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U.S. Department of State

Ghana Country Report on Human Rights Practices for 1998

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GHANA

Ghana is a constitutional republic dominated by a strong presidency. Flight Lieutenant (ret.) Jerry John Rawlings has ruled the country for 17 years. He became the first President of the Fourth Republic following controversial elections in 1992. This ended 11 years of authoritarian rule under Rawlings and his Provisional National Defense Council (PNDC), which had seized power from an elected government in 1981. The opposition fully contested the 1996 presidential and parliamentary elections, which were described as peaceful, free, and transparent by domestic and international observers. President Rawlings was reelected with 57 percent of the popular vote. Rawlings' National Democratic Congress (NDC) party won 133 of the Parliament's 200 seats, just short of the two-thirds majority required to amend the Constitution. The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the Commission for Human Rights and Administrative Justice (CHRAJ). In reality this system of checks and balances is circumscribed by a parliament dominated by the President's party, a hesitant judicial service, and a system-wide lack of resources that hobbles the effectiveness of all three branches. The presence of a significant number of opposition parliamentarians has led to increased scrutiny of the Government's activities. In June in peaceful elections voters elected new district assembly representatives and, for the first time, unit committee members to complete the local government structure outlined in the Constitution. The judiciary appears subject to executive influence on occasion and lacks adequate resources.

Several security organizations report to various government departments. The police, under the jurisdiction of an eight-member Police Council, are responsible for maintaining law and order. A separate department, the Bureau of National Investigations (BNI), handles cases considered critical to state security and answers directly to the executive branch. Although the security apparatus is controlled by and responsive to the Government, monitoring, supervision, and education of the police in particular remain poor. Police committed some serious human rights abuses.

The economy suffered considerably in 1998 due in part to a prolonged power supply problem. A drought over the past few years culminated in record low water levels in the Volta Lake, diminishing the electricity generated by the Akosombo dam--the main power source. The economy remains dependent on agriculture, with about 41 percent of gross domestic product (GDP) and 60 percent of employment derived from this sector. Gold, cocoa, and timber are the traditional sources of export earnings, although cocoa production declined due to inadequate rainfall and mining continued to slow due to the fall in gold prices. Tourism is the third largest foreign exchange earner. Service sector growth outpaced both agriculture and industry. Overall the economy grew at a rate of 4.6 percent, down from 5.1 percent in 1997. Inflation fell from 20.8 percent in 1997 to 15 percent. Per capita GDP increased to approximately \$407.

The Government attempted to improve human rights practices, but problems remain in several areas. Police use of excessive force resulted in a number of extrajudicial killings as well as injuries. There were continued credible reports that members of the police beat prisoners and other citizens; arbitrarily arrested and detained persons; and infringed on citizens' rights to privacy. Prison conditions remained harsh, and prolonged pretrial detention remained a problem. Inadequate resources and a system vulnerable to political influence compromised the integrity of the overburdened judicial system. The Government sometimes infringed on citizens' privacy rights. The Government continued to pressure the media. In 1997 it resorted to a rarely used criminal libel law to prosecute three independent journalists. These trials were postponed repeatedly, and one of the cases was dropped when the defendant died. Three other independent journalists were jailed following legally flawed contempt-of-court cases, furthering the belief that the judiciary operates under the influence of the executive. The nongovernment press, nonetheless, continued its vigorous and outspoken criticism of various government policies. Traditional practices, including a localized form of slavery, still result in considerable discrimination against and abuse of women and children, with violence against women a particular problem. Violent clashes between Muslim sects persisted. In May a mob attacked a charismatic Christian church. Some ethnic groups complain of discrimination. Child labor is a problem in the informal sector. Vigilante justice also is a problem. During the year, legislation intended to provide additional protection to women and children came into effect.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings. However, poorly trained and ill-equipped police killed nine persons and injured six others in attempting to control crowds, quell riots, or make arrests. One person was beaten to death while in custody. The Government has acknowledged the need to improve the quality and professionalism of its police force; however, police continued to commit serious abuses. In April the Inspector General of Police (IGP) announced efforts to discourage the use of live ammunition in riot control, while not excluding its use in situations such as ethnic and tribal wars and other cases where it is deemed necessary.

On May 1, in Accra a police officer fatally shot a 21-year-old armed robbery suspect while trying to arrest him. A squad of police officers arrived at the suspect's house at midnight. The individual was asked to come out of his house. He allegedly resisted arrest, and was shot by an officer in the scuffle. According to his family and neighbors, the deceased was an apprentice tailor.

On May 13, police killed three persons in Aflao, a border-crossing town on the main road to Togo. Officers stationed at the border intervened as a group of thieves robbed a traveler. When the officers attempted to return to the police station in a taxi, the thieves attacked the vehicle, beating one of the officers into unconsciousness. Another officer then fired on the attackers, killing one. The thieves, along with approximately 80 supporters, later attacked the police station, breaking windows and ransacking the offices. Police fired on the mob, killing two persons. More than 100 persons were arrested in connection with the clash. Following an inquiry into the incident, the police were found to have acted legally.

On May 31, a police bullet killed a bystander during a post-game melee involving soccer fans in Sekondi approximately 135 miles west of Accra. Incited by a controversial decision by the referee, angry fans sought to attack officials and members of the opposing team. The police initially attempted to control the crowd with tear gas and batons and then fired warning shots. One of the shots killed a man. The officer in charge and four armed police personnel on duty during the incident were initially detained and subsequently suspended from duty in connection with the shooting, pending results of forensic tests.

On July 2, a police officer shot and killed a man during a demonstration over workers' wages at a timber company in the Brong Ahafo region. A bullet fired by a police officer struck the victim, an employee at the company. The demonstration turned violent following the death, resulting in extensive property damage. The regional police commander had instructed the police force to use rubber bullets and tear gas to control the crowd but police did not obey his orders. The police officer responsible for the shooting was placed in custody pending an investigation.

