

**Flygtningenævnets baggrundsmateriale**

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| <b>Bilagsnr.:</b>               | <b>74</b>                                         |
| Land:                           | Ghana                                             |
| Kilde:                          | U.S. Department of State                          |
| Titel:                          | "Country Report on Human Rights Practices - 2006" |
| Udgivet:                        | 6. marts 2007                                     |
| Optaget på baggrundsmaterialet: | 10. maj 2007                                      |



## Ghana

### Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 6, 2007

Ghana is a constitutional democracy with a strong presidency and a unicameral 230-seat parliament. The country's population is approximately 21 million. In 2004 eight political parties contested parliamentary elections, and four parties, including the ruling New Patriotic Party (NPP), contested presidential elections. NPP candidate John Agyekum Kufuor was reelected president with 52.45 percent of the vote. Despite a few incidents of intimidation and minor irregularities, domestic and international observers judged the elections generally free and fair. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities.

The government generally respected human rights and made significant improvements during the year; however, there were problems in several areas, including incidents of vigilante justice. Human rights problems included deaths resulting from the excessive use of force by police; vigilante justice; harsh and life-threatening prison conditions; police corruption and impunity; arbitrary arrest and detention; prolonged pretrial detention; infringement on citizens' privacy rights; forcible dispersal of demonstrations; forced evictions; corruption in all branches of government; violence against women and children; female genital mutilation (FGM); societal discrimination against women, persons with disabilities, homosexuals, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically and ethnically motivated violence; and child labor, including forced child labor.

During the year the government took significant steps to improve the protection of human rights, including passage of separate pieces of legislation to protect the rights of whistleblowers and persons with disabilities.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed political killings; however, the use of excessive force by security forces resulted in the deaths of several criminal suspects and other persons during the year.

There were no developments in the ongoing trial of three security officers charged with the 2004 suspected political killing of Issa Mobilla, the regional chairman of the opposition Convention People's Party (CPP).

Security forces were responsible for several deaths during the year. For example, on April 21, four persons were shot and killed by police officers at Dansoman Estates in Accra. The police had been pursuing a taxi that was similar to the one the four victims were occupying. Police opened fire on the taxi and killed all four occupants. The five police officers involved in the shooting were suspended pending trial. In December an official investigation into the shooting concluded. The government accepted the findings and recommendations of the investigating committee and forwarded them to the Attorney General and the Police Council for action. At year's end, the Attorney General was considering the committee's nine recommendations, which included government compensation of the victims' families.

On May 19, police shot and killed a 26-year-old man after mistaking him for one of the robbers they were seeking. In December the government accepted the report prepared by the investigating committee, which recommended that the government pay for the victim's funeral expenses and compensate the family of the victim.

Government forces beat and forcibly evicted hundreds of illegal residents, which resulted in deaths (see section 2.d.).

Forcible dispersion of demonstrators by security forces resulted in injuries and deaths during the year (see section 2.b.).

There were no developments in the May 2005 death of an elderly woman in Dormaa, Brong Ahafo Region, after a

police officer struck her in the chest. The military police publicly sought information or evidence regarding the October 2005 death of an accused thief whom soldiers allegedly burned and beat to death at the El-Wak Barracks in Accra, but no one had come forward with any new information by year's end. The case remained open, and the investigation will continue once new evidence is received.

There were no developments in the 2004 case in which seaman Philip Kuekebey died after allegedly being beaten by fellow seamen on the orders of their superiors.

During the year, chieftaincy disputes continued to result in deaths, injuries, and destruction of property (see section 5).

As in previous years, there were a number of killings that resulted from disputes between indigenous locals and migrant herdsmen. In Volta, Eastern, and Upper West regions, joint military and police teams disarmed and removed Fulani herdsmen, who occasionally set up camp on private property without the consent of the owners.

Numerous deaths resulted during the year from vigilante-style justice on suspected criminals by angry citizens and mobs. Security forces sometimes intervened to save the lives of the intended victims. In August the police issued a statement urging the public not to engage in vigilante justice, emphasizing that such actions were illegal and punishable by law.

Unlike in the previous year, there were no reports that some members of the security forces appeared to sanction violence.

On April 24, a mob in Kumasi lynched a man mistakenly identified as a thief. The man was delivering a letter to his landlady, who allegedly recognized him but called for help anyway because she harbored a grudge against him. Police arrested the woman, as well as two men who allegedly stabbed the victim to death.

On May 23, a mob in Accra beat to death three men suspected of stealing goats. Police publicly deplored the action taken by the mob, and the case remained open at year's end.

According to news reports, on September 14, a mob beat a man to death in Kumasi after he allegedly snatched a woman's bag. Police in Kumasi said that the incident was not reported to them.

In December two alleged gang members suspected of burglary were beaten to death by neighbors of the homeowner. An investigation was ongoing at year's end.

The trial of four men who in 2005 allegedly beat to death a 16-year-old student mistaken for a bag-snatcher was ongoing at year's end.

There were no conclusive results of an investigation into the 2005 beating death of a 38-year-old man by a mob after he allegedly shot a former girlfriend and her female friend.

The police legal directorate did not issue an opinion on the 2004 death of a 16-year-old from Nsuaem, Western Region, whose father petitioned the inspector general of police in 2005 for an investigation after the police denied killing the boy during a mob attack.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there continued to be credible reports that police beat and abused suspects, prisoners, demonstrators, and other citizens. Severe beatings of suspects in police custody reportedly occurred throughout the country but largely went unreported in official channels. In many cases, police denied allegations or claimed that force was justified by the circumstances.

In April government forces beat and forcibly evicted hundreds of illegal residents (see section 2.d.).

On June 3, the Inspector General of Police (IGP) ordered an investigation into the case in which a five-month-old baby became ill after being forced to spend the night in a Kumasi jail with her parents and aunt. The initial arrest warrant for theft was issued for the baby's mother, but the other two family members were also arrested when they attempted to prevent police from arresting the mother.

In November a nursing mother, who had given birth during her third week of serving a six-month prison sentence, was released from the Sunyani Prison following the intervention of the Commission on Human Rights and Administrative Justice (CHRAJ), a government body charged with investigating allegations of human rights abuse. The CHRAJ regional director was touring the prison facility when she saw the mother nursing her child.

Unlike in the previous year, there were no reports of inter- or intra-party clashes. There also were no reports that political party supporters beat journalists.

There were no developments in the case of the March 2005 alleged police beating of the traditional chieftain of the Mfantseman District.

In August the police regional disciplinary board conducted the trial of a police officer in Sunyani, who stood accused of shooting a bystander in October 2005. The board's decision was then sent to the national disciplinary board, which had not reviewed the case by year's end; the police officer remained on suspension.

In January 2005 the police officer who shot a taxi driver in 2004 for failing to stop was suspended from his job. By year's end the police homicide unit concluded its investigation and forwarded the case to the Attorney General's office for a recommendation regarding disciplinary measures for the police officer.

The government did not continue its investigations into the June 2004 beatings of political party activists.

"Macho men" (political party thugs) and "land guards" (private security enforcers hired by citizens to settle private disputes and vendettas) caused injury and property damage during the year. The macho men were organized privately and operated outside the law. There were some allegations of police complicity with these extra-legal security agents, although police denied any involvement. During the year the police Land and Property Fraud Unit arrested, prosecuted, and convicted a number of land guards in the Greater Accra Region.

Vigilante-style justice conducted by angry citizens and mobs against suspected criminals and witches resulted in deaths and injuries (see section 1.a.).

#### Prison and Detention Center Conditions

Prison conditions in most cases were harsh and sometimes life threatening, despite government efforts to improve them. Much of the prison population was held in buildings that were originally old colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, dilapidated construction, and limited space.

According to the 2004 Prisons Service Annual Report, approximately 11,700 prisoners were held in prisons designed to hold 6,500. During a visit to Winneba Central Prison in 2005, CHRAJ found 45 prisoners occupying a room designed for three. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organizations for additional food, medicine, and other necessities. A shortage of food, bedding and clothing for prisoners continued. Overcrowding contributed to a high prevalence of communicable diseases. Some detainees facing short sentences allegedly pled guilty in order to be sent to prison, where conditions were somewhat better than in the overcrowded and unsanitary police detention centers that also lacked windows and ventilation systems.

In August President Kufuor asked the Prisons Service Council to make prisons more humane by improving prison conditions, observing that the prisons were outdated and did not distinguish among different categories of prisoners, including first-time offenders, juveniles, and those convicted of serious crimes. The government had not acted on his directives by year's end.

In December the Prisons Service set up a unit at the Nsawam Medium Security prison to care for babies whose mothers are in prison. At year's end, the unit had seven babies.

