



THE GLOBAL CAMPAIGN FOR PRETRIAL JUSTICE

IMPROVING PRETRIAL JUSTICE IN GHANA

The Socioeconomic Impact of Pretrial Detention in GHANA



Commonwealth Human Rights Initiative



*Empowered lives.
Resilient nations.*

The Socioeconomic Impact of Pretrial Detention in Ghana

Carried out by Commonwealth Human Rights Initiative Africa Office
In collaboration with UNDP and the Open Society Justice Initiative

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About the Global Campaign for Pretrial Justice

Excessive and arbitrary pretrial detention¹ is an overlooked form of human rights abuse that affects millions of persons each year, causing and deepening poverty, stunting economic development, spreading disease, and undermining the rule of law. Pretrial detainees may lose their jobs and homes; contract and spread disease; be asked to pay bribes to secure release or better conditions of detention; and suffer physical and psychological damage that last long after their detention ends. The purpose of the *Global Campaign for Pretrial Justice* is to reduce unnecessary pretrial detention and demonstrate how this can be accomplished effectively at little or no risk to the community.

Current activities of the Global Campaign include collecting empirical evidence to document the scale and gravity of arbitrary and unnecessary pretrial detention; building communities of practice and expertise among NGOs, practitioners, researchers

and policy makers; and piloting innovative practices and methodologies aimed at finding effective, low cost solutions. In addition, the Campaign strives to establish linkages with associated fields such as broader rule of law and access to justice initiatives and programmes.

More information is available at www.pretrialjustice.org including audio-visual stories from Brazil, Malawi, and Sierra Leone and a series of reports on:

- Pretrial Detention and Torture: Why Pretrial Detainees Face the Greatest Risk
- Pretrial Detention and Health: Unintended Consequences, Deadly Results
- The Socioeconomic Impact of Pretrial Detention
- Improving Pretrial Justice: The Roles of Lawyers and Paralegals

Executive Summary

The socioeconomic impact of excessive pretrial detention is profound, affecting not just the individuals detained, but their families, communities, and even the state. As this report illustrates, that impact is felt most keenly by average Ghanaians; who, in a country in the bottom third of the United Nations Human Development Index,² are poor, primarily live at a subsistence level and have no savings or safety net to tide them over during difficult times.

Pretrial detainees may lose their jobs, be forced to abandon their education, and be evicted from their homes. They are exposed to disease and suffer physical and psychological damage that lasts long after their detention ends. Their families also suffer from lost income and forfeited education opportunities, including a multi-generational effect in which the children of detainees are separated from their families, experience social stigma and suffer reduced educational attainment. The ripple effect does not stop there: the communities and the state

must absorb the lost potential and socioeconomic impacts.

Around the world, excessive pretrial detention prods people towards poverty. It pushes working class people towards unemployment, uncertainty, and the edge of poverty and plunges the already poor into even worse destitution.

These negative socioeconomic effects simply should not happen. Excessive and arbitrary pretrial detention is universally prohibited by international legal norms. In fact, though rational pretrial detention plays an important role in criminal justice systems, it should – according to international norms – ordinarily be a last resort, used only under certain, specific conditions.

In 2011, the Commonwealth Human Rights Initiative in Ghana, in collaboration with the Global Campaign for Pretrial Justice and UNDP – measured the socioeconomic costs of excessive pretrial detention

in Ghana. They randomly surveyed 45 adult pretrial detainees in Kumasi prison, located in Ghana's second largest city, seeking information on how their detention affected their socioeconomic position. The results, contained in this report, quantify the pernicious and wide-ranging effects of excessive pretrial detention and show how severely pretrial detention damages the socioeconomic development of detainees, their families and communities.

Among the more significant findings:

Pretrial detention primarily affects average Ghanaians; breadwinners who are poor or on low incomes:

- The study found that pretrial detainees in Ghana were usually breadwinners in the prime of their working lives: married men, approximately twenty-nine years of age, with some school education and supporting a number of dependants.
- At the time of arrest they were economically active and income earning, mirroring the employment levels of the general population.
- Most detainees lived in rented or shared premises at the time of their arrest, and in general did not own any major assets or livestock.

Pretrial detention affected not only those detained, but also their families:

- On average, each detainee was supporting approximately eight people, primarily children under ten as well as a number of other dependants.
- On average, families incurred expenses on food, medication, travel, bribes and other expenses, equivalent to about ten months' of the median earning of detainees.
- Detainees identified varied forms of social impact suffered by their families as a result of their detention, in particular, social stigma and the separation of families. Serious economic consequences were also borne by many families, including falling into debt and having to sell household goods.
- The impacts are felt most keenly by women and children who are predominantly the ones remaining at home and who consequently take on a disproportionate burden when their husbands/fathers are detained awaiting trial.

Pretrial detention both reflected and exacerbated the inequalities and inefficiencies found in Ghana's justice system:

- Less than half of those surveyed spoke English, the language of the courts. This means only 1 in 2 detainees are able to understand the proceedings of the courts without translation.
- On arrest, 47% of detainees were not advised of their right to legal representation. As a consequence the vast majority received no legal assistance – and those that did were dependent on their families for funding.
- The majority of detainees were not brought to court within the legal time limits.
- Two-fifths of those detained were accused of nonviolent or economic crimes.
- 17% had been granted bail but were unable to comply with the conditions and thus remained in detention.
- 25% had been told they should pay a bribe to secure their release.

Pretrial detention negatively affected respondents' health, making it harder for detainees to work after release and worsening their socioeconomic position:

- The experience of pretrial detention quadrupled the rate of ill-health among detainees.
- Nearly 40% of detainees who fell ill after arrest received no medical attention of any kind.
- The majority of illnesses contracted were life-threatening, yet also treatable and preventable.

The excessive use of pretrial detention in Ghana exacts painful, crushing costs on individuals, families, and communities. It strips families of their primary breadwinner, damages employment prospects, saddles families with unforeseen expenses, and erodes the health of detainees and their families. Moreover, these costs are largely avoidable as a more limited and rational use of pretrial detention could be enforced without endangering public safety.

Introduction

On any given day around the world, about 3.2 million people are held in custody awaiting trial. During the course of an average year, over 14 million people are held in pretrial detention.³ In Ghana the prison population is rapidly increasing: it has grown by over one-third since 2001 and overcrowding is at 171%.⁴ Some defendants are detained for a few days or weeks, but many will spend months or years in pretrial custody. The excessive and arbitrary use of pretrial detention critically undermines socioeconomic development – and is especially harmful to the poor. Pretrial detention disproportionately affects individuals and families living in poverty: they are more likely to come into conflict with the criminal justice system, more likely to be detained awaiting trial, and less able to make bail. For individuals, the excessive use of pretrial detention means lost income and reduced employment opportunities; for their families, it means economic hardship and reduced educational outcomes; and for the state, it means increased costs,

reduced revenue, and fewer resources for social service programmes.

The impact of indiscriminate and excessive pretrial detention is felt most sharply in countries like Ghana that are the focus of the Millennium Development Goals (MDGs). Key goals on health and education, for example, are directly inhibited when suspects are kept for lengthy periods in pretrial detention often in overcrowded and unsanitary conditions.

In order to further explore this link the Global Campaign for Pretrial Justice undertook, in 2010, a global review on the socioeconomic impact of pretrial detention looking at the impact on individuals, families, communities and the state.⁵ This study builds on that research and aims to look at particular countries and document the experiences of detainees and their families. It forms part of a series of country specific studies that are being carried out in Ghana, Sierra Leone, Guinea Conakry, Mozambique, Kenya and Zambia.

This research will fill a gap in what is known about the effects of excessive pretrial detention. Although pretrial detention affects millions of people a year, studies and quantitative data are lacking. There

is a need for more research in this area, and for a framework that allows policymakers and development experts to measure and understand the true costs of excessive pretrial detention.

Aims of the Research

The research aimed to look at two main questions: i) who is in pretrial detention, and ii) the socioeconomic consequences for their families. It is intended to be a preliminary tool to spur further discussion and policy review. It is not intended to provide a broad overview of the criminal justice system – and took a ‘snapshot’ approach looking at

one prison on one day. It thus provides an image of who was in detention on that day – but does not provide further analysis on the case-flow. It does however provide information and analysis that is very often missing from standard baseline surveys and provides an insight for those planning and budgeting criminal justice reforms.

Methodology

The study started out with a research meeting in Accra, Ghana, together with teams from Sierra Leone and Guinea Conakry carrying out similar research. The questionnaires were reviewed and refined, potential challenges discussed, and preliminary plans for future advocacy considered. The research teams then further revised the questionnaires in country following a test with a sample of detainees.

The findings are based on interviews in Kumasi, in the Ashanti region, in the southern central part of Ghana. Children were not included in the sample. However, it emerged that a 17 year old was being held together with adults and so formed part of the random selection. Interviews also took place in Nsawam, just outside Accra, however logistical problems made it impossible to finalise the analysis from these interviews. Thus the findings only represent the situation in Kumasi. In addition, interviews were carried out with seven family members. The findings are therefore from the

perspective of the detainees and some of their family members.

In mid-May 2012 there were 3 040 people held on remand or during trial in prisons across Ghana, with approximately 20% held in Kumasi.⁶

The analysis also makes use of the Ghana Census from 2000, as at the time of writing the 2010 Census results were not available.⁷

Detainee interviews

45 interviews were carried out in Kumasi Prison. All were detainees held in pretrial detention. Amongst the 45, eight were female. Interviews for men were carried out at the prison's newly created IT centre while those for women took place at the female warden's office. The research assistants explained the purpose of the interview and sought permission from

the interviewee before proceeding with the interview (see annex 1 for the questionnaire and consent form).

Family interviews

All detainee interviewees were asked if they would be happy for the research team to follow up with a member of their family and, if so, if they could provide contact details.

The second part of the study involved seven in-depth interviews with family members. Research assistants travelled to the homes of the family members after having been provided with addresses by the inmate respondents. The research assistants explained the purpose of the interview and sought permission from the family interviewee before proceeding with the interview (see annex 2 for the questionnaire and consent form).