On September 13, in Fiapre a pregnant woman was shot fatally during a clash between persons demonstrating against a Brong Ahafo region chief and security personnel who were attempting to restore order. Both sides were armed, and it is disputed who fired the fatal shot.

On October 7, police arrested a 43-year-old farmer from Pramkese, in Eastern region who was involved in a land dispute. He allegedly resisted arrest, and the police reportedly responded by handcuffing him, taking him to the police station, and beating him. Following the beating he was rushed to a hospital, where he was pronounced dead. The officers involved in the beating were transferred, and the case is before the Attorney General.

On October 28, a policeman fatally shot an Accra man during an arrest attempt. According to the police, the man was a well-known criminal who attacked the police with a cutlass and iron bar beating one officer into unconsciousness and wounding another before he was shot by the police. Neighbors claimed that a five-officer police squad dragged the victim brutally out of his bed and shot him in the street. They deny that he was a criminal. At year's end an inquiry was underway, and the inspector and constables involved were suspended.

On December 27, a police officer shot and killed a man reportedly attempting to stab another officer during an attack on a police station near Koforidua, capital of the Eastern region. The mob allegedly was attempting to free a taxi driver being held in connection with a fatal hit and run accident. The officer who shot the alleged attacker was transferred to another station while investigations continued.

In November following news of an eighth individual shot and killed by police officers during the year, the police established a special judicial tribunal to try officers suspected of unlawful and careless use of weapons. In each of the shooting cases, the officers involved in the shootings were suspended from duty and an investigation was undertaken. The findings of such investigations are referred to the Attorney General's office for action. The IGP also announced a retraining course for 50 officers to improve police skills and heighten awareness of their responsibilities. In a statement at the opening of the course, the IGP stated that the rampant and careless use of firearms by some police personnel was causing a lot of "embarrassment" to the police administration.

During 1997 five citizens were killed and seven injured as a result of bullets fired by police as warning shots. In one case, the police would not take responsibility. In a case involving a customs officer, the shooting was found to be justified, and the officer was transferred to another post. In the other cases, the authorities have been either unable to identify officers responsible in the shootings or the officers have been suspended, awaiting the results of a police investigation or a decision from the Attorney General's office.

In 1997 the authorities filed murder charges against two policemen and a police laborer in the unexplained death of a man in an Eastern region police cell in 1996.

In 1998 the Government again refused to launch an independent inquiry into the deaths of four demonstrators during a protest against government tax policy in May 1995 and finally closed its case inconclusively. (There was a police report on this case, which was never released to the public.)

In April the Minister of Youth and Sports won a libel case that was filed against a privately owned newspaper that reported on his possible involvement in the 1995 killings of four demonstrators, following a mention of the case in the 1995 U.S. Government report on human rights practices in Ghana. The courts ordered the owners of the newspaper to pay \$13,000 (30 million cedis) to the Minister. However, questions surround the outcome of the case, as the publisher failed to mount a defense.

The Government continued to refuse to investigate extrajudicial killings in the early years of PNDC rule.

On November 24, villagers in Ablekuma on the outskirts of Accra killed two policemen (see Section 1.c.).

Religious factional violence led to a number of deaths (see Section 5).

The press reported numerous cases of vigilante-style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution states that the dignity of all persons shall be inviolable and that no one shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment, or any other condition that detracts from human dignity; however, there were continued credible reports that members of the police and customs officials beat prisoners and other citizens. It is generally believed that severe beatings of suspects in police custody occur throughout the country but go largely unreported. In October a 43-year-old farmer from Pramkese, who was arrested following a land dispute with a landlord, died allegedly from beatings administered while in police custody. Police used excessive force in attempting to control crowds, at times resulting in citizens' deaths (see Section 1.a.).

Police corruption is a problem. Police set up illegal barriers to elicit bribes from motorists (see Section 2.d.). There were credible reports that police abuse their authority by arresting citizens in exchange for bribes from detainees' business associates (see Section 1.d.).

On October 3, three men were wounded when a policeman allegedly fired warning shots at their vehicle at the Adenta barrier near Accra. The driver of the vehicle reportedly ignored the policeman's signal to stop at the barrier and nearly hit him.

On November 2, two girls accidentally were shot and wounded during an arrest attempt at Kasoa, near Accra. A five-man police squad attempted to arrest a man, but met with resistance from his family. During the struggle, one shot allegedly was fired, accidentally wounding the two girls. The officers involved in the shooting were taken into custody, and subsequently were released on bail, pending an investigation.

On November 24, villagers reportedly killed two policemen in Ablekuma on the western outskirts of Accra. The two officers were marking off a parcel of land they had purchased. On December 3, approximately 300 officers in 50 vehicles came to the village to locate the missing officers. About 100 persons, almost the entire population of the village, were arrested and made to watch as police burned houses and shops. Police allegedly beat several villagers. After a night in jail, 60 of the villagers were released, and on December 8, 13 of the remaining detainees were arraigned on charges relating to the disappearance of the two policemen, whose bodies subsequently were found mutilated and buried near Ablekuma.

On December 6, a 26-year-old mother was shot inadvertently during a bungled arrest attempt by a policeman and a soldier outside her home. The rounds passed through the walls of her home and struck her inside; it is unclear who fired the rounds.

The International Foundation for Election Systems 1997 post-election public opinion report stated that 43 percent of the population has little or no faith in the police service. In 1996 a police task force burned three villages in the Western region as it searched for a suspected killer. Hundreds of persons lost their homes and property. In 1997 public suspicion of the police was such that, in at least nine incidents, citizens in remote villages attacked police who reportedly were attempting to enforce the law. Eight police stations were ransacked, forcing the officers to flee and abandon their sites. Although the police may have been attempting to enforce the law, their unprofessional approach triggered the public reaction. Police presence was reestablished in some areas by the end of 1997.

In September the IGP called for a house cleaning of the police administration, stating that "the harassment of civilians, unauthorized motor-checks, unlawful detention of suspects, collection of monies before granting bail, shoddy investigation of criminal cases, and other undisciplined acts which dent the image of the service continue to be perpetrated."

