



2017 Trafficking in Persons Report - Ghana

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GHANA: TIER 2 WATCH LIST

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by providing protection services to more child trafficking victims, raising awareness, developing agreements with other governments to prevent cross-border sex and labor trafficking of Ghanaian citizens, and collaborating with international organizations and NGOs to develop and begin implementation of victim identification and referral procedures and a national action plan. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not convict any traffickers under the anti-trafficking law; insufficient resources for investigation and prosecution led to inadequate evidence collection and hindered prosecution efforts. Victim protection services remained limited, and the lack of systematic data collection hindered efforts to monitor, analyze, and report on anti-trafficking efforts. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Ghana was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Ghana remained on Tier 2 Watch List for the third consecutive year.

RECOMMENDATIONS FOR GHANA

Increase the number of traffickers held accountable for their crimes by providing sufficient support for police and immigration service investigators and prosecutors, and attorney general prosecutors to effectively investigate and prosecute sex trafficking and labor trafficking offenses using the anti-trafficking act; increase government support for comprehensive trauma-informed care and reintegration services for children in government-operated shelters, including child sex trafficking victims; implement the national plan of action against trafficking with dedicated resources, including funding and implementation of the human trafficking fund; provide protection and assistance services for adult trafficking victims; increase efforts to ensure attorney general prosecutors review human trafficking case dockets and lead the prosecution of human trafficking cases; provide advanced training to law enforcement on evidence collection in trafficking cases and to prosecutors and judges on pursuing cases under the anti-trafficking act; fully implement systematic procedures for law enforcement, social welfare personnel, and labor inspectors to proactively identify trafficking victims among vulnerable populations and refer them to protective services; develop and implement systematic methods of collecting and reporting data on investigations, prosecutions, victims identified by enforcement and protection agencies, and assistance provided; and increase efforts to investigate and prosecute recruitment agencies suspected of participating in human trafficking of Ghanaian migrant workers.

PROSECUTION

The government maintained modest anti-trafficking law enforcement efforts. The 2005 Human Trafficking Act, amended in 2009 to align its definition of human trafficking with the 2000 UN TIP Protocol, criminalizes all forms of trafficking, essentially tracking international law in defining the crime as the use of

force, fraud or coercion for the purpose of exploitation, to include forced labor and prostitution. It also provides that a defendant will be guilty of the crime of sex trafficking of a child if the child is induced to engage in prostitution without regard to the use of force, fraud or coercion. The Human Trafficking Act prescribes penalties of a minimum of five years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The 2015 regulations for this Act provide 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 or a term of imprisonment of not less than five years and not more than 10 years, or both. By allowing for a fine in lieu of imprisonment, this prescribed punishment is not commensurate with those for other serious crime, such as rape.

The government did not report comprehensive statistics on its anti-trafficking law enforcement efforts during the reporting period January 1-December 31, 2016. The Ghana police service (GPS) anti-human trafficking unit (AHTU) reported conducting 118 investigations of potential trafficking crimes, compared with 238 investigations in 2015; of these, 114 were for labor trafficking and four for sex trafficking. The Ministry of Employment and Labor Relations (MELR) investigated three licensed recruitment agencies for suspected human trafficking during the reporting period and referred two cases to the AHTU for further investigation. The Ghana Immigration Service (GIS) reported investigating 20 cases of suspected cross-border trafficking, compared with 10 cases in 2015; of these, 18 cases involved suspected labor trafficking, one alleged sex trafficking, and another both sex and labor trafficking. The GPS reported initiating prosecutions against seven defendants, compared with 21 defendants in 2015. The GIS reported preparing for prosecution the case of one defendant in a case involving three Ghanaian children intercepted before being sent to Cameroon for suspected labor trafficking. The GPS also reported prosecuting at least 17 labor trafficking cases and three sex trafficking cases initiated in prior years that remained pending before the courts; many of these cases were reportedly stalled and an unknown number of pending cases were dismissed due to a lack of evidence, inability to locate the alleged perpetrator, or victims' reluctance to testify. The attorney general's (AG) department reviewed 217 open investigations of the Greater Accra AHTU and determined many cases were inadequately investigated and recommended only five cases for prosecution by state attorneys; however, these cases were not brought to trial during the reporting period. As in the previous reporting period, the government reported no convictions under the anti-trafficking act in 2016; however, the government reported seven convictions for offenses using other statutes that resulted in lesser penalties. For example, prosecution of a trafficker for the labor exploitation of a 15-year-old boy working on a fishing boat without pay on Lake Volta resulted in a sentence of a fine of 720 cedis (\$170). A reported lack of evidence resulted in reduced charges in a case in which the government convicted and sentenced to two months imprisonment two traffickers for the forced prostitution of a Nigerian woman. In addition, the GPS reported four convictions for labor trafficking but did not report information about sentencing. Despite continued reports of general corruption and bribery in the judicial system as well as interference with police investigations of suspected trafficking, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

