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2020 Trafficking in Persons Report: Ghana

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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GHANA: Tier 2

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ghana remained on Tier 2. These efforts included identifying more potential victims of trafficking and providing comprehensive services for victims in the newly established government shelter for adult female trafficking victims. The government also investigated and prosecuted more trafficking cases and sentenced more convicted traffickers to significant prison terms; continued to implement standard operating procedures (SOPs) for identification and referral of trafficking victims in some regions; and continued cooperative efforts among police, social welfare, and civil society actors to identify and remove children from trafficking situations. The government also increased its support for implementing Ghana's anti-trafficking national action plan, training for officials and traditional leaders, and conducting public awareness activities. However, the government did not meet minimum standards in several key areas. The lack of adequate resources for anti-

trafficking law enforcement and social welfare personnel continued to hinder investigations, prosecutions, and protection efforts. The government did not expend funds allocated to the Human Trafficking Fund (HTF) to address the lack of sufficient protection services for adult male and child trafficking victims, and it did not take steps to improve protections for Ghanaian migrant workers before departing and while abroad, particularly in the Gulf. The government did not adequately address corruption, including complicit officials who facilitated trafficking, and it did not amend the anti-trafficking act regulations to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to vigorously investigate, prosecute, and sentence convicted traffickers under the Human Trafficking Act, including complicit officials. • Provide increased resources to police and social welfare personnel to enable them to respond effectively to reports of suspected sex or labor trafficking, collect and preserve evidence, and protect potential victims. • Expend funds allocated to the HTF to support comprehensive trauma-informed care and reintegration services for adult and child trafficking victims. • Amend the 2015 implementing regulations for the 2005 Ghana Anti-Trafficking Act to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. • End the ban on recruitment of Ghanaian workers to countries in the Gulf, increase efforts to educate all migrant workers on their rights before going abroad, ensure migrant workers have written contracts, and take steps to ensure any recruitment fees are paid by employers. • Investigate and prosecute recruitment agents and others suspected of participating in trafficking Ghanaian migrant workers. • Improve implementation of SOPs for screening, identification, referral, and protection of trafficking victims throughout Ghana. • Increase the collaboration between investigators and prosecutors during case development and throughout the prosecution of human trafficking cases. • Provide advanced training to law enforcement on surveillance and evidence collection in trafficking cases and to prosecutors and judges on pursuing cases under the anti-trafficking act. • Implement trafficking data collection procedures that track investigations,

prosecutions, victims identified by enforcement and protection agencies, and assistance provided.

PROSECUTION

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

The government reported initiating 137 investigations into suspected human trafficking during calendar year 2019, compared with 82 investigations in 2018. Of the 137, the Ghana Police Service (GPS) Anti-Human Trafficking Unit reported 92 investigations of trafficking crimes, compared with 67 investigations in 2018. Of these, 64 were labor trafficking investigations involving 243 potential victims, the majority of whom were foreign national boys; and 28 were sex trafficking investigations, nearly all of which involved transnational trafficking of Nigerian women and girls. The Ghana Immigration Service (GIS) reported investigating 42 trafficking cases, compared with 14 cases in 2018; of these, 35 were suspected labor trafficking cases involving 244 potential victims, nearly all of whom were Ghanaian women; seven were cases of sex trafficking involving 36 women and girls, primarily from Nigeria. The Economic and Organized Crime Office (EOCO) in the Attorney General's Department investigated two labor trafficking cases involving five Ghanaian potential victims, and the Bureau of National Investigation investigated one case with 11 potential victims. These agencies also investigated 13 possible trafficking cases that were determined to be non-trafficking offenses. In 2019, the government initiated more prosecutions under the human trafficking act (20

