

Ethics come from the discipline of philosophy and involve making systematic concepts of right and wrong. This means that correct moral conduct becomes a habit. In the context of policing, ethics refer to a policeman or woman knowing what he or she is obligated to do and how he or she must act in specific situations, based on standards for moral conduct by police officers.

### What is professional behaviour?

Every police officer who is asked this question will likely have a different understanding of what constitutes professionalism in policing. For some, professional behaviour means being able to talk oneself out of a dangerous situation rather than having to resort to use of force. For others, it means being able to establish relationships with people in the community. For still others, it means carrying oneself in a manner that exudes authority and control, or taking responsibility for one's actions, or being dependable and conscientious, or taking appropriate initiative in situations requiring police action to prevent tensions from escalating, or being respectful of the civil rights of citizens, or being knowledgeable about laws, policies, procedures and regulations. In fact, professional behaviour in policing includes all of these attributes.

Professionalism, by definition, involves belonging to a profession and behaving in a way that is consistent with professional standards. A profession is an occupation that requires extensive training and the study and mastery of specialised knowledge. It usually requires accreditation, certification or licensing. It has a specific code of ethics and it holds members accountable.

Professionalism also means having an internal set of standards of performance and behaviour. Professionals aspire to high ideals: altruism; honour and integrity; respect; excellence and scholarship; caring, compassion, and communication; leadership; and responsibility and accountability.

### **Why is ethical and professional behaviour of the police so important?**

1. Police have special powers and roles that are required for them to effectively carry out their functions of maintaining and enforcing the law, protecting citizens, providing aid and assistance in emergencies. None of these specialised powers should ever be abused. Some examples of police specialised powers include:
  - a. Coercive power = the right to compel and use force
  - b. Discretionary power = the right to decide based upon one's own judgment
  - c. Information power = the right to access personal and secret information
2. Police can only carry out their duties with the consent of the public. The relationship is a partnership and consequently, police must be trusted by the public and the public has to have confidence in the police and believe that police have integrity for the partnership to work. If police are perceived to be abusing their authority, the law and order partnership with society breaks down.
3. Democracy and policing appear to be in conflict sometimes. Democracy means freedom, privacy, individual rights, rule of law, participation, upholding human rights, respecting dignity, whereas policing needs to rely on concepts such as restriction, force, authority and the treatment of the act over the individual. This requires a strong need for ethics and morality among police to ensure that they carry out their functions with care, consideration, legal procedures, common sense and good will.
4. Police work is not about simple answers to simple problems. Instead, police make decisions all the time in complex situations with a high level of uncertainty, with serious risk to themselves and others, under time pressures, and generally under less than ideal circumstances. The physical safety of police is frequently at risk. They are taking this risk not for themselves, but for the sake of others. Maintaining ethical behaviour can be difficult under these hazardous and dangerous circumstances.

5. It is not unusual for police to see offenders as the enemy. Police get close to victims of crime or their families and understand the impact of offences. This cannot help but affect a police officer's emotions. Nevertheless, police must manage their emotions otherwise they will not be able to treat people fairly, consider them innocent until proven otherwise and recognise when offenders are in need of care and protection. Offenders are complex beings, particularly children, who often require care and protection at the same time that they may be committing offences, even when these offences are quite serious.
6. Police are always on duty 24-7. Unlike the banker who might misbehave outside of office hours, police risk losing their jobs and/or being disciplined if they get into a fist fight outside of work or get caught driving after drinking. Police are held to a higher standard than the rest of the population. This too is necessary for the police partnership with the public.

### **What are the characteristics of a police officer who is ethical and professional?**

While there are numerous characteristics that make up ethical and professional behaviour, there are some key values, attitudes and qualities that all police officers should demonstrate when handling children. These include:

**Non-discrimination:** the practice of treating all children in the same way in order to be fair, no matter whether a child is from a wealthy or impoverished family, whether he or she is from a minority ethnic group, whether he or she has disabilities, whether he or she is an offender, victim or witness, or whether he or she comes from a rural or urban background. In all cases, it is a child who requires specialised, kind and respectful treatment.

**Empathy:** the ability to share someone else's feelings or experiences by imagining what it would be like to be in that person's situation. In relation to children, it is very important that the police consider how frightened, overwhelmed and vulnerable a child might be and act accordingly.

**Confidentiality:** the state of treating information/communication as secret and private. This is of utmost importance to juveniles who can be rejected or worse, targeted, by their communities when knowledge of the alleged offence becomes known and it makes reintegration nearly impossible for these children. In the case of child victims and witnesses, their safety and well-being is risked when information is divulged about them or reveals who they are in relation to the crime.

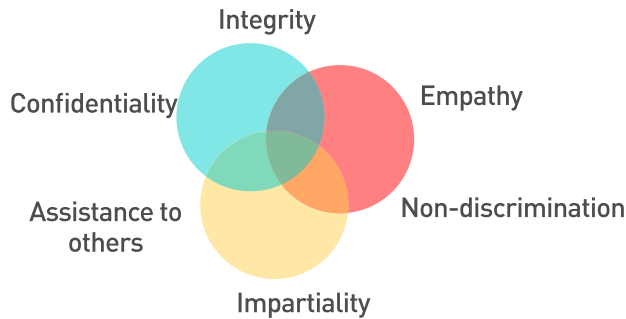
**Impartiality:** balanced, non-aligned, not supporting either side in an argument or case. This



means the presumption of innocence for children in conflict with the law and fair and tempered treatment for all children who come into contact with the law.

**Assistance to others:** this relates to the public service role of police and in the context of children, it is especially important to consider their best interest, welfare, care and protection.

**Integrity:** the most important quality the police can have is to be honest, incorruptible and have strong moral principles that the officer refuses to compromise.



## MODULE E2 – ETHICAL PROBLEMS CASE STUDIES

1. A boy who looks unkempt and possibly homeless comes to the police station to report that his wallet was stolen. The police officer listens to him, but does not write a report because she does not believe him.

Is the officer's behaviour ethical? Why or why not?

What are the ethical issues involved?

What should be done instead?

2. At a Kumasi police station, a young woman/girl from the Northern Region reported that the family of her husband is harassing her. The police officer listens and then says: "We are not used to your people's culture and habits. You should deal with this issue among yourselves."

Is the officer's behaviour ethical? Why or why not?

What are the ethical issues involved?

What should be done instead?

If you, as an officer, felt this way, what should you do?

3. A woman comes running to police officers telling them that a boy stole her wallet. She points towards the criminal and says, "It's him." There are two boys in the direction she points to. One seems to be from the regional majority group, and the other one is clearly a boy from a national minority group, based on his clothing. The police officers run and catch the boy from the minority group because they know that members of this community are more likely to commit that type of offence.

Is the officers' behaviour ethical? Why or why not?

What are the ethical issues involved?

What should be done instead?

4. An officer who works with DOVVSU is assigned to a high income residential area. One morning she receives a call dealing with a possible assault of a juvenile by his friends. The officer discovers that the victim's father is a public figure – an assemblyman of some standing in the community. The officer conducts a routine investigation into the alleged assault, then visits the juvenile victim's home and spends about an average amount of time explaining the details and results of her investigation to the victim's parents. In other words, there was no real special treatment. Two weeks later at her home, the officer receives a thank you card from the victim's father. Inside the card is GH¢200.

What is the ethical issue involved in this situation?

What should the officer do? Why?

5. A police officer for a small rural community with an elderly population responded to a call in reference to a residential burglary. The victim was an elderly woman. While taking the report, the officer noticed that the woman's home was uncomfortably warm. She apologised for the heat, but said that her air conditioner was broken and that she had no money to have it repaired on her limited income. The officer took a quick look at her air conditioning unit and saw the problem immediately. He knew that the parts wouldn't be very expensive. Now he is considering offering to come back after his shift is over to work on her air conditioner. He rationalises that a repair service might cheat the woman out of hundreds of cedis that she cannot afford. He could do it for the cost of parts, plus a minimal fee.

Should the officer offer to repair the air conditioner? Why or why not?

What is the ethical issue involved in this situation?

6. A police officer has been with the police department for 15 years and has worked with children over the past four years as a school liaison officer. He is very friendly and outgoing and is very popular with the school children. He frequently visits with the kids and plays football with them before visiting classes to speak about child protection. One day, while playing football, one of the boys bats the ball with his hand to get it down so he can score a goal. The boys on the other team object, he denies it and the boys begin pushing each other. A fist fight erupts between the boy who “handled” the ball and three others from the opposing team. The officer thinks that the boy deserves it and will get a lesson from his three classmates, so he lets the fighting continue.

What is the ethical issue involved here?

What should the officer do in this instance and why?

### **POLICING IN A DEMOCRACY, ETHICAL AND LEGAL CONDUCT (From Code of Conduct/Ethics for the Ghana Police Service)**

- » Police officers shall at all times act impartially and in accordance with existing laws, which must be enforced on all persons without discrimination.
- » Police officers shall respect and protect human dignity, maintain and uphold rights of all persons.
- » Police officers shall perform their duties without partiality and discrimination to all persons.
- » Police officers shall treat all suspects as innocent persons, politely, respectfully and professionally. Police officers shall respect and uphold the rule of law.
- » Police officers shall ensure that they treat all persons in a courteous manner and that their conduct is exemplary and consistent with the demands of the profession and the public they serve.