On June 7, a suspect in custody at the Tesano Police Station in Accra was killed by a fellow detainee during a fight between the two in which each accused the other of implicating him in a robbery.

On September 7, an inmate at the Bibiani Prison was found hanging in his cell, allegedly killed by his cellmates. Police had put him in the same cell as two of his alleged accomplices in a robbery after the inmate agreed to testify against the other two. The investigation was ongoing at year's end.

There were no developments in the March 2005 death of a prisoner in Kumasi who died after fellow inmates tied him up.

In certain facilities female prisoners in police cells were separated from male prisoners by only a few feet. In the Accra

Central Police cells, female prisoners were kept in a small vestibule, separated from men by only a gate. The law stipulates that female convicts be tested for pregnancy upon incarceration, regardless of the offense, and that pregnant convicts be held in a facility where their health needs can be met. A Non-governmental organization (NGO) that worked with prisoners reported that many female convicts were not tested unless they began to show signs of pregnancy. In September the Minister for Women and Children's Affairs called on judges to avoid giving custodial sentences to pregnant women and proposed alternative sentences such as community work, suspended sentences, probation, and fines.

Some juveniles inflated their ages to avoid lengthy rehabilitation sentences in the Borstal Institute, a juvenile detention center that the government operated like a prison. In response, the Department of Social Welfare and the Prison Service collaborated to transfer any known juveniles in adult prisons to juvenile correction centers.

Pretrial detainees were held with convicted prisoners.

During the year CHRAJ, the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), and the Prisons Service all visited prisons and detention centers to monitor conditions. CHRAJ and PRAWA were required to give at least 10 days notice before any prison inspections.

#### d. Arbitrary Arrest or Detention

The constitution and law provide for protection against arbitrary arrest and detention; however, the government did not always observe these prohibitions.

#### Role of the Police and Security Apparatus

The police, under the jurisdiction of a 10-member Police Council, are responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate entity, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the Ministry of National Security. The police maintained specialized units in Accra for homicide, forensics, domestic violence, visa fraud, narcotics, and cyber-crimes. However, there were significant barriers to extending such services nationwide, including a lack of office accommodation, police vehicles, and equipment outside of Accra.

The police service came under repeated criticism following incidents of police brutality, corruption, and negligence. Impunity remained a problem. Delays in prosecuting suspects, rumors of police collaboration with criminals, and the widespread perception of police ineptitude contributed to a continued increase in vigilante justice during the year. There were also credible reports that police extorted money by acting as private debt collectors, by setting up illegal checkpoints, and by arresting citizens in exchange for bribes from the detainees' disgruntled business associates.

Government officials publicly stated that the government's policy of zero tolerance for corruption applied to police and other security officials; however, a 2005 public opinion survey by the Ghana Integrity Initiative, the local chapter of Transparency International, found the police to be the public institution most frequently perceived as corrupt (77 percent of respondents).

The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. During the year PIPS received 522 complaints and petitions, compared with 247 in 2005. There were 70 complaints related to harassment, unlawful arrest, and detention with human rights violations, compared with 48 in 2005 and 79 in 2004. Of the 522 complaints received, 212 had been investigated by year's end.

As a result of PIPS investigations, the Inspector General of Police in 2005 warned police officials that incidents of misconduct would be punished, and he took steps to punish some offenders. Over the 18-month period between January 2005 and July, 80 police officers of varying rank were dismissed for various offenses, and 92 others were demoted. No disciplinary action was taken against police officers between July and year's end.

From January to May, the government allowed 64 senior police officers to participate in two eight-week basic police skills courses, which included modules on appropriate use of force, international human rights standards, trafficking in persons, and domestic violence.

#### Arrest and Detention

The constitution provides that an individual detained should be informed immediately, in a language that the detained person understands, of the reasons for the detention and of his or her right to a lawyer and an interpreter at state expense. The law requires judicial warrants for arrest and provides for arraignment within 48 hours. The law requires that a detainee who has not been tried within a "reasonable time" as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person appear in court at a later date. The law also provides for bail. In practice, however, many abuses of these rights occurred, including detention without charge

for periods longer than 48 hours, failure to obtain a warrant for arrest, and remand of prisoners into custody for indefinite periods while an investigation is conducted by renewing warrants or by simply allowing them to lapse.

In 2005 the NGO Commonwealth Human Rights Initiative (CHRI) criticized the police for routinely detaining persons for more than 48 hours without a warrant signed by a magistrate. A 2003 Center for Democratic Development (CDD) survey found that 46 percent of the persons arrested were not informed of the charges against them, 51 percent were not read their rights, 67 percent reported they were not given the opportunity to contact a lawyer, and 44 percent believed they were presumed guilty from the onset.

Persons were occasionally detained for trivial offenses or on the basis of unsubstantiated accusations, such as insulting behavior, petty stealing, and disturbing the public peace. Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. The court has unlimited discretion to set bail, which was often 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. On occasion, police also demanded money from suspects as a precondition for their release on bail.

Security forces used checkpoints and conducted mass arrests while searching for criminals (see section 2.d.).

Lengthy pretrial detention was a serious problem. The Prisons Service's 2004 Annual Report reported that of 18,866 admissions, 10,709 (57 percent) were on remand and the remaining 8,157 were convicted. In 2004 the attorney general announced a nationwide review of all cases on remand; however, no progress was made in reducing that number during the year. The chief justice and appellate judges characterized the situation as a grave injustice, particularly since some detainees had been remanded for traffic and other minor offenses. Detainees sometimes served more time in detention awaiting trial than the sentence for the crime required. During 2004 inspections of prison facilities, the Director General of Prisons met numerous remand prisoners who had been detained for up to 10 years without trial.

In June a parliamentary team visited the Nsawam Prison, where the Deputy Director General of the Prisons Service, who accompanied the group, told them that the numbers of prisoners on remand was putting pressure on the already overcrowded facilities. According to the Deputy Director General, some prisoners had been on remand for more than five years without being charged or having their cases called for trial. He said that the number of remand prisoners at Nsawam Prison had increased from 202 in 2002 to 847 by the end of June.

CHRAJ officials in the Volta Region echoed these concerns, noting instances of prisoners on remand for three to five years for petty theft. As of March, there were 36 prisoners in the Ho Central Male Prison who were being held on expired warrants.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to influence and corruption.

The law establishes two basic levels of courts: the lower courts and the superior courts. The lower courts consist of the circuit and district courts, which serve as juvenile courts and family tribunals. These courts try civil cases involving \$5,429 (50 million cedis) or less; and criminal cases for offenses punishable by a fine not exceeding \$1,086 (10 million cedis), imprisonment for a term not exceeding two years, or both. The superior courts consist of the Supreme Court, the appeals court, the high court, the commercial court, regional tribunals, and fast-track courts. Fast-track courts hear cases to conclusion within six months. The majority of cases filed before the fast track court involved banking and commercial matters, human rights, and defamation. In November the attorney general brought a narcotics trafficking case before the fast-track court for the first time.

Members of the military are tried under the criminal code in a military court.

The Chieftaincy Act gives village and other traditional chiefs the power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, the authority of traditional rulers has steadily eroded because of a commensurate increase in the power of civil institutions, such as courts and district assemblies. In 2004 chiefs in Tema participated in an alternate dispute resolution (ADR) training program, which resulted in the recommendation that traditional councils have their own constitutions, apart from the Chieftaincy Act, to help institutionalize the role of local leaders in settling cases. The recommendation had not been implemented by year's end.

In 2005 the chief justice noted, with respect to judicial inefficiency, that one judge had adjourned three cases 96, 120, and 127 times, respectively. In 2004 the chief justice noted that some judges had not heard a single case or written a decision all year.

The government took steps in 2005 to address these problems. New high court rules to shorten trials, which included

the establishment of a commercial court, were effective in concluding trials more quickly during the year. The chief justice inaugurated a National Center for Arbitrators to train judges and other officials in ADR procedures to reduce court backlogs. Improved information technology resulted in an increase in cases handled by the fast track high courts from 7,378 in 2004 to 10,111 during the year. The chief justice also adopted a code of ethics in 2005 and issued a third annual report during the year in his continuing campaign to increase transparency, curb corruption, and improve efficiency.

In 2005 the chief justice identified implementation of an ADR scheme as a key strategy for reforming the judicial service. He designated the first week of every legal term as "ADR week" to focus on settling cases suited for ADR and thereby reduce the backlog of court cases.

A judicial complaints unit, headed by a retired Supreme Court judge, addressed public complaints. During the year the unit received 632 complaints, of which 107 were resolved, 186 were under investigation, and 339 were pending.

