

# GHANA 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Ghana is a constitutional democracy with a strong presidency and a unicameral 275-seat parliament. Presidential and parliamentary elections conducted in 2016 were peaceful, and domestic and international observers assessed them to be transparent, inclusive, and credible.

The police, under the Ministry of the Interior, are responsible for maintaining law and order, but the military continued to participate in law enforcement activities in a support role, such as by protecting critical infrastructure. A separate entity, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the Ministry of National Security. Civilian authorities generally maintained effective control over the security forces.

Significant human rights issues included: arbitrary or unlawful killings by the government or its agents; harsh and life-threatening prison conditions; violence against journalists including assaults, death threats and one journalist shot and killed; censorship of a free press including arrests and the closure of two radio stations for ostensible licensing irregularities; corruption in all branches of government; crimes of violence against women and girls, to which government negligence significantly contributed; infanticide of children with disabilities; criminalization of same-sex sexual conduct, although rarely enforced; and forced child labor.

The government took some steps to address corruption and abuse by officials, whether in the security forces or elsewhere in the government. This included the passage and signing into law in May of the Right to Information Bill that seeks to improve governmental accountability and transparency. Impunity remained a problem, however.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were a few reports that the government or its agents committed arbitrary or unlawful killings. In some cases authorities claimed the victims were suspected robbers.

In January the Ghana Police Service (GPS) shot and killed a 25-year-old suspected armed robber while he attempted to flee. While law enforcement officials stated the suspect committed the crime, the suspect's family believed police killed him in a case of mistaken identity.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

While the constitution and law prohibit such practices, there were credible reports police beat and otherwise abused detained suspects and other citizens. Victims were often reluctant to file formal complaints. Police generally denied allegations or claimed the level of force used was justified. By September the Police Professional Standards Bureau (PPSB) had received 77 cases of police brutality and investigated 14 of those reports.

In July prosecutors charged a police officer with assault for allegedly beating a customer on the premises of a bank while she was trying to withdraw her money. Authorities initially suspended the police officer while an investigation took place, but then dismissed the case. Media reports speculated that the parties reached an out-of-court settlement involving compensation.

In February 2018 the United Nations reported that it had received a complaint of sexual exploitation and abuse against peacekeepers from Ghana deployed in the UN Mission in South Sudan. The United Nations investigated allegations that members of the unit were having sexual relations with women at one of the protection camps. Forty-six Ghanaian police officers were subsequently repatriated on administrative grounds. Ghanaian authorities continued to investigate.

### **Prison and Detention Center Conditions**

Prison conditions were generally harsh and sometimes life threatening due to overcrowding, inadequate sanitary conditions, lack of medical care, physical abuse, and food shortages.

Physical Conditions: The Prisons Public Relations Officer (PRO) reported in September that prison overcrowding reached more than 55 percent, with a population of 15,461 inmates compared to the 9,945-inmate total capacity of prisons nationwide. Although authorities sought to hold juveniles separately from adults, there were reports detainees younger than 18 were held with adults. Authorities held pretrial detainees in the same facilities as convicts but generally in separate cells, although due to overcrowding in convict blocks, Nsawam Prison held some convicts in blocks designated for pretrial detainees. The Ghana Prisons Service held women separately from men. No prison staff specifically focused on mental health, and officials did not routinely identify or offer treatment or other support to prisoners with mental disabilities.

In March the press reported a severe water shortage at the Koforidua Prison in the Eastern Region when assessing inmates' access to safe water as part of activities to mark World Water Day. Shortages left inmates unable to bathe and wash their clothes regularly, and reportedly led to skin infections among the inmates. The prison, built to accommodate 400 inmates, held 800. The one report of a prison operating below capacity was James Camp prison in Accra, a rehabilitation facility for low-risk male prisoners on the path to release to learn vocational skills such as in agriculture and handicrafts. Figures indicated that 250 out of 430 spaces were filled.

Although the government continued to reduce the population of individuals in pretrial detention, prison overcrowding remained a serious problem, with certain prisons holding approximately two to four times more inmates than designed capacity.

While prisoners had access to potable water, food was inadequate. Meals routinely lacked fruit, vegetables, or meat, forcing prisoners to rely on charitable donations and their families to supplement their diet. The PRO identified feeding of inmates as a key challenge.

The Ghana Prisons Service facilitated farming activities for inmates to supplement feeding. Officials held much of the prison population in buildings that were originally colonial forts or abandoned public or military buildings, that despite improvements had poor ventilation and sanitation, substandard construction, and inadequate space and light. The Ghana Prisons Service periodically fumigated and disinfected prisons. There were not enough toilets available for the number of prisoners, with as many as 100 prisoners sharing one toilet, and toilets often overflowed with excrement.

Medical assistants provided medical services, and they were overstretched and lacked basic equipment and medicine. At Nsawam a medical officer operated the health clinic. All prison infirmaries had a severely limited supply of medicine. All prisons were supplied with malaria test kits. Prisons did not provide dental care. Doctors visited prisons when required, and prison officials referred prisoners to local hospitals to address conditions prison medical personnel could not treat on-site, but the prisons often lacked ambulances to properly transport inmates off-site. To facilitate treatment at local facilities, the Ghana Prisons Service continued to register inmates in the National Health Insurance Scheme. The Ankaful Disease Camp Prison held prisoners with the most serious contagious diseases. Religious organizations, charities, private businesses, and citizens often provided services and materials, such as medicine and food, to the prisons.

Although persons with disabilities reported receiving medicine for chronic ailments and having access to recreational facilities and vocational education, a study released in 2016 found that prison facilities disadvantaged persons with disabilities, as they faced challenges accessing health care and recreational facilities.

While permitted under law, authorities inconsistently applied plea bargaining, and only for certain serious crimes, thus having minimal impact on more rapid adjudicating of cases and decongesting prisons.

Administration: There was no prison ombudsperson or comparable independent authority to respond to complaints; rather, each prison designated an officer-in-charge to receive and respond to complaints. In April 2018 a public relations officer from the Ghana Prisons Service wrote an opinion piece for an online newspaper, disputing claims inmates received food only once a day and were subjected to forced labor. The author, however, also called for bolstering resources for inmate meals and recognized overcrowding remained a serious difficulty.

Independent Monitoring: The government permitted independent monitoring of prison conditions. Local nongovernmental organizations (NGOs), which were independent of government influence, worked on behalf of prisoners and detainees to help alleviate overcrowding, monitor juvenile confinement, and improve pretrial detention, bail, and recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for their offenses and beyond the 48 hours legally authorized for detention without charge. Local news agencies also reported on prison conditions.