## Section F

# INTERVIEWING A CHILD IN CONTACT WITH THE LAW

# INTERVIEWING CHILDREN

## BACKGROUND

Police investigators, in particular, know the value of an interview that produces effective information for the prosecution of crimes. Interviewing children for investigative purposes is a specialised skill with specialised procedures for police to follow. Unlike adults, children take more time to develop trust and open up, particularly if they have been victims of adults. Additionally, a child needs to be able to communicate what has happened in a manner that leaves no ambiguity as to the nature of the offence.

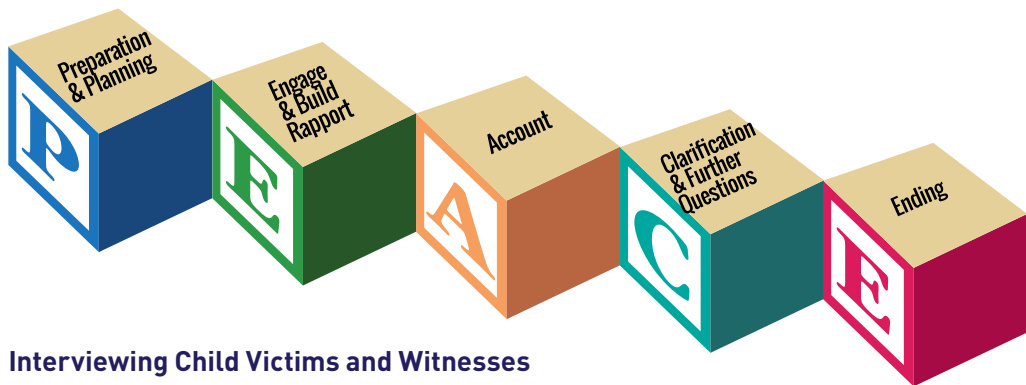
As has been discussed earlier, children are not adults – they do not have the physical or emotional strength of adults and their cognitive and moral development is not yet fully mature. The specialised procedures that children are entitled to include a safe, private and accommodating space; interview protocols that are adapted to incorporate child protection and care; procedural safeguards for children in conflict with the law to uphold their rights; and the recognition that police cannot work alone to fulfill their duty to protect children, but must also work with key child protection stakeholders.

Police protocols for interviewing children, both those who are victims/witnesses and those who come into conflict with the law, are designed to build rapport, minimise coercion, suggestion and manipulation, and maximise the information received by the police in order to secure successful prosecutions. Because of the specialised nature of interviewing children, it is highly recommended that only police investigators conduct interviews and where additional support is required, specialists be brought in to assist.

## Interviewing Children in Conflict with the Law

When dealing with children, the *investigative interview replaces the interrogation*. During interrogation of adults, police use psychological tactics to increase the stress and anxiety levels of suspects, manipulating their vulnerabilities to obtain confessions. Interrogation techniques aim to get the suspect to confess his or her guilt. This approach is not appropriate, nor effective, with children. Because societal norms expect children to be obedient to authority and because of children's greater dependence upon adults, they are more vulnerable when adults use intimidation and manipulative tactics. Studies in other countries have shown that, when subjected to prolonged questioning, threats or inducements, and other inappropriate interrogation tactics, children are highly susceptible to confessing to crimes that they did not commit. A special approach to interviewing children is therefore needed to ensure that children's rights are protected and justice is served.

The Ghana Police Service has adapted the *PEACE method* for interviewing child suspects, designed by law enforcement in collaboration with psychologists in the United Kingdom. The adapted PEACE method refers to *Preparation and Planning, Engage and Build Rapport, Account, Clarification and Further Questions and Ending (PEACE)*, and is a non-confrontational process of interviewing, aimed at reducing stress, limiting reliance on nonverbal signals to indicate truth or falsehood, using open-ended questions to solicit information and then examining inconsistencies in the suspect's account.



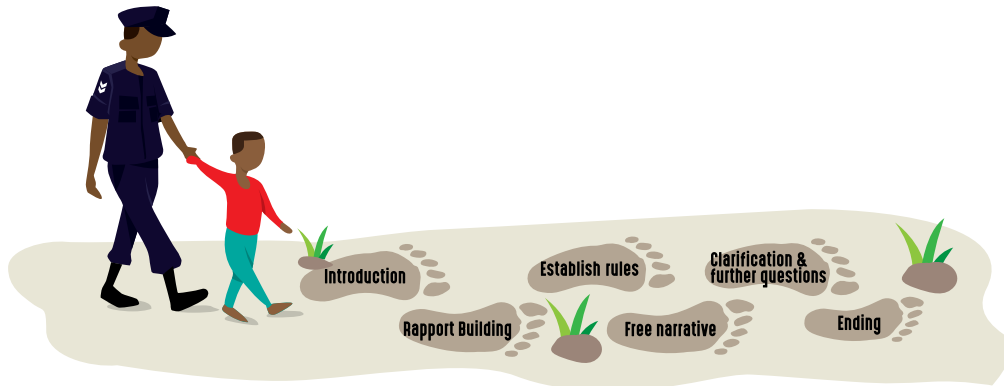
## Interviewing Child Victims and Witnesses

Interviewing a child witness or victim is one component of a comprehensive child abuse or other type of investigation involving harm to a child, which relies on, but is not limited to, police investigators and child protection workers, prosecutors, child protection attorneys, victim advocates and medical and mental health practitioners. While not all of these concerned actors directly participate in or observe an interview with a child, each of these parties may benefit from the information obtained during the police interview, mitigating the need for a child to be interviewed several times.

The goals of the interview include:

- » Minimising any trauma the child may experience during the interview;
- » Maximising the amount and quality of information obtained from the child, while, at the same, minimising the contamination of that information; and
- » Maintaining the integrity of the investigative process for the agencies involved.

The GPS has adapted a structured, five-step approach<sup>40</sup> for interviewing children that has been proven internationally to increase the quality and reliability of children's evidence. All child victim and witness interviews will be conducted in accordance with these steps.



## 1. Introduction

You are *setting the tone for the interview* during the introduction and beginning to develop a rapport with the child to set him or her at ease for the interview process.

## 2. Discuss and Establish Rules for the Interview

Use your *judgment* about whether or not this step is necessary. This phase is not appropriate with pre-school age children, as it would just confuse them, and it would likely not be helpful or necessary with older children. Ground rules are usually quite helpful with primary school age children. Even if you do not use the interview rules, you do need to stress the importance of telling the truth. *All children* should be told that they need to tell the truth.

<sup>40</sup> This is adapted from the Step Wise Interview protocol, developed by John C. Yuille.



### 3. Free Narrative

Free narrative is the *most reliable source of accurate and untainted information* from a child and is consequently the most important phase of the interview. The child should be asked to tell everything that he or she remembers about the incident, in his or her own words. You should listen to the entire story *without interrupting or asking clarifying or follow up questions*.

### 4. Clarification and Further Questions

The purpose of this phase is to get missing information or more details and to clarify things that the child stated during the free narrative. Questions should be as short, simple, non-leading and open-ended as possible. Do not ask questions that are answerable by either yes or no, unless as a last resort.

### 5. Closing

The final step of the interview is to close and finish.

Explain what will happen next to the child and his/ her parents/guardian and provide a contact name and phone number in case there is anything more the child wishes to tell you. Thank the child. If the child has not been in touch with any support services, provide the child/child's family or guardian with a name and contact information for the social welfare officer at the district and direct the child and his or her family to suitable support services. Child victims of trafficking may require significant psychosocial support and need assistance with reintegration in their families and their communities.

## Module F1 - Case Study of Godwin being interviewed

Godwin is an 11 year old boy living in James Town. Due to domestic violence in his family, his mother had to leave him and his 9 year old brother with their abusive father. Godwin's father forces him and his brother to beg at the main intersections of Accra's streets and they sometimes sell bags of groundnuts, tissues, bottles of water etc., depending on the small goods they are able buy with the money they get from begging. One day, Godwin got into a fight with a man whose car was stopped at a red light. Godwin was a bit pushy trying to sell some groundnuts to the man and the man became angry and started insulting Godwin and punched him. Godwin began to fight the man through the car window and when he punched the man in the head, the man's head banged into the steering wheel, rendering him either unconscious or dead – Godwin did not know. He fled the scene not knowing what had happened to the man.

Two days later, two policemen forced entry to his place in the middle of the night and started shouting his name. Godwin tried to run from the house out to the back so he could get lost among all the houses, but one of the policemen caught him in the hallway and immediately began to beat Godwin. The second policeman caught up with them and handcuffed Godwin. Godwin was then taken in a police car to the James Town police station. Godwin was kept in custody, held in a cell with other, adult prisoners, for two days before this interview (his file was opened though and basic information was taken upon his arrival in the station). His body still has bruises from the beating he was subjected to at the time of arrest. The police officer interviewing Godwin takes him into a room full of officers and people, handcuffs him to a chair and pulls up his own chair to face Godwin.

### **Godwin's Interview:**

**Officer:** So we finally got you, tell me about what happened two days ago.

**Godwin:** Nothing, I was selling groundnuts when this man started shouting at me and insulting .... (interrupted by officer)

**Officer:** So you needed to smash his head into the steering wheel! I think crime runs in your veins.

Who was with you that time? Anyone saw what happened?

