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Country Report on Human Rights Practices 2012 - Ghana

EXECUTIVE SUMMARY

Ghana is a constitutional democracy with a strong presidency and a unicameral, 275-seat parliament. In late 2008 the opposition National Democratic Congress (NDC) won both the presidency and a small majority in parliament in an election deemed generally free and fair by domestic and international observers. NDC candidate John Evans Atta Mills became president in early 2009 for a four-year term. When President Mills died in July, Vice President John Dramani Mahama assumed the office of president. President Mahama won reelection in December. There were instances in which elements of the security forces acted independently of government authorities.

The most important human rights problems included trafficking in persons; exploitive child labor, including forced child labor; and harsh and life-threatening prison conditions.

Other human rights problems included use of excessive force by police, resulting in deaths and injuries; prolonged pretrial detention; arbitrary arrest of journalists; corruption in all branches of government; violence against women and children, including female genital mutilation/cutting (FGM/C); societal discrimination against women, persons with disabilities, and persons with HIV/AIDS; ethnic killings and vigilante violence; ethnic discrimination and politically motivated violence; and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals.

The government took steps to prosecute and punish officials who committed abuses, but police impunity remained a problem.

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 arbitrary or unlawful killings; however, use of excessive force by security forces resulted in the deaths of several armed criminal suspects and other persons during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

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

While the constitution and law prohibit such practices, there were credible reports that police beat and otherwise abused suspects, prisoners, and other citizens. Severe beatings of suspects in police custody reportedly occurred throughout the country but generally were unreported in official channels. Police generally denied allegations or claimed that the level of force used was justified. Military officials also reportedly mistreated persons. During the year several nongovernmental organizations (NGOs), lawyers, and civil society organizations publicly criticized police use of excessive force. In 2009 these organizations called for the inspector general of police (IGP) to take action against security force members involved in abuse. As a result, the government conducted awareness-raising campaigns and took internal disciplinary actions against offending security officials in 2011 and 2012.

In June the IGP ordered the Brong Ahafo regional commander of police to submit an investigative report in response to allegations of maltreatment of a suspect in the custody of the Techiman police. The suspect claimed police chained him to a pole, exposed him to the sun, and denied him the use of bathroom facilities.

Prison and Detention Center Conditions

According to media and expert reports, prison conditions generally were harsh and sometimes life-threatening. Police were known to beat suspects in custody. 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 limited space and light. Many prisoners slept on bare floors or took turns using beds.

Physical Conditions: According to the 2011 Prisons Service statistics (the most recent available), 13,467 prisoners (average daily lockup) were held in prisons designed to hold approximately one-third that number. On average there were 170 female and 148 juvenile inmates in the 42 prisons and prison camps. Authorities did not house juvenile detainees separately from adults, nor pretrial detainees from convicted prisoners, but officials did house women separately. Prisoners had access to potable water.

Administration: There were reports that inadequate recordkeeping led some pretrial detainees to spend excessive time in jail awaiting trial. There were no reports of inadequate recordkeeping for sentenced prisoners. Prisoners and detainees had reasonable access to visitors and religious observance. In 2011 Amnesty International reported that access to legal aid was inadequate, which resulted in some detainees spending more than 10 years awaiting trial. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions and treatment; however, submission of complaints by prisoners was not common practice. There were no prison ombudsmen to respond to complaints. Authorities investigated credible allegations of inhumane conditions and treatment and documented the results. Whenever allegations of inhumane treatment were made, the accused officer was asked to respond. If prison authorities were unsatisfied with the response of the officer, an internal inquiry was launched, and recommendations for disciplinary action were submitted to the director general of the prisons service.

Monitoring: The government permitted independent monitoring of prison conditions by the Commission for Human Rights and Administrative Justice (CHRAJ), which served as the official ombudsman, and the Welfare Unit of the Prisons Service. During 2011 the CHRAJ monitored 28 of the 42 prisons and prison camps. The CHRAJ and other NGOs worked on behalf of prisoners and detainees to help alleviate inhumane overcrowding, address the status and circumstances of confinement of juvenile offenders, and improve pretrial detention, bail, and recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for the charged offenses.

The government permits independent monitoring of prison conditions by local and international human rights groups, including the International Committee of the Red Cross; however, no such visits were conducted during the year.

In 2011, authorities discharged 125 inmates under the "Justice for All" program, begun in 2008 to ease prison overcrowding and to accelerate judicial processes; another 117 inmates were released on bail during the year.

d. Arbitrary Arrest or Detention

The constitution and law provide for protection against arbitrary arrest and detention, and the government generally observed these protections.

Role of the Police and Security Apparatus

The police, under the Ministry of Interior, were responsible for maintaining law and order. However, the military continued to participate in law enforcement activities. A separate entity, the Bureau of National Investigations (BNI), handled cases considered critical to state security and answered directly to the Ministry of National Security. Police maintained specialized units in Accra for homicide, forensics, domestic violence, trafficking in persons, visa fraud, narcotics, and cybercrimes. Such services were unavailable nationwide due to the lack of office space, vehicles, and other equipment outside the capital. In 2010 the police unveiled a five-year strategic plan to increase police personnel, housing, vehicles, equipment, and establish new training academies.