Improvements: The government tried one means to improve inmate conditions. Despite safety and security regulations forbidding outside food, the Ghana Prisons Service allowed food to be brought in due to severe resource limitations. The government recognized the severity of prison overcrowding. The NGO-led Justice for All program has the support of government and seeks to expedite judicial review for pretrial (remand) prisoners. Paralegals and civil society are heavily involved in the program. Civil society organizations estimated Kumasi Prison alone had more than 400 remand prisoners.

#### **d. Arbitrary Arrest or Detention**

The constitution and law provide for protection against arbitrary arrest and detention, but the government frequently disregarded these protections. The law also provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but lack of legal representation for detainees inhibited fulfillment of this right.

Police brutality, corruption, negligence, and impunity were problems. There were delays in prosecuting suspects, reports of police collaboration with criminals, and a widespread public perception of police ineptitude. Police often failed to respond to reports of abuses and, in many instances, did not act unless complainants paid for police transportation and other operating expenses.

#### **Arrest Procedures and Treatment of Detainees**

The law requires detainees be brought before a court within 48 hours of arrest in the absence of a judicial warrant, but authorities frequently detained individuals without charge or a valid arrest warrant for periods longer than 48 hours. Officials detained some prisoners for indefinite periods by renewing warrants or simply allowing them to lapse while an investigation took place. The constitution grants a detained individual the right to be informed immediately, in a language the person understands, of the reasons for detention and of his or her right to a lawyer. Most detainees, however, could not afford a lawyer. While the constitution grants the right to legal aid, the government often does not provide it. The government has set up a Legal Aid Commission that provides defense attorneys to those in need, but it is under-resourced. The government employed 19 full-time legal aid lawyers nationwide, who handled criminal and civil cases, and 45 paralegals, who handled civil matters. Defendants in criminal cases who could not afford a lawyer typically represented themselves. The law requires that any detainee not tried within a

“reasonable time,” as determined by the court, must be released either unconditionally or subject to conditions necessary to ensure the person’s appearance at a later court date. The definition of “reasonable time,” however, has never been legally determined or challenged in the courts. As a result, officials rarely observed this provision. The government sought to reduce the population of prisoners in pretrial detention by placing paralegals in some prisons to monitor and advise on the cases of pretrial detainees, assist with the drafting of appeals, and by directing judges to visit prisons to review and take action on pretrial detainee cases.

In December the Supreme Court issued a unanimous decision that police could not detain individuals for more than 48 hours without charging them or granting bail. The 48-hour period includes weekends, public holidays, and periods of civil unrest.

The law provides for bail, but courts often used their unlimited discretion to set bail at prohibitively high levels. In 2016 the Supreme Court struck down a portion of the law that denied bail to those accused of specific serious crimes, including murder, rape, and violations of the Narcotic Drugs Law.

Arbitrary Arrest: There were reports of arbitrary arrests by police. In August lesbian, gay, bisexual, transgender, and intersex (LGBTI) activists reported that police briefly detained a young gay man reporting a robbery because he mentioned that he was gay (see section 6).

Pretrial Detention: Lengthy pretrial detention remained a serious problem. Ghana Prisons Service statistics available in September 2018 indicated 1,944 prisoners, just under 13 percent of all prisoners, were in pretrial status. The government kept prisoners in extended pretrial detention due to police failing to investigate or follow up on cases, slow trial proceedings marked by frequent adjournments, detainees’ inability to meet bail conditions that were often set extremely high even for minor offenses, and inadequate legal representation for criminal defendants. The length of pretrial detention exceeded the maximum sentence for the alleged crime in numerous instances. Inadequate recordkeeping contributed to prisoners being held in egregiously excessive pretrial detention, some for up to 10 years. Judicial authorities, however, were implementing a case tracking system on a trial basis in four different regions. If successful, the system will track a case from initial arrest to remand custody in the prisons, to prosecution in the courts to incarceration or dismissal. The system is envisioned to be used by all judicial and law enforcement stakeholders, from police, public defenders, prosecutors, judge sand prisons, to NGOs, with the intention of increasing transparency and

accountability. Some commentators believed the tracking system could be used to press for release of remand prisoners held for lengthy periods.

In November Chief Justice Sophia Akuffo led a visit with key officials, including diplomatic chiefs of mission, to a prison in Ho, in the Volta Region. The visit coincided with an in-prison court hearing for remand prisoners, as the government implemented the Justice for All program.

#### **e. Denial of Fair Public Trial**

While the constitution and law provide for an independent judiciary, it was subject to unlawful influence and corruption. Judicial officials reportedly accepted bribes to expedite or postpone cases, “lose” records, or issue favorable rulings for the payer.

Following a 2015 report by an investigative journalist into corruption in the judiciary, the chief justice constituted a five-member committee headed by a Supreme Court judge to investigate the allegations, resulting in the dismissal later that year of 12 high court judges, 22 lower court judges, and 19 judicial service staff. In May 2018 the president suspended four additional high court judges who were implicated in the report. In December 2018 the president fired those four judges, three of whom had cases pending before the Economic Community of West Africa court. An administrative process of information-gathering was underway for eventual prosecution.

A judicial complaints unit within the Ministry of Justice headed by a retired Supreme Court justice addressed complaints from the public, such as unfair treatment by a court or judge, unlawful arrest or detention, missing trial dockets, delayed trials and rendering of judgments, and bribery of judges. The government generally respected court orders.

#### **Trial Procedures**

The constitution and law provide for the right to a fair hearing, and an independent judiciary generally enforced this right. Criminal hearings must be public unless the court orders them closed in the interest of public morality, public safety, public order, defense, welfare of persons younger than 18, protection of the private lives of persons concerned in the proceedings, and as necessary or expedient where publicity would prejudice the interests of justice.

Defendants are presumed innocent and have the right to be informed promptly and in detail of charges against them, with free assistance of an interpreter as necessary. Defendants have the right to a fair and public trial without undue delay, but trials were often delayed. Defendants have the right to be present at their trials, be represented by an attorney, have adequate time and facilities to prepare their defense, present witnesses and evidence, and confront prosecution or plaintiff witnesses. In his statement following his visit in April 2018, however, UN Special Rapporteur on Extreme Poverty and Human Rights Philip Alston wrote, “Ghana’s constitutional right to legal aid is meaningless in the great majority of cases because of a lack of resources and institutional will to introduce the needed far-reaching reforms.” Defendants have the right not to be compelled to testify or confess guilt, although generally defendants are expected to testify if the government presents sufficient preliminary evidence of guilt. Defendants have the right to appeal. Authorities generally respected these safeguards, and the law extends these rights to all citizens.

Military personnel are tried separately under the criminal code in a military court. Military courts, which provide the same rights as civilian courts, are not permitted to try civilians.