#### Trial Procedures

The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right. 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. Defendants and their attorneys have access to government-held evidence relevant to their cases and have a right to appeal. Juries are used in murder trials. In practice, authorities generally respected these safeguards.

The trial of retired military personnel arrested in 2004 for allegedly plotting a coup against the government was ongoing at year's end. The trial of two suspects accused of plotting a coup in 2005 also remained inconclusive at year's end.

#### 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, a human rights violation. At the end of July, there were 44 human rights cases before the fast-track courts.

During the year judicial officials continued to implement procedures for voluntary, court-facilitated ADR for settling civil disputes. Trained ADR judges and lawyers mediated some cases pending before the fast-track courts in July; however, most cases were still pending resolution at year's end.

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

The constitution and law prohibit such actions; however, in practice the government sometimes infringed on privacy rights. Although the law requires judicial search warrants, police seldom obtained them in practice.

Opposition party activists claimed the government engaged in surveillance and harassment of those it perceived to be opposed to the ruling party. Some civil society organizations expressed concerns that the government used surveillance, free of any oversight or regulation.

In April the government carried out forced evictions of hundreds of illegal residents from Dudzorme Island within Digya National Park on Lake Volta, where approximately 7,000 persons lived. The residents were given less than a month's notice, and there was no resettlement plan formulated for them prior to their eviction. The evictees had been living illegally for 30 years on land set aside as forest reserve. The evictees were reportedly beaten and forcibly put on an overloaded ferry that subsequently capsized in Lake Volta. Although NGOs reported that at least 100 persons drowned as a result, only 10 bodies were recovered. The government stopped the evictions immediately and initiated a commission of inquiry to investigate the disaster. The commission had yet to publish its findings by the end of the year. In July the squatters initiated legal proceedings at the Accra Fast Track High Court requesting an order to prohibit the Forestry Commission from carrying out the rest of the planned evictions. At year's end the government had no plans to continue the evictions and had not offered any resources to assist the evicted persons in resettling elsewhere.

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

##### a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. However, opposition parties occasionally complained that state owned media outlets minimized media coverage of opposition politicians. Individuals criticized the government publicly without reprisal.

More than 135 newspapers, including two state-owned dailies, and two state-owned weeklies, existed in the country. The two state owned dailies had national circulation. Most newspapers circulated only in regional capitals, and many of the smaller privately owned newspapers were available only in Accra.

Accra and Tema had two state-owned and 18 privately owned FM radio stations, and there were approximately 11 state-owned and 100 privately owned FM stations across the country. Most stations were independent and aired a wide range of viewpoints. There was one state-owned television station that broadcast nationwide; three semi-privately owned television stations that broadcast in the Greater Accra, Eastern, Ashanti and Northern regions; and three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi. There was also one cable network broadcasting in Sekondi-Takoradi.

Foreign media operated freely in the country, including the BBC, Radio France International, and Voice of America. Foreign periodicals were available in major cities and circulated freely, even when they contained articles critical of the government.

There were reports that police arrested, detained, and used excessive force against members of the media. For example on September 28, a police officer in Accra physically attacked a radio journalist who requested a fact sheet about an incident. The reporter was verbally abused, punched and had his head banged against the wall of the police station.

In November policemen from Tema, Ada and Kisseih allegedly used excessive force to prevent members of the media from covering a press conference held at Kportsum, near Ada. The Ghana Journalist Association (GJA) condemned the attack, claiming that police "brutalized" members of the press. Police sources contended that the press conference was not properly cleared with authorities and that they dispersed attendees and the press with minimal force.

Journalists were subjected to physical and verbal harassment as a result of their reporting. For example on August 15, a photojournalist covering the proceedings of a narcotics smuggling trial was attacked by a group of persons supporting the defendants. The journalist was photographing one of the defendants when the group pushed and struck him in an apparent attempt to prevent him from taking the photograph.

In September supporters of the former Minister of Road Transportation attacked a photographer and two journalists working for the Enquirer newspaper who were covering the minister's indictment by CHRAJ for perjury and abuse of office. Subsequently, the editor of the Enquirer was attacked by the same persons when he went to the police station to cover the story. The government did not respond to the incident.

In December two journalists were barred from a press conference held by the Ghana Ports and Harbors Authority (GPHA). This was allegedly done in retaliation for an article run by the journalists' newspaper. The GPHA later apologized to the newspaper.

The state-owned media reported extensively on charges of corruption or mismanagement by both current and past government officials. During the year the state-owned media gave some coverage to opposition politicians and printed occasional editorials critical of government policies. The opposition claimed that government media denied it equal access and coverage on numerous occasions. In practice the state controlled media gave greater exposure to government officials.

Government officials, including the president, called upon media to be more disciplined in their reporting but did not censor or abridge media output. Several cases of libel filed by government officials were settled to the agreement of all parties by the National Media Commission, a constitutionally mandated independent government body.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The Internet was accessible in Accra and large cities, but there was limited access in other parts of the country.

#### Academic Freedom and Cultural Events

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

#### b. Freedom of Peaceful Assembly and Association

## Freedom of Assembly

The constitution and law provide for freedom of peaceful assembly; however, at times the government restricted this right. The government does not require permits for demonstrations, but police can deny use of a particular route.

In July the government denied an application from the Gays and Lesbians Association of Ghana to host a proposed international conference in Accra in September. The Association was uniformly condemned by all religious organizations as well as government officials as being unconstitutional and immoral. Government officials maintained that because homosexuality is illegal in the country, granting a permit to hold the conference would be in contravention of the law (see section 5.)

During the year police arbitrarily and forcibly dispersed demonstrations, which resulted in injuries.

On September 9, eight persons were injured when police opened fire during a demonstration by students of the Institute of Professional Studies in Accra. Police reportedly fired indiscriminately into the crowd, used tear gas to break up the demonstration, and beat student demonstrators.

On April 26, anti-riot police fired tear gas to disperse students at the Legon University who had started a riot to protest the results of student government elections.

On February 21, approximately 20 persons were injured when police used tear gas and water cannons to disperse participants in a major opposition demonstration against the Representation of the People (Amendment) Bill (ROPAB), a bill that parliament passed two days later to extend voting rights to citizens residing abroad.

Neither the police nor government ministries responded to requests for an investigation into the June 2005 case in which a joint team of military and police shot and wounded at least seven persons who were protesting surface mining in Prestea in the Western Region.

No action was taken against police and soldiers who assaulted and beat supporters of the ruling party for failing to obtain permission to demonstrate in the capital in 2004.

There were no developments in the 2004 beatings of individuals by NPP party thugs.

Unlike in the previous year, no bans were imposed on outdoor political activities or demonstrations; however, the ban on campus demonstrations remained in effect during the year, although it has never been challenged or enforced.

## Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice. Members of security forces are prohibited from joining political assemblies or groups within the security services, but they are allowed to participate outside police or military compounds.

### c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

Religious institutions that wanted formal recognition were required to register with the Registrar General's Department; however, there were no reports that the government denied registration to any group. Most traditional religions, with the exception of the Afrikania Mission, did not register.

Some Muslims continued to feel a sense of political and social exclusion because of the continued pervasiveness of Christianity in many aspects of society. Factors such as the token representation of Muslims in national leadership positions, the frequency of Christian-oriented prayers in public settings, and the ubiquity of Christian slogans contributed to this perception of marginalization and discrimination among some members of the Muslim community.

Despite official policies promoting free religious practice in schools, Muslim and Seventh-day Adventist students continued to complain that school administrators occasionally failed to accommodate students' religious obligations when regulating school attire or scheduling examinations on holy days, for example. The Seventh-day Adventists failed in a 2005 court case challenging the exam-scheduling policies of the University of Ghana.

Human rights activists continued to express concerns about prayer camps in which individuals believed to be possessed by evil spirits were chained up for weeks, physically assaulted, and denied food and water. The camps targeted in particular persons with mental illness. Camp supervisors diagnosed mental illness as a demonic affliction

and prevented them from consuming food or water, often for seven consecutive days, as a method of cleansing victims of their evil spirits. Other victims were estimated to be as young as six years old. Families sent these victims to be exorcised of evil spirits or cured of their physical or mental illness. Victims were held at the camps until they were deemed to be healed. Reports indicated that these practices extend to the Greater Accra, Eastern, Central, Western, Ashanti, and Brong Ahafo regions. Camp leaders prevented CHRAJ from investigating the allegations. In recent visits to prayer camps, foreign embassy observers witnessed over 100 persons who were forcibly chained to beds or posts and one windowless cell designed for persons with mental illness. The country's psychiatric community was aware of this issue and was pushing for an updated mental health law that protected the rights of the mentally ill.