prosecutions compared with 13) in cases involving fewer alleged traffickers (33 alleged traffickers compared to 42) than the preceding year. The government prosecuted 18 defendants for alleged labor trafficking (30 in 2018) and 15 defendants for alleged sex trafficking (12 in 2018). Additionally, the government continued three labor trafficking prosecutions involving four alleged traffickers initiated in 2017 and 2018. As in previous years, police prosecutors, whose lack of formal legal training impeded their ability to prosecute complex crimes such as trafficking, initiated most of the trafficking cases (20 of 23 cases involving 28 of 37 defendants). The GPS prosecuted 22 alleged traffickers; GIS prosecuted six alleged traffickers; and state attorneys prosecuted nine alleged traffickers. In 2019, the government convicted 10 traffickers (compared with seven in 2018), all prosecuted by GPS prosecutors, and sentenced eight of 10 traffickers to prison terms of at least two years. The court sentenced two labor traffickers to fines of 3,600 cedis (\$640) or 15 months' imprisonment if not paid and five traffickers to two to five years' imprisonment and fines of 600 to 1,440 cedis (\$110 to \$250). The court sentenced three convicted sex traffickers to prison terms of three to seven years. The government prosecuted and convicted fewer child labor trafficking suspects using the Children's Act of 1998 (five in 2019; 14 in 2018), which the government used in past years when evidence was insufficient for a trafficking violation. The government also investigated and charged two individuals for operating a labor recruitment firm without a license (compared with no illegal recruitment investigations, prosecutions, or convictions in 2018); the prosecution was pending at the end of the reporting period. Despite continued allegations of corruption and political interference in cases, NGOs reported that the government pursued police investigations and prosecutions of suspected human trafficking during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

Government officials and NGOs continued to report that law enforcement was severely under-resourced and lacked sufficient office and interview space, equipment, land and marine vehicles, and funds for operational logistics. This, combined with a lack of shelter facilities for identified victims in most regions, delayed investigations, operations to remove potential victims from exploitative situations, and prosecutions. Officials also continued to report that inadequate evidence collection by law enforcement hampered prosecution of suspected

traffickers under the anti-trafficking act, and NGOs cited the need for increased collaboration between prosecutors and police during case build-up prior to and/or after operations to remove children from trafficking situations. The government continued law enforcement training by supporting introductory anti-trafficking training for 217 GIS recruits (compared to 720 recruits) and 300 GPS recruits (compared to 417 recruits); as well as human trafficking training for 180 GPS officers (compared to 118 officers in the prior year). The government expanded its support for training by conducting human trafficking training for Human Trafficking Secretariat (HTS) personnel and staff of the government's new shelter for trafficking victims, as well as 195 national service personnel. In collaboration with NGOs and other donors, the government provided in-kind support for seven training programs for nearly 200 investigators, judges, and social welfare and labor personnel.

PROTECTION

The government increased its overall protection efforts. The government reported identifying 611 potential victims of trafficking, compared with 348 potential victims identified during the previous year. The government identified fewer potential child victims of trafficking (200 compared to 252), and in contrast to the preceding year, the vast majority of the children identified in 2019 were not Ghanaian. GPS identified many children from neighboring countries during street operations, and social welfare provided them short-term care in a government shelter. Of the 611, the GPS identified 304 potential victims compared with 285 potential victims in 2018; 243 were potential victims of labor trafficking, most of whom were foreign national children. The GIS identified 280 potential trafficking victims compared with 55 in 2018; 244 were potential victims of labor trafficking, nearly all of whom (240) were Ghanaian women intercepted at the border before departing Ghana. In their sex trafficking cases, GPS and GIS identified 97 female potential victims (36 girls); nearly all (92) were foreign nationals, primarily from Nigeria, but also from Côte d'Ivoire, Democratic Republic of the Congo, and Vietnam. The EOCO, the Bureau of National Intelligence, and the Department of Social Welfare identified 27 Ghanaians, most of whom were potential victims of labor trafficking. In addition, NGOs reported to the government that they identified 172 potential victims of trafficking. The government reported referring all 783 potential victims of trafficking for various forms of support and care. In some regions, trained government officials implemented SOPs that

outline the roles of law enforcement and social welfare officers in screening, identification, referral, and protection of trafficking victims during and following operations to remove victims from suspected trafficking situations; however, NGOs reported a lack of logistical resources hampered implementation of SOPs in some cases.