For the fourth year, the AHTU did not receive operating funds and relied on donor support for logistics, equipment, and facilities for identified adult victims. AHTUs in some regions did not have personnel assigned throughout the reporting period. The GIS also reported a lack of financial support and inadequate facilities for anti-trafficking activities. The AG's office also reported a shortage of prosecutors. The government supported a specialized anti-trafficking training for 25 border security and law enforcement officers, trained officers assigned to the new anti-trafficking airport taskforce, and provided in-kind support for a donor-funded training for investigators and prosecutors during the reporting period. New recruits in the GIS and the GPS received training on trafficking-related topics as part of their basic training.

PROTECTION

The government maintained modest efforts to identify and assist victims. The human trafficking fund, established by the 2005 Human Trafficking Act to finance protection efforts, continued to be unfunded for the fifth consecutive year and agencies responsible for victim identification and assistance reported a continued lack of funds to support services for both children and adults. The government did not report comprehensive statistics on the number of trafficking victims it identified or assisted. The AHTU reported identifying 121 potential victims, of whom 112 were victims of labor trafficking and nine of sex trafficking, compared with 112 victims reported identified in 2015. Most identified victims were adults; 28 were

children. The GIS identified 42 potential trafficking victims, including 19 at airports, border crossings, and GIS offices, and 23 repatriated from Saudi Arabia and Kuwait, most of whom were young adult females and seven of whom were potential child labor trafficking victims. The Ministry of Foreign Affairs and Regional Integration (MFA) facilitated the repatriation of Ghanaian trafficking victims identified abroad by liaising with the victims' families, private donors, and the government in the destination countries. Private citizens and NGOs continued to take primary responsibility for funding the return of Ghanaians trafficked abroad. NGOs working in cooperation with local social service workers and police identified and assisted 102 child trafficking victims, 61 boys and 41 girls. With support from donors, the Department of Social Welfare provided medical, legal, and psycho-social services for 31 child victims of labor trafficking, nine boys and 22 girls, in a shelter for abused children in Osu, and referred 76 child victims of labor trafficking, 66 boys and 10 girls, to private shelters in the Central Region. Of these 107 children, 75 were reintegrated with their families and 32 remained in the shelter at the end of the reporting period. Five foreign national children received psycho-social and legal assistance in the Osu shelter. The shelter in Osu provides short-term care and has a maximum capacity of 30 children. This shelter is co-located with a juvenile correctional facility with no structural barrier protecting the victims from criminal offenders, is in serious disrepair, and lacks security. The government provided the salaries of the Osu shelter staff and approximately 3,710 cedis (\$880) for shelter operations; the shelter also relied on support from donors and internally generated funds to help feed, clothe, and provide care for trafficking victims. Numerous NGOs, without government support, continued to provide shelter and comprehensive care to child victims of forced labor; few services were available for child sex trafficking victims. The government did not provide shelter or other services for adult victims of trafficking. The GIS and AHTU reported they did not have the means to provide shelter or to effectively protect witnesses. Ghanaian law permits victims of trafficking to pursue restitution by filing a civil suit. No such suits were reported; however, the government reported that some Ghanaian victims received unpaid wages from foreign employers after the victims reported their case to authorities.

The government collaborated with international organizations and NGOs to develop formal procedures to identify and refer victims and began implementing these mechanisms during the reporting period. GIS deployed some officers with training on the indicators of trafficking to field offices, including at the border. Foreign victims may seek temporary residency during the investigation and prosecution of their cases and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest; no victims sought temporary or permanent residency during the year. The GIS supported the repatriation of an adult sex trafficking victim to Nigeria in coordination with a Nigerian anti-trafficking agency. There were no reports victims were penalized for unlawful acts committed as a direct result of being subjected to trafficking; however the GIS reported placing one trafficking victim in a detention facility due to a lack of budgetary resources or government-run shelter for adult victims.