Trokosi, a religious practice indigenous to the southern Volta region, involves pledging family members, most commonly teenagers but sometimes children under the age of 10, to extended service at a shrine to atone for another family member's sins. Trokosis help with the upkeep of these shrines and pour libations during prayers. Trokosis sometimes live near shrines, often with extended family members, during their period of service, which lasts from a few months to three years. Government agencies, such as CHRAJ, have at times actively campaigned against Trokosi, although local officials portray it as a traditional practice that is not abusive. Some NGOs maintain that Trokosis are subject to sexual exploitation and forced labor, while supporters of traditional African religions, such as the Afrikania Renaissance Mission, have said these NGOs misrepresent their beliefs and regard their campaigns against Trokosi as religious persecution.

#### Societal Abuses and Discrimination

There were occasional reports of interreligious and intrareligious friction during the year.

In June the media reported a physical confrontation between members of the Christ Apostolic Church (CAC) and the Ga traditional authority, a chieftaincy group for the ethnic Ga people in the Accra area. Police did not make any arrests. The incident was precipitated by the CAC's violation of an annual one-month-long ban on drumming imposed by the Ga Traditional Council in Accra, which is granted legal authority over traditional practices by the Chieftaincy Act. For years CAC's use of drums and other musical instruments in its services has been a source of tension between it and the Ga traditional authority, which resulted in violence in 2001.

The Jewish community had a few hundred members. There were no reports of anti-Semitic acts. Unlike in previous years when anti-Semitic statements were published in two of the country's weekly newspapers, no anti-Semitic statements were known to be reported throughout the country.

The government often took steps to promote interfaith understanding during the year. For example, official meetings and receptions were typically opened with a multid denominational invocation led by religious leaders from various faiths.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights, and the government generally respected them in practice.

Security officers manned checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals, although many were unmanned during daylight hours; however, the police acknowledged that some officers occasionally erected illegal barriers to solicit bribes from motorists. In serious cases, these officers were disciplined with a reduction in rank and salary or dismissal from the police force. The police continued to erect security checkpoints and conduct highway patrols in response to a continuing upsurge in highway robberies. Police roadblocks and car searches were a normal part of nighttime travel in larger cities. The regional police commanders monitored the activities of police personnel working at the checkpoints.

The constitution prohibits forced exile, and the government did not use it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government has established a refugee board to adjudicate claims for refugee status and to ensure that refugees receive all appropriate protections. The government provided protection against refoulement, the return of persons to a country where they feared persecution. The government also granted refugee status or asylum. The law also incorporates the broadened refugee definition under the African Union Convention Governing Specific Aspects of Refugee Problems in Africa. The country cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The country generally had a liberal policy of accepting refugees from other West African nations, although this did not generally extend to granting work permits or permanent residence. The law accords the right of protection even to those refugees who entered the country without being documented.

The majority of the country's estimated 50,000 refugees were Liberians living in the Budumburam settlement on the western outskirts of Accra. Ten other nationalities were represented in the refugee population, including approximately 10,000 Togolese and 700 Sudanese.

At year's end the government had not released the report of an investigation into a November 2005 incident in which police fired tear gas and warning shots and beat refugees at Krisan refugee camp in the Southwestern Region to control a riot that left buildings and a vehicle burned. Following the outbreak of violence, the government restricted refugees' freedom of movement at this camp, gradually reinstating full freedom to enter or leave the settlement during the year.

Few refugees succeeded in overcoming the significant bureaucratic hurdles for obtaining work permits that would allow them to work legally in the formal sector. Most Ghanaian employers were not willing to wait the requisite three months for processing. Refugees in two locations complained that female market vendors resisted their attempts to set up alongside them. Nonetheless, many refugees secured employment within the informal sector as masons, carpenters, fishermen's assistants, tailors, small shopkeepers, and farmers.

In the Volta Region, Togolese refugees were allowed to use government-run clinics and hospitals at no charge.

Sexual and gender-based violence remained a problem among refugee populations. The physical insecurity of refugees living in the camps contributed to their vulnerability. The number of teenage pregnancies rose after police officers began guarding the camp and Liberian male teenagers arrived. At Budumburam camp, refugees alleged that they were coerced into having sex, usually with other refugees, in return for favors. In many cases victims were threatened with expulsion from their homes and pressured into having sex in exchange for money. Three cases of sexual assault were prosecuted, resulting in a six-month sentence for one perpetrator. Although there were reports of refugees being raped, officials at Krisan Camp were unable to determine whether the perpetrators were police or others due to lack of lights at the camp at night. In the other two cases, one victim was voluntarily resettled to a third country and one alleged perpetrator escaped and was never sentenced.

In August the government granted refugee status to approximately 270 Sudanese refugees who had been living in the country since January 2005. The refugees were subsequently relocated to Krisan Camp.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

In 2004 presidential and parliamentary elections were held nationwide. John Agyekum Kufuor of the NPP was reelected with 52.45 percent of the vote. Despite some irregularities, domestic and international observers characterized the elections as generally free and fair. There were reports of a shortage of ballots at some polls and minor problems with the voter register, such as misspelled names or photos not matching names. In the parliamentary elections the NPP won 128 seats; the National Democratic Congress (NDC), 94; the Convention People's Party, three; the Peoples' National Convention (PNC), four; and one independent candidate won a seat.

The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system includes recognized opposition parties, which expressed their views freely within parliament and won a near majority of the parliamentary seats. Registered political parties, including two new parties registered this year, operated freely within the country; however, opposition parties and persons in private business continued to allege that government contracts were often awarded on the basis of ruling party membership.

Women held 25 of 230 parliamentary seats, and there were four female ministers, 14 deputy ministers, and three female council of state members out of 112 such positions. Significantly more women presented themselves as candidates in the district assembly elections than in previous elections, and the percentage of female representation in the assemblies increased to 10 percent in 2006 from seven percent in 2002.

In addition to members of all of the country's six major ethnic groups and members of the Christian majority, the 230-seat parliament included members of several smaller ethnic groups, Muslims, and followers of traditional African religions. The NPP strongly favored members of the Ashanti ethnic group for high level appointed positions.

#### Government Corruption and Transparency

Corruption in the executive and legislative branches continued to be a problem. CHRAJ vindicated President Kufuor in its report on allegations that he had purchased a hotel with wrongfully obtained funds. The opposition NDC issued credible accusations that the government used anticorruption investigations to intimidate and harass its members.

Opposition parties charged that corruption continued unabated and that the government failed to use the institutions and mechanisms at its disposal to address the problem. There were reports that government officials pressured businesses to steer contracts toward favored companies and individuals.

On April 12, the wife of former president Jerry Rawlings, Nana Konadu Agyeman-Rawlings, and seven top-ranking members and sympathizers who served in the NDC administration were brought before an Accra fast-track court on charges of "willfully causing financial loss to the state" in connection with the purchase of a Ghana Industrial Holding Corporation (GIHOC) cannery in Nsawam by CARIDEM Development Company. CARIDEM is a limited liability company owned by the 31st December Women's Movement, an NGO of which Mrs. Rawlings is the president. The government alleged that Mrs. Rawlings and others acted together to falsify records on the outstanding balance CARIDEM owed the state on the purchase of the company, with the intent to deceive the government. The directors of CARIDEM argued that they had fulfilled the terms of the agreement and that the ruling NPP was working against them for political reasons. Charges were withdrawn against three of CARIDEM's directors who were alleged to be connected to persons in high places within the ruling government. The case was ongoing at year's end.

The trial of the former head of the Ghana National Petroleum Corporation on charges of causing financial loss to the state was ongoing at year's end.

In July a national scandal erupted following allegations of complicity by police and other government officials in narcotics trafficking. During an investigation into the disappearance from police custody of five kilograms of cocaine from a 30-kilogram seizure, a tape recording surfaced of a meeting between a senior police official and drug traffickers. In a separate case, a woman alleged that a different senior police official requested a \$200,000 bribe to drop a case against her boyfriend, a foreign cocaine trafficker. Both the NPP and the opposition NDC used the scandal to accuse the other of allowing the country to become a transshipment point for cocaine and heroin bound for other countries.

On September 22, an independent commission submitted its report on these cases of alleged corruption in illicit drug trafficking. The report recommended that all persons present at the meeting between the police official and drug traffickers be charged with crimes. In the bribery case, the report recommended exoneration of the police official and censure of the IGP for meeting with a woman who claimed she had been asked for a bribe. The Minister of Interior stated publicly he would not follow the report's recommendations regarding the IGP in the bribery case. In December the government accepted the proposal of the police council to disregard the commission's recommendation to censure the IGP.

