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Country Report on Human Rights Practices 2018 - Ghana

EXECUTIVE SUMMARY

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

Civilian authorities generally maintained effective control over the security forces.

Human rights issues included arbitrary or unlawful killings by the government or its agents; harsh and life-threatening prison conditions; corruption in all branches of government; lack of accountability in cases of violence against women and children, including female genital mutilation/cutting; infanticide of children with disabilities; criminalization of same-sex sexual conduct, although rarely enforced; and exploitative child labor, including forced child labor.

The government took some steps to address corruption and abuse by officials, whether in the security forces or elsewhere in the government. This included the establishment of the Office of the Special Prosecutor (OSP). Impunity remained a problem, however.

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

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

There were a few reports that the government or its agents committed arbitrary or unlawful killings. In some cases authorities described these killings as having taken place in an “exchange of fire.”

In July police killed seven persons near Kumasi in an incident that sparked riots when authorities claimed the victims were suspected robbers. In September the ministerial committee established to investigate the circumstances that led to the deaths submitted its initial report to officials. After studying the report, in a statement issued in November by the minister of information, the government directed that 21 police officers be suspended and made subjects of criminal investigations. According to the

statement, the government determined there was no evidence the victims were armed robbers. News coverage indicated that police headquarters had not yet received a copy of the committee’s investigative report.

As of November authorities had not been able to provide any further updates regarding police service enquiries concerning four officers implicated in the 2016 killing by police of a suspect in Kumasi. The government did not prosecute any officers for the incident, but it dismissed one officer and reprimanded five others.

b. Disappearance

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

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

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

In December the Commission on Human Rights and Administrative Justice (CHRAJ) completed an investigation into the brutal assault by military personnel against a 16-year-old boy in April 2016 for allegedly stealing a phone. The CHRAJ investigated the case according to the constitution and the UN Convention Against Torture among other related charters and conventions, and ultimately recommended payment to the victim of 30,000 Ghanaian cedis (approximately \$6,400) and that the military personnel be tried according to the Armed Forces Act.

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

Prison and Detention Center Conditions

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

Physical Conditions: Ghana Prisons Service statistics available in September indicated that it held 14,985 prisoners (14,827 men and 158 women) in prisons designed to hold 9,875. Although authorities sought to hold juveniles separately from adults, there were reports detainees younger than age 18 were held with adults. Authorities held pretrial detainees in the same facilities as convicts but generally in separate cells, although due to overcrowding in convict blocks, Nsawam Prison began holding some convicts in blocks designated for pretrial detainees. The Prisons Service held women separately from men. No prison staff specifically focused on mental health, and officials did not routinely identify or offer treatment or other support to prisoners with mental disabilities.

In October foreign diplomatic representatives observed that several prisons suffered from severe overcrowding, inadequate medical care, poor sanitation, and limited rehabilitation programs. Although the government continued to reduce the population of individuals in pretrial detention, prison overcrowding remained a serious problem, with certain prisons holding approximately two to four times more inmates than designed capacity. In July, following two days of hearings, a judge at the Kumasi Central Prison granted bail to 53 of 105 remand prisoners who had applied under the Justice for All program. According to reports, officials were still working to release remand prisoners who received bail in 2017 but who remained in custody because they could not meet the bail terms. Civil society organizations estimated Kumasi Prison alone had more than 400 remand prisoners.

The government reported 30 deaths in custody through September. Causes of death included severe anemia, pulmonary tuberculosis, chronic hepatitis B, infection, heart failure, severe hypertension, liver cirrhosis, and septicemia.

While prisoners had access to potable water, food was inadequate. Meals routinely lacked fruit, vegetables, or meat, forcing prisoners to rely on charitable donations and their families to supplement their diet. The Prisons Service facilitated farming activities for inmates to supplement feeding. The Prisons Service procured five pieces of equipment, including four mechanical planters, to improve agricultural production. Construction of a new camp prison was reportedly making progress as part of efforts to improve food production and decongest the prisons. Officials held much of the prison population in buildings that were originally colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, substandard construction, and inadequate space and light. The Prisons Service periodically fumigated and disinfected prisons, but sanitation remained poor. There were not enough toilets available for the number of prisoners, with as many as 100 prisoners sharing one toilet, and toilets often overflowed with excrement.

