



PRESS RELEASE BY THE COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE ON THE COMMEMORATION OF THE INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE 26TH JUNE 2022

The Commission on Human Rights and Administrative Justice joins hands with all relevant stakeholders nationally and globally to commemorate this year's International Day in Support of Victims of Torture.

The International Day in support of victims of Torture was instituted in December 1997, by resolution 52/149. The UN General Assembly proclaimed 26 June the United Nations International Day in Support of Victims of Torture as an opportunity to call on all stakeholders including UN Member States, Civil Society and individuals everywhere to unite in support of the millions of people around the world who have been victims of torture and those who are still tortured today.

The UN International Day in Support of Victims of Torture on 26 June marks the moment in 1987 when the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, one of the key instruments in fighting torture, came into effect.

On this International Day in Support of Victims of Torture, the Commission recognizes the bravery and humanity of victims and survivors of torture around the world. The absolute prohibition of torture is a human right enshrined in international law. Since its inception in 1987, one hundred and seventy-one (171) countries—including Ghana have become parties to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which is inspired by Article 5 of the Universal Declaration of Human Rights and its core tenet: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”¹

Ghana ratified the UN Convention against Torture in 2000, and in 2016 further ratified the UNCAT's Optional Protocol. It is also a party to the African Charter

¹ Article 5 of the Universal Declaration of Human Rights

on Human and Peoples' Rights. Additionally, the 1992 Constitution provides in Article 15 that no person shall, whether or not he is arrested, restricted or detained, be subjected to torture or other cruel, Inhuman or degrading treatment or punishment, or any other condition that detracts or is likely to detract from his dignity and worth as a human being.² The Prisons Service Act 1972 expressly forbids the use of torture and cruelty to prisoners, reinforcing Ghana's consistent constitutional prohibition.³

The CHRAJ has noted some of the successful measures that Ghana has put in place in the Prison Service such as delivering human rights training for prison staff; The "Justice for All" programme, a system of in-prison court sittings, which managed to reduce the population of pre-trial prisoners from 30.6% in 2007 to 14.1% in 2018 which reduction was reinforced by a 2016 Supreme Court ruling that ordered that bail (release on conditions) be applicable to some additional offences; The "Open Camp Prison" programme, an initiative to house low-risk prisoners in separate camps in order to decongest prison facilities.

The Commission in its efforts has issued several advisories in accordance with the Paris Principles which vest National Human Rights Institutions (NHRIs) with general responsibility to advise Government, Parliament and other authorities by giving and issuing "opinions, recommendations, proposals and reports". The Commission has also indicated its readiness to act as the National Preventive Mechanism (NPM) after the necessary statutory amendments to its parent Act, Act 456 have been effected. As we go to press a cabinet Memorandum has been prepared by the Attorney-General and Minister of Justice Hon. Godfred Yeboah Dame and submitted to Cabinet and on its way to Parliament.

Considerable efforts and positive results observed over the last years in pursuing reforms in the area of torture and other cruel, inhuman or degrading treatment or punishment and the criminal justice in Ghana, however, have not resolved the problem of ill-treatment that remains systemic for many years. Ghana continues to invest in the best ways to relieve pressures on its correctional services to prevent citizens from being tortured.

To end this, the Commission calls on all state actors, particularly the Security Agencies, to respect Ghana's obligations under international law and to take steps to rid its operations of the use of torture and, where state officials are found to

² 1992 constitution of the Republic of Ghana, Article 15 (2)

³ Prison Service Act, 1972 N.R.C.D 46

have employed torture in the performance of their work, to be dealt with swiftly under the laws of Ghana. CHRAJ is also calling on all persons who may at any point in time suffered any form of torture by any person or group of persons whether acting in a private capacity or official capacity to report to the appropriate authorities, including CHRAJ, for investigations to be conducted and the matter dealt with appropriately.

It is worthy of note that in accordance with the Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa (Robben Island Guidelines), the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the State must always endeavour to promptly take steps to prohibit and prevent torture, by conducting independent, impartial and effective investigations into all allegations of torture or ill-treatment.

CHRAJ calls on the Office of the Attorney General, as chief legal adviser to the Government, as well as Parliament, and consistent with international best practice, to take the necessary steps towards amending the Criminal Offences Act, 1960, Act 29 by criminalising torture, inhuman and degrading treatment or punishment in accordance with the Recommendations of the former UN Special Rapporteur on Torture Juan Mendez Country Report on Ghana in 2014 so as to cure the gap in the existing criminal jurisprudence and to end the impunity being perpetrated by our security services who are public officers on ordinary law abiding citizens.

The Commission condemns torture wherever and whenever it occurs and strongly urge government to abide by its international obligations and end impunity for these crimes.



JOSEPH WHITTAL
COMMISSIONER