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2019 Trafficking in Persons Report: Ghana

GHANA: Tier 2

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ghana remained on Tier 2. These efforts included increasing resources dedicated to implementation of its anti-trafficking action plan; sentencing more convicted traffickers to significant prison terms; improving interagency and civil society cooperation to identify and remove children from trafficking situations; increasing anti-trafficking public awareness activities; and adopting systematic trafficking data collection procedures. However, the government did not meet the minimum standards in several key areas. The inadequacy of operational resources, limited technical capacity for effective investigation, the absence of government-supported shelter space for adult and child trafficking victims, and the shortage of state attorneys hindered prosecutions. The government did not adequately address corruption and political interference in trafficking investigations and prosecutions, and it did not amend the anti-trafficking act regulations to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim.

PRIORITIZED RECOMMENDATIONS

Provide increased resources for surveillance and investigative operations to enable investigators, in cooperation with social welfare workers, to respond effectively to reports of suspected sex or labor trafficking, collect and preserve evidence, and protect potential victims. • Increase financial support for government and NGO programs that provide comprehensive trauma-informed care and reintegration services for adult and child trafficking victims. • Increase efforts to identify and address corruption and political interference that impede the investigation and prosecution of trafficking crimes. • Increase the number of attorney general prosecutors designated to prosecute trafficking crimes and ensure their collaboration with police during case development and through the prosecution of human trafficking cases. • Provide advanced training to law enforcement on surveillance and evidence collection in trafficking cases and to prosecutors and judges on pursuing cases under the anti-trafficking act. • Amend the 2015 implementing regulations for the 2005 Ghana Anti-Trafficking Act to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. • Implement standard operating procedures (SOPs) for screening, identification, referral, and protection of trafficking victims throughout

Ghana. • Increase efforts to identify and assist Ghanaian migrant workers who are in trafficking situations in other countries and investigate and prosecute recruitment agents and others suspected of participating in their trafficking. • Continue to increase funding for implementation of the national plan of action against trafficking. • Implement nationwide the newly adopted trafficking data collection procedures that track investigations, prosecutions, victims identified by enforcement and protection agencies, and assistance provided.

PROSECUTION

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

The government reported initiating 82 investigations into suspected human trafficking during calendar year 2018, compared to 113 investigations in 2017. Of the 82, the Ghana Police Service (GPS) Anti-Human Trafficking Unit (AHTU) reported 67 investigations of potential trafficking crimes, compared with 91 investigations in 2017. Of these, 48 were labor trafficking investigations, most of which were suspected labor trafficking of Ghanaian children within Ghana; and 19 were sex trafficking investigations, nearly all of which involved transnational trafficking of Nigerian women and girls. The Ghana Immigration Service (GIS) reported investigating 14 suspected trafficking cases compared with 22 cases in 2017; of these, 10 were suspected labor trafficking cases and four were cases of suspected sex trafficking of Nigerian women and girls in Ghana. The Economic and Organized Crime Office (EOCO) in the Attorney General's Department investigated a suspected labor trafficking case involving a Filipina national allegedly exploited in domestic work in Accra; the case was not prosecuted. The government reported initiating 13 prosecutions, including nine labor trafficking cases and four sex trafficking cases, against 42 alleged traffickers, compared to 29 prosecution cases involving 56 defendants in 2017. Of these, the government prosecuted 30 defendants for alleged labor trafficking (46 in 2017) and 12 defendants for alleged sex trafficking (10 in 2017). The GPS and GIS prosecuted 30 alleged traffickers; and state attorneys, who initiated one trafficking prosecution in the previous year, prosecuted 12 alleged traffickers. The government also continued 15 labor trafficking prosecutions initiated in 2017 but did not provide updates on these cases. In 2018, the government convicted seven traffickers, four for labor trafficking and three for sex trafficking, all prosecuted under the Human Trafficking Act by police prosecutors in the GPS or the GIS. This compares to six convictions under the anti-trafficking act in

2017. All convicted traffickers received terms of imprisonment, ranging from five to seven years, compared to the preceding year when sentences imposed under the trafficking act ranged from six months' imprisonment with a fine and victim restitution to five years' imprisonment. The government prosecuted additional trafficking suspects using laws with lesser penalties, due to insufficient evidence for a trafficking violation. The GPS convicted 14 suspected traffickers of child labor exploitation under the Children's Act of 1998; the court fined these individuals 1,440 cedis (\$298) and asked them to sign bonds of good behavior. The GIS reported convicting three suspected sex traffickers of immigration violations. Immigration officials transferred two of these individuals to the custody of Nigerian trafficking authorities and removed one from the country for immigration violations. The government did not report investigating any recruitment agencies for suspected human trafficking during the reporting period, compared with five in 2017. As in past years, the government did not prosecute or convict any recruitment agents for fraudulent offers of employment or excessive fees for migration or job placement in 2018. NGOs and other organizations continued to report general corruption within the police and judicial system. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Political interference with police investigations and prosecutions of suspected human trafficking was an ongoing concern.