Reports continued of isolated incidents in which Accra Metropolitan Assembly (AMA) operatives known as the Chameleon Bombers, allegedly inflicted injury and destroyed property. However, the degree of violence decreased following media attention. The AMA dissolved the group in October following repeated public criticism. Kumasi, Ghana's second largest city, reportedly deployed a si-

milar force called the Sanitation and Decongestion Tigers to eject unlicensed street vendors from city streets.

In August police used water cannons, tear gas, rubber bullets, and truncheons to disperse an unauthorized student protest, injuring several persons (see Section 2.b.).

A police inspector who reportedly was responsible for human rights abuses was suspended from service by the police administration in January. The inspector, who had worked in the headquarters office in Accra, allegedly had abused his authority and violated individuals' rights for several years. He is undergoing psychiatric review.

"Machomen" and land guards, private security enforcers hired by citizens to settle private disputes and vendettas or to protect property under development from encroachment, caused injury and property damage. The Machomen are not legally constituted, but organized privately and operate outside the law. None; however, have been arrested for any illegal action, and police, to some extent, appear intimidated by them.

Prisons are in most cases very poorly maintained, and conditions are extremely harsh. In 1996 the CHRAJ published its long-anticipated report on prison conditions. It described prisons as unsanitary, overcrowded, and poorly ventilated. Prisoners are malnourished (reports of the daily food allowance per prisoner vary. A private newspaper has reported the allowance at less than 4 cents a day (80 cedis) while the prison administration states that the daily allowance is 65 cents (1,500 cedis)). Families still supplement prisoners' food and bribe prison guards for visitation rights. Prisoners also suffer from lack of medicine unless paid for or provided by the inmates or their families. The report concluded that prison conditions were "a flagrant violation of the individual's fundamental human rights." The CHRAJ's findings and recommendations generated much positive press coverage and some changes; however, although the Government concurred with the 1996 findings, it stated that lack of funding in 1997 prevented further improvements. In spite of a continued lack of funding, some improvements were made during the year: an increase in prisoners' food allowance and an amnesty to old and ill prisoners. Juveniles now more frequently are separated from the adult prison population. The Ghana Prisons Service Council has formed an assessment team to inspect facilities.

While the CHRAJ has access to monitor the prisons, the Government resisted granting access to the press. Two journalists reported what they had experienced and observed during their 30-day incarceration.

NGO's are not given access to prisons.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The Constitution provides for protection against arbitrary arrest, detention, or exile and states that an individual detained shall be informed immediately, in a language that the detained person understands, of the reasons for the detention, and of the right to a lawyer and to an interpreter, at state expense. It also requires judicial warrants for arrest and provides for arraignment within 48 hours. In practice, however, many abuses occur, including detention without charge for longer than 48 hours and failure to obtain a warrant for arrest. Authorities do not rou-

tinely notify prisoners' families of their incarceration; such information is often obtained only by chance.

The court has unlimited discretion to set bail, which can be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. It is common to remand a prisoner to investigative custody. However, the Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that he appears at a later date for court proceedings.

Despite the provisions of the law, abuses occur. Persons sometimes are detained for trivial offenses or on unsubstantiated accusations. Approximately 30 percent of the prison population consist of pretrial detainees. The Government has not implemented any meaningful policy to reduce the numbers of pretrial detainees, although the independent press has called for reduction of harsh bail conditions for suspects who do not pose a threat to society. Many credible sources report that private citizens pay the police to arrest business associates in deals gone awry.

The 1996 CHRAJ report on prison conditions recommended improvement in the administration of criminal justice, which currently denies many citizens their constitutional rights to be charged within 48 hours, to have bail posted within the same period, and to a speedy trial. The report concluded that the "penal system is unwittingly but inexorably punishing the innocent." In response the Attorney General in 1997 asked the CHRAJ for a list of those detained for 6 years or more in order to investigate their cases and the CHRAJ provided such a list. However, at year's end a committee still was investigating how the remanded prisoners either could be brought to trial quickly or released. Remanded suspects routinely may languish in prison without trial for up to 9 years. The CHRAJ reported one case of a 16-year detention.

Two policemen detained without charge for 27 days in 1997 after a theft at the Attorney General's residence were freed on bail and their trial is in progress. Also in 1997, the BNI paid \$11,000 (25.3 million cedis) in damages to a detainee held 72 hours in a case of mistaken identity. Others unlawfully detained were released as they were discovered.

Lawyers for a former army sergeant accused in an alleged 1994 plot to overthrow the Government appealed an Accra High Court decision to retry him for treason. His original trial ended in 1996, but judgment was postponed because of the illness and subsequent death of one of the trial judges. The defendant has been in custody since 1994.

The Government does not practice forced exile and encourages citizens, including dissidents, living abroad to return. Some former government and PNDC officials have returned and resumed careers and political activities.

Rural women can be punished with banishment by traditional village authorities for teenage pregnancy or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern region by traditional authorities such as a shaman. In 1997, 2 villages contained 400 elderly women, and 1 village contained 2,000 women and family members, all sentenced by village authorities who claimed to have the power to divine witches. Although the wo-

men face no formal legal sanction if they leave, most fear that they would be beaten to death if caught outside the penal villages (see Section 5).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice the judiciary appears to be subject on occasion to executive influence. The Constitution allows the Government to nominate up to 15 members of the Supreme Court; confirmation is the responsibility of a Parliament dominated by the President's party. Furthermore, the Chief Justice is empowered to impanel the justices of his choice to hear cases. These provisions, along with a debilitating lack of resources, have hindered the court's role as a balance to the power of the executive branch and contributed to the perception that the judiciary is occasionally subject to executive influence.