Medical assistants, not doctors, provided medical services, and they were overstretched and lacked basic equipment and medicine. At Nsawam a medical officer was recruited to operate the health clinic. All prison infirmaries had a severely limited supply of medicine. All prisons were supplied with malaria test kits. Prisons did not provide dental care. Prison officials referred prisoners to local hospitals to address conditions prison medical personnel could not treat on site, but the prisons often lacked ambulances to properly transport inmates off-site. To facilitate treatment at local facilities, the Prisons

Service continued to register inmates in the National Health Insurance Scheme. The Ankaful Disease Camp Prison held at least three prisoners with the most serious contagious diseases.

Religious organizations, charities, private businesses, and citizens often provided services and materials, such as medicine and food, to the prisons.

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

Administration: There was no prison ombudsperson or comparable independent authority to respond to complaints; rather, each prison designated an officer-in-charge to receive and respond to complaints. As of September the Prisons Service reported receipt of 1,381 complaints on various issues, including communication with relatives, health, food rations, sanitation, and court proceedings and appeals. In April a public relations officer from the Ghana Prisons Service wrote an opinion piece for an online newspaper, disputing claims inmates received food only once a day and were subjected to forced labor. The author, however, also called for bolstering resources for inmate meals and recognized overcrowding remained a serious difficulty. Information available in September indicated there was one report of two officers physically abusing a prisoner. They were tried administratively and awaiting a final verdict.

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

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The police, under the Ministry of the Interior, are responsible for maintaining law and order, but the military continued to participate in law enforcement activities in a support role, such as by protecting critical infrastructure. A separate entity, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the Ministry of National Security. Police maintained specialized units in Accra for homicide, forensics, domestic violence, economic crimes, visa fraud,

narcotics, and cybercrimes. Such services were unavailable outside the capital due to lack of office space, vehicles, and other equipment. Police maintained specialized antihuman trafficking units in all 11 police administrative regions.

Police brutality, corruption, negligence, and impunity were problems. While the constitution and law prohibit such practices, there were credible reports police beat and otherwise abused suspects and other citizens. There were delays in prosecuting suspects, reports of police collaboration with criminals, and a widespread public perception of police ineptitude. Police often failed to respond to reports of abuses and, in many instances, did not act unless complainants paid for police transportation and other operating expenses. There were credible reports police extorted money by acting as private debt collectors, setting up illegal checkpoints, and arresting citizens in exchange for bribes from disgruntled business associates of those detained. A study by the Ghana Integrity Initiative, conducted in 2016 and released in February 2017, indicated that 61 percent of respondents had paid a bribe to police. There were multiple reports police failed to prevent and respond to societal violence, in particular incidents of “mob justice.” In July police killed seven suspected robbers, stirring outcry when the local Zongo (predominantly Muslim enclave) community maintained the young men were innocent. In November the minister of information called for 21 police officers to be suspended and made subjects of criminal investigations.

The Office of the Inspector General of Police and PPSB investigate claims of excessive force by security force members. The PPSB also investigates human rights abuses and police misconduct. Through August the PPSB had recorded 1,144 complaints, of which 210 investigations were completed and 934 remained under investigation. Over this period the PPSB investigated 233 reports of unprofessional handling of cases, 217 of misconduct, 201 of unfair treatment, 160 of undue delay of investigation, 59 of unlawful arrest and detention, 77 of police brutality, 34 of harassment, 14 of fraud, 37 of extortion, and one of rape. As of September the CHRAJ had not received any reports of police beating detainees.