Who is in Pretrial Detention?

This section provides details on the people held in pretrial detention. The findings show that the detainees are primarily male and likely to be slightly older than the average adult male Ghanaian. Almost half do not speak English, the language of the courts. Detainees in the sample were more likely to have some education and to be economically active than the average Ghanaian and be supporting a number of dependants.

Gender of detainees

Almost one fifth (18%) of people in the sample were female. The ratio of women to men admitted to Prison Centres in Ghana over the 2000–2004 period varied widely from 1:6 to 1:20, according to a report of the Ghana Statistical Service. This may suggest some inconsistency in arrest and detention practices in Ghana over time. For example, drives to target offences such as prostitution may increase female detention rates. According to the Ghana Statistical

Service, among the urban population aged 15–64, some 58% are women.

Age of detainees

The average age of detainees in the Ghana sample was 29 years, while the median age was 26 years. The oldest detainee in the sample (a woman) was 51 years old. The youngest person in the detainee sample was 17 years old. Children (persons under the age of 18) are supposed to be kept separately from adults. There was only one person in the sample under the age of 18. This suggests it is sometimes the case that children are not held separately from adults. The average age of male detainees in the sample was 29 years, while the median age was 26 years. According to the 2000 Census, the age profile of male detainees was slightly older than the profile of adult Ghanaian men in 2000.

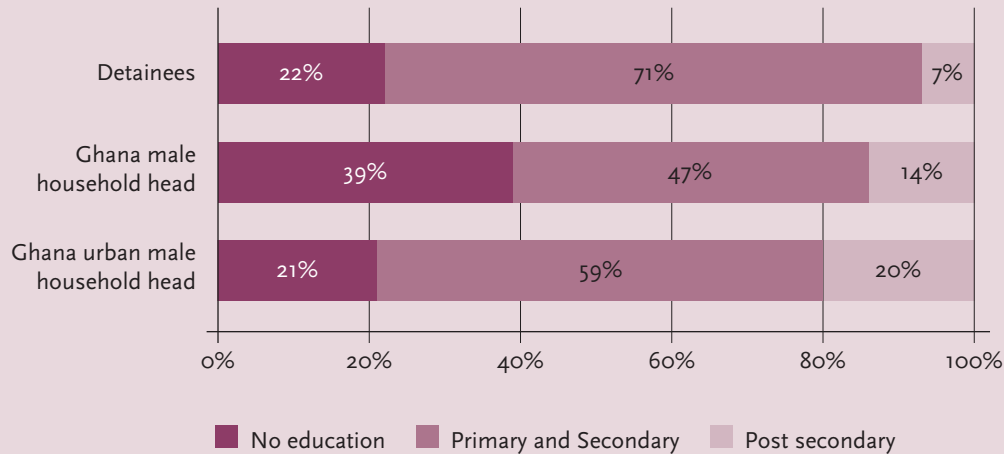
This suggests a relatively older demographic profile than that usually found among detainees in developed countries, where young adults are over-represented in detention, but is consistent with the findings in countries such as a Malawi, Zambia, and South Africa.⁸

Education of detainees

The data show that just over one fifth (22%) of detainees in the sample had no education at all. This proportion of lack of education is in line with the data on urban male household heads in Ghana. Detainees in the sample were less likely to have post-secondary education than household heads in Ghana (Figure 1).

FIGURE 1

Educational attainment of detainees compared to male household heads in Ghana



Languages of detainees

Over 82% of the detainees in the sample said their first language was Twi. The sample was drawn from Kumasi, where Twi is the main language. Only 7% said their first language was English, and only 4.6% had English as an additional language (2.9% said English was their second language and 1.7% their third language). Thus almost half (47%) of detainees

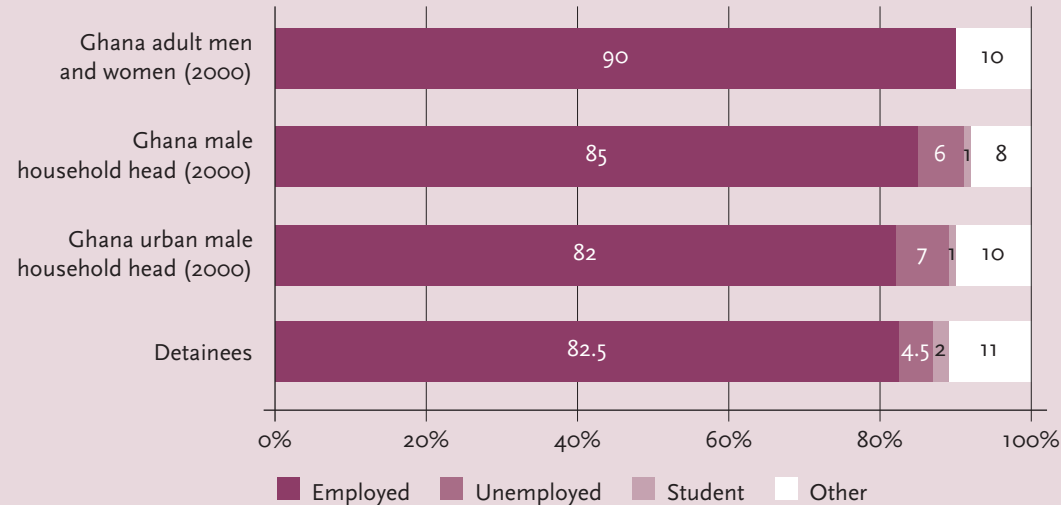
in the sample did not speak the official language of the courts in Ghana even as a second or third language.

Employment of detainees

Detainees in the sample were highly likely to be self-employed, or farmers, or employed. The proportion employed is similar to the proportion of people employed

FIGURE 2

Employment activity status of detainees compared to Ghana



Source: Ghana Census 2000

in Ghana, suggesting detainees have a similar employment profile to the population.

Only 4% of the population among the detainee sample said they had “no occupation”. The largest category consisted of those who said they were self-employed at 42%, followed by farmers (20%), the employed (20%), other (11%), and students (2%).

The employment status of detainees in the sample is strikingly similar to the urban male household head employment profile for Ghana, which indicates 82% of people in employment, according to the

Ghana Census 2000 data (Figure 2).⁹ In other words, detainees in the sample were at the time of their arrest, no different from the average person when it comes to being employed or unemployed in Ghana.

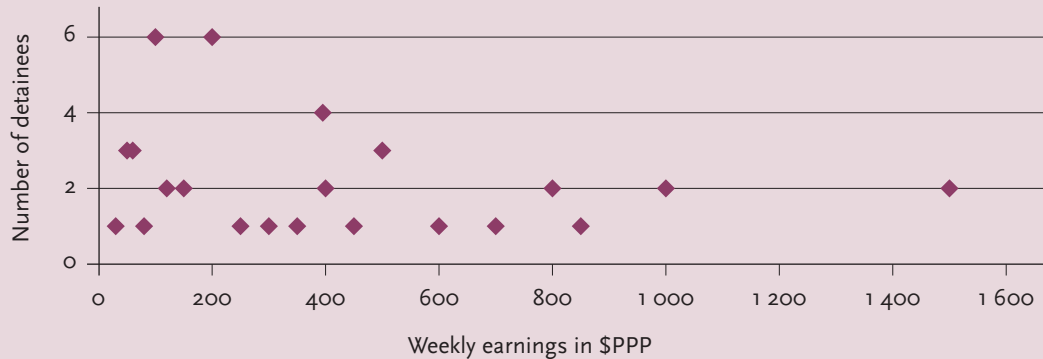
Earnings of detainees

Detainees in the sample had median weekly earnings of \$PPP 179.

Earnings are quoted here in Cedi and \$PPP (Purchasing Power Parity Dollar). One \$PPP is equal

FIGURE 3

Distribution of detainee earnings in \$PPP



to 1 US dollar spent in the United States.¹⁰ Weekly earnings of detainees varied widely, from a minimum of \$PPP 30 (34 Cedi) to \$PPP 1 500 (1 680 Cedi) (Figure 3). The average weekly earnings among detainees was \$PPP 322 (360 Cedi) and the median earnings \$PPP 179 (200 Cedi). This means half of detainees earned less than \$PPP 179 (200 Cedi) per week, while half earned more than this amount.

Marital status of detainees

Male detainees are more likely than Ghanaian men in general to be single (57% vs 39%); they are also more likely to be widowed (5% vs 3%). This may partly be a function of age, as older people are more likely to be widowed or divorced, and detainees in the sample have a slightly older age profile than men in Ghana.

Children and other dependants

Although only 38% of detainees said they were married, approximately half (51%) said they had children, with the average number of their own children being 2.7. The number of children ranged from 1 to 7, with 24% of detainees saying they had 3 or more children (Table 1). Of those who had children, just over half (52%) had children under the age of five, while a further 43% had children between

the ages of 6 and 10. In other words, most detainees in the sample had children of a dependant age.

In addition, some 84% of detainees said there were children living with them in their household at the time of their arrest. Among those who lived in households with children, the average number living with detainees at the time of their arrest was 2.3 children.

TABLE 1

Percentage of detainees who have children by number of children

Childless	49%
1 child	16%
2 children	11%
3 children	11%
4 children	7%
5 children	2%
6 children	2%
7 or more	2%

Detainees also had additional dependants (parents, siblings) apart from children living with them, with the average number being 4.8. The average total number of dependants of detainees, including

Detainees are on average supporting 7.9 dependants at the time of their arrest.