In September CHRAJ found Minister of Road Transportation Richard Anane guilty of abuse of office, conflict of interest, and perjury and recommended to President Kufour that the minister be relieved of his official duties. In October Anane resigned his ministry position under pressure following allegations of corruption and conflict of interest related to an extramarital affair. He remained a Member of Parliament and at year's end was seeking a court review of the CHRAJ report and its recommendations.

In a report on political party financing released in 2004, the Center for Democratic Development found that 42 percent of those surveyed cited kickbacks as the most prevalent manifestation of political corruption, followed by political appointment and extortion.

In August parliament passed a whistleblower bill establishing a procedure for individuals to disclose information on illegal conduct or practice. The law provides legal protection for whistleblowers against retribution from employers, and CHRAJ can order that the person be reinstated or receive monetary damages if they are fired. The law also provides for a fund to be created to compensate whistleblowers who make a disclosure that leads to an arrest and conviction can be rewarded with money from the fund; in cases in which money is recovered, the whistleblower can be rewarded with a percentage.

In December CHRAJ issued conflict of interest guidelines for all public servants.

Although the constitution provides for public access to government information, parliament had not passed implementing legislation by year's end.

#### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

At least 20 domestic and international human rights NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views. International organizations and NGOs that operated in the country included the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM), Abantu for Development, Amnesty International, the Commonwealth Human Rights Initiative (CHRI), and the International Federation of Women Lawyers (FIDA).

The government body CHRAJ was charged with investigating alleged violations of human rights, including corruption of public officials, and taking action to remedy proven violations. CHRAJ continued to hold workshops to educate the public, traditional leaders, police, and the military on human rights issues. It mediated and settled cases brought by individuals with grievances against government agencies or private companies. CHRAJ received an average of 10,000 complaints annually. The bulk of these were family-related issues, although the commission investigated some corruption cases, specifically those involving conflict of interest. Since its inception in 1993, CHRAJ has received over 78,000 petitions and successfully resolved 64,024.

CHRAJ operated with no overt interference from the government; however, some critics questioned its ability to independently investigate high-level corruption within the Kufuor administration. Its biggest obstacle was a lack of adequate funding and resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and Non-governmental agencies. Public confidence in CHRAJ was high, resulting in an increased workload for its overstretched staff, some of whom went unpaid for months due to a chronic lack of resources.

During the year the government allocated \$1,465,798 (13.5 billion cedis) as compensation for victims of human rights abuses that occurred during the various periods of military rule that the country endured between 1957 and 1993. The victims were identified by the National Reconciliation Commission (NRC), which was set up by the 2001 National Reconciliation Act to investigate and document cases of human rights violations during this specific period. During the year the commission completed its review of reported cases and recommended reparations for 2,511 individuals. In addition confiscated properties were to be returned to their rightful owners. On October 13, the government began issuing reparations ranging between \$108 and \$3257 (one million cedis and 30 million cedis, respectively). By year's end the government had provided over \$542,888 (five billion cedis) in reparations to 850 persons.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, sex, disability, language, or social status; however, enforcement by authorities was generally inadequate. Limited financial resources and a generally permissive societal attitude toward such discrimination contributed to its perpetuation. The courts were empowered to specifically order enforcement of these prohibitions.

### Women

Violence against women, including rape and domestic violence, remained a significant problem. The law does not prohibit domestic violence, and the criminal code grants husbands spousal immunity from any charges of assault against their wives. According to FIDA, one in three women experienced domestic violence, and most abuses went unreported. The police service's Domestic Violence Victim Support Unit (DOVVSU), formerly the Women and Juvenile Unit, handled cases of domestic violence and child abuse, as well as juvenile offenses. During the year DOVVSU investigated 5,835 cases, the majority of which entailed allegations of assault (1,932) or failure to provide necessities of life (1,493). There were also 536 defilement cases. DOVVSU worked closely with the Department of Social Welfare, FIDA, the Legal Aid Board, and several human rights NGOs to combat domestic violence.

Prosecution of domestic violence cases remained difficult. Of 11,335 cases reported to DOVVSU's Accra branch between 1998 and 2004, only 19 percent led to a court appearance and less than 3 percent resulted in convictions from charges of assault. In many cases, victims were discouraged from reporting abuse and from cooperating with prosecutors because of long delays in bringing such cases to trial. Victims frequently did not complete their formal complaints because they could not afford the fees that doctors charged to document the abuse in police medical forms.

Unless specifically called upon by DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills, shelter, and other resources to assist victims. In the Eastern Region, an NGO operated a single shelter that housed 18 women at year's end, with victims using the facility for periods of time ranging from several hours to nearly a year. This NGO received over 500 women in its crisis center and offered 171 women legal aid during the year. A second NGO offered legal aid to 800 women during the year.

The criminal code outlaws rape, and perpetrators were arrested and prosecuted for this crime. However, husbands have immunity from such charges.

Belief in witchcraft remained strong in many areas. In a practice prevalent mainly in the Northern, Upper East, and Upper West regions of the country, rural women continued to be banished by traditional village authorities or their families for suspected witchcraft. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. The banished women went to live in "witch camps," villages in the north of the country populated by suspected witches, some of whom were accompanied by their families. Various organizations, including Catholic Relief Services, provided food, medical care, and other support to residents of the witch camps. According to a local NGO in the Northern Region, the number of women in the witch camps was close to 3,000 and had been decreasing slowly in recent years. The women would not face formal legal sanction if they were to return home; however, most feared that they would be beaten or lynched if

they returned to their villages and consequently did not pursue legal action to challenge charges against them and return to their communities. Outreach and community sensitization by various NGOs has made considerable progress in reintegrating the accused women into their communities.

There were several cases of lynching and assault of accused witches during the year. A local NGO reported that police refused to take the statement of a woman who had been assaulted by a group of villagers for fear that she would cast a spell on them. The NGO observed that such cases are not uncommon.

The government, under the auspices of the DOVVSU, continued to charge and investigate persons who committed acts of violence against suspected witches and refrained from charging people based solely on allegations of witchcraft.

In March six female students of a senior secondary school were dismissed after they were found to be pregnant after being forced to submit to pregnancy tests. This action was endorsed by both the Ministry of Education and the Ghana Education Service. Human rights activists raised the concerns that the girls' rights had been violated by forcibly testing them and then dismissing them from school, and that the children's fathers were not similarly identified and punished.

The law prohibits FGM, but it remained a serious problem in the northern regions of the country. Type II FGM was more commonly performed than any other type. The typical age at which a girl was excised was 15, although it was often performed on younger girls. According to a 2005 study conducted by the Ministry of Health, approximately 15 percent of women between 12 and 19 in the three northern regions had undergone FGM, although some observers believed that NGO- and government- sponsored awareness campaigns regarding the illegality of FGM had driven the practice underground and that the real rate in these regions was as high as 30 percent. Such intervention programs have been somewhat successful in reducing the prevalence, although it was difficult to estimate their effectiveness precisely. Officials at all levels, including traditional chiefs, have spoken out against the practice, and local NGOs continued their educational campaigns to encourage abandonment of FGM and to train practitioners in new skills so that they could seek alternate sources of income. There were no prosecutions of practitioners during the year. In some cases women and girls preparing for marriage actively sought out FGM practitioners, sometimes without their parents' knowledge, because of a cultural belief that brides should be excised. One NGO in the Northern Region reported that mothers frequently failed to return to the hospitals where they delivered their babies for immunizations and postnatal clinics, allegedly because they did not want the hospitals to discover that they were having their daughters excised.

The law imposes punishments for the sexual exploitation of children; however, such exploitation occurred (see section 5, Children).

Trafficking of women and children for prostitution occurred (see section 5, Trafficking).

There were no laws to specifically protect women from sexual harassment; however, some sexual harassment cases were prosecuted under the existing criminal code. Women's advocacy groups reported that sexual harassment was a problem. A 2005 survey by the African Women Lawyers Association found that 63 percent of the 789 female professionals in the country who responded had experienced some form of sexual harassment in the workplace and at educational institutions.

Women continued to experience discrimination in access to employment. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritance and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children. There were a number of female entrepreneurs, but poor access to credit remained a serious barrier for women who wanted to start or expand a business.

Women's rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. In 2005 the Ministry of Women and Children's Affairs (MOWAC) began developing plans to include women's concerns in government policies and to increase the hiring of women in civil service positions. The government was active in educational programs, and many officials were active, outspoken advocates of women's rights.

During the year MOWAC launched the Women in Local Governance Fund (WiLGF), to help female candidates mount competitive campaigns during the District Assembly Elections in September and in the 2008 national elections. WiLGF organized seminars for women on campaign strategies, capacity building, and public speaking.