Arrest Procedures and Treatment of Detainees

The law requires detainees be brought before a court within 48 hours of arrest in the absence of a judicial warrant, but authorities frequently detained individuals without charge or a valid arrest warrant for periods longer than 48 hours. Officials detained some prisoners for indefinite periods by renewing warrants or simply allowing them to lapse while an investigation took place. The constitution grants a detained individual the right to be informed immediately, in a language the person understands, of the reasons for detention and of his or her right to a lawyer. Most detainees, however, could not afford a lawyer. While the constitution grants the right to legal aid, the government is not required to provide it, although legal counsel is generally provided to those charged with first-degree felonies. As of September the government employed only 20 full-time legal aid lawyers, who handled criminal and civil cases, and 45 paralegals, who handled civil matters. Defendants in criminal cases who could not afford a lawyer typically represented themselves. The law requires that any detainee not tried within a “reasonable time,” as determined by the court, must be released either unconditionally or subject to conditions necessary to ensure the person’s appearance at a later court

date. Officials rarely observed this provision. The government sought to reduce the population of prisoners in pretrial detention by placing paralegals in some prisons to monitor and advise on the cases of pretrial detainees, and by directing judges to visit prisons to review and take action on pretrial detainee cases.

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

Arbitrary Arrest: There were reports of arbitrary arrests by police. Unlawful arrests and detentions accounted for 5 percent of all complaint cases PPSB received through August.

Pretrial Detention: Lengthy pretrial detention remained a serious problem. Prisons Service statistics available in September indicated 1,944 prisoners, just under 13 percent of all prisoners, were in pretrial status. The government kept prisoners in extended pretrial detention due to police failing to investigate or follow up on cases, slow trial proceedings marked by frequent adjournments, detainees’ inability to meet bail conditions that were often set extremely high even for minor offenses, and inadequate legal representation of criminal defendants. The length of pretrial detention exceeded the maximum sentence for the alleged crime in numerous instances. Inadequate record keeping contributed to prisoners being held in egregiously excessive pretrial detention, some for up to 10 years.

e. Denial of Fair Public Trial

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

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

Despite alternative dispute resolution (ADR) procedures to decongest the courts and improve judicial efficiency, court delays persisted. Professional mediators trained to conduct ADR worked in various district courts throughout the country to resolve disputes and avoid lengthy trials. Nevertheless, even in fast-track courts established to hear cases to conclusion within six months, trials commonly went on for years.

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

Trial Procedures

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

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

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

Fast-track ADR courts and “automated” commercial courts, whose proceedings were expedited through electronic data management, continued efforts to streamline resolution of disputes, although delays were common. Authorities established additional automated courts across the country, and selecting their judges randomly helped curb judicial corruption.

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Violence and Harassment: The Media Foundation for West Africa counted 17 cases of attacks on journalists from January 2017 to March 2018. Earlier in the year, police assaulted a reporter who had visited the Criminal Investigations Department headquarters to report on the arrest of a political party official. The reporter sustained fractures to his skull. Officials reported an investigative report was submitted to administrators in May and provided no further information as of September. In June there were reports that a member of parliament criticized and incited violence against a prominent journalist whose investigative crew produced a film about corruption in Ghana soccer, including involvement by government officials.

Internet Freedom

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

The internet was accessible in Accra and other large cities. There was limited but growing internet access in other areas. According to the International Telecommunication Union, approximately 38 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

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

d. Freedom of Movement

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

Abuse of Migrants, Refugees, and Stateless Persons: Gender-based violence remained a problem. According to the UN High Commissioner for Refugees (UNHCR), as of the end of October, there were 36 incidents of sexual and gender-based violence (SGBV) reported from refugee camps, in addition to 46 cases of verbal assaults and threats. UNHCR worked with Department of Social Welfare personnel and the Ghana Health Service psychosocial counselors to provide medical, psychosocial, security, and legal assistance where necessary in all the cases reported. Obstacles to holding perpetrators of SGBV accountable for acts conducted in the camps included ineffective access to civil and criminal legal counseling for victims; poor coordination among the Department of Social Welfare, the Legal Aid Scheme, and police; and lack of representation for the alleged perpetrator and presumed victims.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law allows rejected asylum seekers to appeal and remain in the country until an appeal is adjudicated. A four-member appeals committee, appointed by the minister of the interior, is responsible for adjudicating the appeals, but the process continued to be subject to delays. As of November the government had a backlog of 1,192 asylum seekers whose petitions were pending adjudication, plus another 43 individual asylum seekers who are awaiting a second decision following an initial rejection of their petition.