The government increased its direct support for protection services for victims of trafficking by training staff and opening and operating a shelter for adult female victims of human trafficking during 2019. The government increased its support for services and expended 219,580 cedis (\$38,800) for the care of 63 trafficking victims. Of this amount, the HTS expended 79,180 cedis (\$13,990) for shelter, food, and care; 136,000 cedis (\$24,030) for medical treatment; and 4,400 cedis (\$780) to private shelters that provided victim care. Services for women and children included shelter, medical screening and care, needs assessment, psycho-social care, education and skills training, interpretation for foreign national victims, assistance obtaining identity documents, registration with the national health service, and assistance during legal proceedings. Most of the survivors who received services in the new government shelter were Ghanaian women who returned from trafficking situations in the Middle East. Some Nigerian, Congolese, and Vietnamese survivors of sex trafficking also received care in the shelter. The government's foreign missions assisted with travel documents for Ghanaian victims abroad, and international donors supported the repatriation, rehabilitation, and reintegration of 23 Ghanaian survivors of trafficking. Ghanaian officials collaborated with the Nigerian, Congolese, Togolese, and Burkinabe foreign ministries to obtain identity and travel documents and interpreters, and facilitated repatriation of these nationals. Foreign victims could seek temporary residency during the investigation and prosecution of their cases and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest. Although no victims sought temporary or permanent residency during the year, two Nigerian female survivors stayed in Ghana to complete vocational training supported by an NGO. The government provided comprehensive care for one male survivor; but, due to the absence of a shelter for adult male victims of trafficking, most men received short-term housing support before reintegration. Relying primarily on private facilities operated by NGOs and faith-based organizations, the government referred most child trafficking victims to either one government-operated shelter for abused children or to one of nine

privately operated shelters that provided or coordinated the provision of services, including community reintegration. The government signed a long-delayed memorandum of understanding that outlined the government's and a donor's support for establishment and operation of a specialized shelter for child trafficking victims. The donor transferred 22,000 cedis (\$3,890) for child victim care, but the government did not open the shelter or expend the funds during the reporting period. The overall shelter capacity for child trafficking victims remained insufficient for the number of victims referred for care.

NGOs reported continued cooperation with national, regional, and local government officials through partnerships to prevent child trafficking and in preparation for and during law enforcement-led operations that were coordinated with local social welfare workers, who were responsible for screening victims, securing care orders through the district courts, and arranging placement for child victims. The government reported an increased number of adult victims (73 in 2019; 20 in 2018) participated voluntarily in prosecutions and received support, transport funds, and safe lodging during court proceedings; but, officials and NGOs reported that prolonged adjournments slowed prosecutions and impeded the participation of victims and other witnesses. Numerous child victims also participated as witnesses, and some courts provided child-friendly waiting rooms and enabled children to provide testimony via video transmission from another room or in judges' chambers. Ghanaian law permits victims of trafficking to pursue monetary damages by filing a civil suit, but the government did not report any such suits during the reporting period. A hotline, administered in English and three local languages, received 3,013 calls related to domestic violence and other issues; it reported no calls related to human trafficking. There were no reports that officials fined, detained, or penalized trafficking victims for unlawful acts that traffickers compelled them to commit.

PREVENTION

The government increased anti-trafficking prevention efforts. The government convened four meetings of the Human Trafficking Management Board (HTMB)—the inter-ministerial committee mandated to meet quarterly, administer the HTF, and coordinate the Ministry of Gender, Children and Social Protection on anti-trafficking policy,

