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[Home](#)[Issues & Press](#)[Travel & Business](#)[Youth & Education](#)[About State Department](#)

Ghana

Country Reports on Human Rights Practices - [2005](#)

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Ghana is a constitutional democracy with a strong presidency and a unicameral 230-seat parliament. The country's population is approximately 21 million. In December 2004 eight political parties contested parliamentary elections, and four parties, including the ruling New Patriotic Party (NPP), contested presidential elections. NPP candidate John Agyekum Kufuor was reelected president with 52.45 percent of the vote. Despite a few incidents of intimidation and minor irregularities, domestic and international observers judged the elections generally free and fair. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities.

The government generally respected the human rights of its citizens and made significant improvements during the year; however, there were problems in several areas, including a sharp increase in incidents of vigilante justice. The following human rights problems were reported:

- police use of excessive force, which resulted in deaths
- vigilante justice
- harsh and life-threatening prison conditions
- police corruption and impunity
- arbitrary arrest and detention
- prolonged pretrial detention
- infringement on citizens' privacy rights
- arrest, detention, interrogation, and harassment of journalists
- forcible dispersal of demonstrations
- corruption in all branches of government
- violence against women and children
- female genital mutilation (FGM)
- societal discrimination against women, persons with disabilities, homosexuals, and persons with HIV/AIDS
- trafficking in women and children
- ethnic discrimination and politically and ethnically motivated violence
- child labor, including forced child labor

During the year the government took significant steps to improve human rights, including passage of an antihuman trafficking law.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, there were no reports that the government or its agents committed political killings; however, security force use of excessive force resulted in the deaths of criminal suspects and citizens during the year.

At year's end the trial of three security officers charged with the December 2004 suspected political killing of the regional chairman, Issa Mobilla of the opposition Convention People's Party (CPP) was ongoing. The CPP chairman died from abuse sustained in military custody, according to an autopsy report.

Security forces were responsible for several deaths during the year. On January 9, superior military officials reportedly ordered the fellow seamen of 25-year-old Ordinary Seaman Philip Kuekebey to beat him and leave him in a guardroom for 21 days without medical attention. Kuekebey subsequently died from his injuries. The military denies he was beaten. Kuekebey reportedly had been caught jumping a barracks wall when returning from celebrating a soccer game victory. The superiors who ordered his torture were allegedly supporters of the rival team. According to military authorities, a medical inquiry determined that the deceased did not die as a result of torture but rather as a result of failure to take prescribed medicine. The Commission on Human Rights and Administrative Justice (CHRAJ) and the deceased's family disputed these findings since photographs of the body show wounds.

In May an elderly woman in Dormaa, Brong Ahafo Region, reportedly died after a policeman struck her in the chest with his elbow. The woman had objected when six policemen assaulted her son, including one officer who struck the boy with a gun barrel. No information regarding an investigation or disciplinary action against the officer was available at year's end.

On October 9, soldiers at the El-Wak Barracks in Accra reportedly beat and burned to death an accused thief. Military police continued to investigate the incident at year's end.

On March 30, robbers attempting to steal a car engine in the Koforidua area opened fire on police officers who confronted them. Police returned fire, and killed one and arrested another while two other suspects escaped.

Unlike in the previous year, political clashes did not result in deaths; however, such incidents resulted in injuries and property damage (see section 1.c.).

Investigations into the 2004 killings by opposing political party activists were inconclusive.

Despite calls by opposition National Democratic Congress (NDC) party members for an official inquiry into alleged security force abuses during the 2003 clashes between NPP and NDC supporters in Tamale, Northern Region, no judicial inquiry occurred by year's end; the government continued to deny the allegations.

A police investigation into the 2003 incident in which a bystander was killed when police officers fired warning shots to disperse a crowd was ongoing at year's end.

During the year chieftaincy disputes continued to result in deaths, injuries, and destruction of property (see section 5).