## Children

Within the limits of its resources, the government was committed to protecting the rights and welfare of children, although its efforts were constrained by its limited financial and logistical resources. The government continued to implement the Education Sector Plan (ESP) 2003-2015, which provides for free universal primary school education

until 2015. The Ghana Education Service (GES) reported that its Capitation Grant scheme led to a 16.6 percent overall increase in enrollment from 2004-2005 to 2005-2006.

Education is compulsory through primary and junior secondary school (the equivalent of grades 1 through 9). Despite the constitutional provision for "free compulsory and universal basic education," parents were required to purchase uniforms and books.

According to the Ministry of Education, the gross enrollment rate during the year was 92.7 percent at the primary level with 95 girls enrolled for every 100 boys, an increase from 93 in the 2004-2005 school year. At the junior secondary school (JSS) level, 76.1 percent of eligible children were enrolled, with 90 girls enrolled for every 100 boys, an increase from 88 in the 2004-2005 school year. Some children did not attend school because they worked to supplement their family's income (see section 6.d.) or lived at great distance from the closest school. Many children, particularly in rural areas, were affected by insufficient teachers and other resources at local schools. The economic cost associated with enrollment was a significant obstacle for many children's families. In addition authorities did not regularly enforce children's attendance at school, and parents were rarely sanctioned for keeping their children out of school.

To increase access to basic education and lower the student drop-out rates, the government introduced the Capitation Grant program during the 2005-2006 academic year. As part of this program, the government paid schools \$3.26 (30,000 cedis) for every child enrolled. This payment was intended to eliminate the extra levies of up to \$489 (4.5 million cedis) that schools had imposed on students in addition to the tuition costs that were met by the government. The government also piloted a school lunch program in 690 schools, with plans to expand it if the pilot program proves successful. The government also provided free books to schools in 138 districts in September. As a result of these initiatives, there was an 11.3 percent increase in enrollment, from 83.3 percent in 2004-2005 to 92.7 percent in 2005-2006.

The government strongly supported the UN's Education for All goals. During the year GES actively campaigned to expand education for girls by providing scholarships at the JSS and Senior Secondary School levels and by offering financial incentives and free housing to female teachers to work in rural areas. The GES placed girls' education officers at regional and district levels, and there were community participation coordinators in every district office to mobilize communities to increase school enrollments for girls. The government continued sponsoring science and math clinics at the JSS level to encourage more girls to pursue careers in science and technology.

These efforts have been accompanied by increased government support of informal schools, which target children who must work to help support their families. With funding from several foreign governments, NGOs organized and ran these informal schools, which taught basic numerical, literacy, and life skills at no charge. During the year the government also increased educational opportunities for students with disabilities by increasing grants to primary schools serving these students so that 100 percent of the enrolled population received assistance.

Children under five years of age, regardless of gender, had access to free health care at public hospitals and clinics.

The law prohibits defilement, incest, and sexual abuse against minors, but such abuse remained a serious problem. There were frequent reports that male teachers sexually assaulted and harassed female students. The girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. Approximately 40 percent of female students reported being sexually harassed at school often or very often, according to a 2005 study conducted in upper primary and junior secondary schools. During the year there continued to be press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

DOVVSU announced in 2005 that between January 1999 and May 2004, there were 1,756 cases reported in which men victimized children between the ages of two and 15, 397 cases in which girls over the age of 16 had been raped, and 44 cases of reported incest. DOVVSU further advised that during the year 536 cases of defilement, eight cases of causing harm to a child, and 1,493 cases of child neglect were reported. Severe resource constraints prevented DOVVSU from following up on individual cases, and DOVVSU did not maintain records on the disposition of cases.

Reports were received during the year of the use of corporal punishment, including the caning of students.

Local authorities estimated there were fewer than 50 Trokosis, who are members of the Ewe ethnic group sent as teenagers or children to live at a shrine for up to three years in atonement for an allegedly heinous crime committed by a family member. Most Trokosis were children, although some were adults who had been brought to the shrines as children. While instances of sexual abuse may occur, there was no evidence that sexual or physical abuse was an ingrained or systematic part of the practice. The practice explicitly forbids a Trokosi to engage in sexual activity or contact during the atonement period. After a ritual, the Trokosi returns to his or her family. In the vast majority of cases, there is no particular stigma attached to one's status as a former Trokosi shrine participant. Multiple investigations by foreign embassy representatives have turned up no credible evidence of systematic or widespread abuses (see section 2.c.)

FGM was performed primarily on girls rather than adult women (see section 5, Women).

Forced child marriage, which is illegal, remained a problem. CHRAJ and NGOs reported that the problem had not improved during the year. In 2004 the Acting Commissioner for CHRAJ declared forced marriage the major human rights abuse issue in the Northern Region, which was more socially conservative and economically depressed than other regions. In 2004 a 16-year-old girl committed suicide to protest an abusive marriage into which she had been forced. Schoolteachers reported two other cases of forced marriages in 2004.

There were reports that trafficking in children occurred for the purposes of forced labor or sexual exploitation, including children being sold into various forms of involuntary servitude (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d).

The migration of children to urban areas increased due to economic hardship in rural areas. Children were often forced to fend for themselves to survive, increasing both the occurrence of child labor and the school dropout rate (see section 6.d). In 2005 MOWAC officials estimated that as many as 40,000 porters (children who carry loads on their heads), most of whom were girls under 18, lived on the streets in major cities, including Accra, Kumasi, and Takoradi. These girls were among the most vulnerable child laborers, as many also engaged in prostitution or were sexually exploited in exchange for protection while living on the streets. In 2003 the Ghana Statistical Service and the International Labor Organization's International Program to Eliminate Child Labor (ILO/IPEC) surveyed 2,314 street children throughout the country, most of whom lived in the urban areas of the Greater Accra and Ashanti Regions and had migrated from northern rural areas. Of those surveyed, 45.7 percent had never attended school, 98.1 percent were engaged in economic activity within the last 12 months, and 80 percent stated the work was demanding. Over three-quarters of street children surveyed reported that both parents were alive, indicating poverty was the main cause of the problem.

Local and international NGOs worked with the government to promote children's rights and were somewhat successful in sensitizing communities about protecting the welfare of children.

In November the media reported that young girls were being raped by older boys at a government-run orphanage in Accra and that orphanage officials were aware of the problem but did not intervene. Girls at the orphanage were also encouraged to prostitute themselves to earn money while still at the orphanage. The director of the orphanage denied these allegations, and the government did not respond to the media report.

#### Trafficking in Persons

The Human Trafficking Act, which President Kufuor signed in December 2005, prohibits trafficking in persons and provides for a minimum prison sentence of five years for convicted traffickers. Although four persons were arrested and charged under the new law, there were no prosecutions by year's end. The country was a source, transit, and destination country for women and children trafficked for the purpose of forced domestic and commercial labor and sexual exploitation.

There was no reliable estimate of the number of internally or externally trafficked victims, although both NGOs and IOM thought this number to be in the thousands. From January to September, four cases of child trafficking and seven cases of child labor exploitation were reported to DOVVSU.

Trafficking was both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involved boys from the Northern Region going to work in the fishing communities along the Volta Lake or in small mines in the west, and girls from the north and east going to Accra and Kumasi to work as domestic helpers, porters paid to transport various items, and assistants to local traders (see section 6.d.). Local NGOs reported these children were often subjected to dangerous working conditions and were sometimes injured or killed as a result of the labor they performed. Local authorities supported projects sponsored by IOM and other organizations to decrease the incidence of such trafficking. IOM and various NGOs offered micro-credit assistance and education to families who agreed not to provide their children to traffickers and to those whose children had been trafficked.

Children between the ages of seven and 17 also were trafficked to and from the neighboring countries of Cote d'Ivoire, Togo, the Gambia, Nigeria, and Equatorial Guinea to work as farm workers, laborers, divers, street hawkers, or domestics. Benin and Burkina Faso were also destination countries for trafficked children.

Much of the recruitment of children was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas. Treatment of children sent to work in relatives' homes varied. Many children were given to professional recruiters, usually women, who placed the children with employers in cities. A child in these circumstances usually was paid between \$2.17 and \$3.26 (20,000 to 30,000 cedis) per month. In many cases the children never received the

education or vocational training the recruiters promised. Girls were at particular risk of being forced into prostitution or being sexually abused by their employers.

Women also were trafficked to Western Europe, mostly to Italy, Germany, and the Netherlands. International traffickers promised the women legitimate jobs; however, the women often were forced into prostitution once they reached their destination. The women were sometimes sent directly to Europe while others were trafficked through third countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There also was a trade in Nigerian women transiting the country on their way to Western Europe or the Middle East to work in the commercial sex industry. Traffickers from other countries reportedly used Accra as a transit point to Europe and the Middle East. Reportedly, there was some trafficking in persons from Burkina Faso, mostly transiting through the country on the way to Cote d'Ivoire.