**Godwin:** No one except the passersby and those with their cars stopped at the red light then....(interrupted by officer)

**Officer:** So what is your full name?

**Godwin:** Godwin Opiesie Appau

**Officer:** How old are you?

**Godwin:** 11 ... I think

**Officer:** Do not you have any documents to present?

**Godwin:** No

**Officer:** Do you go to school?

**Godwin:** Never

**Officer:** You look older than 11 (*officer writes that Godwin is 13 years old*)



**Godwin:** I really do not know. I was told by my father that I was 11 years old.

**Officer:** What did you do after you smashed the man's head?

**Godwin:** I really got scared when I saw blood coming out and he wasn't moving. I did not know what to do.

**Officer:** Sure, you didn't know! The only thing you know is to assault people!!!

**Godwin** *(crying)*: I didn't do anything. He insulted me, punched me and treated me like a piece of garbage.

**Officer** *(shouting)*: Shut up, you are a piece of garbage!!!

**Godwin** *(continues crying)*

**Officer:** Where did you go afterwards?

**Godwin:** I didn't know where to go. I spent the first night in the street and then went home the following day. My father kept beating me the whole next day. *(crying)*

**Officer:** You deserve that. Did you tell him what you had done?

**Godwin:** Not yet, I am too scared

**Officer:** What does your father do?

**Godwin:** Nothing, he stays at home and collects the money that me and my brother, Gideon, get from begging and selling things at the end of the day, then he goes to buy vodka

**Officer:** Where is your mother?

**Godwin:** She left us two years ago

**Officer:** Why?

**Godwin:** My father used to beat her everyday

**Officer:** Do you know what happened to the man you beat?

**Godwin:** No, I do not know

**Officer:** He was rushed to the hospital and he is fine now, lucky you! Do you have anything to say?

**Godwin:** No.

**Officer:** An investigator will come and see in a couple of hours to continue the investigation. We will keep you locked up until he arrives.

### Questions:

1. Do you think the officer prepared for the interview? If not, how do you think the officer should have prepared?
2. How do you think the interview should have started?
3. What are the best and worst practices in this interview?
4. What do you think the officer missed asking about?
5. Who, if anyone, should have been present in the interview?
6. What types of questions were used through the interview? How did they help to elicit information?
7. How do you think Godwin would view the police after being interviewed by this officer?
8. Do you think the officer gained Godwin's trust? Why or why not?
9. What elements do you think were missing in the interview setting?
10. How would you adapt the questions above in a way to gain Godwin's trust and get fuller information?
11. What do you think about how the interview was closed? What do you think should have been done?
12. Do you think by the end of the interview that sufficient information was collected?
13. What are the rights of Godwin that were violated in the interview? In the police station?

### Types of Questions

At different times during the interviews with a child, police use specific types of questions to solicit specific information. These are listed below.

#### Neutral Questioning

- » Open-ended questions, usually beginning with "What", "Where", "When", "How" and "Why"?
- » Used for free narrative section of interviews
- » Are not leading, manipulative, coercive, suggestive and hence, are more reliable and acceptable ways of eliciting information used in prosecutions

- » These questions provide police with lots of information from the child's perspective and are very effective when used to understand what happened to a child in his or her own words
- » The most important type of question for interviews and the least used in the past

### **Direct Questioning**

- » Still using open-ended questions, but a bit more specific in that direct questions generally follow up on information that the child has provided through free narrative
- » Used in clarification and further questions section of interviews and are not leading or suggestive in any way, but more specific to certain information provided
- » Seeking clarification when a child's account is inconsistent, but are in no way judgmental, instead they are curious about the inconsistency

### **Confronting Questions**

- » While the word "confronting" makes these sound negative, they are actually intended to deal with contradictions or confusion in a child's narrative or contradictions among different people's narratives. For example, if events stated by a child contradict what the child stated earlier or if they contradict the statement of another person
- » Should also not be judgmental questions or suggest that a child is not telling the truth. Instead, should be used with genuine curiosity to understand the contradiction

### **Suggestive Questioning**

- » Closed questions usually, which are answerable with a "yes" or "no"
- » These are leading questions and interviewer must be careful not to suggest or coerce a child into saying things since these will not be permitted as evidence
- » Can be used only AS A LAST RESORT, if the child refuses to speak or does not offer much information

## MODULE F1 – ROLEPLAYS: CHILD-FRIENDLY INTERVIEWS WITH CHILD VICTIMS/ WITNESSES AND CHILDREN IN CONFLICT WITH THE LAW

The SOPs should be your guide for how to conduct interviews with all children in contact with the law. When you are roleplaying the Godwin case, use the *SOPs for Handling Children in Conflict with the Law*. For the Rashida case, use the *SOPs for Investigations involving Child Victims/Witnesses*.

### Roleplay 1 – Interviewing a child in conflict with the law

#### Godwin in conflict with the law

Godwin is a 13 year old boy living in James Town. Due to domestic violence in his family, his mother had to leave him and his 9 year old brother with their abusive father. Godwin's father forces him and his brother to beg at the main intersections of Accra's streets and they sometimes sell bags of groundnuts, tissues, bottles of water etc., depending on the small goods they are able buy with the money they get from begging. One day, Godwin got into a fight with a man whose car was stopped at a red light. Godwin was a bit pushy trying to sell some groundnuts to the man and the man became angry and started insulting Godwin and punched him. Godwin began to fight the man through the car window and when he punched the man in the head, the man's head banged into the steering wheel, rendering him either unconscious or dead – Godwin did not know. He fled the scene not knowing what had happened to the man.

The man was knocked unconscious when his head hit the steering wheel... he was partly responsible for his head hitting the steering wheel because he was moving in the car to get a better angle from which to hit Godwin. Godwin knocked his head a bit and because it was going in that direction, he hit the steering wheel. He must have hit in just the right spot for it to cause unconsciousness.

Two days later, two patrol policemen recognised Godwin from the description the man in the car provided when he reported the crime. The police have brought Godwin to the DOVVSU station near James Town and you have been asked to take on the investigation.







## Section G

# POLICE HANDLING OF CHILDREN IN CONFLICT WITH THE LAW

# HANDLING CHILDREN IN CONFLICT WITH THE LAW

## BACKGROUND

Children in conflict with the law are one of the least privileged groups in 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 to be 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, 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.

## What are specialised handling procedures and why use them?

Because children have not achieved the moral, physical, cognitive and emotional development of adults, they require that police use specialised procedures, adapted for their age and development, when they come into conflict with the law. As noted earlier in this manual, research reveals distinctions in how children think and react, as well as their physical safety requirements, in contrast to adults. Domestic legislation and policy has been developed to address the distinct needs of children who are alleged to have committed offences.

### ***The Legislation:***

The main policy and legislation guiding the standard operating procedures for handling juveniles are:

#### Juvenile Justice Act 2003

- » Provides for the rights of juvenile arrest and caution, as well as detention and treatment in the police station

#### Justice for Children Policy 2015

- » Urges the development of interventions to prevent juvenile offending
- » Encourages use of community justice processes to resolve minor offences and
- » Promotes greater use of police discretion to divert and use informal/formal cautions
- » Protects the privacy and dignity of the child

#### Children's Act 1998

- » Provides for general child rights and protections
- » Provides a specialised judicial adjudication system for children (child panels)

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: Number of Children Arrested by Regular Police and DOVVSU<sup>41</sup>**

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%)<sup>42</sup> 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

<sup>41</sup> 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

<sup>42</sup> *Ibid*, p. 11

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 theft<sup>43</sup> 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).<sup>44</sup>

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 (Development) report found that 1778 boys and 324 girls were incarcerated in adult prisons between 1993 and 2003<sup>45</sup>. More current data on children in detention can be found below.

**Table: Number of Children in Detention<sup>46</sup>**

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

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 and 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.

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

44 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.

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

46 *Supra* note 119, p. 14

While the Department of Social Development/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 among the few NGOs who work on rehabilitation and reintegration of children in conflict with the law.

### **How do police handle children differently from adults?**

The Standard Operating Procedures for Handling Children in Conflict with the Law provide detailed instruction on how police should treat and handle children who are alleged to have committed offences. Some of the key principles upon which these procedures are based include the following:

- » Specialised procedures that are different from adults
- » Child-friendly approach
- » Best interest of the child
- » Non-discrimination
- » Right to survival and development
- » Right of the child to be heard – participation
- » Restorative not retributive justice
- » Right to privacy and confidentiality
- » Rule of law
- » Right to be treated with respect and dignity
- » Rights to legal assistance and representation

One of most important roles of a police officer is to determine whether the children accused of offences are in need of care and protection or children in conflict with the law. Sometimes, a child can be both in need of care and protection, as well as having committed an offence. Police often use some discretion to determine what to do with such a child.



## Exercise G1 – Scenario of a Child at Risk: Adu and Owusu

### Scenario of a Child at Risk: Adu and Owusu

Adu is a 13 year old boy who has begun recently to live in the streets because his mother, his only caregiver, recently died. Owusu is a 15 year old boy who has been living and working in the streets since he was 10 yrs old because he ran away to escape his father's beatings. Both come from very impoverished families and made their way to Accra to live because they believed it offered more opportunities.