Village and other traditional chiefs can mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. Their authority continued to erode, however, because of the growing power of civil institutions, including courts and district assemblies.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

The constitution states the Supreme Court is the final court of appeal. Defendants, however, may seek remedies for allegations of human rights violations at the Economic Community of West African States Court of Justice.



## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and there were no reports the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction.

Violence and Harassment: From January 2018 to May 2019, there were at least 11 cases of attacks on journalists. In March 2018 police assaulted a reporter who had visited the Criminal Investigations Department headquarters to report on the arrest of a political party official. The reporter sustained fractures to his skull. One year later, in March, the journalist's company, Multimedia Group Limited, filed a lawsuit against the inspector general of police and attorney general for 10 million Ghanaian cedis (\$1.9 million) in compensatory damages for the assault. Civil society organizations and law enforcement authorities worked to develop a media-police relations framework to address the increasingly contentious relationship between the entities.

In January unidentified gunmen shot and killed prominent undercover journalist Ahmed Hussein-Suale, following reports from 2018 that a member of parliament had publicly criticized Hussein-Suale and incited violence against him. Hussein-Suale's investigative crew had produced a film about corruption in the country's soccer leagues, which included involvement by officials, referees, and coaches. Police questioned the parliamentarian, and reports indicated that authorities arrested several persons and subsequently granted bail. The investigation continued at year's end.

Another investigative journalist received death threats following the release of his documentary that revealed the presence of a progovernment militia training on government property, despite the administration's assertions it did not endorse the

use of private security firms, and that the group mentioned in the documentary was a job recruitment agency, not a militia.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

In October police used water cannons and rubber bullets to stop protesting law students demanding reforms to the admissions process for the legal education system. Authorities reportedly arrested between 10 and 13 protesters and subsequently released them. The National Association of Law Students called on the Inspector General of Police (IGP) and the Commission on Human Rights and Administrative Justice (CHRAJ) to “thoroughly investigate this brutal attack.”

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. In a stated effort to curb human trafficking, however, the government in 2017 imposed a ban on labor recruitment to Gulf countries after increased reports of abuse endured by migrant workers. The ban continued during the year. Media investigations revealed some recruitment agencies continued their operations despite the ban.

### **e. Internally Displaced Persons**

Intermittent violent clashes between two factions over land in the Chereponi district displaced an estimated 2,000 residents, according to the National Disaster Management Organization (see section 6, Other Societal Violence or Discrimination). There were no other reports of internally displaced persons.

### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: Gender-based violence remained a problem. According to the Office of the UN High Commissioner for Refugees (UNHCR), as of the end of October, there were 25 incidents of sexual and gender-based violence (SGBV) reported from refugee camps. The government cooperated with UNHCR and other humanitarian offices in providing protection and assistance. For example, UNHCR worked with Department of Social Welfare personnel and Ghana Health Service psychosocial counselors to provide medical, psychosocial, security, and legal assistance where necessary in all the cases reported. Obstacles to holding perpetrators of SGBV accountable for acts conducted in the camps included ineffective access to civil and criminal legal counseling for victims; poor coordination among the Department of Social Welfare, the Legal Aid Commission, and police; and lack of representation for the alleged perpetrator and presumed survivors.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law allows rejected asylum seekers to appeal and remain in the country until an appeal is adjudicated. A four-member appeals committee, appointed by the minister of the interior, is responsible for adjudicating the appeals, but the process continued to be subject to delays.

There were reports of 287 residents of Burkina Faso (called Burkinabe), who fled insecurity, settling in Ghana's Upper West Region and registering as asylum-seekers in 2018. During the year, according to UNHCR, there were 1,955 new arrivals from Burkina Faso. Preliminary findings from an information-gathering mission conducted by UNHCR and the Ghana Refugee Board indicated these asylum-seekers also fled a deteriorating security situation in Burkina Faso. The government decided to conduct security checks of the Burkinabe before commencing the registration process. As of October the Ghana Refugee Board had not registered any of these Burkinabe.

News reports about the Burkinabe refugees were generally negative, particularly after police arrested a Burkinabe for possessing a loaded pistol in a Catholic church in the Upper West Region.

Employment: Refugees could apply for work permits through the same process as other foreigners; however, work permits were generally issued only for employment in the formal sector, while the majority of refugees worked in the informal sector.

Durable Solutions: In 2011 nearly 18,000 residents of Cote d'Ivoire fled to the country because of political instability following Cote d'Ivoire's disputed 2010 presidential election. As of August, UNHCR assisted in the voluntary repatriation of 351 Ivoirian refugees--a slow but steady increase the agency attributed to better assistance packages and better information provided to Ivoirians about the situation in their home country. Although the government granted Ivoirian refugees prima facie refugee status during the initial stages of the emergency, by the end of 2012, the government had transitioned to individual refugee status determination for all Ivoirians entering thereafter.

In November 2018 a group of Sudanese refugees camped outside the UNHCR office in Accra for a month and a half, calling for improved assistance related to health, shelter, food, and resettlement. The population is part of a protracted backlog of cases. A decision from the Ministry of Interior regarding possible integration as a durable solution remained pending.

In 2012 UNHCR and the International Organization for Migration assisted with the voluntary repatriation of more than 4,700 Liberians from the country. Approximately 3,700 Liberians opted for local integration. UNHCR and the Ghana Refugee Board continued to work with the Liberian government to issue the Liberians passports, enabling them to subsequently receive a Ghanaian residence and work permit. In 2018 the Liberian government issued 352 passports to this population; it issued no new passports during the year, with an estimated 200 Liberians awaiting documentation. UNHCR Ghana coordinated with its office in Liberia to expedite the process. The Ghana Immigration Service also supported the process by issuing reduced-cost residency permits, including work permits for adults, to locally integrating former Liberian refugees.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Parties and independent candidates campaigned openly and without undue restrictions in the period preceding the most recent national elections in 2016 for the executive and legislative branches. Participants ran largely peaceful campaigns, although there were reports of isolated instances of violence. Domestic and international observers assessed the elections to be transparent, inclusive and credible. Observers noted concerns over the misuse of incumbency and unequal access granted to state-owned media during the campaign, although the incumbent party still lost. There were some reports of postelection violence, including takeovers of government institutions by vigilante groups associated with the victorious New Patriotic Party (NPP).

In January violence between government security forces and alleged political vigilantes disrupted a by-election held to fill a parliamentary seat in the constituency of Ayawaso West Wuogon in Accra. Gunfire erupted near a polling station and the home of the opposition candidate, leaving 18 persons injured. The opposition candidate pulled out of the race on the day of the election in response to the incident, and the Electoral Commission (EC) subsequently announced that the NPP candidate had won the election. After the president called for a rapid inquiry into the matter, the government set up the Emile Short Commission of Inquiry to investigate the violence. In September the commission published its report online. The government agreed or partly agreed with approximately 40 percent of the recommendations. In September the president signed into law the Vigilantism and Related Offenses Act, which stipulates 10- to 15-year sentences for anyone convicted of soliciting or engaging in political vigilante activity.