Anticorruption Coalition, Citizen’s Movement against Corruption, and European Union Election Observation Mission noted concerns over the misuse of incumbency and unequal access granted to state-owned media during the campaign, although the incumbent still lost. There were reports of postelection violence, including takeovers of government institutions by vigilante groups associated with the victorious New Patriotic Party.

The June ouster of the electoral commission chairperson and the president’s subsequent stacking of the Electoral Commission with persons considered to be biased in favor of the ruling party raised questions about whether the body might be used to stifle voter registration among the opposition’s base.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by government officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. Corruption was present in all branches of government, according to media and NGOs, and various reputable national and international surveys, such as the World Bank’s Worldwide Governance Indicators and Afrobarometer, highlighted the prevalence of corruption in the country. More than 91 percent of respondents to a 2015 survey by the Institute of Economic Affairs said overall corruption was high or very high. As of September the CHRAJ had received 33 cases of corruption to investigate, of which 22 were resolved.

Corruption: In June 2017 the Youth Employment Agency announced that an internal audit discovered payroll fraud of approximately 50 million cedis (\$11.1 million). The matter remained pending in the courts.

The deputy commissioner of the CHRAJ stated that 20 percent of the national budget was lost to corruption annually. In November 2017 the government established the OSP to investigate and prosecute corruption-related crimes. The first special prosecutor, Martin Amidu, was sworn in by the president in February. Reports indicated the government was slow to provide the office with necessary staff, other resources, and office space to carry out its mandate. In the 2019 budget presented to parliament in November, the government allocated 180 million cedis (approximately \$38.6 million) to the OSP. There were reports that one official sent friends and supporters to pressure the OSP to stop investigations into the official’s abuse of office. In an August news report, Special Prosecutor Amidu revealed an unknown source transferred money into

his account and that he immediately asked his bank to remedy the situation, using the incident to “urge the public to gather confidence and reject such illegalities in order to fight corruption.”

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

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views. The government actively engaged civil society and the United Nations in preparation for the country’s third Universal Periodic Review in November 2017. The government also invited civil society organizations to provide input and revisions to the OSP bill in 2017 and the Right to Information bill in 2018.

Government Human Rights Bodies: The CHRAJ, which mediated and settled cases brought by individuals against government agencies or private companies, operated with no overt interference from the government; however, since it is itself a government institution, some critics questioned its ability independently to investigate high-level corruption. Its biggest obstacle was a lack of adequate funding, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other governmental organizations and NGOs. As of November there was ongoing construction to build more office space and reportedly the financial resources to hire additional personnel. Public confidence in the CHRAJ was high, resulting in an increased workload for its staff.

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

Women

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

Rape and domestic violence remained serious problems. Survey data released in 2016 suggested 28 percent of women and 20 percent of men had experienced at least one type of domestic violence in the 12 months prior to the study.

The Domestic Violence and Victim Support Unit (DOVVSU) of the Police Service worked closely with the Department of Social Welfare, the Domestic Violence Secretariat, the CHRAJ, the Legal Aid Board, the Ark Foundation, UNICEF, the UN Population Fund (UNFPA), the national chapter of the International Federation of Women Lawyers, and several other human rights NGOs to address rape and domestic violence. Inadequate resources and logistical capacity in the DOVVSU and other agencies, however, hindered the full application of the Domestic Violence Act. Pervasive cultural beliefs in women's roles, as well as sociocultural norms and stereotypes, posed additional challenges to combatting domestic violence. According to a 2014 study, almost one-third of girls and women ages 15-24 believed wife beating could be justified. The Domestic Violence Secretariat's management board was not established by the new administration until March.

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

The DOVVSU continued to teach a course on domestic violence case management for police officers assigned to the unit. There was also an SGBV workshop provided for police in January.