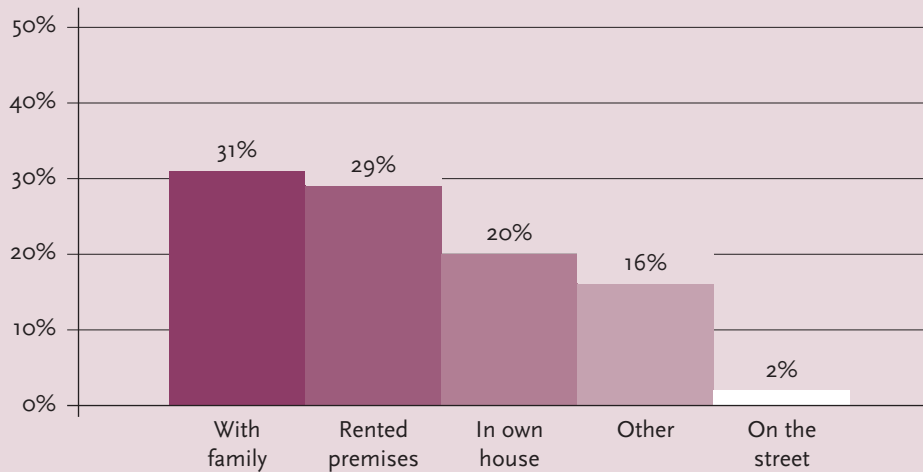
children, was 7.9. According to Census 2000, the average household size in Ghana was 5.1. In the Northern, Upper West, and Upper East regions of Ghana household size was 7.7, 7.5 and 6.6 respectively, whereas in the Ashanti region around Kumasi, it was 5.3. This suggests that detainees on average have more dependants than the average household size, even compared to the regions with the largest household size.

Living conditions

Detainees were generally living with their families or in rented premises at the time of arrest. The average number of rooms in the detainees' households was 5.5. Some 80% of detainees' homes were made of mud and sticks. A fifth of detainees lived in their own home, while only 2% lived on the street (Figure 4).

FIGURE 4

Detainees place of residence at time of arrest



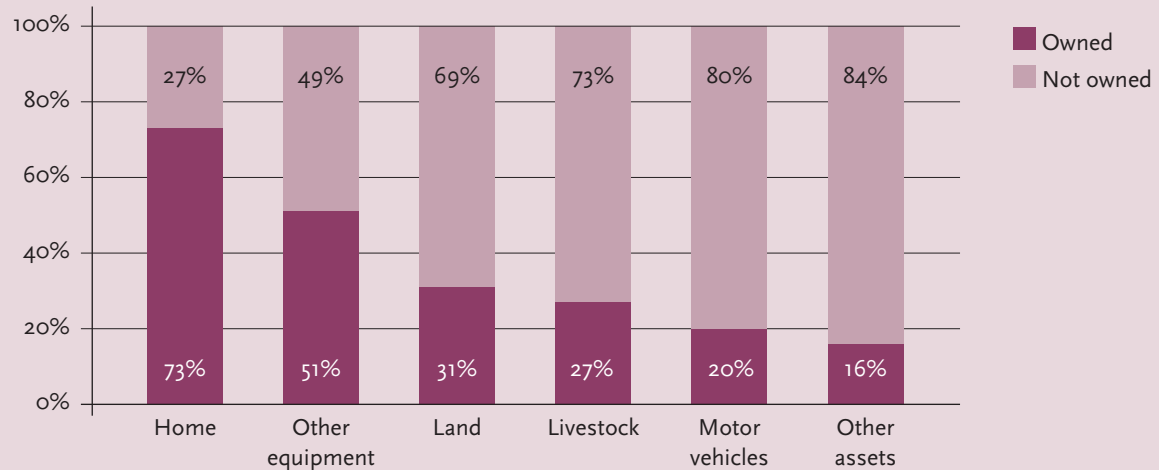
Asset ownership

Some 73% of detainees said they “owned” their own homes. Homes are likely to be informally “owned” through inheritance or family ownership, and ownership is likely to be without supporting documentation. Apart from their homes, detainees do not tend to have major assets. Only 20% said they owned a motor vehicle. Some 27% said they owned livestock. On average, those who owned livestock said

they owned 25 head of stock. Half of detainees in the sample also said they owned unspecified “equipment” (Figure 5).

FIGURE 5

Proportion of detainees owning various assets at time of arrest



What is the Impact of Pretrial Detention?

All detainees identified varying forms of social and economic impact as a result of their detention. Social stigma was the most frequently cited followed by separation of families. From an economic perspective the majority suffered a loss of income combined with additional expenses associated with the detention. Many families of detainees had to sell basic household goods and had fallen into debt because of the detention of a family member.

As the majority of detainees supported a number of dependants, the immediate social and economic impacts are felt most keenly by women and children, who are forced to take on new roles, fend for the family and have to assist the detained husband or father.

What is the social impact on families and detainees?

Almost half (47%) of detainees identified multiple social impacts. The most commonly identified social impact was social stigma (41%).

Contact with, and visit by, families

Most detainees had been in contact with their family (89%) or had been visited by their family during their detention (88%). Failure to visit was most commonly ascribed to the family living far away (33%).

Social impact on families

All detainees identified some form of social impact on their families, mostly identifying multiple impacts. The most commonly identified impact was social stigma (41%).

“The case has disturbed the relationship with friends and family.”

– Family member of detainee

In the family interviews, six of the seven interviewees said the family had suffered from social stigma. One family was forced to move and one said the police continued to harass family members.

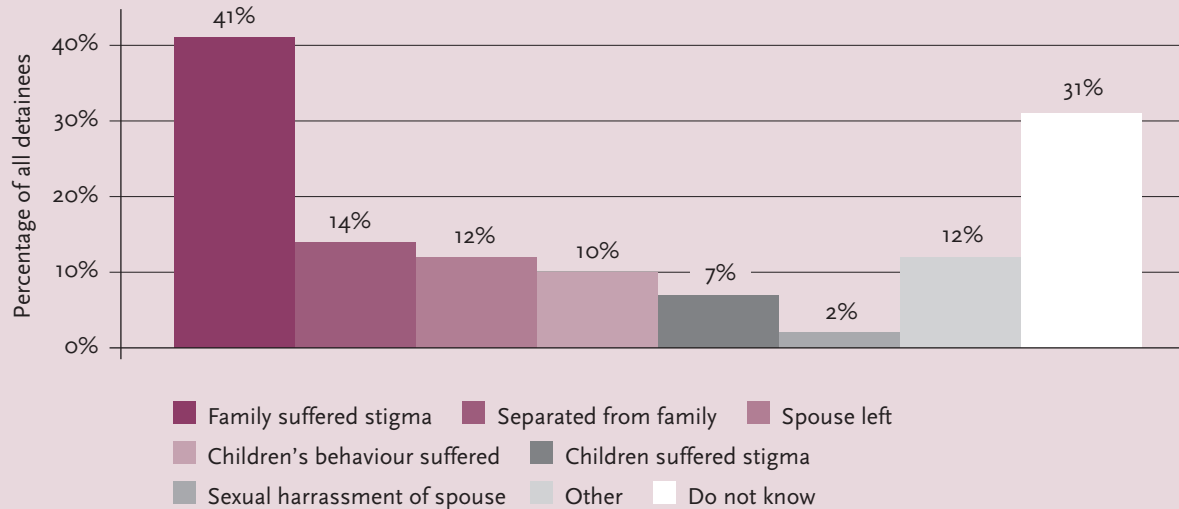
One in eight detainees said their detention led to their spouse leaving them (Figure 6).

“Friends are afraid to visit (the detainee) as they are worried they will be labelled accomplices.”

– Family member of detainee

FIGURE 6

Social impact on family caused by detention, according to detainees



Another said that their family home, which was worth approximately \$PPP 31 250 (35 000 Cedi), had been burnt down by the complainant's family.

"We have been rendered homeless and are now living with friends."

– Family member of detainee

What is the economic impact on families?

Loss of support

As we have seen above, detainees were likely, on arrest, to be income-earning people with children and other dependants to support. While in detention, they are unable to earn and sustain their families. In the family interviews, five of the seven family members said the detainee had been earning an income at the time of their arrest. One was a farmer, two were self-employed and one was informally employed. Dependants of the detainees included children, parents and other relatives' children, according to the family interviews.

Additional expenses

According to detainees, the most common expense incurred by their family was related to transport (80%), followed by food that they brought to the prison (71%). Some 20% said their family spent money on clothing for detainees, 16% spent money on legal advice, 13% on medical care and 5% on bribes (Figure 7).

Among those families who spent money on these items, the median amount spent on food, according to detainees, was \$PPP 200 (224 Cedi), on legal expenses \$PPP 200 (224 Cedi), on transport \$PPP 192 (215 Cedi), on medical care \$PPP 100 (112 Cedi), and on clothing \$PPP 50 (56 Cedi).

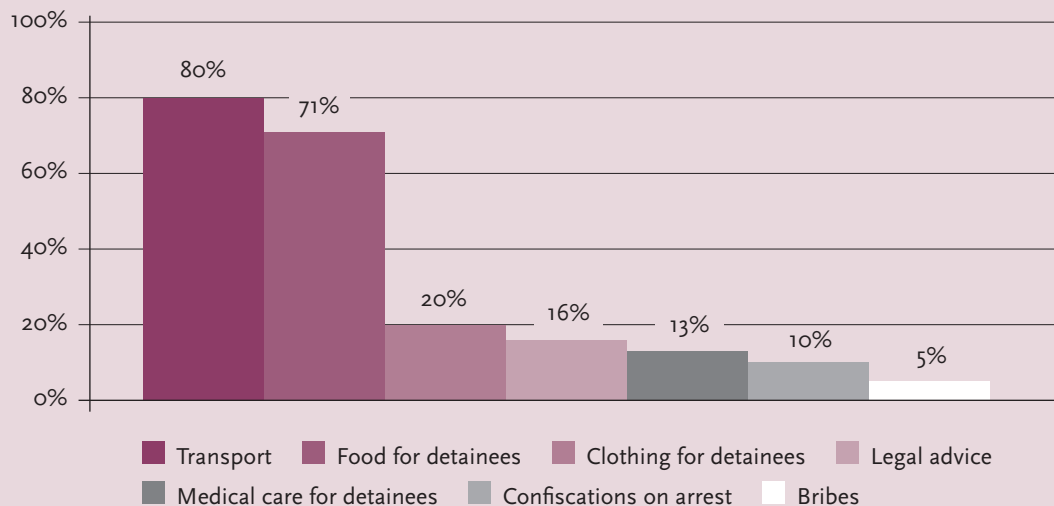
"We spend 23 Cedi every week on drugs (for the detainee)."