The June 2018 ouster of the electoral commission chairperson and the president's subsequent filling of the EC with persons considered to be biased in favor of the ruling party raised questions about whether the body might be used to stifle voter registration in areas of opposition support. The EC's efforts to register voters and conduct a December 2018 referendum on new regions met with mixed reactions

and some allegations of malpractice. Technical challenges hampered the EC's limited voter registration campaign.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Women, however, held fewer leadership positions than men, and female political figures faced sexism, harassment, and threats of violence. Cultural and traditional factors limited women's participation in political life. Research organizations found that fear of insults, questions about physical safety, and overall negative societal attitudes toward female politicians hindered women from entering politics.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by government officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. Corruption was present in all branches of government, according to media and NGOs, and various reputable national and international surveys, such as the World Bank's Worldwide Governance Indicators and Afrobarometer, highlighted the prevalence of corruption in the country. In October Transparency International scored the country's defense sector as being at "very high risk" for corruption, attributed in part to the fact that, despite robust legal frameworks, opacity and lack of implementation of oversight tools weakened protections against corruption.

As of September the CHRAJ had undertaken investigations for 19 cases of corruption, and taken decisions on them for appropriate action.

Following months of advocacy by civil society groups, in March Parliament passed the Right to Information Bill, which had languished for 20 years. In May the president signed it into law, with implementation expected to begin in January 2020. The law is intended to foster more transparency and accountability in public affairs.

In December 2018 the country launched the National Anticorruption online Reporting Dashboard, an online reporting tool for the coordination of all anticorruption efforts of various bodies detailed in the *National Anticorruption Action Plan*. A total of 169 governmental and nongovernmental organizations have used it to report on various efforts to stem corruption in the country.

Corruption: Authorities suspended the CEO of the Public Procurement Authority in August after a report by an investigative journalist revealed that he awarded contracts to companies he owned or worked with. The president filed a petition with the CHRAJ, requesting it investigate possible breaches of conflict of interest by the CEO. The Office of the Special Prosecutor (OSP) also investigated.

According to the government's Economic and Organized Crime Office as well as Corruption Watch, a campaign steered by the Ghana Center for Democratic Development, the country lost 9.7 billion cedis (\$1.9 billion) to corruption between 2016 and 2018 in five controversial government contracts with private entities. In October deputy commissioner of the CHRAJ stated that 20 percent of the national budget and 30 percent of all procurement done by the state were lost to corruption annually.

There were credible reports police extorted money by acting as private debt collectors, setting up illegal checkpoints, and arresting citizens in exchange for bribes from disgruntled business associates of those detained. A study by the Ghana Integrity Initiative, conducted in 2016 and released in 2017, indicated that 61 percent of respondents had paid a bribe to police.

In 2017 the government established the OSP to investigate and prosecute corruption-related crimes. More than one year after being sworn into office the special prosecutor initiated some investigations but was criticized for lack of action. In the yearly budget the government allocated 180 million cedis (\$34.6 million) to the OSP, but only disbursed half. Lack of office space remained a serious constraint on staffing the OSP.

Financial Disclosure: The constitution's code of conduct for public officers establishes an income and asset declaration requirement for the head of state, ministers, cabinet members, members of parliament, and civil servants. All elected and some appointed public officials are required to make these declarations every four years and before leaving office. The CHRAJ commissioner has authority to investigate allegations of noncompliance with the law regarding asset declaration and take "such action as he considers appropriate." Financial disclosures remain confidential unless requested through a court order. Observers criticized the financial disclosure regulation, noting that infrequent filing requirements, exclusion of filing requirements for family members of public officials, lack of public transparency, and absence of consequences for noncompliance undermined its effectiveness.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to the views of such groups. The government actively engaged civil society and the United Nations in preparation for the country's third Universal Periodic Review in 2017.

Government Human Rights Bodies: The CHRAJ, which mediated and settled cases brought by individuals against government agencies or private companies, operated with no overt interference from the government; however, since it is itself a government institution, some critics questioned its ability independently to investigate high-level corruption. Its biggest obstacle was lack of adequate funding, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other governmental organizations and NGOs. As of October the CHRAJ had 111 offices across the country, with a total of 696 staff members. Public confidence in the CHRAJ was high, resulting in an increased workload for its staff.

The Office of the IGP and PPSB investigate claims of excessive force by security force members. The PPSB also investigates human rights abuses and police misconduct. As of September the CHRAJ had not received any reports of police beating detainees.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape of women but not spousal rape. Sexual assault on a male can be charged as indecent assault. Prison sentences for those convicted of rape range from five to 25 years, while indecent assault is a misdemeanor subject to a minimum term of imprisonment of six months. Rape and domestic violence remained serious problems.

In February traditional authorities in the Central Region punished a man who allegedly raped a woman. Under customary procedures, they fined him three sheep and six bottles of schnapps for having sex in a cemetery with her, to avert,



they said, a curse on the community and the suspect's family. Police later arrested the suspect under a formal rape charge, and he received bail while awaiting trial.

The Domestic Violence and Victim Support Unit (DOVVSU) of the Police Service worked closely with the Department of Social Welfare, the Domestic Violence Secretariat, the CHRAJ, the Legal Aid Commission, the Ark Foundation, UNICEF, the UN Population Fund (UNFPA), the national chapter of the International Federation of Women Lawyers, and several other human rights NGOs to address rape and domestic violence. Inadequate logistical capacity in the DOVVSU and other agencies, however, including the absence of private rooms to speak with victims, hindered the full application of the Domestic Violence Act. Pervasive cultural beliefs in female roles, as well as sociocultural norms and stereotypes, posed additional challenges to combatting domestic violence.

Unless specifically called upon by the DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills and shelter facilities to assist victims. Few of the cases wherein police identified and arrested suspects for rape or domestic abuse reached court or resulted in conviction due to witness unavailability, inadequate training on investigatory techniques, police prosecutor case mismanagement, and, according to the DOVVSU, lack of resources on the part of victims and their families to pursue cases. There was one NGO-operated designated shelter to which police could refer victims. In cases deemed less severe, victims were returned to their homes, otherwise, the DOVVSU contacted NGOs to identify temporary stays. Authorities reported officers occasionally had no alternative but to shelter victims in their own residences until other arrangements could be made.