This belief was furthered by the judiciary's crackdown on members of the privately owned press during the year. In late July, the courts incarcerated two journalists for 30 days and fined the publishers heavily following a contempt-of-court case widely viewed as legally flawed. Two other journalists, with criminal libel lawsuits pending, had their passports seized under court order. An editor was jailed for 9 days in another questionable contempt-of-court case in July. All the affected journalists are known to be avowed opponents of the Government and aggressive in their highly personal criticism of the President and his family (see Section 2.a.).

The integrity of the legal system is compromised by a severe lack of financial, human, and material resources. There were no official charges of judicial corruption. However, in August the BNI reportedly questioned a judge, the chairman of an Accra regional tribunal, about allegations that he and his staff accepted a \$9,000 bribe to grant bail for a Nigerian woman arrested for drug smuggling. He has not been charged. A 1997 survey revealed that 66 percent of citizens believe that money influences the judicial system.

The Constitution establishes two basic levels of courts: superior and lower. The superior courts include the Supreme Court, the Appeals Court, the High Court, and regional tribunals. Parliament may establish lower courts or tribunals by decree. The CHRAJ provides a forum to which citizens with grievances against government agencies or private companies can bring cases for mediation and re-settlement (see Section 4).

The CHRAJ's charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies.

The Chieftaincy Act of 1971 gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, a number of laws passed during the PNDC era (1981-92), as well as the 1992 Constitution, have eroded steadily the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice the authorities generally respect these safeguards.

There were no reports of political prisoners. The trial of five defendants for allegedly plotting to overthrow the Government in 1994 continued and a verdict is expected in early 1999.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides that a person shall be free from interference within the privacy of his home, property, correspondence, or communication; however, this article has yet to be tested in court, and in practice the Government sometimes infringed on these rights. Although the law requires judicial search warrants, police do not always obtain them in practice. Observers assumed that the Government continued surveillance of citizens engaged in activities that it deemed objectionable. In the past, this included monitoring of telephones and mail. Several political activists reported being followed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and in practice these provisions generally were respected, although the Government continued to pressure the media. Opposition political parties and others frequently criticize the Government, and the Government has allowed more control of print and electronic media to be transferred to the private sector. Nonetheless, the Government continued to pressure some journalists and media organizations, sometimes directly (e.g., through telephone calls), and increasingly by filing libel suits when it found coverage to be offensive. At year's end, there were an estimated 100 libel suits before the courts. Two of the pending suits were criminal libel suits filed by the Government, and the rest were filed by government officials in their personal capacities or by private individuals.

There are more than a dozen newspapers including two government-owned dailies, two government-owned weeklies, and several privately owned newspapers published weekly, biweekly, or triweekly. One of the government-owned dailies has national circulation. However, most newspapers circulate only in regional capitals, and many of the smaller private newspapers are available only in the capital.

Accra has one government-owned and seven private radio stations, and there are a growing number of private stations outside Accra. Most stations are independent and air a wide range of viewpoints. There are three television stations. One government-owned station broadcasts nationwide. The other two, which are partially owned by the Government, broadcast signals available only in Accra. There are three Internet service providers in the country.

The Government-owned media occasionally reported charges of corruption or mismanagement in government ministries and government-owned enterprises, but they never directly criticized the Government's policies or President Rawlings' activities. In the past, the Government occasionally

disciplined or dismissed journalists working in government-subsidized media for articles deemed unacceptable. The Government ended subsidies to the state-owned publishing companies, and the newspapers are published by profit-making printing companies but these have not been privatized.

Some privately owned newspapers were harshly critical of the Government's policies and of President Rawlings, his wife, and his regime generally, and some reporters and editors were alleged, at time, to have failed to abide by professional ethical guidelines. Parties affected by such lapses—most often Government officials—showed a tendency to go to court. The Government, government officials, and private individuals filed a record number of civil libel suits (over 100 before the courts at year's end), and two criminal libel suits remain in progress. The Government continued to prosecute two independent journalists under a rarely used sedition law for allegedly libeling President Rawlings and his wife, and, through them, the State. The trials, repeatedly postponed, were seen by many observers to signal a renewal of press harassment, signals that were strengthened in July when two other journalists were incarcerated for 30 days following a legally flawed contempt-of-court case (see Section 1.e.).

The Government readily granted accreditation to foreign journalists. Foreign periodicals were sold in Accra and other major cities and circulated freely even when they contained articles critical of the Government. Most citizens obtain their news from the electronic media, Cable News Network, the Voice of America, and the British Broadcasting Corporation radio service. Ghana has one privately held cable service which offers international programming to subscribers throughout the country.

The Government again refused to launch an independent inquiry into the deaths of four demonstrators during a protest against government tax policy in May 1995 and in 1997 finally closed its case inconclusively (see Section 1.a.). Some of the privately owned media renewed calls for a thorough investigation on the anniversary of the incident. In April the Minister of Youth and Sports won a libel case that was filed against a private newspaper that reported on his possible involvement in the 1995 killings of four demonstrators, following mention of the incident in the 1995 U.S. Government report on human rights practices in Ghana. The courts ordered the owners of the newspaper to pay \$13,000 (30 million cedis) to the Minister. Questions surround the outcome of the case, however, as the publisher failed to mount a defense (see Section 1. a.).

There was no restriction of academic freedom. Academics are allowed to publish and pursue research. The National Union of Ghanaian Students, one of the more vocal critics of the Government, is allowed to organize and hold meetings. However, in late 1997, following a serious student brawl, the public university in Accra imposed a ban on campus demonstrations, which remained in effect at year's end. The Union obtained a waiver to demonstrate against proposed residential fees for university students in May. Police disrupted an unauthorized demonstration in August (see Section 2. b.). Parliament established a committee to address the issue of fees and facilitate communication between students and the Government. Although the student union eventually withdrew from the discussions of its own volition, the committee made fee recommendations lower than originally proposed, which the Ministry of Education accepted.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice. The Government does not require permits for demonstrations. Parliament passed a public order law in late 1994 requiring that all organizers of "special events" or "processions" inform the police of their intentions so that the police can institute precautionary measures. The law also provides for curfews and arrest without warrants in specified instances. The authorities did not abuse the provisions of the law during the year.