Authorities were unaware of any organized crime syndicates involved in human trafficking in the country.

Under the new antitrafficking law, DOVVSU has responsibility for enforcement, and the Department of Social Welfare within the Ministry of Manpower, Development and Employment has responsibility for victim assistance, including locating family members and providing temporary shelter, counseling, and job skills training. Local police and social welfare officials reported insufficient resources to implement the new law, particularly in rural areas without police stations. In some cases police and community leaders simply ignored NGO education and sensitization efforts due to strong cultural norms that condoned trafficking.

The new law also establishes a 17-member Human Trafficking Board composed of all relevant ministries, the security services, the private sector, and other stakeholders. At year's end, MOWAC had identified a coordinator and the board's prospective membership, and had discussed a date for inaugurating the board, which was intended to oversee the government's antitrafficking activities. However, at year's end the president had not yet signed the order approving the proposed membership, which was required for the board to be formally established.

In August police intercepted a truckload of 46 children being trafficked from the Upper West Region to Kumasi and the southern parts of the country. The children ranged from nine to 19 years old. Police arrested the driver under the new trafficking law, and his trial was ongoing at year's end. The children were sent back to their parents, who were not charged with a crime.

Also in August police arrested the driver of a bus carrying 40 children from the Upper West Region to Techiman. The driver's trial was ongoing at year's end.

In July 2005 a 25-year-old Ivorian man was remanded in custody in Sekondi for attempting to sell his 21-year-old male friend for \$2,714 (25 million cedis). There were no known developments during the year.

In September 2005 the Immigration Service reported its largest interception of traffickers to date when Kulungugu border officials arrested a woman for attempting to traffic 17 children, ages five to 17, to Burkina Faso. The children reportedly believed that they would be visiting Burkina Faso. The woman was released due to a lack of evidence, and the children were returned to their communities.

The government generally assisted with international investigations of trafficking; however, during the year the government continued to refuse to extradite a Member of Parliament to face a 2003 indictment for trafficking charges.

The government, the ILO, and NGOs trained security forces, immigration authorities, customs officials, and police on the new trafficking law. Each group was taught methods of identifying victims, and police were trained on the new law, whom to charge, and which violations to cite in charging suspected perpetrators. Since July 2005 more than 200 senior officers, cadets, and recruits from the police service participated in a Trafficking in Persons training. Participants were trained in recognizing trafficking victims and securing evidence against trafficking criminals. TIP training is now a standard module in the curriculum of the Police Training Academy in Tesano, Accra.

In August the government established a Border Patrol Unit under the Immigration Service to monitor the flow of travelers in and out of the country. The Minister of Interior committed \$214,984 (1.98 billion cedis) in start-up funds to the program. By year's end, 150 officers had completed an eight-week course of training in paramilitary operations and light weaponry as well as the standard six months of training at the Ghana Immigration Service camp in Assin Foso.

Various ministries worked with ILO/IPEC, the IOM, and NGOs to address trafficking. The Ministry of Manpower, Development and Employment, in conjunction with ILO/IPEC, continued to implement a National Plan of Action for the Elimination of Child Labor (see section 6.d). The IOM, the African Center for Human Development, and MOWAC worked to identify and return children trafficked to fishing villages, and to support the fishermen's transition to alternate forms of income generation. Since 2002 587 trafficked children have been rescued from fishing villages; IOM helped with the rescue of 50 children during the year.

In a July meeting of the Economic Community of West African States (ECOWAS) and the Economic Community of

Central African States (ECCAS), Ghana signed an ECOWAS/ECCAS agreement among 24 countries to combat trafficking by establishing a Human Trafficking Board to develop a plan of action to combat domestic trafficking. The government is also a signatory to a 2005 nine country multilateral protocol for international cooperation on child trafficking.

Authorities made efforts to shelter and reintegrate trafficking victims from the country and other West African countries. In 2005 the Department of Social Welfare opened its second shelter, capable of accommodating 30-55 child trafficking victims, in Medina near Accra. The government devoted little attention to rehabilitating traumatized child trafficking victims, some of whose parents rejected their children so that they would not be asked to refund money they had received from traffickers.

Several NGOs, both local and international, worked with trafficking victims. These organizations, as well as the University of Ghana's Center for Social Policy Studies, conducted studies of trafficking as part of their broader agenda, performed a few rescue operations for street children, provided training and education for victims of trafficking and abuse, and in some cases, assisted with family reunification. Friends of Human Development, a local NGO, met regularly with community and opinion leaders to educate them about the dangers of trafficking and the penalties imposed by the new antitrafficking law.

The ILO/IPEC conducted workshops and other activities throughout the year to combat the problem of increased child sexual exploitation in the tourism industry. In 2005 a minister ordered hotel administrators to prevent adults from bringing children to hotels for sexual exploitation.

During the year the government conducted community meetings and workshops for media and police to raise awareness of the trafficking law. There was a trafficking officer assigned to organize such workshops.

#### Persons with Disabilities

In July parliament passed legislation that specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination in employment, health care, and other domains. While the government did not systematically or overtly discriminate against persons with disabilities, such persons often experienced societal discrimination in practice. The law provides persons with disabilities access to public buildings as far as is practical. In 2003 officials in the department of social welfare estimated that 10 percent of the population had some form of physical disability.

In 1999 the government established a policy whereby blind and wheelchair-bound persons would receive a nominal annual disability allowance of \$16.61 (153,000 cedis). In June 2004 the interim chairman of the Ghana Union of Physically Disabled Workers accused the Ghana Education Service (GES) of not paying workers with disabilities the allowance to which they are entitled. According to the Ghana Union of Physically Disabled Workers, approximately 60 persons with disabilities were denied this allowance during 2005, with GES the main offender.

Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance. Some religious sects believed that persons with mental disabilities were afflicted by demons and should be exorcised (see section 2.c.). The abuse of children with disabilities was common. There were reports that children with disabilities were tied to trees or under market stalls and caned regularly. There also were reports of family members killing children with disabilities.

In September the media carried reports of a four-year-old boy whose family confined him to their house, allegedly to spare him public ridicule of a congenital lump on the back of his waist. The boy was not permitted to interact with persons outside his immediate family. The government did not respond by year's end.

There were multiple government agencies and NGOs involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare in the Ministry of Manpower, Development and Employment, the Ministry of Education, and the Center for Democratic Development (CDD). The NGO Parents Association of Children with Intellectual Disability and Autism conducted outreach and awareness-raising efforts during the year.

#### National/Racial/Ethnic Minorities

Although the government deemphasized the relevance of ethnic differences, its opponents complained that appointed senior government positions were dominated by Ashantis and other Akans at the expense of Ewes and northerners. The president and some of his ministers and close advisors were Ashanti, but the vice president and many ministers were of other ethnic origins.

There were numerous small-scale conflicts within ethnic groups during the year, most of which related to chieftaincy and land use issues. Efforts by NGOs to encourage reconciliation continued during the year.

The Dagbon conflict, also known as the Yendi conflict, was the most prominent and frequently discussed intraethnic conflict. Two branches of the same family, the Andanis and the Abudus, traditionally alternated in supplying the Ya Na (paramount chief of the Dagomba ethnic group) but recently became embroiled in a dispute over which family would supply the next Ya Na. By blocking some aspect of the burial rites, as both sides did following the deaths of previous Ya Nas, the families prevented the appointment of a Regent, who traditionally was installed until a new chief was selected or came of age. In April traditional leaders helped broker an agreement to bury Ya Na Yakubu Andani II and install a Regent in his place. The Ya Na's murder in 2002 and the tension over his burial has been a significant source of conflict in the northern part of the country. In May the president and vice president visited Yendi for the first time in four years to encourage the peace process. Nonetheless, in August security forces resisted an attempt by youths from the Abudu "gate" (line of succession) to forcefully enter the Ya Na's former palace, resulting in the deaths of a number of youth. The government announced that three deaths resulted, but credible local sources reported more.

During the year chieftaincy issues, particularly those involving succession and land, sparked several violent confrontations within ethnic groups. In 2005 a chieftaincy conflict between two factions at Tetegu, a suburb of Accra resulted in gunshot injuries, the displacement of more than 2,000 persons, and the destruction of approximately 120 houses belonging to members of feuding factions. There were no known developments in the conflict, which remained unresolved at year's end.