Government officials continued to report that insufficient law enforcement funds and shelter facilities for identified victims delayed investigations, operations to remove potential victims from exploitative situations, and prosecutions. Officials also continued to report that inadequate evidence collection by law enforcement hampered prosecution of suspected traffickers under the anti-trafficking act; thus, the government prosecuted more cases under laws with lesser penalties. As in previous years, police prosecutors, whose lack of formal legal training impeded their ability to prosecute complex crimes such as trafficking, initiated most of the trafficking prosecutions. However, despite a continuing shortage of Attorney General's prosecutors, state attorneys reviewed an increased number of suspected child trafficking dockets and, in some regions, state attorneys increased collaboration with police during case build up prior to and/or after operations to remove children from trafficking situations. The government increased law enforcement training by supporting introductory anti-trafficking training for 417 GPS and 720 GIS recruits compared to training 474 GIS cadets and recruits in the prior year. The government also conducted separate human trafficking training sessions for 118 GPS officers and 45 immigration and law enforcement officers, and, in collaboration with an NGO, trained 19 prosecutors. The government also provided in-kind support for numerous training programs for hundreds of investigators, prosecutors, judges, social service personnel, labor officers, and journalists during the reporting period.

PROTECTION

The government maintained its overall protection efforts but identified fewer victims, and there remained gaps in the provision of shelter services. The government reported identifying 348 potential victims of trafficking (252 children) compared to 579 potential victims identified during the previous year. Of the 348, the GPS identified 285 potential

victims compared to 339 potential victims in 2017; 242 were potential victims of labor trafficking, all of whom were Ghanaian and nearly all of whom (231) were children, mostly (190) boys. The GIS identified 55 potential trafficking victims compared with 215 in 2017; 39 were potential victims of labor trafficking; almost half were adult Ghanaian women; 14 were males, and 14 were from Niger and Benin. In their sex trafficking cases, GPS and GIS identified 49 female potential victims, 22 of whom were children and nearly all (46) were from Nigeria, two were Thai, and one was Ghanaian. The EOCO identified one potential victim of labor trafficking.

In some regions, the government implemented SOPs for screening, identification, referral, and protection of trafficking victims developed in collaboration with an international organization. The government reported referring all 348 potential victims of trafficking for care and described the assistance provided, including psycho-social support. The government increased its support for protection services by recruiting and orienting staff and expending 378,000 cedis (\$78,340) of the 500,000 cedis (\$103,630) deposited in the Human Trafficking Fund during the previous reporting period, for items necessary to open two specialized shelters, one for child trafficking victims and one for adult trafficking victims, neither of which opened during the reporting year. Although pending throughout the year, the government did not complete its review of or approve a memorandum of understanding between the Ministry of Gender, Children, and Social Protection (MOGCSP) and a donor organization outlining the government's and donor's support for services at the children's shelter. Relying primarily on private facilities operated by NGOs and faith-based organizations, the government referred child trafficking victims (252) to either one government-operated shelter for children or to one of 10 privately operated shelters that provided or coordinated the provision of services, including needs assessment, medical care, nutrition, psycho-social support, counseling, education or vocational training, recreation, and reintegration services. In contrast to the preceding year, the government did not report providing funding to NGOs to support shelter and care for child victims of trafficking. Some private shelters expanded services to provide care for young adult and child sex trafficking victims; however, the overall shelter capacity for child trafficking victims remained insufficient for the number of victims referred for care. Due to the absence of a shelter for adult victims of trafficking, the government provided counseling, care, and protection for adult trafficking victims primarily in guesthouses or hotels. Ghanaian law enforcement collaborated with the Nigerian foreign ministry and anti-trafficking authorities to obtain identity and travel documents and facilitated repatriation of Nigerian citizens. The Ministry of Foreign Affairs and Regional Integration (MFARI), MOGCSP, GIS, and GPS cooperated in facilitating the repatriation of six Ghanaian trafficking victims identified in two Gulf states. The government relied on donor support for repatriation expenses of these six Ghanaians and the return of one Filipina and two Thai trafficking victims from Ghana to their countries of origin. The MOGCSP hotline, administered in English and three local languages, received 3,599 calls; personnel referred calls related to 11 potential trafficking victims to the GPS for investigation.

NGOs reported continued cooperation with national, regional, and local government officials in response to NGO reports of potential child trafficking victims and during law enforcement-led operations that were coordinated with the navy, marine police, and

local social welfare workers, who were responsible for screening victims, securing care orders through the district courts, and arranging placement for child victims. Although most adult victims declined to assist in prosecutions, in part due to limited victim support, the government reported 20 victims who voluntarily participated in prosecutions were given support, transport funds, and safe lodging during court proceedings. Ghanaian law permits victims of trafficking to pursue monetary damages by filing a civil suit, but the government did not report any such suits during the reporting period or whether the traffickers ordered to pay restitution to two victims in 2017 complied with the order. Foreign victims may seek temporary residency during the investigation and prosecution of their cases and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest. No victims sought temporary or permanent residency during the year. There were no reports that officials fined, detained, or penalized trafficking victims for unlawful acts that traffickers compelled them to commit.