Police brutality, corruption, negligence, and impunity were problems. Delays in prosecuting suspects, rumors of police collaboration with criminals, and a widespread perception of police ineptitude contributed to vigilante violence during the year. There were credible reports that 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. Low salaries, which were sometimes not paid on time, contributed to police corruption. In 2010 the government implemented the Single Spine Salary Structure, which increased the salaries of all police officers, partly in an effort to reduce corruption. However, its efficacy was unclear.

The Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. During the year PIPS received 654 new cases; of those, 233 were closed, and 421 remained under investigation at year's end. Among the 654 cases, 40 involved complaints of harassment, 24 of extortion, 113 of misconduct, 35 of unlawful arrest and detention, 133 of unprofessional handling of a case, 129 of unfair treatment, 87 of undue delay of investigation, and 49 of alleged police brutality with human rights violations.

Arrest Procedures and Treatment While in Detention

The constitution and law provide for protection against arbitrary arrest and detention; however, the government frequently violated these protections. The law requires judicial warrants for arrest and provides for arraignment within 48 hours; however, according to experts and media reports, police made frequent arrests without warrants and detained individuals without charge for periods longer than 48 hours. Officials detained some prisoners for indefinite periods by renewing warrants or by simply allowing them to lapse while an investigation occurred. The constitution provides for a detained individual to be informed immediately, in a language the person understands, of the reasons for detention and of his or her right to a lawyer at state expense if unemployed or indigent. The government did not consistently protect these rights, but lawyers were generally assigned promptly to detainees. 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 will appear in court at a later date; however, this provision was rarely observed in practice.

The law provides for bail, and the court has unlimited discretion to set bail, which was often prohibitively high. The court may refuse to release prisoners on bail and instead may detain 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.

Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to 2011 Prisons Service data, 21 percent of the prison population was in pretrial status. Detainees sometimes served more time in detention awaiting trial than the maximum sentence for the crime required.

e. Denial of Fair Public Trial

While the constitution and law provide for an independent judiciary, the judiciary was inefficient and subject to influence and corruption (see section 4).

Members of the military are tried separately under the criminal code in a military court. Military courts, which provide the same rights as civilian courts, were not permitted to try civilians. Despite alternate dispute resolution (ADR) procedures to decongest the courts and address judicial inefficiency, court delays persisted. Mediators were trained throughout the country to implement ADR, mediation desks were established in some district courts, and an ADR secretariat was established within the judicial service. Nevertheless, even in fast-track courts, which were established to hear cases to conclusion within six months, trials could go on for years.

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, including courts and district assemblies.

A judicial complaints unit, headed by a retired Supreme Court justice, addressed public complaints, such as unfair treatment by a court or judge, unlawful arrest or detention, missing dockets, delayed trials and delivery of judgments, and alleged bribery of judges. During the year the unit received 158 complaints, of which 145 were resolved and 37 were under investigation at year's end.

Trial Procedures

The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right. However, the judiciary was sometimes inefficient and subject to influence and corruption. Defendants are presumed innocent and trials are public. Defendants have the right to be informed promptly and in detail of the charges. Defendants have adequate time and facilities to prepare defense. Juries are used in murder trials. Defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. Defendants have the right also to present witnesses and evidence. Defendants and their attorneys have access to government-held evidence relevant to their cases and have a right to appeal. Defendants have the right not to be compelled to testify or confess guilt. In practice authorities generally respected these safeguards.

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 courts and automated commercial courts continued efforts to streamline resolution of disputes, although delays were common. A growing number of automated courts, whose proceedings were expedited through electronic data management, were established across the country. The automated courts tracked cases and randomly selected judges for case assignment, which was useful in reducing judicial corruption.

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

The constitution prohibits such actions, and the government respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution and law provide for freedom of speech and press, the government sometimes restricted those rights during the year. The police arbitrarily arrested and detained journalists, and some practiced self-censorship.

Freedom of Press: There were more than 1,500 newspapers and magazines, approximately 250 FM radio stations, and 28 television stations registered with the National Media Commission (10 were not operational). The most popular publications were state owned, while the majority of television and radio stations had private ownership.

In March the government banned all media outlets owned by Multimedia Limited from reporting on any government, including ministerial, events. The ban affected television channels, the country's most frequented Web site, and various radio stations. The government stated it introduced the ban because Multimedia Limited was unfair and biased against the late President Mills' administration. The government later rescinded the ban after an outcry from civil society and press freedom advocates.

In December some radio stations reported their broadcasts were being jammed allegedly due to their inflammatory programming.

The independent media were active and expressed a wide variety of views without restriction.