The public university in Accra banned on-campus demonstrations. University students obtained a waiver and demonstrated peacefully against proposed fees in May. However, in August police used water cannons, tear gas, rubber bullets, and truncheons to disrupt an unauthorized protest. Several injuries resulted. The demonstrating students stated they believed that the ban only applied to the previous academic year.

Journalists and human rights activists marched on the Supreme Court in support of freedom of speech following the jailing of two journalists for contempt of court (see Section 2. a.). The demonstrations, monitored by police, were peaceful. Another group called the "Friends of the Rule of Law," which was widely believed to be government-inspired, staged a peaceful counter-demonstration.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. NGO's are required to register with the Registrar General's office, but this registration is routine.

The Electoral Commission must accredit political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The Electoral Commission evaluates whether the party has shown evidence of a viable national support base before granting accreditation and can annul the registration of a party that fails to meet the criteria for being a viable party.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

There is no state-favored religion and no apparent advantage or disadvantage attached to membership in any particular sect or religion. Foreign missionary groups generally have operated throughout the country with a minimum of formal restrictions.

Violent confrontations between Muslim sects in January and August led to deaths and injuries. The authorities acted in an evenhanded manner to restore order (see Section 5).

On May 31, a mob of about 40 persons attacked a charismatic Christian church service, injuring dozens of worshippers and causing massive property damage. The police dispersed the attackers without firing any shots. A subsequent call by the Minister of Interior for Christians to respect traditional practices by observing a traditional ban on drumming provoked a strong reaction from some Christians who objected to perceived restrictions on freedom of worship. No suspects were charged in fire-bombings of the same church in December 1996 and in March. Four days before the May attack, the

Accra Metropolitan Assembly had bulldozed the wall around the church parking lot, alleging violations of the lease (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights as an aspect of the provision for personal liberty, and the Government generally respects these provisions in practice.

Citizens and foreigners are free to move throughout the country. Police checkpoints exist nationwide to prevent smuggling, but most are unmanned during daylight hours. There were numerous reports that police used checkpoints to solicit bribes. Citizen complaints about police harassment caused the Government to reduce the number of checkpoints from 125 to 38 in 1997 and to 31 by the end of the year. Government roadblocks and car searches are a normal part of nighttime travel in larger cities. In 1997 taxi drivers in Tamale struck in protest against persistent harassment by the police. The police administration has admitted that the force has a problem with some members occasionally erecting illegal barriers to solicit bribes from motorists. The Inspector General of Police stated publicly in September, "unauthorized motor-checks and other acts of indiscipline which dent the image of the service continue to be perpetrated." Citizens are generally free to travel internationally and to emigrate or to be repatriated from other countries.

The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, and the law conforms in all particulars to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Ghana has a liberal policy of accepting refugees from other West African nations. The Government provides first asylum. It provided first asylum in recent years to Togolese refugees, most of whom have been repatriated as part of the UNHCR's voluntary repatriation program.

The country continued to provide first asylum to 1,050 Togolese, approximately 12,952 Liberians, 758 Sierra Leoneans, 102 Sudanese, and 26 Nigerians.

There were credible reports that agents of the Togo Government operating in Ghana and sometimes pretending to be refugees, repeatedly induced police to arrest Togolese refugees and deliver them to Togolese security forces at the border, without due process of law and reportedly without the knowledge of senior Ghanaian security officials. Fifteen refugees reportedly were repatriated forcibly to Togo in this manner on December 31, 1997.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right through a democratic process in presidential elections held in December 1996. The country continued its transition from a one-party state to a more established constitutional system. The political system includes recognized opposition parties, which express their views freely within Parliament.

President Rawlings was reelected in 1996 for a final 4-year term with 57 percent of the popular vote. The NDC retained control of the 200-member Parliament with 133 seats, while opposition parties

took 67 seats. The NDC fell one seat short of commanding the two-thirds majority required to amend the Constitution. Three seats were contested, including those of two opposition members and one NDC member. The courts found in favor of one of the opposition members in 1998, and the other two cases still were pending at year's end. Opposition members are frustrated by impediments that the executive branch imposes by its refusal to support opposition amendments to proposed legislation. Parliament still is working to develop effective oversight of the workings of the executive branch.

In June citizens elected representatives to the district assemblies and, for the first time, unit committees, which form the basis of the local government structure. These elections were held on a nonpartisan basis, as called for in the 1992 Constitution. However, opposition groups contend that the local government system is stacked in favor of the ruling party, which appoints approximately one-third of the district assembly and unit committee members.

There are no legal obstacles to the participation of women in government; however, they constitute a small minority in government and politics. There are 18 female parliamentarians. Several ministers and Council of State members are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

NGO's interested in human rights continued to grow in strength, and there were 17 NGO's in the field at year's end. These NGO's operated without government interference (see Section 2.b.). The Government appears to cooperate with and to be responsive to human rights NGO's. Prominent NGO's include the Red Cross, Amnesty International, the International Federation of Woman Lawyers (FIDA), Women in Law and Development in Africa, and Ghanalert. The Government cooperates with international humanitarian organizations, including the International Committee of the Red Cross.

Although not an NGO, the Commission on Human Rights and Administrative Justice's (CHRAJ) charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies.

Parliament established the CHRAJ in 1993. By 1996 the CHRAJ had received a total of 12,409 petitions in its offices around the country and completed action on over 8,775. Forty percent of the cases were resolved through mediation. On average, the CHRAJ receives between 4,000 and 5,000 new petitions a year, steadily increasing each year. The majority of the complaints lodged with the Commission were from those who believed that they suffered injustice as a result of abuse of power, unfairness, and high handedness.

In October 1996, the Commission concluded its lengthy corruption probe of high government officials. The Commission's report, which detailed adverse findings against three public officials and exonerated a fourth, evoked an aggressive government rebuttal and a questioning of the scope of the CHRAJ's mandate that finally led the CHRAJ to request in 1996 a Supreme Court interpretation of its rights and responsibilities.