Due to limited resources, a hotline for victims of domestic violence was suspended, although the DOVVSU tried to reach the public through various social media accounts. The DOVVSU also addressed rape through public education efforts on radio and in communities, participation in efforts to prevent child marriage and SGBV, expansion of its online data management system to select police divisional headquarters, and data management training.

Female Genital Mutilation/Cutting (FGM/C): Several laws include provisions prohibiting FGM/C. Although rarely performed on adult women, the practice remained a serious problem for girls younger than 18 years. Intervention programs were partially

successful in reducing the prevalence of FGM/C, particularly in the northern regions. According to the Ministry of Gender, Children, and Social Protection, FGM/C was significantly higher in the Upper East Region with a prevalence rate of 27.8 percent, compared with the national rate of 3.8 percent.

For more information, see Appendix C.

Other Harmful Traditional Practices: The constitution prohibits practices that dehumanize or are injurious to the physical and mental well-being of a person. Media reported several killings and attempted killings for ritual purposes. A man was arrested in December 2017 and confessed to killing an elderly woman to use her body parts to perform a ritual. In the Northern, Upper East, and Upper West Regions, rural women and men suspected of “witchcraft” were banished by their families or traditional village authorities to “witch camps.” Such camps were distinct from “prayer camps,” to which persons with mental illness were sometimes sent by their families to seek spiritual healing. Some persons suspected of witchcraft were also killed. According to an antiwitchcraft accusation coalition, there were six witch camps throughout the country, holding approximately 2,000-2,500 adult women and 1,000-1,200 children. One camp had seen its numbers go down significantly due to education, support, and reintegration services provided by the Presbyterian Church. The Ministry of Gender, Children, and Social Protection has the mandate to monitor witch camps but did not have the resources to do so effectively.

The law criminalizes harmful mourning rites, but such rites continued, and authorities did not prosecute any perpetrators. In the north, especially in the Upper West and Upper East Regions, widows are required to undergo certain indigenous rites to mourn or show devotion for the deceased spouse. The most prevalent widowhood rites included a one-year period of mourning, tying ropes and padlocks around the widow’s waist or neck, forced sitting by the deceased spouse until burial, solitary confinement, forced starvation, shaving the widow’s head, and smearing clay on the widow’s body. In the Northern and Volta Regions along the border with Togo, wife inheritance, the practice of forcing a widow to marry a male relative of her deceased husband, continued.

In August, Second Lady Samira Bawumia launched the Coalition of People Against SGBV and Harmful Practices. UNFPA provided support. Its mission is to pursue high-level advocacy for resources to assist SGBV victims and increase prevention efforts in the country.

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

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

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

Children

Birth Registration: Citizenship is derived by birth in the country or outside if either of the child's parents or one grandparent is a citizen. Children unregistered at birth or without identification documents may be excluded from accessing education, health care, and social security. Although having a birth certificate is required to enroll in school, government contacts indicated that children would not be denied access to education on the basis of documentation. The country's 2016 automated birth registration system aims at enhancing the ease and reliability of registration. The Ministry of Gender, Children, and Social Protection and the Ministry of Local Government and Rural Development were in talks about a proposal to issue birth certificates to children through the age of 15 as part of efforts to curb trafficking. There were no further specifics provided by the government, and it remained unclear how authorities would implement the policy.

For additional information, see Appendix C.

Education: The constitution provides for tuition-free, compulsory, and universal basic education for all children from kindergarten through junior high school. In September 2017 the government began phasing in a program to provide tuition-free enrollment in senior high school, beginning with first-year students. Girls in the northern regions and rural areas throughout the country were less likely to continue and complete their education due to the weak quality of educational services, inability to pay expenses related to schooling, prioritization of boys' education over girls', security problems related to distance between home and school, lack of dormitory facilities, and inadequate sanitation and hygiene facilities.

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

punishment of children were concerns. Local social workers rarely had sufficient resources, such as transportation and equipment, to effectively respond to and monitor cases of child abuse and neglect.