In April at Bortianor, near Kokrobite in Accra, two persons belonging to different chieftaincy factions were fatally shot, and eight others were seriously injured. The Criminal Investigations Division of the Police announced a reward of \$2,172 (20 million cedis) for information leading to the arrest and prosecution of the culprits.

#### Other Societal Abuses and Discrimination

The law criminalizes homosexuality, and lesbians and gays face widespread discrimination, as well as police harassment and extortion attempts. There is a minimum misdemeanor charge for homosexual activity, and homosexual men in prison often were subjected to sexual and other physical abuse.

There was widespread public outcry during the year against an international lesbian and gay conference scheduled to take place in Accra in September. Strong public opposition to the event and to homosexuals more generally was reflected in vehement letters to the editor, radio call-in shows, comments posted on the Internet, and in public speeches given by government officials. The government banned the conference after local religious leaders united to protest the planned event.

Discrimination against persons with HIV/AIDS was a problem, and the fear of being stigmatized continued to discourage persons from being tested. In April 2004 the inspector general of police publicly urged all officers to be tested voluntarily through a free service available to the police. During the year several key government representatives, including the Presidential Advisor for HIV/AIDS, publicly denounced discrimination against persons with HIV/AIDS. In 2004 the cabinet approved a policy to protect the rights of persons living with HIV/AIDS. In August a judge ordered sex workers standing trial on charges of prostitution to get tested for HIV and publicly disclose their HIV status. The Office of the President sent a letter of protest to the chief justice on this incident but had not received a reply by year's end.

The government subsidized many centers that provided free HIV testing to citizens, although there were reports that confidentiality was not consistently respected and preserved.

#### Section 6 Worker Rights

##### a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. While unions no longer must seek the approval of the government before registering, the 2003 Labor Act requires that trade unions or employers' organizations must register and be authorized by the Chief Labor Officer to attain a certificate of registration and be considered legal. The percentage of workers belonging to unions appeared to be decreasing as more of the workforce entered the informal sector, where there was no union activity. The Ministry of Manpower, Development and Employment estimated in 2005 that 80 percent of the work force was employed in the informal sector.

The law prohibits acts of anti-unions discrimination; however, in practice, unions have reported that anti-union discrimination occurred.

##### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. However, only

unions that represented the majority of workers in a given company can obtain a Collective Bargaining Certificate, which is required to engage in collective bargaining.

The law recognizes the right to strike but restricts that right for workers who provide essential services, including "areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other services as the Minister may by legislative instrument determine." However, the Minister of Manpower, Development and Employment had not formally designated the list of essential services by year's end. The right to strike can also be restricted for workers in private enterprise whose services were deemed essential to the survival of the enterprise by a union and an employer. A union may call a legal strike 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. No union has ever gone through the complete dispute resolution process, and there were numerous unsanctioned strike actions during the year. There have been no legal strikes since independence.

In September the National Association of Graduate Teachers (NAGRAT) went on strike to protest issues related to salary and conditions of service. The Ghana Education Service (GES) refused to negotiate with NAGRAT on the grounds that the organization has no collective bargaining agreement certificate. NAGRAT has been denied a certificate because the GES argues it should be part of the Ghana National Association of Teachers.

Existing labor law applies in export processing zones, including the right to organize.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

The law provides for employers found guilty of using forced labor to be fined no more than 250 penalty units (each unit of which was assigned a monetary value to adjust for the fluctuating exchange rate); however, limited resources inhibited the government's implementation of the law, and no fines were levied during the year. During the year the ILO continued to urge the government to revise various legal provisions that permit imprisonment with an obligation to perform labor.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum employment age of 15 years, prohibits night work and certain types of hazardous labor for those under 18, and provides for fines and imprisonment for violators; however, child labor remained a serious problem in the informal sector. 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. However, child labor laws were not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, were often unfamiliar with the provisions of the law that protected children. The 2003 Ghana Poverty Reduction Strategy acknowledged that child labor was a problem that required government intervention. During the year the Ministry of Women and Children's Affairs conducted seminars on child labor to educate the media, police, civil servants, and the general public. Local custom and poverty encouraged children to work to help support their families and eroded societal observance of minimum age laws.

An ILO/IPEC-Ghana Statistical Service survey of child labor released in 2003 found that 2.47 million children were engaged in some economic activity and 64.3 percent of those children attended school. Of those children engaged in economic activity, 1.27 million children were found to be engaged in child labor as defined by age and hazardous working conditions. Children as young as seven worked in agriculture and as domestic laborers, porters, hawkers, miners, quarry workers, and fare collectors. The fishing industry on Lake Volta had a particularly high number of child laborers engaged in potentially hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. An ILO representative reported in 2005 that child labor in the tourism industry had increased. Child laborers were poorly paid and subjected to physical abuse; they received little or no health care and generally did not attend school. According to government labor officials and the Ghana Employers Association, child labor problems were infrequent in the formal labor sector.

The law prohibits forced and compulsory labor by children; however, during the year children were reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarry mines, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced (see section 5).

There were newspaper reports of children being sold into various forms of involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fisherman in exchange for a yearly remittance to their families. The practice often involved the consent of their generally impoverished parents. Reliable data was not available on the number of children who were working in fishing villages along Lake Volta; nevertheless, NGOs who worked on this issue estimated the number to be well into the thousands (see section 5).

The extent of child labor in the cocoa industry was unknown. In January the government signed a National Plan of

Action calling for the implementation of a child labor certification process in the cocoa industry. International chocolate manufacturers and the Ministry of Manpower, Development and Employment signed a Memorandum of Understanding in September to pursue the development of an initial survey of child labor in the cocoa industry. During the year, the Ministry of Manpower worked with foreign chocolate manufacturers to conduct a pilot survey of child labor in the cocoa industry. The survey, which the government intended to expand into a larger survey in 2007, was completed in December.

In April police arrested two senior secondary school students for attempting to sell three of their younger classmates for \$10,858 (100 million cedis) to a buyer in Bibiani. No trial date had been set by year's end, and the students remained in custody.

In July police rescued a 14-year-old girl who had been used as collateral for a loan of \$597 (5.5 million cedis) in the Brong Ahafo Region. The girl's uncle took her from her parents in the Volta Region when she was 11 years old and gave her to a businessman who kept her in bondage for three years. Police had not made any arrests in the case, and referred the matter to CHRAJ, which was investigating the case at year's end.

Inspectors from the Labor Department of the Ministry of Manpower, Development and Employment are responsible for enforcement of child labor regulations, and district labor officers and the social services sub-committees of district assemblies are charged with seeing that the relevant provisions of the law are observed by annually visiting each workplace and making spot checks whenever they receive allegations of violations. Inspectors are required to provide employers with information about child labor violations and effective means to comply with provisions of the Labor Act. However, law enforcement and judicial authorities in the country were hampered by severe resource constraints and a lack of public awareness about the problem.

During the year there were no prosecutions for child labor resulting from these inspections. Officials only occasionally punished violators of regulations that prohibit heavy labor and night work for children. In addition the inspectors' efforts were concentrated only in the formal sector, rather than in the informal sector where most child labor was performed.

ILO/IPEC, government representatives, the Trade Union Congress, the media, international organizations, and NGOs continued to build upon the 2001-02 National Plan of Action for the Elimination of Child Labor in Ghana by increasing institutional capacity to combat child labor. With the support of the government, NGOs and foreign countries funded more recent programs to combat child labor. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities. Forums were held throughout the country to develop and implement an ILO/IPEC Time-Bound Program, which aimed to eliminate all forms of child labor under specified time periods and benchmarks.

#### e. Acceptable Conditions of Work

A National Tripartite Committee composed of representatives of the government, labor, and employers set daily minimum wages. In February, after lobbying by trade unions, the Tripartite Committee raised the daily minimum wage to \$1.74 (16,000 cedis), which did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law in the formal sector, and the growing informal labor force remained unprotected. In most cases households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities. The Ministry of Manpower, Development and Employment was unable to credibly enforce this law.

The law sets the maximum workweek at 40 hours, with a break of at least 48 consecutive hours every seven days. The government compensated extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement. Workers were also entitled to at least 15 working days' leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. However, such provisions do not apply to task workers or domestic workers in private homes.

Occupational safety and health regulations exist, and the Factories Department within the Ministry of Manpower, Development and Employment was responsible for imposing sanctions on violators; employers who failed to comply were liable to a fine not exceeding 1000 penalty units, to imprisonment for a term not exceeding three years, or to both. The law requires that employers report, no later than seven days from the date of occurrence, occupational accidents and diseases which occur in the workplace. In practice, safety inspectors were few and poorly trained, and they lacked the resources to effectively respond to violations. Inspectors did not impose sanctions or otherwise respond to violations during the year.