Owusu is a very confident and assertive boy whom Adu admires and looks up to since he is much more shy and timid. Often, Adu goes along with whatever ideas Owusu comes up with. He does this partly to impress Owusu, and partly because he is new to the streets and is not yet good at surviving on his own. Usually Adu and Owusu spend time in the streets trying to wash car windshields for money when cars are stopped at the traffic lights. One day, they are not making much money and they are very hungry. Owusu suggests that they go to the Makola market to steal some food so that they can eat. Adu goes along.

While they are stealing yams from a market stall, the vendor catches them, yelling for the police to be called. Owusu pulls out a small knife from his pocket and threatens to cut the vendor if she doesn't let them go. The vendor lets go of them just as you, a police officer, arrive at the scene. Owusu does all the talking and he is very combative and not respectful.

1. What would you do?
2. What are the differences and similarities between the boys?
3. Would you treat them the same? Why or why not?
4. What options are available to each of the boys, in light of what they have done?

Remember from earlier in the manual that:

**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 risks to which they are daily exposed.

Children *at risk* of coming into conflict with the law may be identified by the characteristics they share with children *in* conflict with the law. Their family background and current behaviour leads professionals to judge their potential for future criminality. Generally, the most common characteristic of children who are at risk of coming into conflict with the law is their vulnerability.



### EXERCISE G1- PROTECTING VULNERABLE CHILDREN

Fill in the grid below to the best of your knowledge. Based on the information given, identify by a check mark in the column whether the child is in conflict with the law, in need of care and protection or both. Then write in the next column what action should be taken by police with the child. Finally, identify the key stakeholders (social welfare officer, family, medical/health services, community, opinion leaders in community, NGO, shelter, legal aid, etc.) who would work with police in this situation.

Situation	In conflict with law	In need of care/ protection	Both	Immediate action taken by police	Stakeholders to support police
You have been called out to Lake Volta because of a complaint about two boys fighting and both sustaining minor injuries. You see that both boys are very young (maybe 13 yrs) and are working as divers to un-snag fishing nets					

<p>You see an adolescent girl in the Kejetia market approaching men and you believe she is soliciting (selling sex).</p>					
<p>A complaint has come in from a motorist who says children are aggressively begging in the Adebraka neighbourhood of Accra. Upon arriving, you see 6 children, all under 12 yrs, running up to cars and elbowing each other out of the way to get there first.</p>					
<p>A shopkeeper at the Makola market has complained that an older boy (about 16 yrs) has been sleeping under her stall for the last 3 nights and she doesn't want him there, as it is now dirty and she needs to clean up before setting up.</p>					
<p>You have been called to a home in Bolgatanga on a neighbour's complaint that a young girl lives with her father alone and her father is a drunk and has not been caring for her. The girl looks hungry, unkempt and is not going to school.</p>					



It is not always easy to deal with children who are vulnerable and at risk. Children at risk can display behaviour that may seem frightening, hostile or self-destructive. Such behaviour can evoke powerful emotions and reactions in police. To be effective, the police must feel equipped and empowered when trying to understand and work with such behaviour. One helpful way to deal with it is to understand where the behaviour may originate and what measures can be taken to try and address it. Such knowledge can help police to work more effectively with children at risk. Children who have had to fend for themselves over time might develop coping mechanisms that include aggressive behaviour, the appearance of not caring, an argumentative conversation style, among other mechanisms.

All children have a right to be protected from harm. Although the family is the preferred place for all children, sometimes relationships between a child and his or her family can break down. When this is the case, the Child and Family Welfare Policy and the Justice for Children Policy state that community-based services which offer appropriate counselling, guidance and recreational activities to children and their families should be available. It is especially important that these services are available to all children without discrimination, including children of families of different tribal or religious backgrounds, migrant and refugee families, children in residential care and children with an illness or disability.

Domestic and international standards emphasise that governments should take measures to promote family cohesion and harmony and to discourage the separation of children from their parents, unless circumstances affecting the welfare and future of the child leave no viable alternative. For example, it is recommended that government agencies take special responsibility and provide necessary services for homeless or street children. Also, special facilities should be set up to provide adequate shelter for young persons who are no longer able to live at home or who do not have homes to live in.

Ghana has significant legislation requiring that adult duty bearers, such as the police, have the responsibility to protect children who are at risk of coming into contact with the law. Police should take every opportunity to work with other duty bearers such as families, communities, health services, schools, religious and charity groups, social services and NGOs to help educate parents, teachers, neighbours, traditional leaders, religious and opinion leaders, doctors and nurses about their duty to protect all children and especially vulnerable children.



## EXERCISE G1 – CASE STUDIES FOR INITIAL CONTACT

Refer to *the SOPs for Handling Children in Conflict with the Law*, section on *Initial Contact*, in order to respond to the questions below.

### Case 1 – The Knife Fight

There has been a knife fight between two groups of boys (gangs) earlier in the evening during in which the daughter of a local shopkeeper was seriously wounded. You are investigating the incident and you receive a tip off which leads you to find the knife at the home of a local boy. You speak to the boy's mother who is very shocked. She explains that her son has learning difficulties and that he is often bullied and manipulated by older boys in the neighbourhood.

What steps do you take? How do you do this?

### Case 2 – Stolen Clothing

You arrest a girl who is 15 years old for stealing clothing from the store where she works. She admits to the crime, but is very frightened of the consequences. She says she has heard terrible things about prison. She is very upset and offers to have sex with you if you will let her go.

What steps do you take? How do you do this?

### Case 3 – Sex for Sale

You see a girl soliciting sex in front of a 4 star hotel. You guess that she is about 14 yrs old.

What steps do you take? How do you do this?

### Case 4 – The Chase

You are at the market and you see a young boy pickpocket someone's wallet. You begin to chase the boy, who looks quite young, and during the chase, he falls down and cuts his leg badly. When you catch up with him, you see that he has dropped quite a lot of money and two watches.

What steps do you take? How do you do this?

### Case 5 – Climbing into the house

You are called to arrest for attempted theft a very young boy whom a homeowner caught climbing into his window. You sense something is not right with the boy, as he seems very young, so you ask him if he is working with anyone else, but he becomes very frightened and claims to be working on his own. You don't believe him.

What steps do you take? How do you do this?

### Arrest Procedures for Children

The arrest of a child over the age of minimum criminal responsibility should be a ***measure of last resort***. Always consider using cautions, mediation or community resolution first. When you ***arrest*** a child, you are taking him or her into custody by legal authority or warrant.

Remember, children can only be arrested by the police where the facts of the alleged crime warrant it and the law permits it. If a child must be arrested, refer the file to the nearest Domestic Violence and Victim Support Unit (DOVVSU) office, which has the mandate to handle children in conflict with the law. If there is no DOVVSU office in the area, continue to process the file yourself, following the protocol outlined in this document and asking for DOVVSU guidance, where necessary.

When an arrest is the only option available to you, obtain a ***warrant of arrest*** from the Magistrate of the juvenile court except in cases where a warrant is not required. Insofar as possible, female children should be arrested by female officers.

Arrest without warrants can be made by police when the juvenile a) commits an offence in the presence of the officer; obstructs a police officer in execution of police duties; has escaped or attempts to escape from lawful custody; is in possession of any implement adapted or intended to be used for the unlawful entry of a building without reasonable explanation for the possession or when there are reasonable grounds of suspicion that the juvenile a) has committed an offence; b) is about to commit an offence where there is no other way of preventing its commission or the surroundings indicate that an offence could be committed; and c) is wilfully obstructing the police officer in the execution of police duties. ***(JJA, Sect. 5)***

Remember the following:

- » Police should use arrest and detention as a last resort according to domestic laws and policies
- » All procedures involving initial contact through to transferring a child somewhere

are specialised when they involve children

- » The best approach consists of measures and decisions that prioritise the child's best interest and give the child the opportunity to develop fully
- » When a child is in conflict with the law but also is in need of care and protection, the police should see to the child's care and protection first
- » When encountering a child suspected of having committed an offense, police must not judge and presume that the child is guilty
- » It is very important to demonstrate respect, to use child-friendly language and adopt a caring attitude towards the child
- » The child needs to be heard and to be believed



### Exercise G1 – Arrest procedures for children scenarios

In pairs, use the following scenarios below to act out the procedures for arrest of a child. You should use the procedures as outlined in the SOPs. Take turns so that you each have different types of arrests involving children. When you return to plenary, be prepared to discuss any challenges you had and any successes.

**Case 1:** You are looking for someone, approximately 17 yrs old, who is reported to have stabbed an 11 yr old boy earlier in the evening. You see someone matching the description. You stop him, but just as you are about to search him, he pulls out a knife, threatens you and tries to run away.

**Case 2:** You arrest a girl who is 15 years old for stealing clothing from the store where she works. She admits to the crime, but is very frightened of the consequences. She says she has heard terrible things about prison. She is very upset and offers to have sex with you if you will let her go.

**Case 3:** An informant has told you that a particular child is trafficking drugs for a local adult gang. You apprehend the child one evening and find a large quantity of marijuana on him. He tells you that he is 14 yrs old, that his father ran away a long time ago, that his mother is sick in the hospital and that he needs the money to pay her medical bills and to support his three younger siblings.



# RESTORATIVE JUSTICE AND POLICE DIVERSION

## BACKGROUND

In the criminal justice system for children, restorative principles are used to apply the law in a way that benefits, and does not harm, the child. Diversion is a preferred restorative method for handling children, which entails “diverting” children who come into conflict with the law away from the formal justice system and in particular away from formal court processes and detention. Diversion can happen anytime during the criminal justice process – before/instead of arrest, after arrest, before trial, after trial. Through alternative processes and support, the child is usually able to realise that there are other options available to him or her, apart from crime.