– Family member of detainee

In the family interviews, six of seven family members confirmed that they had suffered financially as a result of their relatives' detention. All six mentioned transport costs to visit the prison, which ranged from \$PPP 5.3 (6 Cedi) for one trip to \$PPP 4 330 (4 850 Cedi) for the duration of the detainee's detention.

FIGURE 7

Percentage of detainees identifying an expense of a particular type incurred by their family



“I visit him twice a month and spend 5 Cedi on transport and 10 Cedi on food. I have been doing this for the past ten years. Our mother visited him when he was initially sent there in 2001. She visited him every day for five years.”

– Family member of detainee

Six of the family interviewees indicated providing food to the detainee in detention was a burden, with costs ranging from \$PPP 8 (9 Cedi) to \$PPP 2 285 (2 560 Cedi). One said they had to provide clothing to the detainee. Four had to provide medication for the detainee, with costs ranging from \$PPP 82 (92 Cedi) to \$PPP 638 (714 Cedi).

“(The detainee) has high blood pressure. Our family pays 20 Cedi every two weeks to the prison officers to ensure they take good care of him.”

– Family member of detainee

Two family members indicated a bribe had to be paid, one of \$PPP 71 (80 Cedi) and another of \$PPP 176 (200 Cedi). Two had to pay for legal advice, one for an amount of \$PPP 536 (600 Cedi) and another for an amount of \$PPP 1 339 (1 500 Cedi).

“I paid 20 Cedi before I was allowed to speak to my sister at the police station.”

– Family member of detainee

A family incurring all these expenses would incur a median expense of \$PPP 742 (831 Cedi). As the median earnings of detainees were \$PPP 179 (200 Cedi), this is equivalent to four weeks' earnings. This excludes any bribe amounts and loss of the earnings of the detainee. Taking the combined maximum for all these amounts suggests expenses of up to \$PPP 7 196 (8 060 Cedi), or the equivalent of 10 months' income of detainees.

Economic impact of expenses incurred and loss of income

The most common economic impacts experienced by the family, according to detainees, as a result of the expenses incurred in relation to the detainees' detention were that the family had fallen into debt (44%). As imprisonment for civil debt occurs in Ghana, this debt could expose family members themselves to imprisonment if they are unable to meet debt repayments.

“We sold a refrigerator, an iron and a television in order to raise money to care for him.”

– Family member of detainee

According to detainees, some 1 in 9 of detainees' families (11%) had to sell household goods to cover the costs associated with the detainees' continued detention, 1 in 9 (11%) also had their children leave school, and 1 in 9 (11%) said their family had less food (Figure 8).

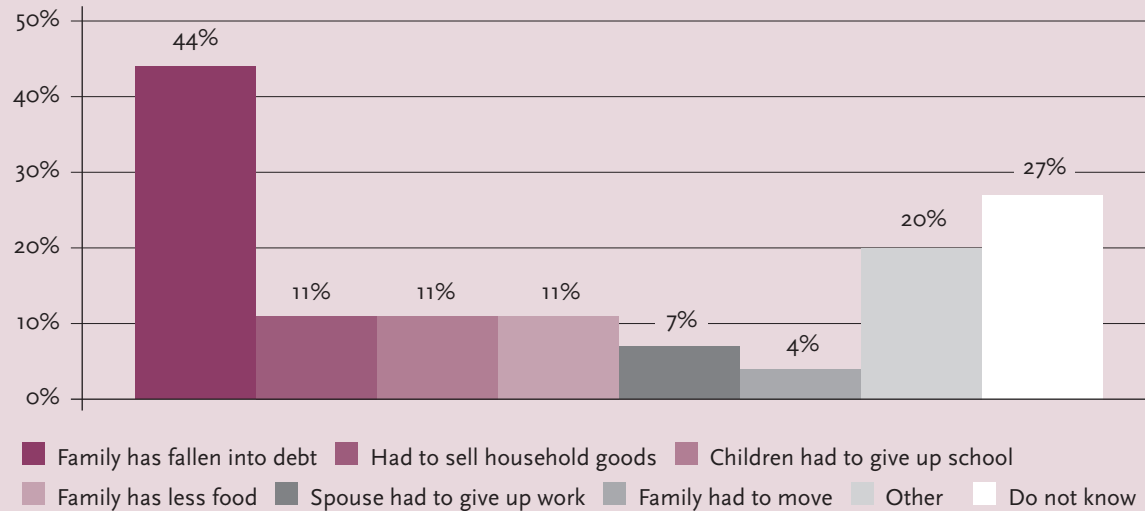
In the family interviews, four of the seven family members confirmed that they had fallen into debt. Three said they were forced to sell household goods. Three said the family had less food. Three said their children had to give up school. One said they had to move house. One said children were forced to work to make up for lost income.

On average during the detention of a family member, families incurred expenses equivalent to ten months' of earnings.

44% of families fell into debt, 11% had less food and 11% said their children had to leave school.

FIGURE 8

Impact on family of expenses occurred as a result of pretrial detention



What is the impact on the health of detainees?

Pretrial detention quadrupled the rate of ill-health among detainees. Half of detainees ill after arrest received no medical attention of any kind.

Health on arrest

One in five (20%) of all detainees said they were ill at the time of their arrest. As adult HIV prevalence is estimated by various sources such as the World Health Organisation (WHO) to be low in Ghana (1.8 per 100 000), the illness rate among detainees on arrest is unlikely to be attributable to HIV.¹¹

Health after arrest

As many as 80% of all detainees said they fell ill after their arrest (all of the detainees ill on arrest remained ill, and 75% of those not ill on arrest subsequently fell ill). The most common identified illness was skin disease (37%), followed by malaria (20%), diarrhoea (11%), malnutrition (3%), and tuberculosis (3%) (Figure 9). Only half of detainees said they received

medical attention, with 45% of those receiving attention being seen by a nurse and 32% being attended in hospital.

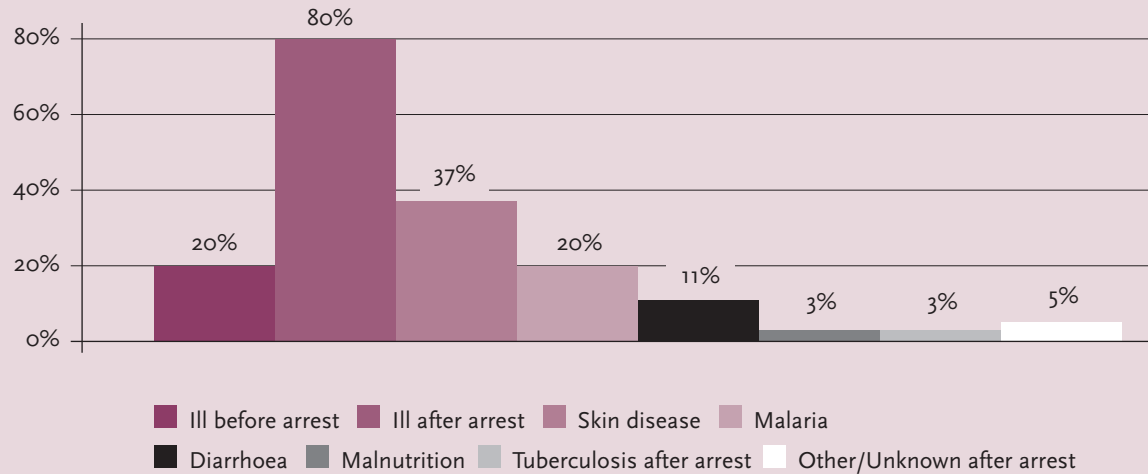
Skin disease

A range of skin diseases may be contracted in Ghana. Skin diseases are the third most reported disease at Ghana's health institutions.¹² Bacterial skin infections include tuberculosis of the skin which presents

80% of detainees fell ill after their arrest.

FIGURE 9

Detainee illness as identified by detainees



as a sore or group of sores usually on the side of the neck that keeps opening and healing.¹³ Fungal infections include ringworm, which is common in prisons. Viral skin diseases include *Herpes Simplex* and *Herpes Zoster* (shingles), with the latter being common among immune-suppressed persons with outbreaks frequently occurring in prisons, and having potentially serious complications such as eye damage and neuropathy. Scabies is a contagious skin infestation and is a scourge of prisons in developing countries where it is associated with overcrowding.¹⁴

Malaria

Some 20% of detainees said they were ill with malaria during their detention (70% of these were not ill at the time of their arrest). Ghana has a malaria mortality rate of 48 per 100 000, with almost 1.9 million reported cases in 2009.¹⁵ The WHO indicates in their World Malaria Report 2011 that in Ghana the major plasmodium species of malaria is *plasmodium falciparum* (90%), which results in the most serious form of the disease,¹⁶ potentially leading to cerebral malaria and death.

Diarrhoea

Some 11% of detainees said they had diarrhoea after their arrest. Diarrhoea is a symptom rather than a disease, and can be indicative of a number of serious underlying conditions, such as cholera. The main preventative measure is the supply of clean drinking water and adequate ablution facilities which are not present in Kumasi prison.

Tuberculosis

Some 3% of detainees said they were ill with tuberculosis (TB) after their arrest. This is ten times the prevalence rate in Ghana as a whole.¹⁷ TB is both highly communicable and highly treatable, which has important implications for prison management, particularly in relation to prisons operating beyond their design capacity. Confined and overcrowded conditions, such as are present in Kumasi, are ideal for the spread of the disease.

What are Detainees' Experiences of the Criminal Justice System?

Torture and bribery feature prominently in the experiences of detainees. Many detainees are held in relation to non-violent and economic offences.

