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2021 Trafficking in Persons Report: Ghana

GHANA: Tier 2

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Ghana remained on Tier 2. These efforts included convicting more labor traffickers, opening a dedicated shelter for child trafficking victims, and increasing funding for victim services. The government trained law enforcement, judicial officials, community leaders, and service providers, and held numerous public awareness raising activities. However, the government did not meet the minimum standards in several key areas. The government did not prosecute or convict any alleged sex traffickers and identified fewer victims. A lack of adequate resources for law enforcement continued to hinder investigations and prosecutions, and shelter capacity remained insufficient. The government did not adequately address corruption in trafficking crimes, including alleged complicity from officials who facilitated trafficking, and it did not amend the anti-trafficking act regulations to remove the option of a fine in lieu of imprisonment in cases where the trafficker was a parent or guardian of the child victim.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and sentence convicted traffickers under the 2005 human trafficking law, including complicit officials, and apply significant prison terms as prescribed by law to those convicted. • Increase funding and resources for law enforcement to enable criminal investigations and victim identification. • Train law enforcement and judicial officials on how to identify, investigate, and prosecute trafficking cases under the 2005 human trafficking law. • Amend the 2015 implementing regulations for the 2005 human trafficking law to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. • End the ban on recruitment of Ghanaian workers to countries in the Gulf; implement the 2020 National Labor Migration Policy and ensure employers pay any recruitment fees; and investigate and prosecute recruitment agents suspected of participating in trafficking Ghanaian migrant workers. • Train law enforcement and service providers on the standard operating procedures to identify victims and refer them to services; implement the procedures in all regions. • Proactively screen for trafficking indicators among vulnerable populations—including Ghanaian women traveling abroad for domestic work, returning migrants, domestic and foreign workers on Chinese-operated fishing vessels, and Cuban medical professionals—and refer victims to services. • Train law enforcement on advanced investigative techniques in trafficking cases, including surveillance and evidence collection. • Increase cooperation between law enforcement and prosecutors on case development. • Improve data collection on law enforcement statistics and victim identification.

PROSECUTION

The government maintained anti-trafficking law enforcement efforts. The 2005 Human Trafficking Act, amended in 2009, criminalized sex trafficking and labor trafficking. The Human Trafficking Act prescribed penalties of a minimum of five years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. However, the 2015 regulations for this Act, which are non-discretionary and have the force of law, provided specific guidance on sentencing depending on the circumstances; in general, the term is not less than five years' imprisonment and not more than 25 years' imprisonment, but if a parent, guardian, or other person with parental responsibilities facilitates or engages in trafficking, they are liable to a fine, five to 10 years' imprisonment, or both. By allowing for a fine in lieu of imprisonment, these penalties were not commensurate with those for other serious crimes, such as rape.

Authorities investigated 87 trafficking cases, including 63 labor trafficking and 24 sex trafficking cases, in 2020, compared with investigating 137 cases in 2019. The government initiated prosecutions of 18 alleged labor traffickers and continued prosecutions of four alleged labor traffickers, compared with prosecutions of 37 defendants in 2019. Additionally, the government

prosecuted four defendants for exploitative child labor using the Children's Act of 1998, compared with five in 2019; in some cases, the government prosecuted trafficking cases under the Children's Act when there was insufficient evidence of trafficking. The courts convicted 13 labor traffickers in 2020, an increase compared with convictions of 10 traffickers in 2019. The government did not report prosecuting or convicting any alleged sex traffickers, compared with prosecutions of 15 defendants and convictions of three sex traffickers during the previous year. Of the 13 traffickers convicted, the courts sentenced nine traffickers between five years' and 18 years' imprisonment, which was in compliance with penalties prescribed under the 2005 human trafficking law. The courts sentenced one trafficker to 14 days' imprisonment and a 6,000 Ghanaian cedis (\$1,030) fine, fined one trafficker 3,600 cedis (\$620), and fined two defendants 240 cedis (\$41) for child labor violations. In 2019, the government initiated prosecutions of two defendants for operating a labor recruitment firm without a license; the government did not report if it continued the prosecutions in 2020.