As in the previous year, there were a number of killings that resulted from disputes between indigenous locals and migrant herdsmen. Joint military and police teams disarmed and removed Fulani herdsmen in Volta, Eastern, and Upper West regions.

Deaths resulted during the year from vigilante-style instant justice by angry citizens and mobs on suspected criminals and suspected witches. Security forces sometimes intervened to save the lives of the intended victims, and government officials urged citizens to leave law enforcement to the police. However, security forces on occasion appeared to sanction vigilante justice. For example, on April 1, the police service commended and promoted a police constable who led motorists near Abofour to disarm a group of highway robbers. In the struggle, two of the robbers were killed.

On June 8, four men beat to death a 16-year-old student who was mistaken for a bag snatcher. The four were arraigned by the La District magistrate and were awaiting trial on remand at year's end.

On September 29, a mob beat a 38-year-old Accra man who had shot a former girlfriend and her female friend. The man later died from his injuries. Investigations remained inconclusive, and no arrests were made by year's end.

The father of a 16-year-old from Nsuaem, Western Region, who police denied killing during a mob attack in March 2004, petitioned the inspector general of police for an investigation into his son's death. The new inspector general of police referred the petition to the police legal directorate for advice.

Investigations were ongoing into the following 2003 cases of vigilante justice: the lynching of a Malian man and the mob killing of a fetish priest. Police could not identify the perpetrators.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, there continued to be credible reports that police beat and abused suspects, prisoners, demonstrators, and other citizens. Security force use of torture resulted in at least one death during the year (see section 1.a.). Severe beatings of suspects in police custody reportedly occurred throughout the country but largely went unreported. In many cases, police denied allegations or claimed that force was justified.

On March 18, police officers allegedly beat the traditional ruler of the Mfantseman District who was wanted for theft.

On September 26, in Accra, police officers acting on orders of a superior reportedly stripped a teacher of his trousers and beat him with hockey sticks after the teacher allegedly trespassed across a courtyard. The inspector general of police personally apologized to the victim and directed the police administration to pay his medical bills and otherwise compensate him. The police officer involved was admonished.

On October 21, a police officer in Sunyani allegedly fired shots at a taxi whose driver was evading them. One of the bullets lodged close to the spine of, a bystander along the road.

Forcible dispersion of demonstrators by security forces resulted in injuries (see section 2.b.).

Unlike in the previous year, there were no reports that police beat political party activists.

During the year the police officer who shot a taxi driver in 2004 for failing to stop was arrested.

There were no developments in other 2004 cases of police beatings. Investigations were ongoing in the June 2004 case involving police beatings of political party activists.

There were reports of inter- and intra-party clashes. In April, in Asawase, a dispute between the ruling NPP and opposition NDC parties became violent, resulting in injuries. In August a similar dispute in Odododiodoo, resulted in injuries and property destruction. In December some members of the NDC said intraparty rivals physically attacked them, and a number of party members resigned in protest.

NPP supporters beat a journalist during the year (see section 2.a.).

Authorities abandoned the trial of the four suspects involved in a 2003 bombing outside the residence of the regional NPP organizer in Ho, Volta Region.

Machomen (party thugs) and land guards (private security enforcers hired by citizens to settle private disputes and vendettas) caused injury and property damage during the year. The machomen were organized privately and operated outside the law. There were some allegations of police complicity with these extralegal security agents. Police denied any involvement and arrested a number of land guards, some of whom were prosecuted and jailed in Accra and Tema.

During the year the NPP's national organizer was secretly taped stating that he commanded up to 1,100 "action troopers" who could disrupt elections and intimidate voters. He later told media that these party supporters were only present at the polls to ensure fair proceedings.

In January 2004 the national organizer of the NDC said that all political parties in the country were guilty of using machomen to intimidate their opponents during election periods.

During the year the government tried 23 land guards and jailed those who were found guilty of harassing land developers in 2004.