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

The Child Marriage Unit of the Domestic Violence Secretariat of the Ministry of Gender, Children, and Social Protection continued to lead governmental efforts to combat child marriage. The ministry launched the first National Strategic Framework on Ending Child Marriage in Ghana (2017-26). The framework prioritizes interventions focused on strengthening government capacity to address issues of neglect and abuse of children, girls' education, adolescent health, and girls' empowerment through skills development. The National Advisory Committee to End Child Marriage and the National Stakeholders Forum, with participation from key government and civil society stakeholders, provided strategic guidance and supported information sharing and learning on child marriage among partners in the country. The Child Marriage Unit also created a manual with fact sheets and frequently asked questions, distributing 6,000 copies throughout the country, and created social media accounts to try to reach wider audiences. In November the country hosted a two-day summit on ending child marriage. First Lady Rebecca Akufo-Addo delivered opening remarks at the African Union-organized event, which convened gender ministers, civil society organizations, and technical advisors from across the continent.

For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children. The minimum age for consensual sex is 16 years, and participating in sexual activities with anyone under this age is punishable by imprisonment for seven to 25 years. The law criminalizes the use of a computer to publish, produce, procure, or possess child pornography, punishable by imprisonment for up to 10 years, a fine of up to 5,000 penalty units (60,000 cedis or \$13,300), or both.

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

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

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>) .

Persons with Disabilities

The law explicitly prohibits discrimination against persons with disabilities, but the government did not effectively enforce the law. The law provides that persons with disabilities have access to public spaces with “appropriate facilities that make the place accessible to and available for use by a person with disability,” but inaccessibility to schools and public buildings continued to be problems. Some children with disabilities attended specialized schools that focused on their needs, in particular schools for the deaf. The government lifted a hiring freeze and hired 27 persons with disabilities who were trained teachers to work in the mainstream education sector. As of September there were 150 pending applications from persons with disabilities for a government internship program through the Nation Builders Corps, a government initiative to address graduate unemployment. Overall, however, few adults with disabilities had employment opportunities.

Persons with both mental and physical disabilities, including children, were frequently subjected to abuse and intolerance. Children with disabilities who lived at home were sometimes tied to trees or under market stalls and caned regularly; families reportedly killed some of them. The Ghana Education Service, through its Special Education Unit,

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

Thousands of persons with mental disabilities, including children as young as seven, were sent to spiritual healing centers known as “prayer camps,” where mental disability was often considered a “demonic affliction.” Some residents were chained for weeks in these environments, denied food for seven consecutive days, and physically assaulted. In his statement about his 2018 visit to the country, UN Special Rapporteur Alston noted, “Persons with disabilities and families with a disabled child face a double burden of poverty.” Officials took few steps to implement a 2012 law that provides for monitoring of prayer camps and bars involuntary or forced treatment. International donor funding helped support office space and some operations of the Mental Health Authority. The Ministry of Health discontinued data collection on persons with disabilities in 2011. In July 2017 officials from the Mental Health Authority rescued 16 persons with mental disabilities whom they found chained at a prayer camp in Central Region; the individuals were later taken to the Ankafu psychiatric hospital for treatment. Despite these efforts, Human Rights Watch reported in October that it found more than 140 persons with real or perceived mental health conditions detained in unsanitary, congested conditions at a prayer camp. In December the Mental Health Authority released guidelines for traditional and faith-based healers as part of efforts to ensure that practitioners respect the rights of patients with mental illness.

There was public outcry when Second Deputy Speaker of Parliament Alban Bagbin remarked that the ministerial appointments of persons with disabilities had led to the National Democratic Congress party's defeat. Bagbin tried to retract his remarks, but organizations such as the Ghana Blind Union expressed disappointment he did not apologize. Ivor Greenstreet, a person living with disabilities who ran in the 2016 presidential elections, called the remarks “unsavory and unacceptable” and “un-befitting ...the high office of ... Speaker.”

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

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

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced widespread discrimination in education and employment. In June, following his visit to the country in April, UN Special Rapporteur Alston noted that stigma and discrimination against LGBTI persons made it difficult for them to find work and become productive members of the community. As of September the CHRAJ had received five reports of discrimination based on sexual orientation or gender identity. LGBTI persons also faced

police harassment and extortion attempts. There were reports police were reluctant to investigate claims of assault or violence against LGBTI persons, although some activists said that police attitudes were slowly changing. Gay men in prison were vulnerable to sexual and other physical abuse.