Violence and Harassment: Local authorities sometimes detained, arrested, or harassed critics of the government. For example, in January operatives of the Bureau of National Security assaulted a news

photographer for attempting to take photographs of a deputy superintendent of police involved in a controversial stolen evidence case. The operatives allegedly confiscated the photographer's camera and tore her clothing, exposing her undergarments, as they forced her into a government vehicle.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms without judicial oversight. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was accessible in Accra and other large cities. There was limited but growing access in other parts of the country. According to the International Telecommunications Union, 14.11 percent of individuals used the Internet in 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In 2011 close to 18,000 residents of Cote d'Ivoire fled to the country as a result of political instability following Cote d'Ivoire's disputed 2010 presidential election. However, as security and political stability returned to Cote d'Ivoire, many Ivoirian refugees returned home. As of October the number of Ivoirian refugees had dwindled to 9,250.

The UNHCR issued a Declaration of Cessation effective June 30 for Liberian refugees, terminating their prima facie refugee status. For those Liberians who continued to express protection concerns, the UNHCR worked with the Ghana Refugee Board (GRB) to provide access to individual refugee status determination. Prior to June, the UNHCR worked to ensure that remaining refugees registered for one of the two durable solutions available: repatriation to Liberia or local integration in the country. By October the UNHCR and the International Organization for Migration (IOM) had assisted with the voluntary repatriation of more than 4,700 Liberians from Ghana.

The UNHCR estimated that 30,000 refugees resided in the country during the year. As a result of repatriation of Ivoirians and Liberians, an estimated 19,000 refugees remained in the country at year's end. This figure included Liberian (4,900), Togolese (3,700), and Ivoirian (9,250) refugees, as well as refugees of other nationalities.

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. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The GRB adjudicates claims for refugee status and seeks to ensure that refugees receive all appropriate protections.

The law allows rejected asylum seekers to appeal and remain in the country until an appeal is adjudicated. There were delays in the appeal process, however, and the minister responsible for adjudicating appeals made no decisions on any appeals during the year. The law also accords protection to refugees who entered the country illegally without documentation.

Sexual and gender-based violence remained a problem for refugees. All refugees had freedom of movement within the country and were not required to carry identification. Refugees were allowed to apply for work permits through the same process as other foreigners. However, work permits generally were issued only for employment in the formal sector, whereas the majority of refugees worked in the informal sector. Refugee children had access to public primary schools. Refugees in Krisan Camp, the Buduburam Settlement, and the Volta Region were enrolled in the national health insurance system with funding from the UNHCR. Urban refugees had access to health care on a fee-for-service basis.

According to the UNHCR, following Ivoirian leader Laurent Gbagbo's arrest in Cote d'Ivoire, there was an increase in people fitting an ex-combatant profile seeking refuge. Suspected ex-combatants were placed in a separate site, Eagle Star Reception Center. In March camp residents killed a man in an arson attack at Eagle Star. In May the approximately 170 suspected ex-combatants left Eagle Star. Their whereabouts were unknown. Eagle Star was later shut down.

In October the Ministry of National Security conducted an operation at Ampain refugee camp using army and police forces to separate and detain suspected ex-combatants living among the refugee population. The UNHCR monitored the status of detainees following the operation to ensure that the rights of refugees were respected and that adequate protection was provided for persons of concern.

In August a former Ivoirian minister in Laurent Gbagbo's administration, Justin Kone Katinan, was arrested by security force personnel and held by the BNI. Ivoirian officials had issued an international arrest warrant for Kone Katinan, an Ivoirian asylum seeker. After he was granted bail in September, authorities arrested Kone Katinan again three days later. The government granted him refugee status in November. The government began proceedings to legally extradite him to Cote d'Ivoire, based on an Ivoirian warrant. The case was adjourned until February 2013.

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 based on universal suffrage.

Elections and Political Participation

Recent Elections: When President Mills died on July 24, Vice President John Dramani Mahama immediately assumed the presidency. Ghana conducted presidential and parliamentary elections on December 7. The elections were the first Ghanaian elections where voters presented biometric identification cards in order to vote. The use of biometric verification was intended to eliminate multiple voting. Due to biometric voter verification machine failures and late openings of polling stations, particularly in Accra, voting was extended to December 8. The independent Electoral Commission (EC) declared President Mahama the winner of the December presidential election. New Patriotic Party (NPP) candidate Nana Akufo-Addo and the party's leadership alleged massive voting irregularities and subsequently filed a legal suit before the Supreme Court on December 28 contesting the presidential election results. Domestic and international election observers deemed the elections generally free and fair despite logistical and other problems. The Supreme Court case was continuing at year's end. There were a few reports of isolated violence during the elections.

Participation of Women and Minorities: There are no laws preventing women from voting or participating in political life on the same basis as men, but women traditionally and culturally had less access to leadership positions than men. There were 19 women in the 230-seat parliament (expanded to 275 for 2013), four women in the cabinet, and five women on the Supreme Court. In the December elections, women won 30 of 275 seats in parliament. Nana Konadu Agyeman Rawlings, wife of former president Jerry John Rawlings, sought to become the National Democratic Party presidential candidate for the 2012 general election, but the EC rejected her application for candidacy, citing incomplete paperwork. In 2012 the speaker of the parliament was a woman, as was the chief justice; however, following the December election a man took over the speaker position.