Vigilante-style justice conducted by angry citizens and mobs against suspected criminals and witches resulted in deaths and injuries (see section 1.a.). For example, Sakalo villagers tried to humiliate a suspected livestock thief by tying him to a tree.

The 2003 case in which a mob severely beat four men who were falsely accused of theft was still under investigation at year's end.

Prison and Detention Center Conditions

Prison conditions in most cases were harsh and sometimes life threatening, despite government efforts to improve them. Much of the prison population was held in buildings that were originally old colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, dilapidated construction, and limited space. According to the 2004 Prisons Service Annual Report, approximately 11,700 prisoners were held in prisons designed to hold 6,500. During a visit to Winneba Central Prison during the year, CHRAJ found 45 prisoners occupying a room designed for 3. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organizations for additional food, medicine, and other necessities. A shortage of bedding and clothing for prisoners continued. Overcrowding contributed to a high prevalence of communicable diseases. Some suspects allegedly pled guilty to be removed from unsanitary police cells and sent to prison.

During the year the government took steps to improve prison conditions. For instance, the police service constructed toilets and added showers to the Sunyani police cell, and the government purchased \$6 million in vehicles and machinery for income-generating agricultural and industrial projects for inmates. In 2004 the prisons service opened a new prison at Yeji and improved sanitation facilities in more than 20 locations.

According to the prisons service report, 110 prisoners died in 2004 from diseases such as tuberculosis, AIDS, and anemia.

On March 28, a prisoner died in Kumasi Central Prison after fellow inmates tied him up and he stopped breathing.

In certain facilities female prisoners in police cells were only separated by a few feet and were within the reach of male prisoners. In the Accra Central police cells, female prisoners were kept in a small vestibule, only separated from men by a gate. The law stipulates that regardless of the offense, female convicts should be tested for pregnancy upon incarceration, and that pregnant convicts should be held in a facility where their health needs could be met.

Some juveniles inflated their ages to avoid lengthy rehabilitation sentences in the Borstal Institute; however, the

Department of Social Welfare and Prison Services collaborated to transfer any known juveniles in adult cells to juvenile correction centers.

Pretrial detainees were held with convicted prisoners.

During the year CHRAJ, Prisoners Rehabilitation and Welfare Action, and the Prison Ministry all visited prisons and police cells to monitor conditions.

d. Arbitrary Arrest or Detention

The law provides for protection against arbitrary arrest and detention; however, the government did not always observe these prohibitions.

Role of the Police and Security Apparatus

The police, under the jurisdiction of an eight-member Police Council, are responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate entity, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the executive branch.

The police maintained specialized units for homicide, forensics, domestic violence, visa fraud, narcotics, and cybercrimes in Accra. However, there were significant barriers to extending such services nationwide, including a lack of office accommodation, police vehicles, and equipment outside of Accra.

The police service came under repeated criticism following incidents of police brutality, corruption, and negligence. Impunity remained a problem. Delays in prosecuting suspects, rumors of police collaboration with criminals, and the widespread perception of police ineptitude contributed to an increase in vigilante justice during the year. There were also credible reports that police extorted money from local businesses by acting as private debt collectors and by arresting citizens in exchange for bribes from detainees' disgruntled business associates.

Government officials publicly stated that the government's zero tolerance for corruption policy applied to police and other security officials; however, a July public opinion survey by the Ghana Integrity Initiative, the local chapter of Transparency International, found the police to be the public institution most frequently perceived as corrupt (77 percent of respondents).

The 30-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. During the year PIPS received 247 complaints and petitions, compared with 590 in 2004. There were 79 complaints related to harassment, unlawful arrest, and detention with human rights violations, compared with 48 in 2004 and 22 in 2003.

In July the newly appointed Inspector General warned police officials that incidents of misconduct would be punished, and the government took a few steps to punish offenders. On October 23, the police administration disciplined eight officers: four for allegedly using a police vehicle to haul lumber, two for allegedly permitting illegal timber operations, and two for misconduct related to selection for a peacekeeping mission. The police also dismissed a constable for extorting \$40 (363,320 cedis) from a foreign couple by threatening their arrest.