The government did not report any investigations, prosecutions, or convictions of government officials allegedly complicit in human trafficking crimes; however, official corruption and complicity in trafficking remained concerns, inhibiting law enforcement action during the year. Observers alleged that traffickers operated with the support or acquiescence of law enforcement or justice officials, and that some government officials interfered in law enforcement proceedings. Although not explicitly reported as human trafficking, an international organization reported two cases of sexual exploitation and abuse with trafficking indicators from previous reporting periods involving Ghanaian peacekeepers deployed to the UN peacekeeping mission in South Sudan; the international organization substantiated the allegations and repatriated the individuals. The government initiated investigations of both cases, and in at least one case, dismissed the charges for lack of evidence after unsuccessful attempts to obtain witness testimony.

Government officials and NGOs reported the government did not provide sufficient resources, facilities, land and marine vehicles, or funds for operation to law enforcement for investigations of trafficking cases. This, combined with a lack of shelter facilities for identified victims in most regions, delayed investigations, operations to remove potential victims from exploitative situations, and prosecutions. Inadequate evidence collection, weak collaboration between prosecutors and police, and a lack of experienced state attorneys hampered prosecution of suspected traffickers. The government continued providing introductory anti-trafficking training for Ghana Police Service and Ghana Immigration Service (GIS) recruits. In collaboration with NGOs and foreign donors, the government trained 58 law enforcement officials on trafficking, investigative techniques, and victim support and conducted capacity building training for 97 justice officials and 55 staff members on gender-based violence and human trafficking.

PROTECTION

The government decreased victim identification efforts, but increased protection efforts, including victim services and shelter capacity. The government reported identifying and referring to care 391 trafficking victims in 2020, compared with identifying 611 victims in 2019. Additionally, NGOs identified 108 trafficking victims, compared with identifying 172 during the previous year. Of the total 499 victims, there were 454 victims of labor trafficking and 45 victims of sex trafficking, compared with 508 labor trafficking and 98 sex trafficking victims in 2019. Unlike the previous year, the majority of identified victims were children (417 child victims identified in 2020, compared with 200 child victims in 2019), and a majority were Ghanaian (442 Ghanaian victims identified in 2020, compared with 276 Ghanaians in 2019). Most of the 57 foreign national victims identified were Nigerian. Officials referred all 499 victims to government shelter services or NGOs for care.

The government had standard operating procedures (SOPs) to identify trafficking victims and refer them to services; however, officials did not consistently apply the SOPs, and NGOs reported that a lack of logistical resources sometimes hampered implementation. The government operated one shelter for adult female trafficking victims, which cared for 67 trafficking victims in 2020. The government, with an international organization's support, opened a dedicated shelter for child trafficking victims in August 2020, which cared for 27 children during the reporting period. A government-run shelter for victims of child abuse could also accommodate child trafficking victims. There were no shelters for adult male victims, and most men received short-term housing followed by reintegration support. Government services for women and children included shelter, medical care, needs assessments, psycho-social care, education and skills training, interpretation for foreign national victims, assistance obtaining identity documents, registration with the national health service, and assistance during legal proceedings. The government expended 450,000 cedis (\$77,450) for victim services and an additional 140,000 cedis (\$24,100) for shelter renovations and operations in 2020; this was an increase compared to expending 219,580 cedis (\$37,790) for victim care in 2019. Relying on private facilities operated by NGOs and faith-based organizations, the government referred most child trafficking victims to one of 11 privately operated shelters that provided or coordinated provision of services. However, overall shelter capacity for child trafficking victims remained insufficient. Foreign victims reportedly had the same access to care as domestic victims, and the government provided care and repatriation assistance to 37 foreign national victims. Foreign victims could seek temporary residency during legal proceedings and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest; officials reported no

victims sought temporary or permanent residency during the year. The government helped facilitate repatriations of 4,000 Ghanaian workers from Gulf states, including potential trafficking victims, and provided reintegration assistance. An international organization identified and assisted at least 48 Ghanaian trafficking victims exploited in the Middle East in 2020. The government trained more than 120 social workers, care providers, and shelter staff on topics ranging from trafficking indicators and trends, comprehensive screening, victim care, support for child victims, shelter management, and shelter security with support from NGOs and a foreign donor.