Experience of ill-treatment

As many as 40% of detainees said they had been tortured by a state official since their arrest. Almost a third (27%) said they suffered permanent physical injury as a result, while 24% said they suffered body pains. If one restricts the analysis to men (none of the women said they were tortured) the proportion claiming to have suffered torture rises to almost half (49%), with a third suffering permanent physical injury (Figure 10).

Among those tortured, some 74% indicated that the reason for the torture was in order to extract a confession. These findings have serious implications

for criminal justice in Ghana. There is an absolute prohibition against torture in international law¹⁸ as well as the Constitution of Ghana.¹⁹

Bribes

Almost a quarter of detainees (24%) said that a state official had suggested they pay a bribe to secure release, with 18% indicating a specific bribe amount. The amount expected to be paid was on average \$PPP 195. Of those who said a bribe was suggested, 27% said a bribe was asked by police, 9% by a clerk, and 9% by a magistrate. Generally the bribe amount appears to increase with increasing income of the detainee. In other words, bribe amounts were higher for those with higher incomes.

Detainees who were not married were somewhat more likely to be offered an opportunity to pay a bribe

40% of detainees said they had been tortured by a state official.

than married detainees. This may be because officials were able to bribe spouses rather than detainees in cases where detainees were married.

Those who were asked to pay a bribe were more likely to be tortured. Among those to whom a bribe was suggested, 64% were tortured, compared to 32% who were not offered a bribe. Among male detainees, 70% of those offered a bribe were tortured compared to 41% of those not offered a bribe. The majority of detainees tortured said they were tortured in order

to extract a confession, while 11% were tortured as punishment (Figure 11).

Offences

Almost two fifths (39%) of detainees in the sample were held in relation to non-violent or economic crimes. Almost one fifth (18%) were held on drug charges, some 13% on theft charges, 4% in relation to a civil debt, and 4% in relation to fraud.

FIGURE 10

Proportion of detainees tortured and suffering consequences of torture

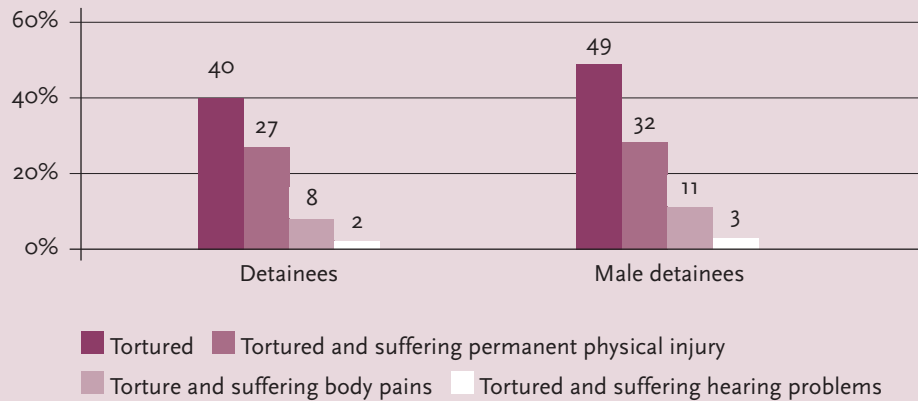
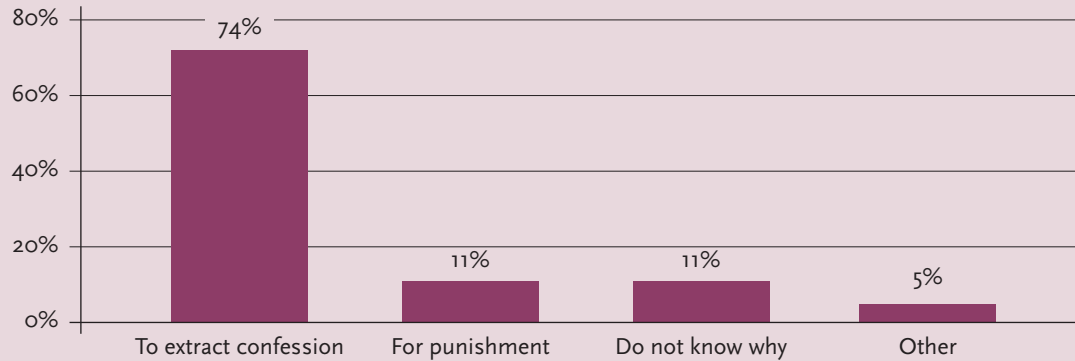


FIGURE 11

Reasons for torture among detainees tortured



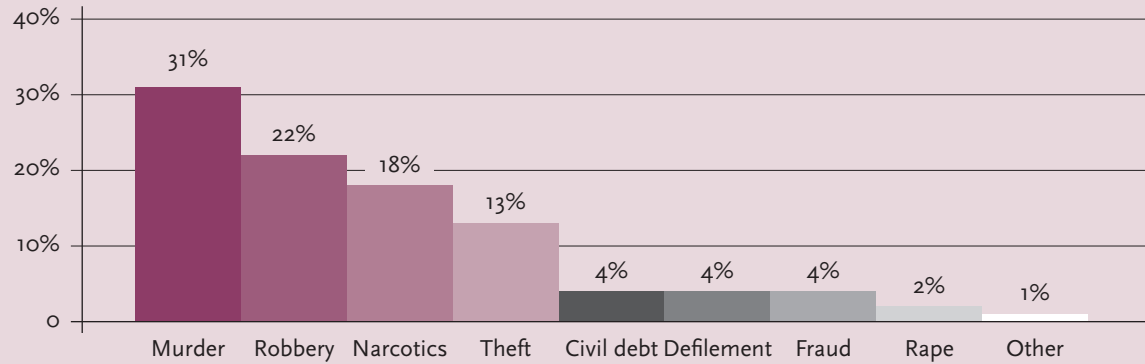
The high percentage of drug charges is a reflection of the fact that narcotic offences are among those offences for which a court may not grant bail in Ghana, along with murder, rape, robbery and defilement. All of these “non-bailable” offences feature

prominently in the detainee sample. Almost one third (31%) were held on murder charges, one fifth (22%) on robbery charges, and 2% in relation to rape. A further 4% were held for defilement (Figure 12).

39% were held in relation to non-violent or economic crimes.

FIGURE 12

Offences with which detainees held



Time before being brought to court

Transfer to prison usually takes place after first appearance in court. In 77% of instances the detainee was transferred to prison after his first appearance in court. The minimum time to first appearance was 1 day, the median 5 days (with the average being 12 days), and the maximum 150 days (five months). This suggests, in the majority of cases, detainees are not brought before court within 48 hours.

Time spent in police detention

This is the time spent in police cells before being brought to prison. The minimum time spent in police detention was 1 day; the median was 7 days and maximum 1 899 days (five years and two months). This large range indicates that the median is more informative than the average in predicting the “usual” time in detention. The average time spent in police detention was 15 days. Prolonged detention in police cells is unsuitable as police cells are neither designed nor equipped to hold detainees for extended time periods.

Those charged with robbery spent the longest median time in police detention (27 days) followed by those charged with theft (14 days). Those charged with murder endured a median of only 5 days before being transferred to prison. This may be because murder cases are prioritised in Ghana.

Time spent in pretrial detention

The median time spent in pretrial detention – up until the point at which the study was carried out – was 8 months.

The time spent in pretrial detention was calculated from date of arrest, to the time at which the interviews were carried out (within a two week period). The minimum time for those in the sample was less than two weeks, the median time eight months, the average time fourteen months, and the maximum was 7 years. The average was 1 year and 2 months. The actual distributions of duration require other methods of measurement, so these should be taken as approximations only.²⁰

Bail conditions

Some 17% of detainees in the sample said they were granted “release” at court but had not been able to comply with the conditions. Conditions of release mentioned included “bail bond” (a promise to deposit an amount of money with the court) and “indenture” (a legal contract between two parties in relation to land). In situations where indenture is used as a bail bond, the surety or accused is expected to show the court clerk the original copy of the indenture and for investigations to be conducted regarding its authenticity before being admitted.

Legal assistance

Some 47% said they had not been informed of their right to legal representation. Only 27% of detainees said they had seen a legal representative. Among these, almost all (91%) said they had seen a lawyer rather than a paralegal. The median amount of time lapsing before seeing a legal representative was 30 days.

Almost a third (31%) said their family had paid for the legal representative, while 15% of detainees said they had paid for themselves. No detainee (0%) said the state had paid for the cost of their legal representation.

Nearly half of all detainees had not been informed of their right to legal representation.

Conclusion

Excessive pretrial detention has a harmful – and largely avoidable – impact on individuals, families, and communities. That impact is most profound and harmful for those who can least afford it – the poor and those relying on a daily or weekly income, which, in a country like Ghana, is the norm. Pretrial detention wastes human potential and wrecks lives. As this report has sought to demonstrate, excessive pretrial detention in Ghana:

- disrupts the lives of dependant-supporting men at the prime of their economically productive lives;
- reduces the income of detainees, pushes their families toward poverty, and damages the education and income potential of their children;
- negatively affects the social wellbeing of pretrial detainees' families, including young children, spouses, and aged relatives, and places a strong burden on women who predominantly have to

face, and adapt to, the multiple socioeconomic consequences; and

- contributes to the spread of disease and furthers corruption.

These factors impact negatively on the attainment of the Millennium Development Goals (MDGs), in particular on goal one – eradicating extreme poverty and hunger, but also the goals on health and education. Whilst Ghana has made progress towards the achievement of some of the MDGs, in particular goals one and two, others are likely to be only partly achieved by 2015.²¹

Many of Ghana's pretrial detainees should not be in detention. Many of the randomly selected pretrial detainees interviewed for this report had been arrested for theft, other non-violent offences or economic crimes. Most are unlikely to pose a threat to society or are at risk of absconding.