From July 14 to October 28, the government allowed trainers from a foreign government to put 30 senior police officers through a 14-week basic police skills course, which included modules on appropriate use of force, international human rights standards, trafficking in persons, and domestic violence.

Arrest and Detention

The law provides that an individual detained should be informed immediately, in a language that the detained person understands, of the reasons for the detention, and of his or her right to a lawyer and an interpreter at state expense. The law requires judicial warrants for arrest and provides for arraignment within 48 hours. The law requires that a detainee who has not been tried within a reasonable time be released either unconditionally or subject to conditions necessary to ensure that the person appear in court at a later date. The law also provides for bail. In practice, however, many abuses of these rights occurred, including detention without charge for periods longer than 48 hours, failure to obtain a warrant for arrest, and remand of prisoners into investigative custody for indefinite periods by renewing warrants or by simply allowing them to lapse.

On August 29, the Commonwealth Human Rights Initiative criticized the police for routinely detaining persons for more than 48 hours without a warrant signed by a magistrate. A 2003 Center for Democratic Development (CDD) survey found that 46 percent of the persons arrested were not informed of the charges against them, 51 percent were not read their rights, 67 percent reported they were not given the opportunity to contact a lawyer, and 44 percent believed they were presumed guilty from the onset.

At times persons were detained for trivial offenses or based on unsubstantiated accusations such as insulting behavior, petty stealing, and disturbing the public peace. Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. The court has unlimited discretion to set bail,

which was often prohibitively high. The court may refuse to release prisoners on bail and instead remand 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.

Security forces used checkpoints and mass arrests while searching for criminals (see section 2.d.).

Lengthy pretrial detention was a serious problem. The Prison Service's 2004 Annual Report reported that of 18,866 admissions, 10,709 (57 percent) were on remand while the remaining 8,157 were convicted. In October 2004 the attorney general announced a nationwide review of all cases on remand; however, no progress was made in reducing that number during the year. The chief justice and appellate judges characterized the situation as a grave injustice, particularly since some detainees had been remanded for traffic and other minor offenses. Detainees sometimes served more time in remand cells than the allotted time for the crime committed. During 2004 inspections of prison facilities, the director general of prisons met numerous remand prisoners who had been detained for up to 10 years without trial.

There were no further developments in the April 2004 remand of 34 persons, including juveniles and several chiefs, who were detained for more than 48 hours.

During the year judicial officials continued to implement procedures for voluntary, court-facilitated alternate dispute resolution (ADR) for settling civil disputes. Trained ADR judges and lawyers mediated some cases pending before the Fast track/automated courts in July; however, most cases were still pending resolution at year's end.

Amnesty

On March 6, President Kufuor granted amnesty to 1,317 prisoners, including two opposition leaders who were involved in scandals under the former Rawlings regime.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judiciary was inefficient and subject to influence and corruption.

On September 29, addressing judicial inefficiency the chief justice noted that one judge had adjourned three cases 96, 120, and 127 times, respectively. In August 2004 the chief justice noted that some judges had not heard a single case or written a decision all year. A 2003 report adopted by the Parliamentary Select Committee on the Judiciary included accounts of extortion; misuse of remand, bail, and contempt of court charges for extortion; and acceptance of gifts or money in exchange for expedited or postponed cases, or for losing records.

During the year the government took steps to address these problems. In January new high court rules to shorten trials took effect and included the establishment of a commercial court. In July the chief justice inaugurated a National Center for Arbitrators to train judges and other officials in ADR procedures to reduce court backlogs. Improved information technology resulted in an increase in cases handled by the fast track high courts from 7,378 in 2004 to 10,111 during the year. The chief justice also adopted a code of ethics and issued two annual reports in his continuing campaign to increase transparency, curb corruption, and improve efficiency.