PREVENTION

The government increased anti-trafficking prevention efforts. The government supported three meetings during the year of the Human Trafficking Management Board (HTMB), the inter-ministerial committee responsible for advising the Ministry of Gender, Children, and Social Protection on anti-trafficking policy, promoting prevention efforts, and facilitating the rehabilitation and reintegration of trafficking victims. HTMB did not receive sufficient personnel and government funds to fulfill its mandate to conduct monitoring and evaluation, data collection, and research relating to trafficking. The HTMB Secretariat developed and distributed a template for collecting and reporting governmental anti-trafficking activities; however, reliable data collection for analysis and reporting of anti-trafficking enforcement and protection activities continued to be lacking. With support from an international organization and with input from stakeholders, the government drafted a National Plan of Action for the Elimination of Human Trafficking in Ghana, 2017-2021, which remained pending final approval. The action plan includes activities under four objectives aligned with the four-P paradigm: prosecution, protection, prevention, and partnership. The government allocated 1.5 million cedis (\$355,450) toward the implementation of the plan in 2017, including 500,000 cedis (\$118,480) for the human trafficking fund. The local government authorities in 20 communities in two regions partnered with an NGO to conduct community-level training on child trafficking prevention and identification and appropriate care for child trafficking victims. The government did not fulfill its commitment to increase its resources devoted to combating child trafficking as it had committed to do as part of its partnership with a foreign donor. In response to continued reports of sex and labor trafficking, as well as serious physical abuse of Ghanaian women recruited for domestic and hospitality jobs in the Middle East, the MFA, Ministry of the Interior, MELR, GIS, GPS, and the HTMB Secretariat

participated in radio and television programs to raise awareness of fraudulent recruitment agencies and advise prospective job seekers to avoid unlicensed agencies. The MELR increased the number of registered recruitment agencies from 22 to 44 and widely publicized the list of these agencies. The government also signed an MOU with the Government of Jordan to formalize labor recruitment between the two countries and provide support for repatriation of Ghanaian trafficking victims identified in Jordan. Ghana and Cote d'Ivoire also signed a cooperation agreement on the fight against cross-border child trafficking and the worst forms of child labor. The government made no efforts to decrease the demand for forced labor or for commercial sex acts. The government relied on foreign donors to provide anti-trafficking training to Ghanaian troops prior to their deployment abroad on peacekeeping missions. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Ghana is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. The exploitation of Ghanaians, particularly children, within the country is more prevalent than the transnational trafficking of foreign nationals. Ghanaian boys and girls are subjected to forced labor within the country in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, quarrying, herding, and agriculture. Donor-funded research focused on the fishing industry on Lake Volta indicated that more than half of the children working on and around the lake were born in other communities and many of these children are subjected to forced labor, not allowed to attend school, given inadequate housing and clothing, and are controlled by fishermen through intimidation, violence, and limiting access to food. Boys as young as five years old are forced to work in hazardous conditions, including deep diving, and many suffer water-borne infections; girls perform work on shore such as cooking, cleaning fish, and preparing fish for market, and are vulnerable to sexual abuse. A study of the prevalence of child trafficking in selected communities in the Volta and Central Regions indicated that children from nearly one-third of the 1,621 households surveyed had been subjected to trafficking, primarily in fishing and domestic servitude. Child trafficking in the fishing industry is often facilitated by parents who receive a payment and organized traffickers who target vulnerable communities; girls exploited in domestic servitude are often sent via relatives or middlemen to work in harsh conditions. Ghanaian girls, and to a lesser extent boys, are subjected to sex trafficking in Ghana. Sex trafficking of Ghanaian girls has been reported in the Greater Accra, Ashanti, Central, Volta, and Western regions. As part of a ritual to atone for sins of a family member, Ghanaian girls are subjected to servitude that can last for a few months or several years. Ghanaian girls and young women from the rural northern regions move to urban centers throughout Ghana to seek work as porters; they are at risk for sex trafficking and forced labor.

Ghanaian women and children are recruited and sent to the Middle East, West Africa, and Europe for forced labor and sex trafficking. Unscrupulous agencies arrange transport of Ghanaians seeking employment in Europe through neighboring African countries, where they are subjected to sexual exploitation and held involuntarily by traffickers who extort funds from the victims. Licensed and unlicensed agencies recruit young Ghanaian women for domestic service or hospitality industry jobs in countries in the Middle East. After their return, many of them report being deceived, overworked, starved, abused, molested, and/or forced into prostitution. Ghanaian men are also recruited under false pretenses to go to the Middle East, where they are subjected to domestic servitude and forced prostitution. In recent years, a few Ghanaian men and women were identified as victims of forced labor in the United States. Women and girls voluntarily migrating from Vietnam, China, and neighboring West African countries are subjected to sex trafficking in Ghana. Citizens from West African countries are subjected to forced labor in Ghana in agriculture or domestic service. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, especially Italy and Germany. Corruption and bribery in the judicial system hinder anti-trafficking measures.

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