The DOVVSU continued to teach a course on domestic violence case management for police officers assigned to the unit. It had one clinical psychologist to assist domestic violence victims. The DOVVSU tried to reach the public through various social media accounts. The DOVVSU also addressed rape through public education efforts on radio and in communities, participation in efforts to prevent child marriage and SGBV, expansion of its online data management system to select police divisional headquarters, and data management training.

In November DOVVSU commemorated the 20th anniversary of the unit's establishment through a four-day program of events and activities that emphasized their work to support victims and survivors of domestic violence. Key program participants and panelists included representatives from government institutions,

NGOs, and international organizations; and the Second Lady of Ghana Samira Bawumia delivered the keynote address.

Female Genital Mutilation/Cutting (FGM/C): Several laws include provisions prohibiting FGM/C. Although rarely performed on adult women, the practice remained a serious problem for girls younger than 18. Intervention programs were partially successful in reducing the prevalence of FGM/C, particularly in the northern regions. According to the Ministry of Gender, Children, and Social Protection, FGM/C was significantly higher in the Upper East Region with a prevalence rate of 27.8 percent, compared with the national rate of 3.8 percent. According to the Multiple Indicator Cluster Survey (MICS), women in rural areas were subjected to FGM/C three times more often than women in urban areas (3.6 percent compared with 1.2 percent).

For more information, see Appendix C.

Other Harmful Traditional Practices: The constitution prohibits practices that dehumanize or are injurious to the physical and mental well-being of a person. Media reported several killings and attempted killings for ritual purposes. In the Northern, North East, Upper East, and Upper West Regions, families or traditional authorities banished rural women and men suspected of “witchcraft” to “witch camps.” Such camps were distinct from “prayer camps,” to which families sometimes sent persons with mental illness to seek spiritual healing. Most of those accused of witchcraft were older women, often widows. Some persons suspected to be witches were also killed. According to an antiwitchcraft accusation coalition, there were six witch camps throughout the country, holding approximately 2,000-2,500 adult women and 1,000-1,200 children. One camp had seen its numbers go down significantly due to education, support, and reintegration services provided by the Presbyterian Church. According to officials, one other camp was closed following the successful reintegration of 37 women. The Ministry of Gender, Children, and Social Protection has the mandate to monitor witch camps but did not do so effectively.

The law criminalizes harmful mourning rites, but such rites continued, and authorities did not prosecute any perpetrators. In the North, especially in the Upper West and Upper East Regions, widows are required to undergo certain indigenous rites to mourn or show devotion for the deceased spouse. The most prevalent widowhood rites included a one-year period of mourning, tying ropes and padlocks around the widow’s waist or neck, forced sitting by the deceased spouse until burial, solitary confinement, forced starvation, shaving the widow’s

head, and smearing clay on the widow's body. In the Northern and Volta Regions along the border with Togo, wife inheritance, the practice of forcing a widow to marry a male relative of her deceased husband, continued.

Sexual Harassment: No law specifically prohibits sexual harassment, although authorities prosecuted some sexual harassment cases under provisions of the criminal code.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution and law provide for the same legal status and rights for women as for men under family, labor, property, nationality, and inheritance laws. While the government generally made efforts to enforce the law, predominantly male tribal leaders and chiefs are empowered to regulate land access and usage within their tribal areas. Within these areas, women were less likely than men to receive access rights to large plots of fertile land. Widows often faced expulsion from their homes by their deceased husband's relatives, and they often lacked the awareness or means to defend property rights in court.

## **Children**

Birth Registration: Citizenship is derived by birth in the country or outside if either of the child's parents or one grandparent is a citizen. Children unregistered at birth or without identification documents may be excluded from accessing education, health care, and social security. Although having a birth certificate is required to enroll in school, government contacts indicated that children would not be denied access to education on the basis of documentation. The country's 2016 automated birth registration system aims at enhancing the ease and reliability of registration. According to the MICS, birth registration increases with levels of education and wealth and is more prevalent in urban centers than in rural areas.

For additional information, see Appendix C.

Education: The constitution provides for tuition-free, compulsory, and universal basic education for all children from kindergarten through junior high school. In September 2017 the government began phasing in a program to provide tuition-free enrollment in senior high school, beginning with first-year students. Girls in the northern regions and rural areas throughout the country were less likely to continue and complete their education due to the weak quality of educational

services, inability to pay expenses related to schooling, prioritization of boys' education over girls', security problems related to distance between home and school, lack of dormitory facilities, and inadequate sanitation and hygiene facilities.

Child Abuse: The law prohibits sex with a child younger than 16 with or without consent, incest, and sexual abuse of minors. There continued to be reports of male teachers sexually assaulting and harassing both female and male students. In July 2018 the Ghana Education Service fired four high school teachers in the Ashanti Region for sexually assaulting some students, although four other teachers in the same region were kept on the payroll but transferred to other schools. The DOVVSU's Central Regional Office in 2018 reported a 28 percent increase in reported cases of sexual abuse of girls younger than 16. According to the GPS, reports of adults participating in sexual relations with minors rose by almost 26 percent in 2017, with the highest number of cases reported in Greater Accra and Ashanti Regions. Physical abuse and corporal punishment of children were concerns. Local social workers rarely were able to effectively respond to and monitor cases of child abuse and neglect.

Media reported several cases of child abuse throughout the year. In January police arrested a woman for wounding her five-year-old stepson with a machete and allowing the wound to fester until his hand required amputation. A local NGO donated 5,000 cedis (\$1,000) to support the boy.

In August the press reported that a man appeared before court for having sexual relations with his daughter from age nine to 14. In September press reported that another nine-year-old girl, taken to different hospitals for her deteriorating health, had allegedly been sexually assaulted by her grandfather.

In February Child Rights International (CRI) noted a surge in child abuse cases in the country. CRI reported that the lack of proper documentation and presentation of issues of child abuse cases largely affected the outcomes of cases within the country's judicial system.

Early and Forced Marriage: The minimum legal age for marriage for both sexes is 18. The law makes forcing a child to marry punishable by a fine, one year's imprisonment, or both. Early and forced child marriage, while illegal, remained a problem, with 34 percent of girls living in the five northern regions of the country marrying before the age of 18. Through September the CHRAJ had received 18 cases of early or forced marriage. According to the MICS, child marriage is

highest in Northern, North East, Upper East, Savannah, and Volta regions; lowest in Greater Accra, Ashanti, and Ahafo regions.

In January the African Women Lawyers Association (AWLA) reported child marriage and gender-based violence against girls in schools were prevalent in the Kadjebi District in the Volta Region, with most cases of child marriage occurring in predominantly Muslim communities. AWLA recognized that child marriage occurred in all regions in the country.