There are no laws or practices that keep members of minorities from equal participation in political life. According to the 2010 census, the country had eight major ethnic groups, none of which constituted a majority. The Akan, the largest ethnic group, made up 47.5 percent of the population.

Section 4. Corruption and Lack of Transparency in Government

Corruption was present in all branches of government, according to media and NGOs. The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials frequently engaged in corrupt practices. For example, police set up barriers to extort money from motorists, and judicial officials accepted bribes to expedite or postpone cases or to “lose” records. The World Bank’s most recent Worldwide Governance Indicators reflected that corruption was a problem.

The Economic and Organized Crime Office (EOCO) investigates and prosecutes crimes such as money laundering, human trafficking, and cybercrime. The EOCO is the lead agency on any major corruption case.

The CHRAJ investigates human rights abuses, public corruption, abuse of power, and is empowered to recommend punishments for violators. The attorney general, the minister of justice, the EOCO, and the Public Prosecutor’s Office are responsible for combating corruption. The parliamentary Public Accounts Committee is also responsible for auditing government spending. An auditor general reviews public sector accounts.

The government came under criticism due to the Woyome scandal, which involved a substantial judgment debt payment to an NDC financier, Alfred Woyome. Following an alleged breach of contract for a government construction project, the courts awarded Woyome an abnormally large judgment debt. Under the late President Mills, the EOCO conducted an investigation and presented a report alleging that corruption and government incompetence led to the judgment debt. The former chief state attorney; his wife, the former legal director in the Ministry of Finance; and Woyome were all arrested. Woyome was charged with conspiracy to commit a crime, fraud, and corrupting public officials. The others were charged with aiding and abetting Woyome’s crimes. All four pled not guilty and were released on bail. Corruption concerns persisted as more large judgment debt controversies surfaced during the year. In response, the government appointed a commissioner for judgment debts to address the issue.

The government arrested security force members for corruption.

After British authorities at Heathrow Airport intercepted a significant quantity of cannabis and cocaine on two commercial flights from Accra in September, the BNI detained five officials from Ghana’s Narcotics Control Board in connection with the seizures. Reportedly, the BNI questioned the officials on how a record amount of cannabis made it past airport security. Authorities had not brought charges against the officials at year’s end.

In September 2011 an Accra Circuit Court dismissed a narcotics case after one kilogram of seized cocaine was allegedly and surreptitiously replaced with sodium carbonate. The disappearance of the cocaine prompted an investigation by the BNI and a judicial panel of inquiry. Although the panel found improper behavior and procedures, it cleared the judicial service in the cocaine’s disappearance. The BNI placed blame on a deputy superintendent of police, who was subsequently dismissed from service.

In October authorities arrested two officials from Ghana’s Electoral Commission and the presidential candidate of a small political party on allegations of corruption. Allegedly, the presidential candidate bribed the two officials in order to be included on the December ballot. The suspects were released on bail while authorities investigated the case.

Officials were subject to financial disclosure, but their responses were not available for public review.

The constitution provides for public access to government information; however, obtaining such access was difficult in practice.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 generally were cooperative and responsive to their views.

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, some critics questioned its ability to independently investigate high-level corruption. Its biggest obstacle was a lack of adequate resources, which resulted in low salaries, poor working conditions, and the loss

of many of its staff to other governmental and nongovernmental agencies. Salaries were often delayed due to a chronic lack of resources and administrative issues. Public confidence in the CHRAJ was high, resulting in an increased workload for its staff.

The Committee on the Constitution, Legal Issues, and Parliamentary Affairs addressed human rights issues in parliament.

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

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

Women

Rape and Domestic Violence: The law criminalizes rape but not marital rape. Convicted rapists may be punished with prison sentences ranging from five to 25 years. Rape was significantly underreported and remained a serious problem. During the year the Ghana Police Service's Domestic Violence and Victim Support Unit (DOVVSU) worked closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers, the Legal Aid Board, and several other human rights NGOs to combat domestic violence. In 2011 DOVVSU received 375 reports of rape and reported 177 arrests and 93 prosecutions, resulting in 13 convictions; 130 cases remained uninvestigated at year's end.

Although the law prohibits domestic violence, it continued to be a problem. The law stipulates that a person in a domestic relationship who engages in misdemeanor domestic violence is liable on summary conviction to a fine, a term of imprisonment of not more than two years, or both. The court also may order the offender to pay compensation directly to the victim. However, inadequate resources and logistical capacity in DOVVSU and other agencies, as well as only partial implementation of the Domestic Violence Act, hindered the full application of the law during the year. Unless specifically called upon by 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. In many cases victims were discouraged from reporting abuse and from cooperating with prosecutors because they were aware 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. Victims also did not report domestic violence (or rape) because of fear of retaliation. In 2011 authorities prosecuted 246 cases of domestic violence.