PREVENTION

The government increased anti-trafficking prevention efforts. The government reconstituted, oriented new members, and convened four meetings of the Human Trafficking Management Board (HTMB). This inter-ministerial committee was mandated to meet quarterly, administer the Human Trafficking Fund, advise the MOGCSP on anti-trafficking policy, promote prevention efforts, and facilitate the protection and reintegration of trafficking victims. It had not met since 2016. The government also added five staff to the Human Trafficking Secretariat, which was responsible for monitoring and evaluation, data collection, and research related to trafficking, and allocated increased funding totaling 2.16 million cedis (\$447,670) for its operating budget as well as 130,000 cedis (\$26,940) for implementation of its National Plan of Action for the Elimination of Human Trafficking in Ghana, 2017-2021 (NPA). Of these funds, the government reported expending 225,340 cedis (\$46,700) on printing and disseminating the NPA and public awareness materials, training officials, and supporting numerous human trafficking stakeholders meetings and public awareness activities at the national, regional, district, and community levels. In collaboration with an international organization and in fulfillment of a bilateral partnership, representatives of the enforcement and protection agencies responsible for addressing child trafficking met five times during the year to improve coordination of anti-trafficking efforts and, late in the reporting year, the four participating government ministries endorsed their use of a standardized trafficking data collection system. The local government authorities in 34 communities in three regions partnered with an NGO to conduct community-level training on child trafficking prevention, identification, care for child trafficking victims, and increasing access to social and economic services for families of survivors.

The government continued its 2017 ban on recruitment for jobs in the Middle East following reports of sex and labor trafficking, and serious physical abuse, of Ghanaian women recruited for domestic work and hospitality jobs. Reports indicated some recruitment agents continued to recruit Ghanaian workers without required exit documents, which increased the workers' vulnerability to trafficking situations. The

government did not report on its efforts to implement its labor recruitment agreements negotiated in previous years with the governments of Jordan and Qatar. The government reported no efforts to decrease the demand for forced labor or for commercial sex acts. The government relied on foreign donors to provide anti-trafficking training to Ghanaian troops prior to their deployment abroad on peacekeeping missions. The government reported initiating new specialized training on human trafficking and irregular migration for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ghana, and traffickers exploit victims from Ghana abroad. Traffickers subject Ghanaian boys and girls to forced labor within the country in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, quarrying, herding, and agriculture, including cocoa. Donor-funded research focused on the fishing industry on Lake Volta indicated that more than half of the children working on and around the lake were born in other communities and many of these children are victims of forced labor; not allowed to attend school; given inadequate housing and clothing; and controlled by fishermen through intimidation, violence, and limited access to food. Traffickers force boys as young as five years old to work in hazardous conditions, including deep diving, and many suffer waterborne infections. Girls perform work on shore such as cooking, cleaning fish, and preparing fish for market, and are vulnerable to sexual abuse and forced marriage for the purpose of exploitation. A study of the prevalence of child trafficking in selected communities in the Volta and Central Regions indicated that traffickers had subjected children from nearly one-third of the 1,621 households surveyed to forced labor, primarily in fishing and domestic servitude. Organized traffickers who target vulnerable parents and communities facilitate child trafficking in the fishing industry. Relatives often send girls via middlemen to work in harsh conditions in domestic servitude. Boys aged 13-16 years who finished primary school in northern areas of Ghana are vulnerable to forced labor in agriculture, including in cocoa-growing areas; middlemen or relatives often facilitate their transit. Children living in northern regions whose parents sent them to work in the south during the dry season are vulnerable to forced labor in agriculture and other sectors. Traffickers subject Ghanaian girls, and to a lesser extent boys, to sex trafficking in urban areas across Ghana. Though reports are declining, some Ghanaian girls are victims of forced servitude as part of a ritual to atone for sins of a family member. Ghanaian girls and young women from the rural northern regions move to urban centers throughout Ghana to seek work as porters; they are at risk for sex trafficking and forced labor.

Ghanaian women and children are recruited and sent to the Middle East, other parts of West Africa, and Europe for forced labor and sex trafficking. NGOs report the increasing use of internet platforms to recruit Ghanaians seeking work overseas. Unscrupulous agencies arrange transport of Ghanaians seeking employment in Europe through neighboring African countries, where sex traffickers exploit, hold involuntarily, and extort funds from the victims. Recruiters entice Ghanaian women and girls with offers of good paying jobs in domestic service or the hospitality industry in countries in the Middle East and attempt to circumvent the ban on recruitment for such jobs by

arranging travel across land borders to access airports for flights to the region. After their return, many of them report being deceived, overworked, starved, abused, molested, and/or forced into commercial sex. Fraudulent recruiters lure Ghanaian men under false pretenses to go to the Middle East, where traffickers subject them to forced labor and sex trafficking. Traffickers have coerced Ghanaian men and women in forced labor in the United States. Traffickers lure Nigerian women and girls to Ghana by the promise of a good job and coerce them into prostitution to pay exorbitant debts for transportation and lodging. Traffickers also coerce some Ghanaian and Nigerian labor migrants into prostitution as the traffickers demand more money for transit and document costs. Traffickers subject children from West African countries to forced labor in Ghana in agriculture or domestic service. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, especially Italy and Germany.

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