In many cases those in pretrial detention should be actively contributing to the growth of their society, using their potential to benefit themselves and others. Yet policies and practices that involve excessive or indiscriminate use of pretrial detention render this significant cohort less able to contribute to growth and stability. In essence, the government is spending money on a system that undermines its own development policies. It is preventing communities and individuals from making the most of the few opportunities they have. Indiscriminate and excessive pretrial detention deepens social exclusion.

The report highlights a previously under-explored issue and the influence of criminal justice policies and practice on areas such as health, education and socioeconomic development.

Recommendations:

- Policy makers in other fields, especially health, education and social welfare, should regularly engage with counterparts working in the justice sector to exchange information and contribute to the review and development of each other's policies.
- Finance and budgeting experts should look at the full costs of excessive and arbitrary pretrial detention including the collateral costs, the loss of opportunity and the costs borne by families

and communities and reflect these in budgeting processes.

- The impact of criminal justice policies on the attainment of the MDGs in Ghana should be further analysed and steps taken to minimise criminal justice policies and practice that unnecessarily drive families deeper into poverty.
- Given the disproportionate burden shouldered by women and children of imprisoned spouses and parents, gender and child welfare specialists should engage more intensively in criminal justice reform and use their platforms to advocate change.
- Donors engaged in justice sector reform should look broadly at the socioeconomic impacts of detention when reviewing and designing programmes, facilitate steps to engage donors working in other sectors, and highlight the findings of this research in on-going discussions around the post-2015 Millennium Development Goals.
- Criminal justice policies that are out of line with average socioeconomic conditions should be reviewed and reformed, for example bail conditions.
- There should be a continuous process to review and address factors that drive excessive and arbitrary pretrial detention including political,

economic and legal incentives. Relevant laws should be reviewed, including outdated offences that allow for very wide powers of arrest; and detention for economic crimes.

- The work of legal aid providers should be actively promoted and budgeted for, in particular

paralegals and other legal aid providers stationed at police stations and in prisons who can ensure that detainees are aware of their rights, know how to navigate the criminal justice system and be in a position to refer serious cases to lawyers.

Notes

1. “Pretrial detention” is defined as the period during which an individual is deprived of liberty (including detention in police lock-ups) through to conclusion of the criminal trial (including appeal). Other terms commonly used for pretrial detainees include “remand prisoners,” “remandees,” “awaiting trial detainees,” “untried prisoners,” and “unsentenced prisoners.”
2. Ghana ranked at 135 out of 187 countries on the 2011 United Nation’s Human Development Index.
3. The International Centre for Prison Studies, www.prisonstudies.org.
4. Ibid.
5. The Global Campaign for Pretrial Justice, *The Socioeconomic Impact of Pretrial Detention*, 2011.
6. Ghana Prisons Service, Management of Prisoners, Inmate Statistics, 28 May 2012, accessed at: <http://ghanaprison.gov.gh/page-content?page=99e0e92e-7e71-4c20-a125-d69fo52c7a47&menu=29899081-5de7-4bdo-8656-6473ac6f2c3e>.
7. Ghana – Population and Housing Census 2000, www.statsghana.gov.gh.
8. Muntingh, L. et. al. *Pretrial detention in Malawi: An audit of case flow management and conditions of detention*, Open Society Institute of Southern Africa – Johannesburg (2011); Muntingh, L. et. al. *Pretrial detention in Zambia: An audit of case flow management and conditions of detention*, Open Society Institute of Southern Africa – Johannesburg (2011); Karth, V, O’Donovan, M, and Redpath, J. *Between a rock and a hard place: bail decisions in three South African courts*, Open Society Foundation South Africa (2008).
9. This assumes the category “employed” in the Ghana statistical data is equivalent to an amalgamation of “employed”, “farmer” and “self-employed” in the detainee sample.
10. A PPP rate asks how much money would be needed to purchase the same goods and services in two countries, and uses that to calculate an implicit foreign exchange rate. Using the PPP rate, an amount of money thus has the same purchasing power in different countries. The rate used here is 1\$PPP=1.12 Cedi.

11. World Health Organisation, *World Health Statistics 2011*, p.32.
12. *Ghana Society of Dermatology launched to reduce spread of skin diseases*, <http://edition.myjoyonline.com/pages/news/201202/81706.php>.
13. WHO Standard Treatment Guidelines – Ghana – Disorders of the skin – Bacterial – Tuberculosis, accessed at: <http://collections.infocollections.org/whocountry/en/d/Js6861e/10.1.5.html>.
14. <http://files.dcp2.org/pdf/DCP/DCP37.pdf>.
15. http://www.who.int/whosis/whostat/EN_WHS2011_Full.pdf.
16. See World Health Organisation, *Ghana Country Profile*, accessed at: http://www.who.int/malaria/publications/country-profiles/profile_gha_en.pdf.
17. http://www.who.int/whosis/whostat/EN_WHS2011_Full.pdf.
18. United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (UNCAT).
19. Article 15(2)(a) Fourth Republican Constitution 1992: “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”.
20. The ‘snapshot’ methodology employed in this study asked pretrial detainees how long they had been in detention on the day of their interview. Such a methodology may under-count persons who are in detention for brief periods of time only, and over-count persons detained for lengthy periods. Consequently, a different methodology, one that asked every detainee about the duration of their detention after they had been released could result in a lower mean or median duration of pretrial detention.
21. <http://www.undp-gha.org/mainpages.php?page=MDC%20Progress>.

About the Organisations

The Commonwealth Human Rights Initiative – Africa Office

The Commonwealth Human Rights Initiative (CHRI) is an international NGO mandated to ensure the practical realisation of human rights across the Commonwealth. It was founded in 1987 and has its headquarters in New Delhi, India. Its Africa office is situated in Ghana, and opened in 2001. The Africa Office builds on earlier experience at CHRI to create appropriate human rights interventions in the African region.

www.humanrightsinitiative.org

Open Society Justice Initiative

The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. The Justice Initiative fosters accountability for international crimes, combats racial discrimination and statelessness, supports criminal justice reform, addresses abuses related to national security and counterterrorism, expands freedom of information and expression, and stems corruption linked to the exploitation of natural resources. Its staff are based in Abuja, Amsterdam, Bishkek, Brussels, Budapest, Freetown, The Hague, London, Mexico City, New York, Paris, Phnom Penh, Santo Domingo, and Washington, D.C.

www.justiceinitiative.org

United Nations Development Programme (UNDP)

UNDP is the UN's global development network, an organisation advocating for change and connecting countries to knowledge, experience, and resources to help people build a better life. UNDP is on the ground in 166 countries, working with country partners on their own solutions to global and national development challenges.

Access to justice lies at the center of UNDP's mandate and is one of the pillars of democratic governance. It is an indispensable factor that contributes to an enabling environment for the enhancement of human development and reduction of poverty. By promoting access to justice for all with a specific focus on the ability of poor and

marginalised people to seek and obtain remedies responding to rule of law and their rights, UNDP seeks to make a significant contribution to the establishment of effective, responsive, accessible and fair justice systems with due consideration to the rights of the poor, women and vulnerable groups. UNDP focuses on both criminal and civil justice reform through support to national justice reform programmes. In UNDP's experience, the levels of pretrial detention can often be seen as an indicator, or measure, of the functionality of a justice system generally. Many countries that continue the excessive use of pretrial detention have enacted national legislation that closely mirrors international presumptions against its use and in favour of alternative measures.

www.undp.org

Annex – Questionnaires

STUDY ON THE SOCIOECONOMIC IMPACT OF PRETRIAL DETENTION

QUESTIONNAIRE FOR DETAINEES

INTRODUCTION & CONSENT FORM

Hi, my name is _____ and I work for _____

I am working as part of a team comprised of CHRI, CHURCIL and CHRAJ Ghana in collaboration with UNDP and the Open Society Justice Initiative to study the **'Socioeconomic Consequences of Pretrial Detention'**. The primary aim is to analyze two key questions:

- *'Who is in pretrial detention'* and
- *'What are the socioeconomic impacts of pretrial detention for detainees' families and communities'?*

This study builds on a global report 'The Socioeconomic Impact of Pretrial Detention' and aims to gather country specific information in Ghana. It is a short pilot study and does not aim to provide a comprehensive analysis of the entire criminal justice system.

The interview will last for minutes.

NOTE: Your answers and comments will remain completely anonymous. That is, we will not reveal your name to anyone and our study will not identify you in any way.

Signature of Enumerator: _____ Date: _____

The Interviewee accepts to be interviewed ... 1 → Start Interview

The Interviewee refuses to be interviewed ... 2 → Thank him / her and go

No	QUESTIONS	Codes	Skip
ID	Questionnaire No		
Section 1. DEMOGRAPHIC & PERSONAL BACKGROUND			
Q1.1	Gender	Male1 Female.....2	
Q1.2	How old are you (years)?	/ _ / _ / _	
Q1.3	Location where resident at the time of your arrest?	Town :..... District..... Village.....	
Q1.4	What languages do you speak?	1..... 2..... 3.....	
Q1.5	What is the highest level of education you attained?	Illiterate.....1 Primary.....2 Junior High.....3 Secondary.....4 Senior Secondary.....5 University.....6 Post-graduate.....7 Vocational training.....8 Other (specify).....9	
Q1.6	What is your occupation?	Unemployed.....1 Student.....2 Civil Servant.....3 Privately employed.....4 Self-employed.....5 Farmer.....6 Other (Specify).....7	
Q1.7	What is your marital status	Single.....1 Married ¹2 Divorced.....3 Widow/widower.....4	(2) go to Q1.8 Otherwise go to Q1.9
Q1.8	If married, how many wives	/ _ / _ / _	
Q1.9	If you are supporting more than one family how many families are you supporting?	/ _ / _ / _	
Q1.10	Do you have any children ?	Yes..... 1 No..... 2	Yes go to Q1.11 No go to Q1.14
Q1.11	If YES, how many ?	/ _ / _ / _ / _ / _	
Q1.12	Their ages:	1. Children between [0-5] / _ / _ / _ 2. Children between [6-10] / _ / _ / _ 3. Children between [11-15] / _ / _ / _ 4. Children between [16-20] / _ / _ / _ 5. Children over 20 : / _ / _ / _	
Q1.13	How many of your children were living in your household	/ _ / _ / _ / _	

¹ Marriage to include "common law" spouse. That is, through traditional marriage, informal marriage, or marriage by habit and repute.