The Child Marriage Unit of the Domestic Violence Secretariat of the Ministry of Gender, Children, and Social Protection continued to lead governmental efforts to combat child marriage. The ministry launched the first *National Strategic Framework on Ending Child Marriage in Ghana (2017-26)*. The framework prioritizes interventions focused on strengthening government capacity to address issues of neglect and abuse of children, girls' education, adolescent health, and girls' empowerment through skills development. The National Advisory Committee to End Child Marriage and the National Stakeholders Forum, with participation from key government and civil society stakeholders, provided strategic guidance and supported information sharing and learning on child marriage among partners in the country. The Child Marriage Unit also created a manual with fact sheets and frequently asked questions, distributing 6,000 copies throughout the country, and created social media accounts to try to reach wider audiences.

For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children. Authorities did not effectively enforce the law. The minimum age for consensual sex is 16, and participating in sexual activities with anyone under this age is punishable by imprisonment for seven to 25 years. The law criminalizes the use of a computer to publish, produce, procure, or possess child pornography, punishable by imprisonment for up to 10 years, a fine of up to 5,000 penalty units (60,000 cedis or \$11,500), or both.

Infanticide or Infanticide of Children with Disabilities: The law bans infanticide, but several NGOs reported that communities in the Upper East Region kill “spirit children” born with physical disabilities who are suspected of being possessed by evil spirits. Local and traditional government entities cooperated with NGOs to raise public awareness about causes and treatments for disabilities and to rescue children at risk of ritual killing.

**Displaced Children:** The migration of children to urban areas continued due to economic hardship in rural areas. Children often had to support themselves to survive, contributing to both child sexual exploitation and the school dropout rate. Girls were among the most vulnerable to commercial sexual exploitation while living on the streets.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish community has a few hundred members. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law explicitly prohibits discrimination against persons with disabilities and protects the rights of persons with disabilities' access to health services, information, communications, transportation, the judicial system, and other state services, but the government did not effectively enforce the law. The law provides that persons with disabilities have access to public spaces with "appropriate facilities that make the place accessible to and available for use by a person with disability," but inaccessibility to schools and public buildings continued to be a problem. Some children with disabilities attended specialized schools that focused on their needs, in particular schools for the deaf. As of November the government hired 80 persons with disabilities through the Nation Builders Corps, an initiative to address graduate unemployment. Overall, however, few adults with disabilities had employment opportunities in the formal sector.

In January the Ghana Federation of Disability Organizations reported that women with disabilities faced multifaceted discrimination in areas of reproductive health

care, and because of the mistreatment, they were unwilling in most cases to visit a health facility for medical care.

Persons with both mental and physical disabilities, including children, were frequently subjected to abuse and intolerance. Authorities did not regularly investigate and punish violence and abuses against persons with disabilities. Children with disabilities who lived at home were sometimes tied to trees or under market stalls and caned regularly; families reportedly killed some of them.

In February laborers rescued a two-and-half-year-old boy with cerebral palsy buried alive in an uncompleted building in a suburb of Cape Coast in the Central Region. Local residents believed his parents may have buried him because of his disability.

The Ghana Education Service, through its Special Education Unit, supported education for children who are deaf or hard of hearing or have vision disabilities through 14 national schools for deaf and blind students, in addition to one private school for them.

Thousands of persons with mental disabilities, including children as young as seven, were sent to spiritual healing centers known as “prayer camps,” where mental disability was often considered a “demonic affliction.” Some residents were chained for weeks in these environments, denied food for days, and physically assaulted. Officials took few steps to implement a 2012 law that provides for monitoring of prayer camps and bars involuntary or forced treatment. International donor funding helped support office space and some operations of the Mental Health Authority. The Ministry of Health discontinued data collection on persons with disabilities in 2011. Human Rights Watch reported in October 2018 that it found more than 140 persons with real or perceived mental health disabilities detained in unsanitary, congested conditions at a prayer camp. In December 2018 the Mental Health Authority released guidelines for traditional and faith-based healers as part of efforts to ensure that practitioners respect the rights of patients with mental disabilities.

In February at a political event the president said that “only those who are blind or deaf” would not be aware of the work done by the government. Following criticism from the Ghana Federation of Disability Organizations, he apologized “for any unintended slight from the ‘political metaphor.’” The president of the Ghana Blind Union said nevertheless such comments impeded efforts to end stigmatization of persons with disabilities.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law does not prohibit discrimination based on sexual orientation and gender identity. The law criminalizes the act of “unnatural carnal knowledge,” which is defined as “sexual intercourse with a person in an unnatural manner or with an animal.” The offense covers only persons engaged in same-sex male relationships and those in heterosexual relationships. There were no reports of adults prosecuted or convicted for consensual same-sex sexual conduct.

LGBTI persons faced widespread discrimination in education and employment. In June 2018, following his visit to the country in April, UN Special Rapporteur Alston noted that stigma and discrimination against LGBTI persons made it difficult for them to find work and become productive members of the community. According to a 2018 survey, approximately 60 percent of citizens “strongly disagree” or “disagree” that LGBTI persons deserve equal treatment with heterosexuals. As of September the CHRAJ had received 34 reports of discrimination based on sexual orientation or gender identity.

LGBTI persons also faced police harassment and extortion attempts. There were reports police were reluctant to investigate claims of assault or violence against LGBTI persons. While there were no reported cases of police or government violence against LGBTI persons during the year, stigma, intimidation, and the attitude of the police toward LGBTI persons were factors in preventing victims from reporting incidents of abuse. Gay men in prison were vulnerable to sexual and other physical abuse.

In August LGBTI activists reported police abuse involving a young gay man robbed en route to meet a person he met on a dating site. When the man reported the incident to police, they took him briefly into custody because he mentioned to them that he was gay. Amnesty International reported in 2018 that authorities conducted involuntary medical tests on two young men who were allegedly found having sex.

Some activists reported that police attitudes were slowly changing, with community members feeling more comfortable with certain police officers to whom they could turn for assistance, such as the IGP-appointed uniformed liaison officers. Activists also cited improved CHRAJ-supported activities, such as awareness raising via social media. As one example, the CHRAJ published



announcements about citizen rights and proper channels to report abuses on an LGBTI dating site. A leading human rights NGO held a legal education workshop for law enforcement for the first time in the conservative Northern Region.

A coalition of LGBTI-led organizations from throughout the country, officially registered in November 2018, held its first general assembly in September. Its objectives included building members' capacity, assisting with their access to resources and technical support, and fostering networking.