### *Legislation:*

The Justice for Children Policy 2015 encourages use of community justice processes to resolve minor offences and promotes greater use of police discretion to divert and use informal/formal cautions (Strategy 3.5). The Juvenile Justice Act 2003 states that offences committed by children, except those considered as serious offences, are best resolved informally (diversion).

## What is Restorative Justice?

*Restorative justice* provides an entirely different way of thinking about crime and victimisation. Rather than the state being viewed as the primary victim in criminal acts and placing victims and offenders in passive roles, as is the case in the existing retributive justice paradigm, restorative justice recognises crime as first and foremost being directed against individual persons. It assumes that those most affected by crime should have the opportunity to become actively involved in resolving the conflict. Restoration of losses, allowing child offenders to take direct responsibility for their actions and assisting victims in their journey of moving beyond

their sense of vulnerability by means of achieving some closure, stands in sharp contrast to focusing on past criminal behaviour through ever-increasing levels of punishment. Restorative justice processes are not only used with children. They are very commonly practiced among indigenous groups all over the world and in Ghana, community and/or traditional forms of justice aim to restore harmony to individuals in the community and the community at large, hence, they can be considered “restorative”.

Criminal justice systems in many countries are “*retributive*”, which means they are concerned with punishing the offender. This type of justice is focused more on crime than the people involved in the crime. Yet, this is frequently not in the best interest of the victim, the offender, or even society in general. All of these people may emerge from a retributive process further alienated, more damaged, disrespected, disempowered, feeling less safe and less cooperative within society.

“*Restorative*” justice focuses on restoring damaged relationships, especially those between the victim, offender and community, to the way they were before the crime was committed. It attempts to “make things right” by developing solutions to repair damage, reconcile the parties involved, restore community harmony and reassure those who are involved. The ultimate aim of restorative justice is healing. It emphasises the active participation of offender, victim and community to listen to facts and feelings of those involved in order to identify and implement solutions that balance the best interests of all people involved. Offenders take responsibility for their crimes and make amends to the victim and the community. It allows for repentance, forgiveness and reintegration and emphasises a proportionate, sustainable and effective response to a crime which is much more likely to reduce re-offending.

While restorative justice applies to people of any age, it is especially important to use it in relation to juvenile offenders since it provides for a lasting impact on the emotional and moral development of a child, which is positive, rather than negative. It can halt the process of a child offender becoming an adult offender. In many respects, when a police officer uses restorative justice, he or she is acting as a good parent – reprimanding and teaching a child to take responsibility and make amends.

Restorative justice attempts to draw upon the strengths of both child offenders and their victims, rather than focusing upon their deficits. While denouncing criminal behaviour, restorative justice emphasises the need to treat children in conflict with the law with respect and to reintegrate them into the larger community in ways that can lead to lawful behaviour.

Restorative justice processes are aimed at:

- Encouraging the child to be accountable for harm caused;
- Promoting an individual response to the child's behaviour which is appropriate and proportionate to the circumstances of offence;
- Restoring community harmony, repairing the harm done, and promoting reconciliation between the child and the person or community affected by his/her actions.

Community justice and other diversionary measures can be used only when the child freely admits to the offence and agrees to diversion. Children who assert their innocence are entitled to a full and fair trial within the formal justice system.

Diversion rests on the principles of restorative justice. At present, police diversion encompasses cautions – informal and formal; and discretionary mediation/negotiation by police. Police are also able to refer children to community justice processes, although these may not yet be fully standardised and implemented as directed by the Justice for Children Policy. As gatekeepers to the criminal justice system, patrol and station officers play an integral part in determining which juveniles make their way into the system and which do not. Some definitions are found below.

***Diversion*** involves referral of cases involving children alleged to have committed offences away from the criminal justice system with or without conditions (Juvenile Justice Act 2003 (Act 653) sec.60). Under the Juvenile Justice Act, police are instructed to use cautions as alternatives to arrest.

An ***informal caution*** is an alternative to arrest. It consists of an ***unofficial*** verbal reprimand of which no official record is required to be kept and is often used when a child is remorseful, is a first time offender and she or he has been involved in a minor offence such as petty theft, petty assault and threatening offences. (Juvenile Justice Act, sect. 60) ***Informal cautions shall only be given when police have witnessed the child offending and/or the child has admitted responsibility for the offence.***

A ***formal caution*** can also be used instead of arresting a child in order to limit the child's interaction with the criminal justice system and offer the best chance for a child to correct his or her behaviour. ***The decision to officially caution a child must be made by a senior officer on the recommendation of a probation officer, public prosecutor or magistrate.*** (Juvenile Justice Act, sect. 12) This means that police officers cannot act alone to give a child a formal caution. Instead, the police are directed to use formal cautions, usually once a child has been seen by a magistrate or spoken with a public prosecutor.



**Negotiation** is a dialogue process to search for an agreement that satisfies the parties involved.

**Mediation** is the use of a third party to help parties in a disagreement hear one another, minimise the harm that can come from disagreement and maximise areas of common agreement to find a mutually-acceptable solution to the issue. Mediation is sometimes called “assisted negotiation”.

There are also traditional community forms of mediation and negotiation that are used in Ghana when children are involved in petty crimes and this area is likely to be further developed, as indicated in the Justice for Children Policy. A police officer can use informal negotiation and mediation tools when a child has been accused of a petty offence and acknowledges responsibility. It is useful for reconciling the child offender with the victim and determining appropriate restitution, if warranted. Police are **never to negotiate or mediate in cases where a child is a victim**. In these cases, protecting the child is the priority function of the police.

The Justice for Children Policy identifies other diversion processes:

**Accountability conferences or family group conference or victim offender mediation** can be used, bringing together the alleged child offender and his/her parents/guardians, the victim, police officers and a social worker. All these participants will discuss the matter with the child who will be encouraged to consider his/her involvement and to accept responsibility for his/her actions. The consequences for the offence will also be explained and the child may apologise to the victim and make amends where possible. Guidelines will be developed to implement these community-based processes.

### **Why use Restorative Justice?**

The role of the police is to not take short term action without consideration for the longer term, the benefit to society and the safety of the public. Added to this are police considerations of the best interest of the child and the child’s need for care and protection. For example, if an orphan is arrested and put in prison for over one year when he steals a yam, this does not address **why** he stole the yam in the first place (because he was hungry and without food provided by his family), nor does it prevent him from stealing again in the future. In fact, it may be more likely that he commits a more serious offence in the future which he learned from other criminals in prison. A much better approach uses restorative justice to “restore” relationships to the state they were in before the offence and to ensure that the outcome balances the best interests of society, the victim and the offender.

What is the benefit of a child taking responsibility for his or her actions?

- ▣ a child may gain insight into the consequences of his/her actions and take responsibility for them and make good the harm caused (by, for example, compensating the victim or performing some sort of community service or service to the victim)
- ▣ and, by using restorative justice principles, the child does not obtain a criminal record, thereby granting him or her the opportunity to forge a path in life, unburdened by the stigma of a criminal conviction

What are the benefits to the victim and society?

- ▣ victim fears can be allayed by speaking directly to the offender, knowing that she/he is taking responsibility and making amends and that she or he understands the consequences of those actions
- ▣ victim is an integral part of restorative justice and able to speak about the harm caused by the offence, assisting with healing from the trauma
- ▣ is likely to have a positive impact in reducing rates of offending
- ▣ leads to considerably fewer children being held in pre-trial detention and therefore to improved conditions for those who are nonetheless detained
- ▣ reduces the workload of the courts, thereby allowing judges to spend more time examining the needs of children appearing before them and/or reduce the number of children receiving custodial sentences, thereby improving conditions for those who nonetheless do
- ▣ allows the participation of victims and the participation of the community

There are even economic benefits:

- ▣ Many non-formal justice options are also cheaper than court procedures and detention
- ▣ Imprisonment prevents people from contributing to their local economies and their families
- ▣ Imprisonment is also very costly.

### **When and how do police use restorative justice and diversion?**

The *SOP for Handling Children in Conflict with the Law* provides instruction for using diversion processes under the Juvenile Justice Act, focusing on the giving of cautions.

Criteria for using diversion:

- ▣ The child must take responsibility for his or her actions. If a child is maintaining his/her innocence, then that child has the right to have his/her case proceed to court in order to determine whether or not he/she is guilty
- ▣ The victim must agree to an informal mediation with the child and should not be opposed if the police decide to issue a caution
- ▣ Cases must be non-serious, as defined in the JJA

## **MODULE G2 – CASE STUDIES USING DIVERSION: UNDERSTANDING WHEN AND HOW**

In small groups, discuss each of the cases below, responding to the following questions:

1. Would you give a caution or use discretionary mediation/negotiation in this case?
2. What are your reasons for giving a caution/mediation/negotiation or not?

You may need to indicate that certain conditions must be met for you to respond to the first question above. For example, you might say for case #2 that you would give a caution if this was the first time the girls were found doing such a thing as one of your conditions. Fill the two columns in with your responses.

After you complete the exercise above, select one of the cases below where you would give a caution and use the SOP guidelines for how to give a caution in a roleplay scenario, if directed by your facilitator.