In 1997 the Government issued a white paper rejecting some of the adverse findings against the three government officials in the CHRAJ report and recommended that the Attorney General investigate the CHRAJ's rights and responsibilities. The CHRAJ issued a rebuttal to the white paper. In August the Supreme Court decided in favor of the Commission concerning its right to investigate matters preceding the 1992 Constitution; however, the Court ruled that the Commission did not have jurisdiction to investigate property confiscated by the special courts or tribunals during the rule of the Armed Forces Revolutionary Council (AFRC), the military force that staged President Rawlings' first coup, and during the PNDC periods.

The CHRAJ continues to investigate corruption allegations filed against public officials. In 1997 the CHRAJ issued a report on its investigations at the "witches" camps in the Northern region. The report detailed the living conditions of the women in the camps and proposed their reintegration into society, involving an educational campaign in conjunction with the Center for National Culture and the House of Chiefs. The Commission also has provided periodic updates to various sections of its report on prison conditions.

The Commission operates with no interference from the Government. Its biggest obstacle is a lack of adequate funding. Low salaries and poor working conditions result in the loss of many CHRAJ-trained personnel to other government agencies that are able to pay their employees more. In November the Commission submitted a petition on this matter to the Government and is awaiting a response.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, sex, religion, disability, language, or social status. The courts are empowered specifically to order enforcement of these prohibitions, although enforcement by the authorities is generally inadequate, in part due to limited financial resources.

Women

Violence against women, including rape and domestic violence, remains a significant problem. These abuses usually go unreported and seldom come before the courts. The police tend not to intervene in domestic disputes. However, in June Parliament passed and the President signed legislation to double the mandatory sentence for rape (from 3 to 10 years to 5 to 25 years), marking a victory for lobbying efforts by women's groups. The media increasingly report cases of assault and rape. FIDA wrote a handbook and presented a workshop on domestic violence and provides free legal aid for poor women. However, FIDA believes that women's shelters must be built in order for legal intervention to be effective. In November the police administration established a "women and juvenile unit" to handle cases involving domestic violence, child abuse and juvenile offenses. By year's end, the unit had received 78 cases. Located in Accra, the unit will work closely with the Department of Social Welfare, FIDA and the Legal Aid Board.

In June Parliament passed amendments to the 1960 Criminal Code to provide additional protection for women and children. The legislation added new definitions of sexual offenses and strengthened punishments for others. The provisions of the bill ban the practice of "customary servitude" (known as Trokosi), protect women accused of witchcraft, double the mandatory sentence for rape, raise the

age of criminal responsibility from 7 years to 12, criminalize indecent assault and forced marriages, and raise punishments for defilement, incest, and prostitution involving children. The President signed the bill into law in September.

Women continue to experience societal discrimination. Women in urban centers and those with skills and training encounter little overt bias, but resistance to women entering nontraditional fields persists. Few women enter college. Women, especially in rural areas, remain subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often deny women inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children, all provided for by statute.

Rural women can be punished with banishment by traditional village authorities for teenage pregnancy or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman. In 1997, 2 villages contained 400 elderly women, and 1 village contained 2,000 women and family members, all sentenced by a village authority who claimed to have the power to divine witches. Although the women face no formal legal sanction if they leave, most fear that they would be beaten to death if caught outside the penal villages. Forced labor also occurs at the camps for women accused of witchcraft. Legislation effective during the year provides some additional protection to women banned from their communities for alleged witchcraft. The CHRAJ and human rights NGO's are mounting a campaign to end this traditional practice, which violates the victims' constitutional rights. The challenge lies not only in persuading custodians of the witches' homes to abolish the practice, but also in educating the community so the women will be allowed to return safely to their homes. In September a national newspaper reported FIDA had persuaded custodians to abolish the Gambaga witches home in the Northern region, contingent on the performance of "exorcism" rites and payment of accommodation and discharge fees. However, a few months later, the newspaper reported an increase in the number of alleged witches banished to the home, largely due to the communities' belief that these women were responsible for an outbreak of cerebrospinal meningitis which claimed many lives in the region. At the end of the year, communities in East and West Mamprusi districts of the Northern region also committed to set alleged witches free from their camps following a workshop organized by women's NGO's.

Women's rights groups are active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government also is active in educational programs, and the President and First Lady are among the most outspoken advocates of women's rights.

Children

Within the limits of its resources, the Government is committed to protecting the rights and welfare of children. There is little or no discrimination against female children in education, but girls and women frequently drop out of school due to societal or economic pressures. The Government actively campaigns for girls' education. Although the percentages of girls enrolled in school increased from 1996, participation is still low. Statistics for 1995 (the most recent available) show that from grades 1 to 6, 46 percent of pupils are girls; from grades 7 to 9, this drops to 43 percent. In grades 10 to 12, girls drop to 36 percent of students; and at the university level to 23 percent. Enrollment of girls at the university level has increased by 5 percent over the past 5 years.

A 1997 country report by the Ghana National Commission on Children further substantiated the gap between enrollment of boys and girls, particularly at the high school level. In the eight districts examined, there were 22,418 boys and 14,318 girls enrolled at the high school level. In the report, officials attribute the lower female enrollment to the fact that many girls marry early or become pregnant.

There are several traditional discriminatory practices that are injurious to the health and development of young females. In particular, female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is a serious problem. According to one study, as many as 30 percent of women may have undergone this procedure. Most observers believe 15 percent to be more likely. FGM is practiced mostly in Muslim communities in the far northeastern and northwestern parts of the country. As of 1994, FGM became a criminal act. Officials at all levels have spoken out against the practice, and local NGO's are making some inroads through their educational campaigns to encourage abandonment of FGM and to retrain practitioners. Five persons reportedly were arrested during the year for practicing FGM. One woman was arrested for performing FGM on two teenage girls in the Upper East region. Another practitioner was jailed for performing FGM on three teenage girls. Two individuals were arrested in September for FGM involving five girls in the Upper East region. In another case a 60-year-old woman was arrested for performing FGM on 8 girls. In almost all of the cases, the victims actively sought out the practitioners, sometimes without their parents' knowledge, in a quest to become ready for marriage.