Female Genital Mutilation/Cutting: See section 6, Children.

Other Harmful Traditional Practices: In the Northern, Upper East, and Upper West regions, where belief in witchcraft remained strong, rural women and men suspected of witchcraft were banished to "witch camps" (villages in the north populated by suspected witches, some of whom were accompanied by their families) by their families or traditional village authorities. (Such camps were distinct from "prayer camps," to which persons with mental illness were sometimes sent by their families.) Most accused witches were older women, often widows, who were accused by fellow villagers of being the cause of difficulties, such as illness, crop failure, or financial misfortune. Persons suspected of witchcraft were also killed in recent years. NGOs provided food, medical care, and other support to residents of the camps. Government officials and the regional office of the CHRAJ claimed the number of women in witch camps in the Northern Region decreased slightly in recent years.

In December, First Lady Lordina Mahama visited the Gambaga Witch Camp in the Northern Region. On her visit, she donated food and clothing to the elderly women living in the camp. The visit brought some media attention to the camp.

In May an intellectually gifted 17-year-old high school girl was sent to the Gambaga Witch Camp in the Northern Region after being accused of "stealing the intelligence" of other students. The Ministry of Women and Children (MOWAC) and a local NGO intervened and assisted the student with leaving the camp and returning to her studies.

MOWAC monitors witch camps. The CHRAJ has an office in Tamale in the Northern Region, which supports efforts to protect the rights of those accused of being witches and monitors three camps. In 2010, during its most recent survey of the camps, the CHRAJ reported that they contained 175 female and eight male residents; however, media sources reported far higher numbers of men, women, and children in the camps.

Sexual Harassment: 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 remained a widespread problem.

Reproductive Rights: Couples and individuals have the right to decide freely on the number, spacing, and timing of pregnancies. According to the 2008 Demographic and Health Survey, the most recent, 98 percent of all women surveyed cited use of at least one birth control method. According to a foreign aid agency, 24 percent of married women of reproductive age used a modern contraceptive method. More than 78 percent of pregnant women had four or more prenatal visits. Approximately 57 percent of women delivered with a skilled attendant. Maternal mortality was estimated in a recent study at 350 per 100,000 live births in health facilities, with the most common causes of death being hemorrhage and infection. More than two-thirds of women reported receiving medical care within two days of delivery. Women were more likely than men to accept HIV testing, particularly since it was offered as a standard component of prenatal care. An estimated 10 percent of the population knew their HIV status; approximately 30 percent of HIV-positive pregnant mothers received antiretroviral medications to prevent mother-to-child transmission.

Discrimination: The constitution provides for all persons to be treated equally under the law; however, 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 persisted to women entering nontraditional fields. Women, especially in rural areas, remained subject to burdensome labor conditions, performing physically difficult manual labor such as farming, transporting goods, and manual household chores, while often carrying a child on their backs. Women also were subjected to traditional male dominance. Traditional practices and societal norms often denied women their statutory entitlements to inheritance and property, a legally registered marriage with the associated legal rights, and the maintenance and custody of children.

Women's rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The government was involved in educational programs, and many officials were advocates of women's rights.

Children

Birth Registration: Citizenship is derived by birth within the country or by parentage, but not all births were registered with the government. Some children were reportedly denied education because their births were not registered, although a birth certificate is not a legal precondition to attend school.

Education: The constitution provides for "free, compulsory, and universal basic education" for all children from kindergarten through junior high school; however, parents were required to purchase uniforms and writing materials. During the year the government continued a program to provide uniforms to 1.3 million children in "deprived" areas, although contracting delays prevented most of the targeted children from receiving their uniforms. The government also operated a school feeding program for more than 1.1 million children, which covered incidental costs as well as meals, and a nationwide capitation grant program that covered other school fees for all children attending public schools. According to the Ministry of Education, girls attending primary school during the 2011-12 school year constituted 49.6 percent of all students; at the junior high school level, the proportion was 48.9 percent. During the year the Ghana Education Service (GES) actively campaigned to expand education for girls by providing scholarships at the junior and senior high school levels and by offering financial incentives and free housing to female teachers to work in deprived 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 enrollment of girls.

Child Abuse: The law prohibits defilement (defined as sex with a child younger than 16 years with or without consent), incest, and sexual abuse of minors, but such abuses remained serious problems. In 2011 DOVVSU received 1,176 cases of suspected child defilement and 45 cases of attempted defilement; the true number of cases was thought to be much higher. There were frequent press reports that male teachers sexually assaulted and harassed female students. Girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. There were press reports during the year of teachers, coaches, and headmasters/headmistresses being arrested for sexual harassment of female students or dismissed for ignoring reported problems. There were also a few reports of male teachers arrested for sexually assaulting male students.