Q1.14	at the time of your arrest? Was anyone else other than your child/ children reliant on you prior to your arrest?	Yes..... 1 No..... 2	Yes, Go to Q1.15 No, Go to Q1.16																																
Q1.15	Who and how many persons per category?	<table border="1"> <thead> <tr> <th>Category</th> <th>No. of people</th> </tr> </thead> <tbody> <tr> <td>1. Spouse(s)</td> <td></td> </tr> <tr> <td>2. Parents</td> <td></td> </tr> <tr> <td>3. Relatives' children</td> <td></td> </tr> <tr> <td>4. Other (specify)</td> <td></td> </tr> </tbody> </table>	Category	No. of people	1. Spouse(s)		2. Parents		3. Relatives' children		4. Other (specify)																								
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2. Parents																																			
3. Relatives' children																																			
4. Other (specify)																																			
Q1.16	Where were you living at the time of your arrest?	Own house.....1 Rented house.....2 Staying with friend/family.....3 On the streets.....4 Other (Specify).....5	(1,2,3,5) Go to Q1.17 (4) Go to Q1.19																																
Q1.17	How many rooms are there the house you lived in at the time you were arrested?	/ _ / _ / _																																	
Q1.18	What is the house, where you lived at the time of your arrest, made of?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>1. Brick walls.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Mud and sticks.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Corrugate.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Other (specify).....</td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	1. Brick walls.....	1	0	2. Mud and sticks.....	1	0	3. Corrugate.....	1	0	4. Other (specify).....																				
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4. Other (specify).....																																			
Q1.19	What assets do you own?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>If Yes, how many</th> </tr> </thead> <tbody> <tr> <td>1. House.....</td> <td>1</td> <td>0</td> <td>/ _ / _ / _</td> </tr> <tr> <td>2. Car / Motorbike...</td> <td>1</td> <td>0</td> <td>/ _ / _ / _</td> </tr> <tr> <td>3. Land.....</td> <td>1</td> <td>0</td> <td>/ _ / _ / _ ha</td> </tr> <tr> <td>4. Animals (livestock)</td> <td>1</td> <td>0</td> <td>/ _ / _ / _</td> </tr> <tr> <td>5. Equipment²</td> <td>1</td> <td>0</td> <td>/ _ / _ / _</td> </tr> <tr> <td>6. None.....</td> <td>1</td> <td>0</td> <td></td> </tr> <tr> <td>7. Other (Specify)...</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Yes	No	If Yes, how many	1. House.....	1	0	/ _ / _ / _	2. Car / Motorbike...	1	0	/ _ / _ / _	3. Land.....	1	0	/ _ / _ / _ ha	4. Animals (livestock)	1	0	/ _ / _ / _	5. Equipment ²	1	0	/ _ / _ / _	6. None.....	1	0		7. Other (Specify)...				
	Yes	No	If Yes, how many																																
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5. Equipment ²	1	0	/ _ / _ / _																																
6. None.....	1	0																																	
7. Other (Specify)...																																			
Section 2. CRIMINAL JUSTICE PROCESS																																			
Q2.0	How long ago were you arrested ?	1. Days / _ / _ / _ ago 2. Weeks / _ / _ / _ 3. Months / _ / _ / _ 4. Years / _ / _ / _ 5. Don't remember																																	
Q2.1	How long were you detained at a police station before being brought to prison?	1. Hours / _ / _ / _ 2. Days / _ / _ / _ 3. Weeks / _ / _ / _ 4. Months / _ / _ / _ 5. Years / _ / _ / _ 6. Don't remember																																	
Q2.2	Have you appeared in front of a judicial officer/ in court since your arrest?	Yes..... 1 No..... 2	Yes, Go to Q2.3 No, Go to Q2.5																																

² equipment refers to commercial equipment – not personal items such as refrigerator, television etc.

Q2.3	How long a period passed between your arrest and appearance before a judicial officer/in court	1. Days : / / 2. Weeks / / 3. Months / / / 4. Years / / / 5. Don't remember	
Q2.4	Did the judicial officer grant you release awaiting trial provided you complied with certain conditions (that you were unable to comply with)?	Yes..... 1 No..... 2 Don't Know...3	Yes, Go to Q2.4.1 No/Don't know, Go to Q2.5
Q2.4.1	An amount of money to be deposited as bail?	/ / / / / / / / / / Currency.....	
Q2.4.2	Someone acting as a surety but without depositing money?	Yes.....1 No2	
Q2.4.3	Other conditions of release (Specify other conditions)		
Q2.5	If you have NOT appeared before a judicial officer/ in court do you know why not?	1. Refused to pay a bribe.....1 2. No transport to the court 2 3. No judicial officer available 3 4. Too many people awaiting trial..... 4 5. Don't know the reason 5 6. Other (Specify).....	
Q2.6	Has any state official suggested you pay a bribe?	Yes.....1 No.....2	Yes, Go to Q2.7 No, Go to Q2.9
Q2.7	If you paid a bribe who did you give the bribe(s) to? [can answer more than one.]	YES No 1. Police officer1 0 2. Court clerk.....1 0 3. Magistrate 1 0 4. Lawyer 1 0 5. Social welfare officer 1 0 6. Don't know..... 1 0 7. Other (Specify).....	
Q2.8	What was the amount you were expected to pay as a bribe?	/ / / / / / / / / / Currency	
Q2.9	Has your trial begun (i.e. trial proceedings in court)?	Yes..... 1 No..... 2 Don't know.....3	Yes, Go to Q2.10 No, Go to Q2.11
Q2.10	When:	/ / / / / / / / / / Day Month Year	
Q2.11	What are the offences with which you think you have been charged? [can answer more than one]	Don't know.....1 Murder.....2 Rape..... 3 Robbery 4 Theft..... 5 Debt 6 Loitering 7 Traffic offence..... 8 Other [specify].....	

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Q2.12	Have you been informed of your right to legal representation ?	Yes..... 1 No..... 2	
Q2.13	Have you seen a lawyer or paralegal who is assisting you with your matter?	Yes..... 1 No..... 2	Yes, Go to Q2.14 No/Don't know, Go to Q3.1
Q2.14	Who did you see?	Lawyer..... 1 Paralegal.....2 Both.....3 Don't Know.....4	
Q2.15	How many days after your arrest did you see the lawyer / paralegal for the first time?	1. Days / / / 2. Weeks / / / 3. Months / / / 4. Years / / / 5. Don't remember	
Q2.16	Who paid for the assistance you received?	Yes No 1. Paid yourself1 0 2. Paid by a relative.....1 0 3. Paid by a CSO.....1 0 4. Paid by the government / state.....1 0 5. Paid by a donor.....1 0 6. Don't know who paid.....1 0 7. Other (Specify)	
Section 3. IMPACT / CONSEQUENCES OF DETENTION			
Q3.1	Were you earning some form of income at the time of your arrest?	Yes..... 1 No..... 2	Yes, Go to Q3.2 No, Go to Q3.4
Q3.2	By which means?	Formal employment..... 1 Informal employment....2 Self-employed.....3 Other – explain.....4	
Q3.3	Average value of your monthly income / earnings?	/ / / / / / / / / / Currency.....	
Q3.4	Have you had contact with your family since your arrest?	Yes..... 1 No..... 2	Yes, Go to Q3.6 No, Go to Q3.5
Q3.5	If NO, why not?	No one to contact.....1 Refused to pay a bribe.....2 No means to contact them....3 I didn't want to4 Other (specify)	
Q3.6	If YES, have they been able to visit you?	Yes..... 1 No..... 2	Yes, Go to Q3.8 No, Go to Q3.7
Q3.7	If NO, why do you think they did not visit you?	Yes No No one to contact.....1 0 Refused to pay a bribe.....1 0 They live too far away.....1 0 They don't have the means....1 0 Don't know1 0 Other (specify).....	

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Study on the Socioeconomic Consequences of Pretrial Detention_Final July 20 2011

Q3.8	Has your family suffered financially because of your detention?	Yes..... 1 No..... 2 Don't Know..... 3	Yes go to Q3.9 No/Don't know go to 3.12																											
Q3.9	What expenses have you or/and family incurred as a result of your detention?	<table border="1"> <thead> <tr> <th>Expenses</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>1. Transport to / from prison by family members</td> <td></td> </tr> <tr> <td>2. Provide food to detainee</td> <td></td> </tr> <tr> <td>3. Provide clothing for detainee</td> <td></td> </tr> <tr> <td>4. Provide medical care for detainee</td> <td></td> </tr> <tr> <td>5. Payment of bribes to state officials</td> <td></td> </tr> <tr> <td>6. Payment for legal advice</td> <td></td> </tr> <tr> <td>7. Items/cash confiscated on your arrest</td> <td></td> </tr> <tr> <td>8. Don't Know....</td> <td></td> </tr> <tr> <td>9. Other:</td> <td></td> </tr> </tbody> </table>		Expenses	Amount	1. Transport to / from prison by family members		2. Provide food to detainee		3. Provide clothing for detainee		4. Provide medical care for detainee		5. Payment of bribes to state officials		6. Payment for legal advice		7. Items/cash confiscated on your arrest		8. Don't Know....		9. Other:								
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Q3.10	What economic impact have the expenses in Q3.9 had on your family / household?	Had to sell household goods.....1 Spouse had to give up work.....2 Child(ren) had to give up school.....3 Child(ren) had to work to replace lost income.....4 Family had to move house / location.....5 Family has fallen into debt.....6 Family has less food.....7 Don't know8 Other (specify).....9																												
Q3.11	What has been the social impact of your arrest on your family?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>1. Spouse left you.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Family suffered from stigma.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Separation of children from family.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Children suffered from stigma.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>5. Children's behaviour suffered.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>6. Sexual harassment of your spouse.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>7. Don't know.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>8. Other (specify)</td> <td></td> <td></td> </tr> </tbody> </table>			Yes	No	1. Spouse left you.....	1	0	2. Family suffered from stigma.....	1	0	3. Separation of children from family.....	1	0	4. Children suffered from stigma.....	1	0	5. Children's behaviour suffered.....	1	0	6. Sexual harassment of your spouse.....	1	0	7. Don't know.....	1	0	8. Other (specify)		
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Q3.12	Have you been assaulted / tortured / physically hurt by a state official since you were arrested?	Yes..... 1 No..... 2	Yes, Go to Q3.13 No, Go to Q3.17																											
Q3.13	If Yes, what was the consequence of the assault/torture?	Permanent physical injury.....1 Long term physical disability.....2 Mental distress.....3 Don't know.....4 Other (specify).....																												
Q3.14	What was the reason for the assault / torture?	To extract a confession...1 To punish.....2 Don't know.....3 Other.....4																												