Members of the legal community advocate legislation to close loopholes in the FGM law, including extending culpability to family members and others who aid in carrying out FGM and to Ghanaians who commit the crime outside the country's borders. Any person who conceals information about an instance of FGM would be liable. In addition, FGM would be banned no matter how medically safe the procedure is made--dispelling a belief by some that FGM is acceptable as long as the girls' health is protected.

Although the Constitution prohibits slavery, it exists on a limited scale. Trokosi, a traditional practice found among the Ewe ethnic group and primarily in the Volta region, is an especially severe abuse and a flagrant violation of children's and women's rights. It is a system in which a young girl, usually under the age of 10, is made a slave to a fetish shrine for offenses allegedly committed by a member of the girl's family. The belief is that, if someone in that family has committed a crime, such as stealing, members of the family may begin to die in large numbers unless a young girl is given to the local fetish shrine to atone for the offense. The girl becomes the property of the fetish priest, must work on the priest's farm, and perform other labors for him. Because they are the sexual property of the priests, most trokosi slaves have children by them. Although the girls' families must provide for their needs, such as food; most are unable to do so. There are at least 3,800 girls and women bound to various shrines in the trokosi system, a figure that does not include the slaves' children. Even if released, generally without skills or hope of marriage, a trokosi woman has continued obligations to the shrine for the duration of her life. When the fetish slave dies, the family is expected to replace her with another young girl for the fetish shrine.

In June Parliament passed and the President signed legislation to ban the practice of trokosi in comprehensive legislation to protect women and children's rights. Human rights activists believe that the goal of eradicating the trokosi practice is achievable with the new law. NGO's, such as International Needs, and government agencies, like the CHRAJ, have been campaigning against trokosi for several

years and are familiar with the locations of the fetish shrines and the numbers of women and children enslaved. Activists know the community leaders and fetish priests and, thus, know with whom to negotiate. The CHRAJ and International Needs have had some success in approaching village authorities and fetish priests at 15 of the 76 shrines, winning the release of 900 trokosi slaves to date and retraining them for new professions. The organizations continue to work for additional releases. Including the achievements of other organizations, approximately 1,200 slaves had been released by year's end.

Another traditional practice that violates the rights of children is forced childhood marriage, which would be made illegal under the children's bill, passed by Parliament late in the year; however, the bill had not yet been signed into law by the President at year's end.

Child prostitution, although illegal, also exists.

People With Disabilities

The Constitution specifically provides for the rights of the disabled, including protection against exploitation and discrimination. In practice the disabled are not discriminated against in any systematic or overt manner. The Constitution also states that "as far as practicable, every place to which the public has access shall have appropriate facilities for disabled persons." In practice, however, this provision has yet to be implemented.

Religious Minorities

On January 16, four persons were killed in a continuation of factional violence between two of Ghana's Muslim sects. Tijaniya and Al-Sunnah Muslims each were attempting to bury deceased members of their respective groups at a cemetery in Wenchi, 30 miles northeast of the Brong Ahafo regional capital of Sunyani. A dispute over burial rights resulted in a violent confrontation between the two sects. Four persons from the Al-Sunnahs were killed and 26 were injured when the Tijaniyas attacked with rifles and machetes. A joint army-police contingent dispatched the following day restored order and arrested 57 persons.

In late August, clashes between the Al-Sunnah and Tijaniya Muslim sects erupted in Kumasi when a member of the Al-Sunnah sect died after a protracted illness. The father of the deceased, who belonged to the Tijaniya sect, decided to perform the burial but relented after persistent requests from the Al-Sunnah sect. A group of Tijaniya sect members attacked the Al-Sunnah group as it was returning from the cemetery and five persons were injured in the clash. The Tijaniyas reportedly planned to burn a kiosk belonging to the Al-Sunnah sect but police intervened. The police arrested more than 100 persons involved in the clashes.

On May 31, a mob of about 40 persons attacked a charismatic Christian church in Accra during a service attended by about 800 persons, injuring dozens of churchgoers and causing massive property damage. Police dispersed the attackers without any shots fired. The incident increased tensions between leaders of the Christian community and traditional authorities. The attack apparently was triggered by a combination of factors: The possibility that the church might defy the traditional authorities' 6-week ban on drumming, which precedes the Ga ethnic thanksgiving festival; a land use dispute

involving the church parking lot; tensions between supporters of rival district assembly candidates; and ongoing intimidation by nearby residents to force the church to relocate. No suspects were charged in firebombings of the church in December 1996 and in March. Four days before the May attack, the Accra Metropolitan Assembly had bulldozed the wall around the church parking lot, alleging violations of the lease. The Minister of Interior's subsequent call for Christians to respect traditional practices by observing the ban on drumming provoked an outcry from some Christians who objected to perceived restrictions on freedom of worship.

National/Racial/Ethnic Minorities

Although the Government plays down the importance of ethnic differences, its opponents occasionally complain that it is dominated by the Ewe ethnic group from the eastern part of the country. The President and many of his close advisers are Ewe, but many ministers are of other ethnic origins. In the 1997 International Foundation for Electoral Systems report on public opinion, 25 percent of the respondents said that they felt discrimination because of their tribal origins.

There have been numerous violent confrontations between and within ethnic groups related to chieftaincy issues, particularly those of succession and land. Eight persons died in a chieftaincy dispute in Kue, a farming village on the Togolese border in the Volta region on New Year's night. Twelve others were injured and 4 houses were burned during the melee.

In 1994-95, an estimated several thousand citizens died in the north in a conflict driven by chieftaincy and land issues dating from precolonial times. In late November, a potential flare-up was averted following the murder of a member of one ethnic group by a member of another ethnic group.

