



# OFFICE OF PARLIAMENT

Hon. Francis-Xavier Kojo Sosu (Esq)  
MP, Madina Constituency



Office of Parliament  
Parliament House  
Room No. F2T 02E 019  
Osu, Accra, Ghana

Your Ref.....

My Ref.....

## MEMO

**TO:** THE CLERK TO PARLIAMENT

**FROM:** THE HONOURABLE MEMBER FOR MADINA  
(HON. FRANCIS-XAVIER KOJO SOSU)

**SUBJECT:** INTRODUCTION OF NATIONAL HEALTH INSURANCE  
(AMENDMENT) BILL 2022 TO PROVIDE FOR COVERAGE  
FOR COST OF ISSUANCE OF MEDICAL FORMS TO  
VICTIMS OF SEXUAL VIOLATION AND DOMESTIC  
VIOLENCE

**DATE:** 7<sup>TH</sup> SEPTEMBER 2022

Sir, I wish to request the Legislative Drafting Office to draft for subsequent submission to the Speaker Bill to amend Section 34 of the National Health Insurance Act 2012 (Act 852) to provide for coverage of the cost of issuing medical forms by Doctors who examine victims of sexual violation and Domestic Violence and to criminalization the conduct of Doctors who refuse treatment and issuance of medical form for purpose of prosecution to such victims who hold valid NHIS card.

Please find attached my proposal for the said Bill.

Submitted please

  
Hon. Francis-Xavier Sosu (Esq)  
MP, Madina Constituency

## PROPOSED AMENDMENTS OF NATIONAL HEALTH INSURANCE ACT, 2012 (ACT 852)

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### Background

Over the years, various reports from the Domestic Violence and Victim support Unit (DOVVSU) of the Ghana Police Service indicates that families whose children have suffered acts of sexual violence often find it difficult to pay the money and logistical constraints in going through the legal process, as rape and sexual assault cases often occur in deprived areas where parents cannot bear the costs to initiate a legal process on behalf of their children.

According to the UN children's agency, UNICEF, at least 120 million girls under the age of 20 — about 1 in 10 – have been forced to engage in sex or perform other sexual acts. Also, a UNICEF report on funding services for children and women victims of sexual and Gender-based violence 2021, estimates that, a victim of Gender-based violence pays an average cost of GHS900 on services such as medical examination and treatment, procurement of the Police medical form and transport to court for themselves and at times for other service providers.

Statistics from the Accra Regional Office of DOVVSU shows that, as at August 2020, 31.9% of Ghanaian women had faced at least one form of domestic violence – physical, economic, psychological, social or sexual; with over 38% of girls aged 15-19 years, reported having experienced at least one act of sexual violence compared to 18.8% of women aged 50 – 60 years. Further statistics available at DOVVSU of the Ghana Police Service indicates that in 2017, Ghana recorded a total of 790 cases of defilement as against 307 rape cases. In 2018, the Ghana Police Service recorded 1889 and 580 cases of child sexual abuse and rape. In 2019, the Ghana Police Service reported having managed 1720 cases of child sexual abuse (defilement) and 504 cases of rape. In 2020, 1047 girls were defiled, while 305 women were raped. This shows that an average of 1362 defilement cases were recorded between 2017 and 2020, as against 424 cases of rape.

The Ghana Medical Association (GMA) asserts that doctors charge up to about \$125 to fill out police medical forms and about \$300 for giving a medical opinion for legal purposes. This medical fee depending on the nature of case, has become a 'thorn in the flesh' of families who against all odds of societal pressure, community, and traditional values, take the step to report such cases in pursuit of justice for their children who have suffered damages and trauma from such criminal acts.

In spite of the above, an analysis of police crime statistics by the African Institute for Crime, Policy and Governance Research has revealed low rates of criminal prosecution in Ghana, showing that between 2012 and 2019, with the exception of 2015, less than 20% of criminal cases were prosecuted in any given year. Over the 8-year period, 2019 recorded the lowest prosecution rate of 11%. Also, of the cases prosecuted, not more than 40% were disposed by the courts in a given year.

According to International Needs Ghana, a non-governmental human rights organisation, the trauma of reporting rape or assault, coupled with having to pay huge amounts of money to complete medical processes to initiate prosecution means that victims and their families give up easily. As a result of the expenses and other factors related to gender and culture, close to 55% of cases involving children continue to be reported through traditional systems such as chiefs, and heads of families, with only 38 % referred through the formal justice system.