promote prevention efforts, and facilitate the protection and reintegration of trafficking victims. The government released one million cedis (\$176,680) to the HTF but did not expend these funds. The government allocated 181,510 cedis (\$32,070) to the HTS for implementation of Ghana's 2017-2021 National Plan of Action for the Elimination of Human Trafficking in Ghana (NPA) in 2019, an increase from 130,000 cedis (\$22,970) in 2018. The HTS printed and disseminated the NPA and public awareness materials, organized training for a wide array of officials and traditional leaders, convened numerous human trafficking stakeholders meetings and public awareness events at the national, regional, district, and community levels, and used radio and television to raise awareness of trafficking in Ghana. With donor support, the HTMB conducted stakeholder and internal assessments of NPA progress, which identified the need for additional government funding to fully implement the NPA. In collaboration with an international organization and NGOs in fulfillment of a bilateral partnership, representatives of the enforcement and protection agencies responsible for addressing child trafficking met four times to improve coordination of anti-trafficking efforts; however, the government did not implement use of a standardized trafficking data collection system developed through the partnership. The local government authorities and community leaders in 34 communities in three regions continued to partner with an NGO to conduct community-level activities on child trafficking prevention, identification and reintegration of child trafficking victims, and increasing access to social and economic services for families of survivors. Child protection community leaders in 10 districts also worked with an NGO to develop district-level budgets specifically aimed at combating child labor and child trafficking. The government provided in-kind support for labor inspector training on identifying child labor and human trafficking in formal and informal sectors, but a lack of resources continued to impede effective labor inspections, and inspectors did not remove any children from exploitative child labor situations.

Reports continued to indicate that registered and unregistered agents recruited Ghanaian workers and, with the assistance of some immigration officials, facilitated their travel out of the country without the required exit documents. Despite the government's ban on recruitment for domestic work and hospitality jobs in the Middle East since 2017, sex and labor traffickers continued to exploit many Ghanaian women and men there. The government reported it negotiated a labor recruitment agreement with the United Arab Emirates in 2019, but it did not report

on its efforts to implement this agreement or the labor agreement with Qatar negotiated in 2018. The government reported no efforts to decrease the demand for commercial sex acts. Ghanaian troops and security forces received anti-trafficking training provided by foreign donors prior to their deployment abroad on peacekeeping missions. The government provided training on human trafficking for its diplomatic personnel.

TRAFFICKING PROFILE

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

children who do not have access to school or who can attend only intermittently due to limited space and the double track school schedule are at risk for sex and labor trafficking. Traffickers subject Ghanaian girls, and to a lesser extent boys, to sex trafficking in urban areas across Ghana. Some Ghanaian girls are forced into labor as part of a ritual to atone for sins of a family member.

Ghanaian women and children are recruited and sent to the Middle East and Europe, or to other parts of West Africa, for forced labor and sex trafficking. NGOs report the use of internet platforms to recruit Ghanaians seeking work overseas. Donor-funded research in 2018 indicates that the vast majority of Ghanaian migrants recruited by registered and unregistered agencies or agents for employment in the Middle East are female domestic workers, aged 20 to 34 years with at least a junior high education, who migrated for better job opportunities. Most recruiters or intermediaries used informal procedures with contracts that lacked worker protections; some contracts contained false or little information, and some were verbal. Nearly all the Ghanaian domestic workers were employed by families and most reported the work experience did not match the promises; their passports were seized at arrival; and the experience was abusive. Abuses included threats, sexual assault, beatings, and denial of food. Unscrupulous agents arrange transport of Ghanaians seeking employment in Europe and the Middle East through North Africa, where traffickers exploit, hold involuntarily, and extort funds from the victims. Fraudulent recruiters lure Ghanaian men under false pretenses to go to the Middle East, where traffickers subject them to forced labor and sex trafficking. Traffickers coerce some Ghanaian men and women into labor and sex trafficking in the United States. Traffickers lure Nigerian women and girls to Ghana with the promise of a good job and coerce them into commercial sex to pay exorbitant debts for transportation and lodging. Traffickers also coerce some Ghanaian and Nigerian labor migrants into commercial sex as the traffickers demand more money for transit and document costs. Traffickers subject children from West African countries to forced labor in Ghana in agriculture, fishing, or domestic service. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, especially Italy and Germany.

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