Case	Caution – yes/no Discretionary mediation or negotiation – yes/no	Reasons why or why not
1. The police arrest an 11 year old boy for stealing a t-shirt at a market stall		
2. The police arrest two teenage girls for prostitution in the Golden Tulip Hotel		
3. A police officer has to tell a sickly mother with several young children that her teenage son has been arrested, along with a group of older boys, for burglary		
4. The police interview a 16 yr old boy and 14 yr old girl caught in the act of indecent exposure in a public park		

Remember, restorative justice is about balancing the rights of offenders, victims, the need for public safety and crime prevention. Police have a key role to play in restorative justice, as their actions can make the difference between a good and a bad outcome for all those involved. Police should all become familiar with police cautions and discretionary negotiation/mediation as these are important tools for diversion.

Restorative justice involves:

- ▣ Preventing children from coming into conflict with the law
- ▣ Diversion of offenders away from the formal criminal justice system through options available to police
- ▣ Using detention only as a last resort and for the shortest time possible, when it is necessary



# POLICE RESPONSIBILITIES IN PREVENTING CHILDREN FROM COMING INTO CONFLICT WITH THE LAW

## BACKGROUND

Police, in their crime prevention role, have the responsibility to prevent children from coming into conflict with the law. This is sometimes called *Delinquency Prevention*. Prevention efforts seek to redirect children and youth who are considered to be at risk of coming into conflict with the law or to prevent the recurrence of criminal offences by a child or youth who has already been involved in the juvenile justice system because he or she has previously committed a crime.

### **What is prevention of child offending and why should police do it?**

Prevention requires that police identify children who are at risk and put in place mechanisms to reduce the likelihood of them having difficulties, rather than responding to problems after they have already happened. Intervening early not only saves young lives from being wasted, but also prevents the onset of adult criminal careers, reducing the burden of crime on society. Preventing children from coming into conflict with the law is an important responsibility for police in their child protection activities. Police often work with other child protection stakeholders, formal (social welfare officers, schools, health service providers) and informal (families, communities, NGOs) who let police know that a specific child is at risk.

Police need to be able to identify and anticipate when a child is at risk and work with other stakeholders to develop ways to assist children in avoiding conflict with the law.

## Risk Factors for Children Coming into Conflict with the Law

Category	Risk Factors	Protective Factors
Individual	<ul style="list-style-type: none"> <li>■ Early antisocial behaviour and emotional factors such as low behavioural inhibitions</li> <li>■ Poor cognitive development</li> <li>■ Hyperactivity</li> </ul>	<ul style="list-style-type: none"> <li>■ High intelligence</li> <li>■ Positive social skills</li> <li>■ Willingness to please adults (can also be used against a child)</li> <li>■ Religious and club affiliations</li> </ul>
Family	<ul style="list-style-type: none"> <li>■ Inadequate or inappropriate child rearing practices,</li> <li>■ Home discord</li> <li>■ Maltreatment and abuse</li> <li>■ Large family size</li> <li>■ Parental antisocial history</li> <li>■ Poverty</li> <li>■ Exposure to repeated family violence</li> <li>■ Divorce</li> <li>■ Parental psychological problems</li> <li>■ Teenage parenthood</li> <li>■ A high level of parent-child conflict</li> <li>■ A low level of positive parental involvement</li> <li>■ Living away from family, in residential care, foster care or in streets</li> </ul>	<ul style="list-style-type: none"> <li>■ Participation in activities shared by family</li> <li>■ Providing the forum to discuss problems and issues with parents</li> <li>■ Availability of economic and other resources to expose youth to multiple experiences</li> <li>■ The presence of a positive adult (ally) in the family to mentor and be supportive</li> </ul>
Peer	<ul style="list-style-type: none"> <li>■ Spending time with peers who engage in delinquent or risky behaviour</li> <li>■ Gang involvement</li> <li>■ Less exposure to positive social opportunities because of bullying and rejection</li> </ul>	<ul style="list-style-type: none"> <li>■ Positive and healthy friends to associate with</li> <li>■ Engagement in healthy and safe activities with peers during leisure time (e.g., hobbies, clubs, sports other recreation)</li> </ul>

School/ Community	<ul style="list-style-type: none"> <li>■ Poor academic performance</li> <li>■ Enrollment in schools that are unsafe and fail to address the academic, social and emotional needs of children and youth</li> <li>■ Low commitment to school</li> <li>■ Low educational aspirations</li> <li>■ Poor motivation</li> <li>■ Living in an impoverished neighbourhood</li> <li>■ Social disorganisation in the child's community</li> <li>■ High crime neighbourhoods</li> </ul>	<ul style="list-style-type: none"> <li>■ Enrollment in schools that address not only the academic needs of youth but also their social and emotional needs and learning</li> <li>■ Schools that provide a safe environment</li> <li>■ A community and neighbourhood that promote and foster healthy activities for youth</li> </ul>
----------------------	--	---

It is important for police to recognise that **no single risk factor leads a young person to delinquency**. Nor is it guaranteed that a child with risk factors will come into conflict with the law at some point. Risk factors do not operate in isolation and typically are cumulative - the more risk factors a child is exposed to, the greater likelihood that he or she will experience negative outcomes, including possible conflict with the law. Different risk factors may also be more likely to influence youth at different points in their development. For example, peer risk factors typically occur later in a youth's development than individual and family factors.

The following categories of children were considered to be more at risk to fall into conflict with the law:

- Children living and/or working in the street
- Children in residential care
- Abandoned or neglected children
- Runaway children far from home communities
- Children without proper parental care and supervision
- Migrant children
- Trafficked children
- Exploited children (labour, sexual or otherwise)
- Abused children



No comprehensive studies have been undertaken in Ghana or elsewhere which examine the underlying factors contributing to juvenile offending, although it is commonly believed that children lacking adequate care and protection, poor parental care and supervision, and children who are living in impoverished conditions are at greater risk to offend. While children may face a number of risk factors, it is important to remember that every child has strengths and is capable of being resilient. All children, families and communities have individual strengths that can be identified, built on and employed to prevent future conflict with the law. At present, there are few programs in Ghana to build capacity of parents in the care and protection of children.

### **How do police prevent children from coming into conflict with the law?**

The *SOPs for handling children in conflict with the law* acknowledge the role of police in preventing crime and preventing children from becoming involved in crime as offenders. Children whose offences are less serious can also be supported by police actions to prevent further offences and assist in reintegrating the child. To this end, police are to assist children by:

- ▣ Developing relationships with community leaders, agencies, institutions, social welfare officers and nongovernmental organisations (NGOs) that can intervene to support a child at risk;
- ▣ Arranging meetings with relevant community leaders, agencies, institutions and NGOs so that early intervention can ensure that the situation does not escalate;
- ▣ Referring at risk children to social services, NGOs and community leaders who can support them;
- ▣ Putting families in touch with social services, NGOs or community leaders who could help them in times of difficulty;
- ▣ Coordinating with social services, NGOs and community leaders in family reunification;
- ▣ Supporting the development of “community policing”, law enforcement that seeks to integrate officers into a local community to reduce crime and cultivate good community relations;
- ▣ Taking violence against women and children within families very seriously as this one of the key reasons for children to leave home and live on the streets;
- ▣ Advocating with communities and families on the prevention of violence and abuse, parental responsibility, children’s rights, positive child-rearing practices and nonviolent and non-humiliating school discipline; and
- ▣ Refraining from referring to children and young people as “deviant” or “delinquent” or any other negative names so as not to increase undesirable behaviour and stigmatisation from others.

## MODULE G3 - CASE STUDIES

### Case 1: Kuma and the broken plates

Kuma, 12 years old, lives in Accra with his mother and siblings. He has been out of school for 6 months. His father passed away 2 years ago and since then, his mother has been very depressed. When his father was alive, there was always enough money for school fees. Now, his family has run out of money and Kuma has had to drop out. Because of her depression, Kuma's mother has been spending less time with him and his siblings. Since he no longer has school to keep him occupied, Kuma is getting restless. He spends his time wandering through markets and stores, asking individuals for spare change. One shopkeeper in particular does not appreciate Kuma's presence and consistently yells at him to get out of his shop. The shopkeeper is worried that Kuma will break the pottery he sells, and with good reason. On this particular day, Kuma tries to quickly duck out of the store, but he trips and falls into a small table stacked with ornate plates. Two of the plates crash to the floor and shatter. Kuma, still stunned from falling, feels a hand closing on his arm. The shopkeeper has him tightly, and informs Kuma that he has told his wife to call the police.

You are the police officer to arrive at the shop. What will you do? Who will you collaborate with?

### Case 2: Atta Making Friends

Atta is 16 years old. He is tall for his age and very outgoing. Both of Atta's parents passed away when he was very young. He therefore lives with his grandmother in Tamale. Atta loves soccer, and often plays with his schoolmates. Recently, he has begun playing with a group of young men who are well known to the community as being a bad influence. They often bully the younger children, they drink alcohol and some members of the group have previously been in trouble with the law. However, Atta enjoys their company and their stories of adventure. In an attempt to become close to them, he has started skipping school and drinking alcohol. Atta's neighbour has observed him about town with this group of men during school hours. His neighbour is very concerned as he knows Atta has no parents or siblings to look out for him. He thinks Atta may fall into the same kind of trouble as the young men, and he wants to prevent this. The neighbour suspects Atta's grandmother is aware of a shift in Atta's behaviour, but is choosing not to intervene. Feeling he has no other solution, the neighbour approaches the police to obtain advice as to what he should do.