The cost of accessing justice in cases of rape and defilement remains a burden on victims leading to the abandonment of pursuing such cases. Payment of 'medical endorsement or examination fees demanded at medical facilities, is one of the key barriers identified by stakeholders in Ghana and families of victims who have been defiled, raped, or suffered any form of sexual and gender-based violence.

The medical endorsement is an extracted medical examination report signed by a certified medical practitioner on the Police medical forms,

confirming defilement or rape and the extent of damage suffered by a victim from the act, and it is a key component in the prosecution evidence.

However, despite the above and the existence of the Domestic Violence Act, the reality is in contradiction of the Domestic Violence Act, 2007, which makes provision for establishment of a "Support Fund" and Act 732 Section 8 stipulates that, "Police assistance to victims of Sexual and Gender Based Violence (SGBV) consist of issuing a medical form to the victim and where necessary sending the victim to a medical facility, a victim is entitled to free medical treatment from state once issued with medical form from the Police".

The responsibility, therefore, lies squarely on the Ministry of Gender Children and Social Protection, to trigger the implementation of the Support Fund in line with Act 736 of the Domestic Violence law to ensure that victims do not suffer undue disadvantage in addition to the trauma suffered already.

**NATIONAL HEALTH INSURANCE (AMENDMENT) BILL 2022**  
**PROPOSED CLAUSES FOR YOUR CONSIDERATION**

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CLAUSE 1 – Proposes Amendment to Section 34 of Act 852 to provide a Health Insurance Coverage for issuance of Medical Forms in cases of sexual violations and domestic violence

The object of the proposal is to ensure that victims of sexual offences such as rape and defilement as well as victims of domestic violence would not only receive free treatment but that the cost of issuing Medical Forms for the purposes of Police Investigation and prosecution shall be also covered by a valid NHIS Card.

**Currently Section 34 of Act 852 provides for Service list and service tariff as follows:**

(1) The Authority shall in collaboration with Health Care providers develop a National Health Insurance Scheme Service List and Service Tariff for use within the Scheme.

(2) The Authority shall review the National Health Insurance Scheme Service List and Service Tariff each year in consultation with the healthcare providers and with the approval of the Minister.

(3) The Authority, in the review of the National Health Insurance Scheme Service List and Service Tariff, may add or delete diagnoses, procedures and examinations, their classification and grouping and review of their prices.

PROPOSAL FOR AMENDMENT OF Section 34 to include:

#### **CLAUSE 1**

**The cost of issuing Medical Forms to victims of sexual violations and domestic violence shall be included in the National Health Insurance Service List agreed to by the Authority in collaboration with Health Care providers under Section 34 (1).**

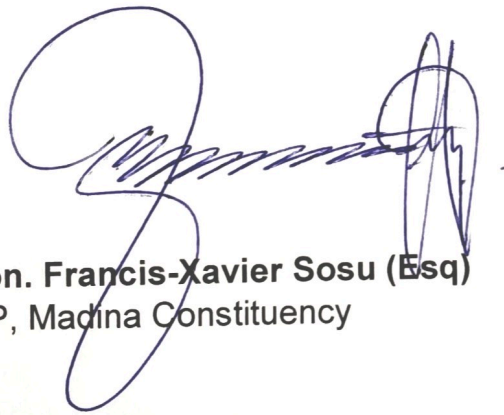
#### **CLAUSE 2**

**A medical doctor who wilfully and without any justifiable reason, proof of which shall be on him, violates Clause 1 above, shall be liable on summary conviction to a fine.**

## CONCLUSION

In view of the above, it is obvious that the cost-prohibitive medical exams end up silencing victims. As a result, there is clearly the need for the root cause that gives rise to the measure as stipulated in the Domestic Violence Law to be halted, in order for victims of sexual assault affirm their right to be heard in court — a right that ensures that their fairly treated by the state, and also to be protect them under the law. This memorandum therefore seeks to propose a new amendment or law that will be very clear that every child or female or person violated under the law will be entitled to free medical care and free Medical Form once they are holders of valid NHIS Cards.

This law would help reinforce and complement existing laws and several other major international conventions and protocols that Ghana has ratified related to sexual crimes, such as the Convention on the Elimination of all Forms of Discrimination against Women, along with related juvenile justice and human trafficking acts.

A handwritten signature in blue ink, appearing to read 'Francis-Xavier Sosu', is written over the typed name and title below.

**Hon. Francis-Xavier Sosu (Esq)**  
MP, Madina Constituency