Activists working to promote LGBTI rights noted great difficulty in engaging officials on these issues because of the topic's social and political sensitivity. Speaker of Parliament Mike Oquaye said in October LGBTI persons should not be killed or abused, but rather should be handled medically or psychologically. Second Deputy Speaker of Parliament Alban Bagbin said in a radio interview in April 2018 that "Homosexuality is worse than [an] atomic bomb" and "there is no way we will accept it in (this) country." President Akufo-Addo delivered remarks in April 2018 at an evangelical gathering where he assured the audience, "This government has no plans to change the law on same-sex marriage." Media coverage regarding homosexuality and related topics was almost always negative.

In a September 27 radio program, an executive of the National Coalition for Proper Human Sexual Rights and Family Values asserted that the Comprehensive Sexuality Education program, developed by education authorities in partnership with the United Nations, had a "clear LGBT agenda," sparking an anti-LGBT backlash as religious leaders, both Christian and Muslim, vehemently voiced their opposition to the educational proposal. The issue prompted President Akufo-Addo to assure them that government would not introduce a policy that is "inappropriate."

### **HIV and AIDS Social Stigma**

Discrimination against persons with HIV/AIDS remained a problem. Fear of stigma surrounding the disease, as well as a fear that men getting tested would immediately be labeled as gay, continued to discourage persons from getting tested for HIV infection, and many of those who tested positive from seeking timely care. HIV-positive persons faced discrimination in employment and often were forced to leave their jobs or houses. As of September the CHRAJ received two cases of discrimination based on HIV status. The government and NGOs subsidized many centers that provided free HIV testing and treatment for citizens, although high

patient volume and the physical layout of many clinics often made it difficult for the centers to respect confidentiality.

A 2016 law penalizes discrimination against a person infected with or affected by HIV or AIDS by a fine of 100 to 500 penalty units (1,200 cedi to 6,000 cedis, or \$230 to \$1,150), imprisonment for 18 months to three years, or both. The law contains provisions that protect and promote the rights and freedoms of persons with HIV/AIDS and those suspected of having HIV/AIDS, including the right to health, education, insurance benefits, employment/work, privacy and confidentiality, nondisclosure of their HIV/AIDS status without consent, and the right to hold a public or political office.

In April the Ghana AIDS Commission (GAC) raised concerns about how high stigma and discrimination contribute to the rapid spread of HIV/AIDS in the country. GAC cited the Bono, Bono East, and Ahafo regions where, because of fear of stigma, sexually active persons did not use free HIV/AIDS voluntary counseling and testing to ascertain their status and help prevent the spread of the virus. GAC noted a growing population of female sex workers in the regions, and other experts reported that persons in rural areas mostly had unprotected sex.

### **Other Societal Violence or Discrimination**

Chieftaincy disputes, which frequently resulted from lack of a clear chain of succession, competing claims over land and other natural resources, and internal rivalries and feuds, continued to result in deaths, injuries, and destruction of property. According to the West Africa Center for Counter Extremism, chieftaincy disputes and ethnic violence were the largest sources of insecurity and instability in the country.

The 17-year-old contested leadership succession for the Dagbon traditional area, one of Ghana's most prominent and long-running chieftaincy disputes, was peacefully resolved in January.

Throughout the year disputes continued between Fulani herdsmen and landowners that at times led to violence. Clashes erupted intermittently between two factions over land in the Chereponi district, killing three persons and displacing almost 2,000 residents, according to the National Disaster Management Organization. Police and military deployed personnel to the township.

There were frequent reports of killings of suspected criminals in mob violence. Community members often saw such vigilantism as justified in light of the difficulties and constraints facing the police and judicial sectors. There were multiple reports police failed to prevent and respond to societal violence, in particular incidents of “mob justice.”

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The Ghana Labor Act provides for the right of workers--except for members of the armed forces, police, the Ghana Prisons Service, and other security and intelligence agency personnel--to form and join unions of their choice without previous authorization or excessive requirements. The law requires trade unions or employers' organizations to obtain a certificate of registration and be authorized by the chief labor officer, who is an appointed government official. Union leaders reported that fees for the annual renewal of trade union registration and collective bargaining certificates were exorbitant and possibly legally unenforceable.

The law provides for the right to conduct legal strikes but restricts that right for workers who provide “essential services.” Workers in export processing zones are not subject to these restrictions. The minister of employment and labor relations designated a list of essential services, which included many sectors that fell outside of the essential services definition set by the International Labor Organization (ILO). The list included services carried out by utility companies (water, electricity, etc.), ports and harbors, medical centers, and the Bank of Ghana. These workers have the right to bargain collectively. In these sectors parties to any labor disputes are required to resolve their differences within 72 hours. The right to strike can also be restricted for workers in private enterprises whose services are deemed essential to the survival of the enterprise by a union and an employer. A union may call a legal strike only if the parties fail to agree to refer the dispute to voluntary arbitration or if the dispute remains unresolved at the end of arbitration proceedings. Additionally, the Emergency Powers Act of 1994 grants authorities the power to suspend any law and prohibit public meetings and processions, but the act does not apply to labor disputes.

The Ghana Labor Act provides a framework for collective bargaining. A union must obtain a collective bargaining certificate from the chief labor officer in order to engage in collective bargaining on behalf of a class of workers. In cases where there are multiple unions in an enterprise, the majority or plurality union will

receive the certificate but must consult with or, where appropriate, invite other unions to participate in negotiations. The certificate holder generally includes representatives from the smaller unions. Workers in decision-making or managerial roles are not provided the right to collective bargaining under the Labor Act, but they may join unions and enter into labor negotiations with their employers.

The National Labor Commission is a government body with the mandate of ensuring employers and unions comply with labor law. It also serves as a forum for arbitration in labor disputes.

The law allows unions to conduct their activities without interference and provides reinstatement for workers dismissed under unfair pretenses. It protects trade union members and their officers against discrimination if they organize.

The government generally protected the right to form and join independent unions and to conduct legal strikes and bargain collectively, and workers exercised these rights. Although the Labor Act makes specified parties liable for violations, specific penalties are not set forth. An employer who resorts to an illegal lockout is required to pay the workers' wages. Some instances of subtle employer interference in union activities occurred. Many unions did not follow approved processes for dealing with disputes, reportedly due to the perceived unfair and one-sided application of the law against the unions. The process is often long and cumbersome, with employers generally taking action when unions threaten to withdraw their services or declare a strike. The National Labor Commission faced obstacles in enforcing applicable sanctions against both unions and employers, including limited ability to enforce its mandate and insufficient oversight.

Trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. No union completed the dispute resolution process involving arbitration, and there were numerous unsanctioned strikes during the year.

