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Ghana: Domestic violence, including protection, services and recourse available to victims

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

An article from Public Agenda, a media organization based in Accra, indicates that the Accra Regional Office of the Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service reported in 2009 that the number of domestic violence cases in Ghana increased from 4,904 cases in 2008 to 5,709 cases in 2009 (25 Jan. 2010). Complaints of assault were the most prevalent and as of December 2009, 2,458 cases of assault had been reported (Public Agenda 25 Jan. 2010). The Ghana News Agency (GNA) cites statistics from the DOVVSU indicating that 708 defilement cases were reported against girls and 5 against boys from January to December 2008 (10 Mar. 2009).

Legislation

Ghana enacted the Domestic Violence Act, 2007, in 2007 (Ghana 2007). The Act provides protection to victims of domestic violence, defines domestic violence, prohibits domestic violence, and illustrates the role of police in protecting domestic violence victims (ibid.). The Act states in Article 3:

Prohibition of domestic violence

3 (1) A person in a domestic relationship shall not engage in domestic violence.

(2) A person in a domestic relationship who engages in domestic violence commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both.

(3) The Court may in addition to imposing a fine or a prison term, order the offender in a case of domestic violence to pay compensation to the victim as the Court may determine.

(4) When a cause for complaint has arisen between persons in a domestic relationship and the persons do not cohabit, none of those persons shall enter into residence of the other person without that other person's permission. (ibid.)

State Protection

The *Ghana Domestic Violence Act 2007* states the following pertaining to protection orders:

Jurisdiction of Court

11. (1) A Court with original jurisdiction may hear and determine a matter of domestic violence under this Act.

(2) The Court may in the exercise of its jurisdiction issue a protection order.

Application for protection order

12. (1) A person referred to in this Act as the applicant, may apply to a Court for a protection order...

...

Conduct of proceedings

13. (1) Proceedings for a protection order shall be held in private in the presence of the parties, their lawyers and any other person permitted by the Court to be present.

...

Interim protection Order

14. (1) Where an applicant is made ex parte to the Court for a protection order, the court shall issue an interim protection order if it considers the order to be in the best interest of the applicant.

...

Grant of Protection order

15. (1) The court may issue a protection order to prohibit a respondent from committing or threatening to commit an act of domestic violence personally or otherwise against an applicant or a relation or a friend of the applicant.

...

Duration of final protection order

16. (1) A final protection order issued by a Court shall not exceed twelve months in the first instance but may for good cause shown, be extended, modified, or rescinded by the Court on a motion by a party to the original proceeding.

...

Occupation order

20. (1) Where the Court in issuing a protection order considers it expedient to issue an occupation order, the Court may issue the order requiring the respondent to vacate the matrimonial home or any other specified home.

...

Police services

In October 1998 Ghana established the Domestic Violence and Victim Support Unit (DOVVSU), then known as the Women and Juvenile Unit (WAJU) (Ghana n.d.). DOVVSU's mission is "to prevent, protect, apprehend and prosecute perpetrators of

domestic violence and child abuse" (ibid.). DOVVSU provides crime prevention advice throughout the country's schools, churches and markets, receives complaints, provides free services to the public, provides victims with information pertaining to their complaint and investigation and refers victims for counselling and medical support (ibid.).

A 13 July 2009 article from *Public Agenda* indicates that the DOVVSU coordinates activities with the Department of Social Welfare, the International Federation of Women Lawyers and the Legal Aid Board. The article reports that the DOVVSU is the only source of support for victims of domestic abuse and that the unit provides free services seven days a week, such as shelters, counselling programs, legal and medical advice to victims (*Public Agenda* 13 July 2009). The United Nations (UN) Secretary-General's database on Violence Against Women indicates that DOVVSU has 63 district offices, 11 regional offices and 170 officers (Jan. 2009). DOVVSU assists victims of fraud, physical assault, sexual abuse and non-maintenance of children (UN Jan. 2009). The UN Secretary-General's database describes the DOVVSU unit as an "important avenue" for victims of domestic violence (ibid.).

In 2010 Kwasi Apea-Kubi, the Deputy Minister of the Interior, stated that the government has launched a strategic plan intended to focus on public education against negative socio-cultural practices that discriminate against women (*Ghanaian Chronicle* 23 Jan. 2010). The DOVVSU strategic plan is meant to protect, prevent and prosecute crimes of neglect, violence, and abuse of vulnerable people in society (ibid.). DOVVSU is also participating in an advocacy programme to sensitize the public to act "responsibly, in order to avoid conditions that encourage domestic violence" (ibid.). According to the Inspector General of the Police, the police administration encourages DOVVSU to continue with its anti-domestic violence campaign as a means to make more Ghanaians aware of the *Domestic Violence Act, 2007* (ibid.).

Support Services

In order to respond to the high number of reported cases of domestic violence in Ghana, the non-governmental organization (NGO) the Women's Initiative for Self Empowerment (WISE) was created in 1999 (WISE n.d.a). WISE is located in Accra and offers a program called "WISE UP" which provides support programs for women and children, including counselling, medical and financial support, health care, temporary housing, welfare support, legal and emergency support (ibid. n.d.b).

One of WISE's main purposes is to empower survivors of domestic abuse and provide them with coping mechanisms (ibid.). The program has developed a wide-ranging referral system in order to ensure that their clients receive support they require (ibid.). For example, if victims require shelter, WISE refers them to partners who provide shelter (ibid.).

The Ark Foundation, Ghana, is a "an advocacy-based, women's human rights non governmental organization" (The Ark Foundation n.d.a). The Ark focuses on protecting the human rights of women and children in Ghana (ibid.) and offers aid thru the foundations two program areas; the Women's Law and Human Rights Institute (WLHRI) and the Support to Survivors of Gender Violence and Child Abuse Program (CRCP) (ibid. n.d.b.) The support to survivors of gender violence program began in August 1999 and operates through the Crisis Response Centre Project (CRCP) in Accra (ibid. n.d.b). Services provided by CRCP include counselling, temporary shelter, legal aid, a 24-hour hotline, rehabilitation, medical and other referrals (ibid. n.d.b). This program operates in the Crisis Response Centre in Haasto, Accra, the Legal Centre at Accra New Town, a shelter in the Eastern Region and the Counselling Centre in Tontro in the Eastern Region (ibid.).

Constraints

Sources indicate that even though domestic violence is prohibited by law, women in Ghana continue to be victims of abuse and the prosecution of cases is very difficult (US 11 Mar 2010, Sec. 6; *Ghanaian Chronicle* 9 Dec. 2009). The United States (US) Department of State *Country Reports on Human Rights Practices for 2009* reports that although efforts have been made to make Ghanians aware that domestic violence is a crime, NGOs and government officials stated that they "did not have evidence that the new law had increased victims' willingness to report abuse" (US 11 Mar. 2010, Sec. 6). Since there are delays in bringing domestic violence cases to trial, many victims are discouraged from cooperating with prosecutors and from reporting abuses (ibid.).

The Ghanaian Chronicle reports that one of the government's priorities has been to "eliminate" violence against women (7 Apr. 2010). An article in the *Ghanaian Chronicle* suggests that the campaign against violence towards women has not reached those in the northern part of the country (7 Apr. 2010). Sources indicate that traditionally people view domestic violence as a family matter, therefore they tend to resolve family issues within their home and not seek help from the police or any other third party (*Ghanaian Chronicle* 9 Dec. 2009; *Public Agenda* 13 July 2009). The *Ghanaian Chronicle* states that some women are afraid that their husbands will divorce them if they report abuse to the police (9 Dec. 2009).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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