While there were no reported cases of police or government violence against LGBTI persons during the year, stigma, intimidation, and the attitude of the police toward LGBTI persons were factors in preventing victims from reporting incidents of abuse.

Media reported in August that 400 members of the LGBTI community had registered with the National Coalition for Proper Human Sexual Rights and Family “to undergo voluntary counselling and reformation.” Amnesty International earlier in the year criticized authorities for conducting involuntary medical tests on two young men who were allegedly found having sex. According to one survey, approximately 60 percent of citizens “strongly disagree” or “disagree” that LGBTI persons deserve equal treatment with heterosexuals.

Activists working to promote LGBTI rights noted great difficulty in engaging officials on these issues because of their social and political sensitivity. Speaker of Parliament Mike Oquaye said in May he “would rather resign than subscribe to these delusions,” referring to gay rights legislation. He also said it was unacceptable that foreign governments or groups champion homosexuality and bestiality as human rights. Second Deputy Speaker of Parliament Bagbin said in a radio interview in April, “Homosexuality is worse than [an] atomic bomb” and “there is no way we will accept it in (this) country.” In November 2017 President Akufo-Addo made remarks in an interview interpreted by many citizens as supporting same-sex marriage. After much criticism the Office of the President issued a statement in April in which a bolded line read, “It will NOT be under his Presidency that same-sex marriage will be legalized in Ghana.” President Akufo-Addo later delivered remarks at an evangelical gathering where he assured the audience, “This government has no plans to change the law on same-sex marriage.” Media coverage regarding homosexuality and related topics was almost always negative.

HIV and AIDS Social Stigma

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

A 2016 law penalizes discrimination against a person infected with or affected by HIV or AIDS by a fine of 100 to 500 penalty units (1,200 cedi to 6,000 cedis, or \$265-\$1,330), imprisonment for 18 months to three years, or both. The law contains provisions that protect and promote the rights and freedoms of persons with HIV/AIDS and those suspected of having HIV/AIDS, including the right to health, education, insurance benefits, employment/work, privacy and confidentiality, nondisclosure of their HIV/AIDS status without consent, and the right to hold a public or political office.

As part of World AIDS Day, the Ghana AIDS Commission organized activities across three regions centered around the theme of antistigma and antidiscrimination. In the culminating event to mark World AIDS Day, the minister for sanitation and water resources read a statement on behalf of President Nana Akufo-Addo encouraging people to get tested.

Other Societal Violence or Discrimination

Chieftaincy disputes, which frequently resulted from lack of a clear chain of succession, competing claims over land and other natural resources, and internal rivalries and feuds, continued to result in deaths, injuries, and destruction of property. According to the West Africa Center for Counterextremism, chieftaincy disputes and ethnic violence were the largest source of insecurity and instability in the country. Throughout the year disputes continued between Fulani herdsmen and landowners that at times led to violence. In April, for example, one person died and several houses were burned down when clashes between a farmer and Fulani herdsmen escalated. Similar clashes led to the deaths of two persons who were shot by suspected herdsmen, according to January reports.

In May a long-standing land dispute between the communities of Nkonya and Alavanyo in Volta Region led to violence when an assailant shot and killed one woman and injured another. Citing 85 lives lost since 1983, the Volta Regional Peace Council called for an end to reprisal killings. Earlier in the year, a chieftaincy dispute resulted in five injuries and 10 arrests. Early in the year, the National Peace Council began peace-building training with two towns in the Northern Region.

There were frequent reports of killings of suspected criminals in mob violence. Such vigilantism was often seen as justified in light of the difficulties and constraints facing the police and judicial sectors.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The Ghana Labor Act provides for the right of workers--except for members of the armed forces, police, the Ghana Prisons Service, and other security and intelligence agency personnel--to form and join unions of their choice without previous authorization or excessive requirements. The law requires trade unions or employers'

organizations to obtain a certificate of registration and be authorized by the chief labor officer, who is an appointed government official. Union leaders reported that fees for the annual renewal of trade union registration and collective bargaining certificates were exorbitant and possibly legally unenforceable.