In September a pastor was sentenced to 18 years in prison for defiling a 14-year-old girl. The pastor told the girl's parents that he needed to bring the girl to his house to exorcise evil spirits from her. At his house he drugged and raped the girl before sending her home.

Child Marriage: Forced child marriage, which is illegal, remained a problem, and no improvements were noted during the year, according to the CHRAJ and NGOs.

Harmful Traditional Practices: The law prohibits female genital mutilation/cutting (FGM/C), but it remained a serious problem in the Upper West Region of the country and, to a lesser extent, in the Upper East and

Northern regions. Type II FGM--defined by the World Health Organization as the excision of the clitoris with partial or total excision of the labia minora--was more commonly perpetrated than any other type. A girl was typically excised between four and 14 years of age. According to a 2008 study conducted by the Ghana Statistical Service with support from UNICEF, the most recent study available, approximately 49 percent of girls and women under 50 years old in the Upper West Region, 20 percent in the Upper East Region, and 5 percent in the Northern Region had experienced some form of FGM/C.

Intervention programs were somewhat successful in reducing the prevalence of FGM/C, particularly in the northern regions. Officials at all levels, including traditional chiefs, continued to speak out against the practice, and local NGOs continued educational campaigns to encourage abandonment of FGM/C and to train practitioners in new skills so they could seek alternate sources of income.

According to a 2009 survey of girls and women between 15 and 49 years old in the Upper West Region, 85 percent stated the practice should be discontinued, 10 percent were unsure, and only 5 percent supported its continuation. Lower prevalence of FGM/C among women in the Upper East Region was highly correlated with increased education. There were no prosecutions of practitioners during the year.

Sexual Exploitation of Children: The migration of children to urban areas increased due to economic hardship in rural areas. Children were often forced to support themselves to survive, increasing both the occurrence of child labor and the school dropout rate. Girls under 18 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.

The minimum age of consensual sex is 16 years. Defilement is punishable by imprisonment for seven to 25 years. There is no legislation specific to child pornography; however, it can be prosecuted as an "offense against public morals" and is punishable by imprisonment for a period not to exceed three years and/or a fine ranging from 120 to 600 cedis (\$61-\$305) in a country where the average annual income was estimated to be 1,950 cedis (\$1,000).

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.

Anti-Semitism

The Jewish community had 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.

Persons with Disabilities

The law explicitly prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, health care, air travel and other transportation, and other domains. The National Council on Persons with Disability (NCPD), mandated by law, was inaugurated in 2009. The government did not systematically or overtly discriminate against persons with disabilities, but such persons often experienced societal discrimination. The law provides persons with disabilities access to public buildings "as far as is practical." Activists supporting the rights of persons with disabilities complained of the slow implementation of the Persons with Disability Act, especially the lack of legislative instruments to implement the new law. Despite the legal protection provided in the law, discrimination against persons with disabilities in employment and the inaccessibility of public buildings continued to be problems.

In March parliament passed a Mental Health Bill, which then president Mills signed into law in May. In August the country ratified the United Nations Convention on the Rights of Persons with Disabilities. More than five million people with disabilities lived in the country, one-fifth of the total population, including 2.8 million people with mental disabilities.

Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance. Some religious groups believed that persons with mental disabilities were afflicted by demons that should be exorcised. The abuse of children with disabilities was common. In previous years there were reports that children with disabilities were tied to trees or under market stalls and caned regularly, and of family members killing children with disabilities.

Human rights activists expressed 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. Camp supervisors would sometimes diagnose mental illness as a "demonic affliction" and prevent patients from consuming food or water, often for seven consecutive days, to cleanse victims of their evil spirits. Some victims were thought to be as young as six years old. Families sent victims to be exorcised of evil spirits or cured of their physical or

mental illnesses. Victims were held at the camps until they were considered healed. Reports indicated that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong-Ahafo regions. During the year Human Rights Watch released a report on prayer camps based on interviews with current and former inmates, family members, and healthcare professionals. The report noted that some families caring for mentally ill members had limited financial resources and viewed prayer camps as an accessible treatment option. Human Rights Watch and other NGOs urged regulation of prayer camps; however, no regulations were implemented by year's end.

Several government agencies and NGOs were involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare in the Ministry of Employment and Social Welfare (MESW), the Ministry of Education, and the Center for Democratic Development.

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

According to the criminal code, "unnatural carnal knowledge" is defined as "sexual intercourse with a person in an unnatural manner or with an animal." It states that individuals who have unnatural carnal knowledge "of any person of 16 years or over with his consent" is guilty of a misdemeanor. There has been considerable debate over whether this legislation could be used to prosecute consenting gay adults, and there were no reports that it had ever been used.

The former and current commissioners of the CHRAJ spoke out against discrimination and advocated the need to protect the human rights of every citizen as provided for in the constitution. In November 2011 media accounts reported British Prime Minister Cameron was considering suspending direct aid to countries with poor records on LGBT rights. In response the late President Mills commented that Ghana was committed to upholding human rights as provided by the constitution, but he would not initiate a change to the law.

