



## PERMANENT MISSION OF GHANA

GENEVA

### **SC/GE/UN.7**

The Permanent Mission of the Republic of Ghana to the United Nations Office and other International Organisations in Geneva presents its compliments to the Secretariat of the Human Rights Committee and, with reference to the latter's letter dated 16<sup>th</sup> March, 2020 received from the Mr. Felipe Gonzalez Morales, the Special Rapporteur on the human rights of migrants requesting Ghana to submit contribution relating to the Report on "ending immigration detention of children and seeking adequate reception and care for them", has the honour to submit the MS-Word electronic version of the above-mentioned information.

The Permanent Mission of the Republic of Ghana to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Secretariat of the Human Rights Committee the assurances of its highest consideration.

**Geneva, 18<sup>th</sup> May, 2020**



**THE SECRETARIAT OF THE HUMAN  
RIGHTS COMMITTEE  
GENEVA**

**Email: [migrant@ohchr.org](mailto:migrant@ohchr.org)**

**Cc: [ccpr@ohchr.org](mailto:ccpr@ohchr.org)**

**Questionnaire of the Special Rapporteur on the human rights of migrants:  
Ending immigration detention of children and seeking adequate reception and care for  
them**

1. Please provide information on any legislation or policy that prohibits or restricts the use of immigration detention of children and their families in your country. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish.

➤ **In Ghana, there are no migrant's detention centers for children. Below are laws that protect all citizens including migrant children.**

➤ **The 1992 Constitution of Ghana Chapter 5, Section 12**  
*12. (1) The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of government and its agencies and, where applicable to them, by all natural and legal persons in Ghana, and shall be enforceable by the Courts as provided for in this Constitution.*

*(2) Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest*

➤ **The 1992 Constitution of Ghana Chapter 5 Section 15 Also says**

*15. (1) The dignity of all persons shall be inviolable.*

*(2) No person shall, whether or not he is arrested, restricted or detained, be subjected to -*

*(a) torture or other cruel, inhuman or degrading treatment or punishment;*

*(b) any other condition that detracts or is likely to detract from his dignity and worth as a human being.*

*(3) A person who has not been convicted of a criminal offence shall not be treated as a convicted person and shall be kept separately from convicted persons.*

*(4) A juvenile offender who is kept in lawful custody or detention shall be kept separately from an adult offender.*

➤ **The Children's Act, 1998, Act 560**

*16. (1) A District Assembly shall protect the welfare and promote the rights of children within its area of authority and shall ensure that within the district, governmental agencies liaise with each other in matters concerning children.*

*(2) The Social Welfare and Community Development Department of a District Assembly referred to in this Act as "the Department" shall investigate cases of contravention of children's rights. (Children's Act of 1998 (Act 560))*

2. Please provide information on existing non-custodial alternatives to immigration detention of children in your country (es. community-based reception solutions) and elaborate how

these alternatives effectively enhance the protection of the rights of migrant children and their families.

➤ *It is not applicable since there are no detention centers in Ghana.*

3. Please provide information on any existing good practices or measures taken in your country to protect the human rights of migrant children and their families while their migration status is being resolved, including inter alia their rights to liberty, family life, health and education (e.g. by ensuring effective access to inter alia adequate reception, healthcare, education, legal advice, family reunion).
  - Ghana has strong legislations and policies that support the protection of all children including migrant children.
  - The Children's Act of 1998, Act 560 is one of the most comprehensive specific legal frameworks protecting the rights of children including migrant children in Ghana. The
  - Children's Act has one common goal that is to ensure every child in the country is safe, protected and fully developed to a better person. Section 16 of the Children's Act of 1998 (Act 560) mandates the District Assembly to provide care and protection to children within its authority. The same section tasks the Social Welfare and Community Development Department of the District Assemblies to investigate cases of violations of children rights. Children identified, found, rescued or need protection are given all the needed care, support, legal services, shelter, food clothing and all rehabilitation support needed. This also includes education, medical support and family tracing.
  - The Human Trafficking Act of 2005, ACT 694 help rescue, rehabilitate, re-integrate and re-unite the victims of trafficking (Human Trafficking Act, 2005, Act 694). For vulnerable migrant children and their families in the case of human trafficking, the Human Trafficking Act of 2005 Act 694 support the provision of shelter for the child and the family during the rehabilitation and family tracing period. They are taken through psychosocial counselling and family tracing is done for the migrant child and the family to be reintegrated back into society. There are trauma informed care and psychological support for them. It also support health care screening and medical support.
  - The Ghana's refugee law provides for the status of a refugee in Ghana and deals with matters ranging from the definition of a refugee, the granting of a refugee status and protecting the rights of refugees including migrant children that are forced to leave their place of origin in the Ghana's Refugee Law of 1992 (PNDCL 305 D). The Refugee Act of 1992, (PNDCL 305) establishes the Ghana Refugee Board to manage refugee situation in Ghana with the duty of managing all activities relating to refugees and IDPS in the country.
4. Please indicate any challenges and/or obstacles in the development and/or implementation of non-custodial alternatives to immigration detention of children and their families.

- In adequate shelters within the country to provide trauma informed care and support for vulnerable groups including migrants' children and logistical constraints.
5. What support could other stakeholders (other than your Government) provide to strengthen the development and/or implementation of non-custodial alternatives to immigration detention of children and their families that enhance the protection of their rights?
- Logistical and Financial Support to educate the key stakeholders on issues of human rights and migrants support.
  - Support for capacity building for more officers (Social Workers and Immigration Officers)
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