The government, in cooperation with NGOs, assisted victims who chose to participate in law enforcement proceedings against their traffickers, including funding for lodging, transportation, and psycho-social support. Victims could provide video or written testimony, and some courts had child-friendly spaces that allowed child victims to testify from a separate room via video. The government did not report how many victims, if any, participated in proceedings against their alleged traffickers in 2020, compared to 73 adults in 2019. Officials and NGOs reported that prolonged adjournments slowed prosecutions and impeded victims' participation. Ghanaian law allowed trafficking victims to obtain restitution, and in one case, the court awarded one victim 5,000 cedis (\$861). Victims could file civil suits against their traffickers; the government did not report whether any victims did so during the reporting period. There were no reports the government detained or otherwise penalized trafficking victims for unlawful acts traffickers compelled them to commit.

PREVENTION

The government modestly increased anti-trafficking prevention efforts. The Human Trafficking Management Board—the inter-ministerial committee mandated to administer the Human Trafficking Fund (HTF), advise the Ministry of Gender, Children and Social Protection (MOGCSP) on anti-trafficking policy, promote prevention efforts, and facilitate the protection and reintegration of trafficking victims—continued meeting quarterly. The government continued implementing the 2017-2021 National Plan of Action for the Elimination of Human Trafficking in Ghana (NPA). The government allocated 1 million cedis (\$172,120) to the HTF and 160,000 cedis (\$27,540) for the NPA's implementation, compared with allocating 1 million cedis (\$172,120) to the HTF and 181,510 cedis (\$31,240) to the NPA in 2019.

The government conducted trainings and public awareness-raising activities with a wide array of government officials, civil society stakeholders, and community leaders at the national, regional, district, and local levels, often in collaboration with NGOs and international organizations. This included sensitizing 600 residents in four fishing communities with documented cases of child trafficking on human trafficking and child labor, in coordination with a foreign donor. Community and district child protection committees supported and participated in NGO-led capacity building trainings. The government disseminated anti-trafficking educational materials, including posters, flyers, digital materials, radio ads, and documentaries, and commemorated World Day against Trafficking in Persons by conducting media outreach and engaging over 85 traditional leaders and stakeholders. In collaboration with an NGO and in fulfillment of a bilateral partnership, representatives of the enforcement and protection agencies responsible for addressing child trafficking met at least twice to improve coordination of anti-trafficking efforts. Local government authorities and community leaders in 54 communities in six regions continued to partner with an NGO to conduct community-level activities on child trafficking prevention, identification, and reintegration of child trafficking victims, and on increasing access to social and economic services. The government continued implementing a standardized trafficking data collection system in three regions with an international organization's support, and began expansion to two additional regions; however, the system was not widely used during the reporting period. The MOGCSP operated a hotline in English and six local languages for victims of abuse, although it did not report identifying any trafficking victims or initiating any trafficking investigations as a result. The government did not report if labor inspectors identified any trafficking victims or removed any children from exploitive labor situations. Insufficient funding, facilities, and transportation impeded inspectors' efforts, and pandemic-related travel restrictions further hampered their ability to conduct site visits. The government, with donor support, drafted a forced labor training manual for labor inspectors, which was not yet operational at the end of the reporting period.

The government regulated labor recruitment and required private employment agencies to register; it also provided pre-departure trainings to migrant workers, and the Ministry of Employment and Labor Relations and GIS screened for trafficking indicators. However, informal recruitment agencies continued to operate and facilitate recruitment through informal channels; an international organization reported informal agencies used predatory tactics, including high recruitment fees and false job advertising. The government continued its 2017 ban on labor migration to Gulf states; the policy restricted Ghanaians' access to safe and legal migration, subsequently increasing their vulnerability to trafficking. In the previous reporting period, observers noted registered and unregistered agents recruited Ghanaian workers and, with the assistance of some immigration officials, facilitated their travel out of the country without the required exit documents. The government continued negotiating labor agreements with Gulf states but did not implement its 2018 labor agreement with Qatar or 2019 agreement with the United Arab Emirates. The government adopted the 2020 National Labor Migration Policy and 2020-2024 policy implementation plan