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

The Ghana Labor Act provides a framework for collective bargaining. A union must obtain a collective bargaining certificate from the chief labor officer in order to engage in collective bargaining on behalf of a class of workers. In cases where there are multiple unions in an enterprise, the majority or plurality union will receive the certificate but must consult with or, where appropriate, invite other unions to participate in negotiations. The certificate holder generally includes representatives from the smaller unions. Workers in decision-making or managerial roles are not provided the right to collective bargaining under the Labor Act, but they may join unions and enter into labor negotiations with their employers.

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

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

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

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

The law prohibits all forms of forced or compulsory labor. Provisions of various laws prescribe fines, imprisonment, and an obligation to perform prison labor as punishment for violations.

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

c. Prohibition of Child Labor and Minimum Age for Employment

06-02-2020

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

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

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

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

Children as young as four years old were subjected to forced labor in the agriculture, fishing, and mining industries, including informal gold mines, and as domestic laborers, porters, hawkers, and quarry workers. One child protection and welfare NGO estimated that 100,000 children were trapped in forced child labor, almost one-half of whom worked in the Volta Region where, in the fishing industry, they engaged in hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. The government does not legally recognize working underwater as a form of hazardous work. In October the Ministry of Fishing and Aquaculture Development launched a strategy to combat child labor and trafficking in the fisheries sector that addresses rescue, rehabilitation, and reintegration of child laborers, as well as prevention of child labor.

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

Child labor was present in cocoa harvesting. Children engaged in cocoa harvesting often used sharp tools to clear land and collect cocoa pods, carried heavy loads, and were exposed to agrochemicals, including toxic pesticides. The government did not legally recognize this type of work in agriculture, including in cocoa, as hazardous work for children.

Child laborers were often poorly paid and physically abused, and they received little or no health care.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

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

In June the government announced it would award 30 percent of government contracts for local companies to persons with disabilities and women, but the means of implementing and enforcing this provision remained uncertain.

e. Acceptable Conditions of Work

A national tripartite committee composed of representatives of the government, labor, and employers set a minimum wage. In July 2018 the committee raised the minimum daily wage by 10 percent to 10.65 cedis (approximately \$2.29), effective January 1. There were several cases of companies not complying with the new standard. According to an August report from the Ghana Statistical Service, 8.2 percent of Ghanaians lived in extreme poverty in 2016/2017. The extreme poverty line for an adult in 2017, based on a rebased poverty line and new consumption basket, was 982.20 cedis (approximately \$211) per year, or 2.69 cedis per day (approximately \$0.58). The maximum workweek is 40 hours, with a break of at least 48 consecutive hours every seven days. Workers are entitled to at least 15 working days of leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. Such provisions, however, did not apply to task workers or domestic workers in private homes, or elsewhere in the informal sector. The law does not prescribe overtime rates and does not prohibit excessive compulsory overtime.

The government sets industry-appropriate occupational safety and health regulations. By law workers can remove themselves from situations that endanger their health or safety without jeopardy to their employment. This legislation covers only workers in the formal sector, which employed less than 20 percent of the labor force.

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

sectors. The minimum wage law was not enforced in the informal sector. Legislation governing working hours applies to both formal and informal sectors. It was largely followed in the formal sector but widely flouted and not enforced in the informal sector.

The small number of labor inspectors was insufficient to enforce compliance. Inspectors were poorly trained and lacked the resources to respond to violations effectively. Inspectors did not impose sanctions and were unable to provide data as to how many violations they responded to during the year. In most cases inspectors gave advisory warnings to employers, with deadlines for taking corrective action. Per regulations, workers are able to remove themselves from hazardous situations without jeopardy to employment, but in practice, few such cases come forward. Penalties were insufficient to enforce compliance.

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

Six construction workers were killed in April when a tunnel roof collapsed at a gold mine in the central region.

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