In 1995 the Government created a permanent negotiating team made up of religious leaders, NGO representatives, Council of State members, and other interested parties to help resolve the continuing tensions between the Konkomba and other ethnic groups in the north. The Permanent Peace Negotiating Team (PPNT) is a facilitative body whose primary purpose is to mediate disputes. In 1996 a series of highly publicized "peacemaking" ceremonies were held at which tribal leaders pledged to solve their differences through negotiations. In 1997 in response to reports of latent insecurity, the PPNT extended its activities to some northern parts of the Volta region in October and in December supervised a peace accord among all parties to the conflict there. In 1997 the PPNT organized seminars and workshops designed to promote dialog between two feuding factions. The Government has a ban on firearms in the Northern region and northern part of the Volta region. Beyond pleas for peace by government officials, Members of Parliament, and other prominent opinion leaders, there has been little effective intervention.

Section 6 Worker Rights

a. The Right of Association

This right is restricted, as the Trades Union Ordinance confers broad powers on the Government to refuse to register a trade union. However, the Government has not interfered with the right of workers to associate in labor unions and has not refused to register any unions. About 9 percent of workers belong to unions, a figure that was expected to increase following the announcement in 1997 of a new

federation called the Ghana Federation of Labor (GFL), which serves as an umbrella organization for several other labor unions which were either previously part of or not encompassed by the Trades Union Congress (TUC) the existing federation. However, the GFL has no formal structure or membership as yet. The Industrial Relations Act (IRA), initially enacted in 1958, and amended in 1965 and 1972, governs trade unions and their activities. Led by experienced union leaders, the TUC has been a vocal and constructive critic of the Government's economic policies when it felt it necessary. Civil servants have their own union, the Civil Servants Association, which operates outside of the TUC umbrella.

The law recognizes a right to strike, but there have been no legal strikes since independence. Under the IRA, the Government established a system of settling disputes, first through conciliation, then through arbitration. A union may call a legal strike if negotiations and mediation fail. However, no union has ever gone through the complete process. There were 46 strike actions during the year, none of which met the requirements for a legal strike detailed in the IRA. The IRA prohibits retribution against strikers, and this law is enforced.

Unions have the right to affiliate with international bodies. The TUC is affiliated with the Organization of African Trade Union Unity headquartered in Accra and is also a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The IRA provides a framework for collective bargaining and some protection against antiunion discrimination. Trade unions engage in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. In September the TUC announced that it would unionize all day laborers in the country to protect them from exploitation. However, the Government, labor, and employers negotiate together through a tripartite commission to set minimum standards for wages and working conditions. The law requires employers found guilty of antiunion discrimination to reinstate workers fired for union activities. No union leaders have been detained in recent years for union or other activities.

There is legislation that authorizes export processing zones (EPZ's), and a few EPZ's are in operation. Existing labor law applies in any EPZ, including the right to organize.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits slavery, and the law also prohibits forced or bonded labor, including that performed by children; however, at least 3,600 women and girls are bound to shrines through the localized trokosi system (see Section 5). Forced labor also occurs at the camps in the north for women accused of witchcraft (see Section 5). Apart from the trokosi system, it is difficult to determine the extent to which forced or bonded labor by children is practiced. There have been newspaper reports of children being sold into slavery for either labor or sexual exploitation. The International Labor Organization (ILO) continues to urge the Government to revise various legal provisions that permit imprisonment with an obligation to perform labor for offenses that are not countenanced under ILO Convention 105.

d. Status of Child Labor Practices and Minimum Age for Employment

Labor legislation sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age. In practice child employment is widespread, and young children of school age often perform menial tasks during the day in the market or collect fares on local buses. An ILO survey conducted in three rural districts between 1992 and 1993 concluded that 11 percent of school age children were employed for wages and another 15 percent work without remuneration. According to a 1995 living standards survey, 7.8 percent of 7 to 14 year olds and 31.5 percent of 15 to 19 years olds are economically active. Observance of minimum age laws is eroded by local custom and economic circumstances that encourage children to work to help support their families.

Late in the year, Parliament passed legislation to provide additional child labor protection and strengthen the punishment for violators under a comprehensive children's bill. The bill incorporates the existing labor legislation's minimum age for employment and prohibitions on night work and hazardous labor. In addition, the legislation allows for children age 15 years and above to have an apprenticeship whereby the craftsmen/employers have the obligation to provide a safe and healthy work environment along with training and tools. Fines and imprisonment for violators are increased considerably.

The law prohibits forced or bonded labor, including that performed by children; however, at least 3,800 women and girls are bound to shrines through the *trokosi* system (see Section 6.c.).

Officials only occasionally punish violators of regulations that prohibit heavy labor and night work for children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations. They visit each workplace annually and make spot checks whenever they receive allegations of violations.

e. Acceptable Conditions of Work

In 1991 minimum standards for wages and working conditions were set by a tripartite commission composed of representatives of the Government, labor, and employers. The daily minimum wage, revised in 1996, combines wages with customary benefits, such as a transportation allowance. The daily minimum wage of less than \$1.00 (2,000 cedis) is insufficient for a single wage earner to support a family. Furthermore, there is widespread violation of the minimum wage law. In most cases, households have multiple wage earners, and family members engage in some family farming or other family-based commercial activities.

The law sets the maximum workweek at 45 hours, with one break of at least 36 consecutive hours every 7 days. Through collective bargaining, however, the basic workweek for most unionized workers is 40 hours.

In 1996 Spintex workers filed petitions with the CHRAJ, the Ministry of Employment and Social Welfare, and the Department of Labor concerning working hours. They have withdrawn the case from administrative review and, instead, taken the case to court. Hearings were in process at the end

of 1997 but no decision has been made. There were no known developments in this case during the year.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposes sanctions on violators. However, safety inspectors are few and poorly trained. They take action if matters are called to their attention, but lack the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercise this right.

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