In March 2018 miners at a Tarkwa mine went on strike after their company announced that 2,150 workers would face retrenchment. The Ghana Mineworkers Union (GNWU) called for a series of sympathy strikes. The military used pepper spray and tear gas and fired warning shots to disperse strikers; some strikers were reportedly beaten, and one was hit by a bullet and hospitalized, according to the International Trade Union Confederation. The GNWU claimed that the retrenchments did not follow labor laws or the collective bargaining agreements

signed by the union and the mining company. The case was heard by the High Court in Accra, which did not rule in GNWU's favor; GNWU's appeal was pending at year's end.

In June 2018 workers at a pharmaceutical firm went on strike after the company locked them out for attempting to unionize. Workers wanted to create a union to address welfare concerns.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The penalties were insufficient to deter violations.

The government did not effectively enforce the law. The government increased the level of funding and staffing dedicated to combatting human trafficking but did not provide sufficient funding to fully enforce the law. In February the government's Human Trafficking Secretariat opened the first shelter for adult victims of trafficking.

There were reports of forced labor affecting both children and adults in the fishing sector, as well as forced child labor in informal mining, agriculture, domestic labor, portage, begging, herding, quarrying, and hawking (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The government did not prohibit all of the worst forms of child labor. The law sets the minimum employment age at 15, or 13 for light work unlikely to be harmful to a child or to affect the child's attendance at school. The law prohibits night work and certain types of hazardous labor for those younger than 18 and provides for fines and imprisonment for violators. The law allows for children age 15 and above to have an apprenticeship under which craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools.

Inspectors from the Ministry of Employment and Labor Relations were responsible for enforcing child labor regulations. The government, however, did not carry out these efforts, and penalties were not sufficient to deter violations.

The ILO, government representatives, the Trades Union Congress, media, international organizations, and NGOs continued efforts to increase institutional capacity to combat child labor.

The government continued to work closely with NGOs, labor unions, and the cocoa industry to eliminate the worst forms of child labor in the industry. Through these partnerships the government created several community projects, which promoted awareness-raising, monitoring, and livelihood improvement.

In February 2018 the government approved the *National Plan of Action Phase II on the Elimination of the Worst Forms of Child Labor (NPA2)*. The NPA2 aims to reduce the prevalence of the worst forms of child labor to 10 percent by 2021, and specifically targets the cocoa, fishing, and mining sectors.

Authorities did not enforce child labor laws effectively or consistently. Law enforcement officials, including judges, police, and labor officials, were sometimes unfamiliar with the provisions of the law that protected children.

Children as young as four were subjected to forced labor in the agriculture, fishing, and mining industries, including artisanal gold mines, and as domestic laborers, porters, hawkers, and quarry workers. One child protection and welfare NGO estimated traffickers subjected 100,000 children to forced child labor. NGOs estimate that almost one-half of trafficked children worked in the Volta Region where, in the fishing industry, they engaged in hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. The government does not legally recognize working underwater as a form of hazardous work. Officials from the Ministry of Fisheries and Aquaculture Development received training as part of a strategy to combat child labor and trafficking in the fisheries sector.

Child labor continued to be prevalent in artisanal mining (particularly illegal small-scale mining), fetching firewood, bricklaying, food service and cooking, and collecting fares. Children in small-scale mining reportedly crushed rocks, dug in deep pits, carried heavy loads, operated heavy machinery, sieved stones, and amalgamated gold with mercury.

Child labor was present in cocoa harvesting. Children engaged in cocoa harvesting often used sharp tools to clear land and collect cocoa pods, carried heavy loads, and were exposed to agrochemicals, including toxic pesticides. The government

did not legally recognize this type of work in agriculture, including in cocoa, as hazardous work for children.

Child laborers were often poorly paid and physically abused, and they received little or no health care. According to the MICS, one in every five children between the ages of five and 17 is engaged in hazardous working conditions, and there were no significant disparities between boys and girls.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The government did not effectively enforce prohibitions on discrimination. The law stipulates that an employer cannot discriminate against a person on the basis of several categories, including gender, race, ethnic origin, religion, social or economic status, or disability, whether that person is already employed or seeking employment. Discrimination in employment and occupation occurred with respect to women, persons with disabilities, HIV-positive persons, and LGBTI persons (see section 6). For example, reports indicated few companies were willing to offer reasonable accommodation to employees with disabilities. Many companies ignored or turned down such individuals who applied for jobs. Women in urban centers and those with skills and training encountered little overt bias, but resistance persisted to women entering nontraditional fields and accessing education.

#### **e. Acceptable Conditions of Work**

A national tripartite committee composed of representatives of the government, labor, and employers set a minimum wage. The minimum wage exceeds the government's poverty line. Many companies did not comply with the new law. The maximum workweek is 40 hours, with a break of at least 48 consecutive hours every seven days. Workers are entitled to at least 15 working days of leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. These provisions, however, did not apply to piece workers, domestic workers in private homes, or others working in the informal sector. The law does not prescribe overtime rates and does not prohibit excessive compulsory overtime.

The government sets industry-appropriate occupational safety and health regulations. By law workers can remove themselves from situations that endanger their health or safety without jeopardy to their employment. This legislation covers only workers in the formal sector, which employed approximately 10 percent of the labor force. In practice, few workers felt free to exercise this right.

The Ministry of Employment and Labor Relations was unable to enforce the wage law effectively. The government also did not effectively enforce health and safety regulations, which are set by a range of agencies in the various industries, including but not limited to the Food and Drugs Authority, Ghana Roads Safety Commission, and Inspectorate Division of the Minerals Commission. The law reportedly provided inadequate coverage to workers due to its fragmentation and limited scope. There was widespread violation of the minimum wage law in the formal economy across all sectors. The minimum wage law was not enforced in the informal sector. Legislation governing working hours applies to both formal and informal sectors. It was largely followed in the formal sector but widely flouted and not enforced in the informal sector.

The government did not employ sufficient labor inspectors to enforce compliance. Inspectors were poorly trained and did not respond to violations effectively. Inspectors did not impose sanctions and were unable to provide data as to how many violations they responded to during the year. In most cases inspectors gave advisory warnings to employers, with deadlines for taking corrective action. Penalties were insufficient to enforce compliance.

Approximately 90 percent of the working population was employed in the informal sector, according to the Ghana Statistical Service's *2015 Labor Force Report*, including small to medium-scale businesses such as producers, wholesale and retail traders, and service providers made up of contributing family workers, casual wagers, home-based workers, and street vendors. Most of these workers were self-employed.

Sixteen persons died in a mine explosion in January. Thirteen workers suffered electric shock and three were electrocuted when erecting a billboard that fell on a cable.

In March the High Court in Accra ordered a mining company to pay more than 9 million cedis (\$1.7 million) in damages in a case concerning the drowning of an



employee in 2015. The court found gross negligence on the part of the company for failing to meet health and safety standards.