You are the police officer approached. What do you advise the neighbour? What do you yourself do, if anything? Who would you collaborate with?

### Case 3: Yaa's Problem

Yaa is a 13 year-old girl living just outside Tamale with your parents and older brothers. Her parents have arranged for her to marry her cousin Mohammed, who is 32 yrs. Mohammed has offered to pay for Yaa's brothers' school supplies once he and Yaa are married. Her parents are happy to see her married, as they are poor and know that the cousin will look after Yaa. Yaa does not want to get married, she wants to stay in school and she is scared of her cousin, who is much older and stronger. She feels too young to be a wife, and does not know what to do. Her parents will not listen to her wishes and pleas, and her brothers say she will bring shame on the family if she rejects her cousin. She decides to run away. She managed to get to Kumasi and has been working as a porter and sleeping with the other girls in the market for the last week. In an evening sweep of the area, Yaa is picked up by the police along with a number of other girls.

You are the investigating officer who is interviewing Yaa. After she explains she has run away from home and why, what do you do? Who would you collaborate with?

#### Notes:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....



## Section H

# POLICE COLLABORATION WITH KEY STAKEHOLDERS

# COLLABORATION WITH OTHER STAKEHOLDERS IN CHILD PROTECTION-FORMAL AND INFORMAL

## BACKGROUND

There are many stakeholders involved in child protection. While some are in the formal justice and social welfare system, others are in the informal sector and this includes stakeholders in communities. The Justice for Children Policy identifies key formal and informal sector stakeholders with whom the police must work, including the Department of Social Development/Welfare, District Assemblies, the Ministry of Health, Legal Aid Board, among others. Within the Ghana Police Service, the two key specialised units working with children include the Domestic Violence and Victim Support Unit (DOVVSU) and the Anti-Human Trafficking Unit (AHTU). The informal sector and stakeholders involved at the community level include traditional leaders, religious leaders, family heads, Civil Society Organisations and Community Based Organisations, among others.

These organisations are available to support the police in their work in diverse ways to protect children, since the police alone cannot provide all the support needed. It is therefore necessary to ensure that police officers are aware of these stakeholders and also understand their respective roles in child protection. For example, in some communities police rely on other community members (“fit persons”) to provide shelter for children who cannot remain at home.

## The System of Child Protection

There are various stakeholders in child protection. While some are part of the formal sector system, others are in the informal sector. Below is a list of stakeholders classified under formal and informal sectors.

<b>Formal Sector Stakeholders</b>	<b>Informal Sector/Community level Stakeholders</b>
Department of Social Development/ Welfare	Traditional Authorities
Teachers	Leaders of faith based organisations
Ghana Prisons Service	Family heads
Judicial Service	Civil Society organisations/Community based organisations
Metropolitan, Municipal and District Assemblies (including Assembly Members)	Orphanages
Legal Aid Scheme	
Ministry of Health (Doctors, Nurses etc)	
Commission on Human Rights and Administrative Justice - CHRAJ	
Fit persons	

### **Mapping the System of Referrals**

Various stakeholders play different roles in the child justice system. It is important for police officers to know who the stakeholders are and the respective roles they play for the purpose of referral and seeking support/assistance from them, as needed.

## Stakeholder

## Role/Services Provided

Department of Social Development/Welfare

The Department of Social Development/Welfare is primarily responsible for the provision of various services for children including: provision of care and protection for children, operation of the Family Tribunal, provision of psychosocial support, provision of probation services, adoption, fosterage and institutionalised care.

Department of Social Development/Welfare supports the police in diverse ways. Police can therefore contact them when they require assistance in the following areas:

- Determining best method to care for a child
- Provision of psychosocial support during police investigation
- Provision of shelter for child victims and children in conflict with the law.
- Assist the Police to contact other informal sector stakeholders such as NGOs, community leaders, etc.
- Social Welfare and Community Development Officers have been designated and trained as probation officers throughout the country. They are responsible for preparing social enquiry reports for the courts, and also supervising children who have been placed on probation. Where there are no specially designated probation officers, Social Welfare Officers perform this function.
- Social Welfare and Community Development Officers are also responsible for children with disabilities. They are expected to ensure that they have adequate facilities to address their needs.
- The Children's Act mandates the Department of Social Development/Welfare to develop a list of fit persons.
- A fit person is defined as a person of full age who is of high moral character and integrity and of sound mind, capable of looking after a child, who is not a relative of the child (Children's Act, 1998 (Act 560)). The law mandates DSD/W to prepare a list of fit persons who can help provide care and protection for children within communities.



- The Department operates two active remand homes in Osu (Greater Accra) and Swedru (Central). Remand homes in Kumasi, Koforidua, Tamale and Cape Coast are not currently operational.
- The Department also operates Junior Correctional Centres (JCCs) for boys in Agona-Swedru (Central), Sekondi (Western) and Tamale (Northern) and the only operational correctional centre for girls in Osu (Greater Accra)

Ghana Police Service (Domestic Violence and Victims Support Unit and Anti-Human Trafficking Unit)<sup>47</sup>

Children in conflict with the law are reported to the Police Service. The Domestic Violence and Victim Support Unit (DOVVSU), which has offices in all regional capitals and in over 100 districts, has a mandate to deal with crimes committed in the domestic setting against children and adults. DOVVSU has also taken over the duties of the old unit, Women and Juvenile Unit (WAJU), which included handling children in conflict with the law. Since DOVVSU is not present at every station, children in conflict with the law are often handled by the regular police.<sup>48</sup> The Ghana Police Service has also established a specialised Anti-Human Trafficking Unit which deals with trafficking of both adults and children.

Regular police are therefore encouraged to transfer cases involving children to the nearest DOVVSU unit and, in the case of trafficking, to AHTU since they have been specially trained to handle children in these circumstances.

Ghana Prisons Service

The Prisons Service operates one Senior Correction Centre (SCC) in Accra where older, convicted juveniles (called “young persons” between 18 and 21 years) undergo rehabilitation.

Police interaction with the SCC is limited to the transfer of young persons to and from court and correctional centre.

47 Added into the facilitator’s debrief to ensure that police recruits are aware of these specialised units. The police are not listed in the students’ list of stakeholders involved in child protection.

48 Ghana Government and UNICEF, 2011

---

## Judicial Service

Under the Courts Act, the Chief Justice may designate a District Court as a Juvenile Court. Family Tribunals are established under the Children's Act. These specialised courts that sit as a panel composed of the Magistrate of the District Court presiding and persons appointed by the Chief Justice on the recommendations of the Director of Social Welfare. One of the panel members has to be a social welfare officer.

Generally, police will not directly interact with the judicial service, although police are required to transfer children in conflict with the law to and from court proceedings.

---

## Metropolitan, Municipal and District Assemblies

Each MMDA houses the decentralised Agencies and are expected to have Child Panels and Community Development Departments (providing social welfare services).

Child Panels - These are expected to be set up by each of the existing MMDAs (216 of them), but in reality are not operating effectively at the moment.

Police are expected to establish contacts within the MMDAs, especially with social welfare providers. In addition, assembly members may be able to assist police with awareness-raising activities, acting as mediators for informal community dispute resolution, identifying helpful resources within communities and advising on services available in the district.

---

## Legal Aid Scheme

Legal Aid has offices in all 10 regions and 19 district offices for the purpose of providing legal advice and services for the poor and the vulnerable.

Police should establish contact with the regional and/or district legal aid office, securing contact information for children who come into contact with the law and require legal representation or assistance but cannot afford it or access it themselves.

---

<p>Ministry of Health (Doctors, Nurses, etc.)</p>	<p>Government health facilities under the ministry provide support to children through the provision of diagnostics and treatment.</p> <p>Police will work closely with registered medical practitioners in districts to provide examinations, treatment and age determination in cases involving children. In the near future, the ministry is expected to have standard operating procedures in place which will negate the need for payment when child victims and witnesses require examinations and treatment and when children in conflict with the law require age determination examinations and tests.</p>
<p>Commission on Human Rights and Administrative Justice - CHRAJ</p>	<p>CHRAJ which is an independent constitutional body which has offices in all 10 regions and offices in 100 districts with a human rights and anti-corruption monitoring function. CHRAJ also helps resolve disputes relating to children's rights.</p> <p>Police should establish contact with the nearest CHRAJ office in order to refer children and their families to the Commission. CHRAJ can provide assistance by offering mediation, informally, when disputes involve child offenders in communities; to address harmful traditional practices that violate the rights of children; to work with traditional leaders and NGOs to secure the release of girls held in labour and servitude, or banished (particularly in relation to trokosi and witch accusations); to carry out public education activities on child protection and rights.</p>
<p>Teachers – Ghana Education Service (GES)</p>	<p>Teachers in various schools across the country can also be relied on by the police in some circumstances to assist the child. They are often in a position to notice signs of neglect or abuse of child before anyone else does. They may also notice first when a child is at risk and could become either a victim or offender at some time in the near future. Teachers also function as monitors to determine whether a child's situation appears to be improving or worsening.</p> <p>Consequently, police should cultivate relationships with local teachers in order to carry out their crime prevention and protective responsibilities toward children.</p>

---

### Traditional Authorities

These consist of Chiefs, including their female counterparts who are known by various names within different Traditional Areas but are usually referred to as Queens and/or Queen Mothers, together with their Principal Elders. Chiefs are the custodians of custom and can promote customs which will promote child justice. Like teachers, Chiefs and Queens have strong potential to detect problems early with children and to monitor improvements or declines in child protection and care.