Q3.15	Have you been assaulted by a fellow detainee / prisoner since you were arrested?	Yes..... 1 No..... 2	Yes, Go to Q3.16 No, Go to Q3.17																								
Q3.16	If Yes, on how many separate occasions?	/ / / / /																									
Q3.17	Were you ill at the time of your arrest?	Yes..... 1 No..... 2	Yes, Go to Q3.18 No, Go to Q3.19																								
Q3.18	If YES, do you know the nature of your illness at the time of your arrest?	Yes, I know the nature of my illness.....1 No, can't tell.....2																									
Q3.19	Have you fallen ill since you have been arrested?	Yes..... 1 No..... 2	Yes, Go to Q3.20 No, Go to Q3.21																								
Q3.20	If YES, what is the nature of your illness?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>1. Malnutrition.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Diarrhea disease.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Skin disease,</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Malaria,</td> <td>1</td> <td>0</td> </tr> <tr> <td>5. TB.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>6. Don't know.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>7. Other (Specify).....</td> <td></td> <td></td> </tr> </tbody> </table>			Yes	No	1. Malnutrition.....	1	0	2. Diarrhea disease.....	1	0	3. Skin disease,	1	0	4. Malaria,	1	0	5. TB.....	1	0	6. Don't know.....	1	0	7. Other (Specify).....		
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Q3.21	Have you received any medical service from a professional medical practitioner since you've been arrested?	Yes..... 1 No..... 2	Yes, Go to Q3.22 No, Go to Q3.23																								
Q3.22	If YES, what kind of medical services – specify?	<table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>1. Given medication from pharmacy.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>2. Saw a doctor in the prison.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>3. Saw a nurse in the prison.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>4. Went to hospital outside prison.....</td> <td>1</td> <td>0</td> </tr> <tr> <td>5. Other (specify)</td> <td></td> <td></td> </tr> </tbody> </table>			Yes	No	1. Given medication from pharmacy.....	1	0	2. Saw a doctor in the prison.....	1	0	3. Saw a nurse in the prison.....	1	0	4. Went to hospital outside prison.....	1	0	5. Other (specify)								
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Q3.23	*** Are you willing for our research team to contact and speak with your family? ***	Yes..... 1 No..... 2	Yes, Go to Appendix B No, Stop Interview																								

Verification – To be filled after the interview

V00	Date of the Interview	/ / / / / / / /
V01	Name of Enumerator(s)	_____
V02	Name of Supervisor	_____
V03	Name of Data Clerk [Not filled by the Enumerator]	_____
V04	Result of the Interview	1. Finished 2. Not finished

GENERAL COMMENTS/OBSERVATIONS

Please note in particular:

- Any costs or losses the *interviewee* (the detainee) has incurred as a result of his arrest and detention which have not been recorded in the above survey instrument.
- Any costs or losses the interviewee claims his *family / household members* have incurred as a result of the interviewee's arrest and detention which have not been recorded in the above survey instrument.
- The conditions of the prison where the interviewee is held and that of the cell the interviewee generally occupies.
- Whether pretrial detainees at the prison where the interview took place are kept separately from sentenced prisoners.

FAMILY MEMBER DETAILS

F00	Name of the family member?	_____
F01	Name of the Head of Family?	_____
F02	Location of the family member?	Town: District: Village: House Number:
F03	Reference Point / Description of the place?	
F04	Telephone number of the family member?	1. _____ 2. _____
F05	Other information on how family members can be reached?	
F06	Is your family member likely to visit you in these coming days?	Yes.....1 No.....2
F07	When are they coming?	Yes No Monday.....1 0 Tuesday.....1 0 Wednesday.....1 0 Thursday.....1 0 Friday.....1 0 Saturday.....1 0 Sunday.....1 0

STUDY ON THE SOCIOECONOMIC IMPACT OF PRETRIAL DETENTION

QUESTIONNAIRE FOR FAMILY MEMBERS

INTRODUCTION & CONSENT FORM

Hi, my name is _____ and I work for _____

I am working as part of a team comprised of CHRI, CHURCIL and CHRAJ Ghana in collaboration with UNDP and the Open Society Justice Initiative to study the 'Socioeconomic Consequences of Pretrial Detention'. The primary aim is to analyze two key questions:

- 'Who is in pretrial detention' and
- 'What are the socioeconomic impacts of pretrial detention for detainees' families and communities'?

This study builds on a global report 'The Socioeconomic Impact of Pretrial Detention' and aims to gather country specific information in Ghana. It is a short pilot study and does not aim to provide a comprehensive analysis of the entire criminal justice system.

The interview will last for _____ minutes.

NOTE: Your answers and comments will remain completely anonymous. That is, we will not reveal your name to anyone and our study will not identify you in any way.

Signature of Enumerator: _____ Date: _____

The Interviewee accepts to be interviewed ... 1 → Start Interview

The Interviewee refuses to be interviewed ... 2 → Thank him / her and go

No	QUESTIONS	Codes	Skip
ID	Questionnaire No	
Section 1. DEMOGRAPHIC & PERSONAL BACKGROUND			
Q1.1	Sex	Male1 Female.....2	
Q1.2	How old are you? (years)	/ / / / /	
Q1.3	Do you have any children?	Yes..... 1 No..... 2	Yes go to Q1.4 No go to Q1.6
Q1.4	If YES how many?	/ / / /	
Q1.5	Their ages:	1. Children between [0-5] / / / / 2. Children between [6-10] / / / / 3. Children between [11-15] / / / / 4. Children between [16-20] / / / / 5. Children over 20 : / / / /	
Q1.6	How are you related to detainee?	Spouse1 Parent2 Child 3 Sibling4 Grandparent5 Aunt / Uncle6 Niece / Nephew7 Other (Specify).....	
Section 2. CRIMINAL JUSTICE PROCESS			
Q2.1	How did you learn about the arrest of your relative?	Telephone call from arrestee.....1 Telephone call from police.....2 Telephone call from prison official3 Telephone call from someone else4 Oral Message5 Other (Specify).....6	
Q2.2	How long after the arrest did you hear about it?	1. Hours / / / / 2. Days / / / / 3. Weeks / / / / 4. Months / / / / 5. Years / / / /	
Q2.3	What information were you given?	Location of arrestee.....1 Reason for arrest 2 When you could visit the arrestee3 Opportunity to stand as surety4 Told that you would be required to pay a bribe5 Other (Specify).....	
Q2.4	Did you face challenges contacting your family member?	Yes.....1 No.....2	Yes, Go to Q2.5 No, Go to Q3.1
Q2.5	If YES what challenges did you face contacting your family member?	Refused to pay a bribe..... 1 No means to contact them..... 2 Other (Specify).....	

Section 3. IMPACT / CONSEQUENCES OF DETENTION																								
Q3.1	Was your family member (the one who was arrested) earning some form of income at time of arrest?	Yes..... 1 No..... 2	Yes, Go to Q3.2 No, Go to Q3.3																					
Q3.2	If YES by which means?	Formal employment..... 1 Informal employment..... 2 Self-employed..... 3 Other (specify)..... 4																						
Q3.2.1	Were other members of the family reliant on the detainee's earnings?	Yes..... 1 No..... 2	Yes, Go to Q3.2.2 No, Go to Q3.3																					
Q3.2.2	If YES, who and how many persons per category?	<table border="1"> <thead> <tr> <th>Category</th> <th>No. of people</th> </tr> </thead> <tbody> <tr><td>1. Children</td><td></td></tr> <tr><td>2. Spouse(s)</td><td></td></tr> <tr><td>3. Parents</td><td></td></tr> <tr><td>4. Relatives' children</td><td></td></tr> <tr><td>5. Other</td><td></td></tr> </tbody> </table>	Category	No. of people	1. Children		2. Spouse(s)		3. Parents		4. Relatives' children		5. Other											
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GENERAL COMMENTS/OBSERVATIONS (attach additional sheets if necessary)

Please explore further using the answers in the questionnaire as a basis.

For example if the family had to sell something— what had they previously used that item for, what are they doing now that they no longer have that item, how does this impact on their family / on the wider community.

Or if the children have been separated – how has this affected their behavior, relationships, schooling etc.

Where possible note down word-for-word interesting quotes.

Around the world, excessive pretrial detention prods people toward poverty. It pushes working class people toward unemployment, uncertainty, and homelessness. It tips those on the edge of privation into poverty and plunges the already poor into even worse destitution. It limits the development of whole communities, wastes human potential, and misdirects state resources.

For the first time, the costs of excessive pretrial detention in Ghana have been tallied, and the results are staggering: lost employment, hunger, debt, divorce, and other outcomes. Based on interviews with scores of pretrial detainees and their families, this report documents in gritty detail the disastrous effects of excessive pretrial detention. *The Socioeconomic Impact of Pretrial Detention in Ghana* combines statistics, data analysis, and first-hand accounts to show precisely how damaging excessive pretrial detention is—and who pays the costs.