strengthening protections for migrant workers; the policy included provisions on providing pre-departure trainings, building Ghanaian embassies' capacity to assist migrant workers abroad, prohibiting seizure of travel documents, and protecting foreign workers in Ghana. The government did not make efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training to its troops prior to their deployment as peacekeepers; although not explicitly reported as human trafficking, there were cases of alleged sexual exploitation with trafficking indicators by Ghanaian peacekeepers deployed to the UN peacekeeping mission in South Sudan in 2018.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ghana, and traffickers exploit victims from Ghana abroad. Traffickers exploit Ghanaian children in forced labor within the country in inland and coastal fishing, domestic service, street hawking, begging, portering, artisanal gold mining, quarrying, herding, and agriculture, especially cocoa. Donor-funded research focused on the fishing industry on Lake Volta indicated that more than half of the children working on and around the lake were born in other communities, and many of these children are victims of forced labor, not allowed to attend school, given inadequate housing and clothing, and controlled by fishermen through intimidation, violence, and limited access to food. Traffickers force boys as young as five years old to work in hazardous conditions, including deep diving, and many suffer waterborne infections. Girls perform work on shore, such as cooking, cleaning fish, and preparing fish for market, and are vulnerable to sexual abuse and forced marriage for the purpose of exploitation. A study of the prevalence of child trafficking in selected communities in the Volta and Central Regions indicated traffickers had subjected children from nearly one-third of the 1,621 households surveyed to forced labor, primarily in inland fishing and domestic work. Organized traffickers who target vulnerable parents and communities facilitate child trafficking in the fishing industry in Ghana and other West African countries. Relatives often send girls via intermediaries to work in harsh conditions in forced labor in domestic work. Children in northern regions of Ghana whose parents use intermediaries or relatives to send them to work in agriculture in the south during school breaks or the dry season are at increased risk for forced labor. Ghanaian children who do not have access to school or who can attend only intermittently due to limited space and the double-track school schedule are also at risk for sex and labor trafficking. Ghanaian girls and young women from northern regions move to urban centers throughout Ghana to seek work as porters, and traffickers sometimes exploit them in sex trafficking and forced labor. Traffickers subject Ghanaian girls, and to a lesser extent boys, to sex trafficking in urban areas and mining regions across Ghana. Traffickers subject children from West African countries to forced labor in Ghana in fishing and domestic servitude. Cuban medical professionals working in Ghana may have been forced to work by the Cuban government, and Chinese nationals are reportedly subjected to forced labor in the formal and informal mining sectors and in fishing. Observers allege Chinese-owned and operated industrial vessels flagged to Ghana, often through shell companies, exploit Ghanaian workers in forced labor; one organization documented cases of physical abuse, underpayment or nonpayment of wages, restricted medical care, and poor living conditions against Ghanaian men aboard these fleets. Traffickers exploit Ghanaian and Nigerian women and girls in sex trafficking in Ghana, including in mining regions, border towns, and commercial centers. Traffickers lure Nigerian women and girls to Ghana with the promise of good jobs and coerce them into commercial sex to pay exorbitant debts for transportation and lodging. Traffickers also exploit some Ghanaian and Nigerian labor migrants in commercial sex and demand more money for transit and document costs.

Traffickers exploit Ghanaian women and children in forced labor and sex trafficking in the Middle East, Europe, and other parts of West Africa. Fraudulent recruiters lure Ghanaian men to the Middle East under false pretenses, where traffickers subject them to forced labor and sex trafficking. Unscrupulous agents recruit Ghanaians seeking employment, transport them through North Africa, and exploit them in sex and labor trafficking in Europe and the Middle East. NGOs report traffickers use internet platforms to recruit Ghanaians seeking work overseas. In one research study, an international organization reported the majority of Ghanaian migrants recruited for employment in the Middle East are female domestic workers. Of the 113 returning Ghanaian domestic workers surveyed in the study, most reported the recruiters or intermediaries used informal recruitment procedures, and their contracts lacked worker protection provisions; some contracts were verbal, vague, or contained false information. Nearly all Ghanaian domestic workers were employed directly by families, rather than through a company, and most reported the work did not match the recruiters' descriptions; workers reported traffickers seized their passports and physically and sexually abused them. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, particularly Italy and Germany.

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