Traditional Authorities use mediation and arbitration to settle disputes referred to them by their community members. While practices are not standardised, it is important to note that dispute settlement is not always in line with the best interest of the child. In these cases, police can participate in public awareness building to inform and collaborate with community leaders to protect and uphold the rights of children.

The police ought to cultivate strong relationships with traditional authorities in their station areas. They can work with these authorities to divert children accused of criminal offences from the formal justice system. They should also work with police to secure prosecution of community members who abuse children. Traditional leaders will also know what community resources are available to help protect and care for children.

---

### Leaders of faith-based organisations

Leaders from Christian, Moslem and other faiths also play a key role in resolving disputes within their communities. Child justice issues are sometimes referred to them to resolve. Whilst some come out with constructive ways of resolving such disputes including providing shelter and guidance for children in need, others worsen problems by determining spiritual causes and adopting spiritual solutions, which sometimes lead to the violation of the rights of children.

Police can work with these leaders in similar ways to which they work with traditional authorities.

---

### Family heads

Within extended families in Ghana, there are family heads that play a role with regard to the resolution of child justice issues. As with faith-based and traditional leaders, police can work with family heads to secure child care and protection.

---

Civil society organisations/  
Community-based organisations

A number of CSOs or Community-Based Organisations (CBOs) exist at the community level which are focused on child justice issues. They assist members of communities in which they work by providing various services relating to child justice. Some of the CSOs provide psychosocial support, temporary shelter, reintegration programming, vocational training, among other services for children.

Police should also get to know the informal organisations in their area that offer support and services to children. Some may have child-friendly spaces that the police can use to interview children.

### **Building a network of formal and informal stakeholders**

As a police officer, there is the need to build a network of formal and informal stakeholders in child protection. This will make referrals and other forms of assistance from these stakeholders, such as medical care, shelter, psychosocial support, etc., easy to obtain.

This can be done through the identification of the formal and informal stakeholders in or around your particular community and noting their addresses and contact details.

Meetings with these stakeholders to discuss mode of collaboration and partnerships will be useful. You may also consider establishing an informal group that meets regularly to discuss issues relevant to child protection and care.

Public education and awareness-raising among stakeholders so that you are each aware of one another's roles and responsibilities related to child rights and protection would also be useful. Perhaps members of the informal group can take turns presenting to others on their work.



## Section I

# RECORD KEEPING PRACTICES FOR INTERACTION WITH CHILDREN

# RECORDKEEPING ON CASES INVOLVING CHILDREN

## BACKGROUND

Recordkeeping by the police is critical in order to develop strategies and make policies to combat crime and address other security-related issues. In the case of children, effective recordkeeping helps to evaluate the impact of policies aimed at addressing justice issues for children. Without adequate information and case management, child victims and witnesses encounter significant barriers to their protection. Poor recordkeeping may force a child victim or witness to describe a traumatic event over and over, since documentation of the first interview was inadequate or misplaced. Likewise, inadequate recordkeeping can lead to the identity of a child victim being exposed, putting him or her in harm's way or resulting in his or her stigmatisation and/or rejection by the community.

The Ghana Police Service has a comprehensive recordkeeping system that begins with each police station/post, through the district level, to the division, then on to regional and national levels. The Ghana Police Service Instructions outline a number of provisions for both data collection and recordkeeping, delineating who collects the data, what data is collected (on which form) and where the data goes. These instructions represent the guiding "rules and regulations" that all police officers and stations are to follow in carrying out their mandate.

## Types of records kept by the police on children

The Ghana Police Service Instructions outline a number of provisions for both data collection and recordkeeping from the station to the national level of police. Police officers are required to follow this procedure in keeping and maintaining records.



*Service Instruction 39* enjoins each police station to keep and maintain a **Station Diary** in which all occurrences, complaints and reports of crime; accidents; property received by police and prisoners in station holding cells are recorded.

*Service Instruction 197* requires that every offence be recorded in the **Register of Offences**. In every case where a police investigation commences, a case docket is to be opened and numbered with the same serial number recorded in the Register of Offences (*Service Instruction 188*).

With regard to maintaining statistics about crime, *Service Instruction 157* requires that district crime returns be compiled and forwarded to regional headquarters which is then submitted as crime returns on CID Form 9A to the Director of CID on a quarterly basis.

Crime statistic returns for juvenile offenders are to be recorded on CID Form 9, which lists brief details about the offence; a full report of the sentence and any remarks made by the Court with regard to the juvenile; with a serial number (not a name), used to identify the juvenile.

As with Form 9A, this data is to be submitted quarterly from the district to the region to the Director, CID (*Service Instruction 179*).

It is suggested that the basic information required for both children in conflict with the law and child victims/witnesses includes:

- ▣ Name, age and gender of child;
- ▣ Contact information for child, including address and phone;
- ▣ Name and age of suspect, and relationship to child;
- ▣ Offence alleged, classified according to criminal offences;
- ▣ Information as to whether the child is a) a suspected missing child or b) a suspected trafficked child;
- ▣ Time, date and location of offence;
- ▣ Name of parents, guardian, closest relative or adult accompanying child;
- ▣ Copy of medical forms provided to attest to the type and degree of injury, if child is a victim and copy of medical forms provided to attest to any injuries if child is an alleged offender who has been harmed;

- ▣ Details about the child’s health status (terminal illness, diabetes or epilepsy, cognitive disorder, etc.) and required medication for it;
- ▣ Details about organisation(s) to which the child is referred, including the name of the person receiving the child;
- ▣ Name of social worker, probation officer, psychologist, paediatrician and/or child-service provider assisting the child;
- ▣ Disposition of the case (details of the outcome of the case).

### **Police recordkeeping procedures for child victims and witnesses**

Below are the forms used by police in relation to child victims and witnesses.

#### **Forms used for Child Victims and Witnesses**

<b>Title of Form</b>	<b>Purpose</b>	<b>Stakeholder responsible for completing the form</b>
Medical examination form	For medical examination of the child victim	Police/Medical Practitioner
Referral form (proposed, not yet authorised)	Referral to other stakeholders such as Social Workers	Police
Electronic case docket form (proposed, not yet authorised)	Entry of investigative information on the child victim/witness, although it also applies in cases involving children in conflict with the law.	Police
Extract of Occurrence form	To transfer a case from one station to another; commonly used when a case moves from a regular station to a specialised unit such as DOVVSU or AHTU, but also used when the case is reported in the wrong jurisdiction (used for children and adults)	Police

Tracing and reunification form for unaccompanied children	For tracing parents/guardians of missing children	Police and Social Development/Welfare
DOVVSU Complaint form	For citizens to make complaints about domestic violence involving children (and adults)	Police

It is the duty the police to ensure the confidentiality of all information, evidence and records of the child. Under no circumstance should the police reveal or publish any information that may lead to the identification of the child, except in instances where that is required for the best interest of the child, such as locating a missing child. This also includes withholding the identity of alleged offenders in cases where this information could reveal the identity of the victim. Only police officers, investigators, social workers involved or judicial actors directly working on the child’s case shall have access to these records.

### **Police recordkeeping procedures for children in conflict with the law**

Below are the titles of the forms, information about their purpose and the stakeholder responsible for completing the forms.

#### **Forms used for children in conflict with the law**

<b>Title of Form</b>	<b>Purpose</b>	<b>Stakeholder responsible for completing the form</b>
Formal caution without conditions Form 1A (JJA)	To record the use of caution as a diversionary method for cases involving children in conflict with the law	Police (senior officer)
Formal caution with conditions Form 1B (JJA)	To record the use of caution, with specific conditions attached, as a diversionary method for cases involving children in conflict with the law. Keeping this record allows for follow up to confirm whether conditions were met or not	Police (senior officer)

CID Form no. 6	General crime data collection on juvenile offenders	Police
Statement Form (CID Form No. 30)	Used during investigations to take a statement from the accused	Police
Electronic Case Docket Form (proposed)	A general, but well detailed, form to capture data on the reporting of criminal incidents at the station level	Police
Referral Form (proposed)	When a child in conflict with the law needs medical, psychosocial, housing or other necessities, this form records which stakeholder the child has been referred to	Police
Police Removal Form CID Form no. 77 (revised pending approval)	Removal from Senior/Junior correctional facility, usually for the purpose of transferring a child/young person to court	Police
Social Enquiry Report Form	Provides information on the background of a child in conflict with the law and what might have accounted for the child's involvement in the offence	Department of Social Development/Welfare

Police also have the duty to ensure confidentiality of all information, evidence and records of children in conflict with the law. The police should never reveal or publish any information that may lead to the identification of the child, including information about his/her school, family names, neighbourhood, etc. Care should be taken to ensure the child is shielded from the media if he or she attends court. Only police officers, investigators, social workers involved or judicial actors directly working on the child's case shall have access to these records.









**GHANA POLICE SERVICE**

**Canada** 

**unicef**   
for every child