LGBT persons faced widespread discrimination, as well as police harassment and extortion attempts. Gay men in prison were often subjected to sexual and other physical abuse.

In March a gang of men assaulted nine people they believed to be LGBT individuals in Jamestown, a neighborhood of Accra, forcing them from their homes and attacking them with canes and sticks. The victims filed a complaint with a legal human rights organization. They said their homes were burgled while they were chased out. No arrests had been made in the case by year's end.

In May a peer educator employed by an NGO to instruct sexual health education workshops was assaulted by a group of boys at a school in the Volta Region. The assault occurred after they discovered he was carrying safe-sex presentation materials such as condoms, wooden sex organ replicas, lubricant, and pamphlets. The peer educator was detained by police but later released. The boys were not charged.

Other Societal Violence or Discrimination

Discrimination against persons with HIV/AIDS was a problem. Fear of being stigmatized continued to discourage persons from being tested for HIV infection, and those who tested positive from seeking timely care. There were no indications that this situation improved during the year. Instances where HIV-positive people were forced to leave their jobs or houses were common. 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 made it difficult for the centers to respect confidentiality at all times.

Ritual killings continued to occur. For example, in February 2011 a six-year-old girl was killed for ritual purposes in Koforidua; three men were arrested in connection with the case. Skin, private parts, and her tongue were removed from her body.

In May 2011 the headless body of a 12-year-old boy was found in bushes in the Bompaa community of the Brong Ahafo Region and was believed to indicate a ritual killing. Police arrested three persons, including one with the victim's head in his possession.

Chieftaincy disputes, which frequently resulted from a lack of clear succession, competing claims over lands and other natural resources, and internal rivalries and feuds, continued to result in deaths, injuries, and destruction of property.

In June one person was killed and others injured in a shooting incident at Tichiegu in Tamale in the Northern Region. The deceased was a bystander shot during an attempt to install a new chief. Police arrested 11 individuals and were continuing their investigation.

In August three people were killed during a shooting when two feuding chieftaincy factions argued over ritual activities. Police arrested nine suspects and were continuing their investigation.

In September 2011 residents of Agogo in the Ashanti Region organized a protest march to bring attention to alleged criminal activity by Fulani herdsmen. Such activity included the destruction of crops, rape, and highway robberies. By November 2011, 12 Agogo residents allegedly had been killed within 18 months by Fulani herdsmen in various parts of the Eastern Region. Additionally, police reported many rape and defilement incidents victimizing women and children perpetrated by Fulani herdsmen. In December 2011, 13 Fulanis, including one woman and two children, were killed during a shooting incident in Zamashegu, Northern District. The parliament formed a committee to investigate allegations of criminal activities by herdsmen believed to be Fulani.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers, except for the armed forces, police, the prison service, and some other security and intelligence agency personnel, to form and join unions of their choice without previous authorization or excessive requirements. The law requires that trade unions or employers' organizations must register; be authorized by the chief labor officer, an appointed government official; and obtain a certificate of registration.

The law recognizes the right to strike but restricts that right for workers who provide "essential services." The minister of employment and social welfare 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. In these sectors, the parties to any labor disputes are required to resolve their differences within 72 hours; the deadline was meant to put pressure on employers and employees to operate efficiently with limited interruptions. The right to strike can also be restricted for workers in private enterprises whose services were 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 power to suspend any law and prohibit public meetings and processions, but it was unclear if the law applies to labor disputes.

The law provides a framework for collective bargaining. However, only unions that represent the majority of workers in a given company can obtain a collective bargaining certificate, which is required to engage in collective bargaining. In cases where there are multiple unions in an enterprise, normally the majority union will receive the certificate and conduct the bargaining. Generally, the certificate holder will include representatives from the smaller unions. The armed forces, police, prison service, security and intelligence personnel, and workers with policymaking and managerial functions do not have the right to bargain collectively.

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 any unfair pretenses. The labor law also prohibits antiunion discrimination by employers and provides for reinstatement for workers fired for union activity. It protects trade union members and their officers against discrimination if they organize within the free zones. The law, however, also provides for an employer's right to terminate workers' employment without giving cause.

The government generally protected the right to form and join independent unions and conduct legal strikes and bargain collectively, and workers exercised these rights in practice. Worker organizations were independent of the government and political parties, and there were no instances of government interference in union activities during the year. There were no reports of violence, threats, or other abuses targeting union leaders and members by government or employers. While there were no instances of employers who refused to bargain, bargained with unions not chosen by workers, or hired workers without bargaining rights, some instances of subtle employer interference in union activities occurred. Since many unions also did not fully understand the labor laws, they normally did not follow approved processes for dealing with disputes. Due to lack of awareness about the National Labor Commission's (NLC) role, the NLC faced challenges in enforcing applicable sanctions against both unions and employers.

Trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. No union had ever gone through the complete dispute resolution process involving arbitration, and there were numerous unsanctioned strikes during the year. Some employers continued to fire employees for union activity.

b. Prohibition of Forced or Compulsory Labor

The law prohibits most forms of forced or compulsory labor. Provisions of various laws prescribe imprisonment and an obligation to perform prison labor as punishment for violations. The law provides for employers found guilty of using forced labor to be fined no more than 250 penalty units (each unit is assigned a monetary value adjusted for the fluctuating exchange rate).

During the year children were forced to work (see section 7.c.). Some victims were forced to work on boats as children and were sometimes unable to leave their employers and continued to work without pay as adults.

The government did not commit sufficient resources to enforce legislation prohibiting forced labor. No fines were levied during the year, and no legal cases were brought that resulted in imprisonment. During the year the ILO continued to urge the government to revise various legal provisions that permit imprisonment with an obligation to perform labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum employment age at 15 years, or 13 years for light work that was not likely to be harmful to the child and does not affect the child's attendance at or capacity to benefit from school. The law prohibits night work and certain types of hazardous labor for those under 18 and provides for fines and imprisonment for violators. 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.

Child labor laws were not enforced 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.

Inspectors from the MESW were responsible for enforcement of child labor regulations, and district labor officers and the social services subcommittees of district assemblies were charged with seeing that the relevant provisions of the law were observed by annually visiting workplaces and making spot checks whenever they received allegations of violations. Inspectors were required to provide employers with information about child labor violations and effective means to comply with provisions of the law. However, the government did not provide sufficient resources to law enforcement and judicial authorities to carry out these efforts.

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

In June 2011, to commemorate World Day Against Child Labor, the government launched the National Plan of Action for the Elimination of the Worst Forms of 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. During the year the government tested the Child Labor Monitoring System as a pilot program in the cocoa industry, with the plan to apply similar monitoring system to other industries throughout the country at the completion of the pilot phase.

According to government labor officials, ILO, and the Ghana Employers Association, child labor problems were infrequent in the formal labor sector. During the year several ministries conducted seminars on child labor to educate the media, police, civil servants, and the general public. However, local custom and poverty encouraged children to work to help support their families and eroded societal observance of child labor laws, particularly in the informal sector, where child labor remained a serious problem.

Children as young as seven worked in agriculture and as domestic laborers, porters, hawkers, miners, quarry workers, and fare collectors. Children also engaged in herding livestock, fetching firewood, and bricklaying. In the fishing industry in the Lake Volta region, child laborers engaged in potentially hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. Children in the region also engaged in work as domestic servants, cooks, servers, and porters.

Children were also forced to work, and in some cases parents reportedly sold, leased, or gave away their children to work in fishing villages, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced. There were indications of compulsory labor affecting both children and adults in the fishing sector and in illegal mining. Victims were forced to work on boats as children and were sometimes unable to leave their employers and continued to work without pay as adults. In the illegal mining industry (consisting of independent, artisanal miners known as *galamseys*, whose operations sometimes conflict with larger, concessionary miners), NGOs cited debt bondage as a problem. There were newspaper reports of children being sold into involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fishermen in exchange for a yearly remittance to their families. The practice often

involved parental consent. The media regularly published stories about children being used in involuntary servitude, particularly as street hawkers and porters.

Child laborers were often poorly paid and physically abused; they received little or no health care and generally did not attend school.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

A National Tripartite Committee composed of representatives of the government, labor, and employers set a daily minimum wage, which was 4.48 cedis (\$2.30) during the year. The law sets the maximum work week at 40 hours, with a break of at least 48 consecutive hours every seven days. Workers were 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. However, such provisions do not apply to task workers or domestic workers in private homes, nor elsewhere in the informal sector. The law does not prescribe overtime rates and does not prohibit excessive compulsory overtime.

Occupational safety and health (OSH) regulations are set by the government. The Factories Department within the MESW was responsible for imposing sanctions on violators of the OSH standards. Employers who failed to comply were liable to a fine not exceeding 1,000 penalty units, imprisonment for a term not exceeding three years, or both. The law requires that employers report occupational accidents and diseases no later than seven days from the date of occurrence. Only workers in the formal sector, which employed less than 20 percent of the labor force, are covered by this legislation.

The MESW was unable to effectively enforce the wage law. 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 was largely followed in the formal sector but widely flouted and not enforced in the informal sector.

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. Specific information regarding the number of labor inspectors and adequacy of penalties was not available. There were no reports of specific government action taken during the year to prevent violations or improve wages and working conditions.

A 2008 CHRAJ report found evidence of widespread violations of human rights in mining areas. The report documented abuses by the security services in mining areas, particularly among galamseys.

The law provides for compulsory participation in the Social Security and National Insurance Trust pension scheme as well as the National Health Insurance Scheme; however, the government did not always enforce compliance, particularly in the informal sector. The law provides for work injury insurance and maternity insurance. Unemployment insurance is not provided by law.