The country also had a judicial complaints unit, headed by a retired supreme court judge, to address public complaints. During the year the unit received 378 complaints, of which 80 were resolved, 103 were under investigation, and 195 were pending.

The law establishes two basic levels of courts, the lower courts and the superior courts. The lower courts consist of the circuit and district courts, which serve as juvenile courts and family tribunals. These courts try civil cases involving \$5,498 (50 million cedis) or less and criminal cases for offenses punishable by a fine not exceeding \$1,100 (10 million cedis) or imprisonment for a term not exceeding two years or both. The superior courts consist of the Supreme Court, the appeals court, the high court, the commercial court, regional tribunals, and fast track courts. Fast track courts hear cases to conclusion within six months. The majority of cases filed before the fast track court involved banking and commercial matters, human rights, and defamation.

Trial Procedures

Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases and have a right to appeal. In practice, authorities generally respected these safeguards.

The trial of the former head of the Ghana National Petroleum Corporation on charges of causing financial loss to the state was ongoing at year's end.

The trial of a retired military personnel arrested in 2004 for allegedly plotting a coup against the government was ongoing at year's end. The trial of two suspects accused of plotting a coup during the year also was ongoing at year's end.

The Chieftaincy Act gives village and other traditional chiefs 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, such as courts and district assemblies. In January 2004 chiefs in Tema participated in an ADR training program, which resulted in the recommendation that traditional councils have their own constitutions, apart from the Chieftaincy Act, to help institutionalize the role of local leaders in settling cases. The recommendation had not been implemented by year's end.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions; however, in practice the government sometimes infringed on privacy rights. Although the law requires judicial search warrants, police seldom obtained them in practice.

Opposition party activists claimed the government engaged in surveillance and harassment of those it perceived to be opposed to the ruling party. Some civil society organizations expressed concerns that the government used surveillance, free of any oversight or regulation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. However, opposition parties occasionally complained that state-owned media outlets minimized media coverage of opposition politicians. Individuals criticized the government publicly without reprisal.

More than 70 newspapers, including 3 state-owned dailies, and 2 state-owned weeklies, existed in the country. Two of the state-owned dailies had national circulation. Most newspapers circulated only in regional capitals, and many of the smaller privately owned newspapers were available only in Accra.

Accra had one state-owned and 17 privately owned FM radio stations, and there were approximately 11 state-owned and 100 privately owned FM stations across the country. Most stations were independent and aired a wide range of viewpoints. There was one state-owned television station that broadcast nationwide; three semi-privately owned television stations that broadcast in the Greater Accra, Eastern, and Ashanti regions; and three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi.

Foreign media operated freely in the country, including the BBC, Radio France International, and Voice of America. Foreign periodicals were available in major cities and circulated freely, even when they contained articles critical of the government.

The state-owned media reported extensively on charges of corruption or mismanagement by both current and past government officials. During the year the state-owned media gave some coverage to opposition politicians and printed occasional editorials critical of government policies. The opposition NDC claimed that government media denied it equal access and coverage on numerous occasions, and in practice the state-controlled media gave greater exposure to government officials.

During the year the police harassed and arrested journalists. For example, on July 22, police detained a television crew at the president's private residence because they were filming a nearby property allegedly purchased by the president in his son's name with funds obtained through abuse of office. The inspector general of police apologized for the incident the following day.

On October 14, police questioned and released two journalists who published articles questioning the president's travel expenses.

On April 21, NPP supporters allegedly beat a journalist who reported on election irregularities in Asawase, Ashanti Region.

On November 14, unknown assailants attacked a journalist in his car and smashed his windshield with a machete. Some media sources believe the journalist was attacked because he had been investigating allegations of corruption linked to the presidency.

In response to media criticism, government officials called for more media discipline and sometimes sued for libel. For example, in April 2004 the president's brother sued a newspaper for libel and was awarded \$4,500 (400 million cedis). Other key political figures also sued media outlets for libel. The president's younger brother George Kufuor, minister for regional cooperation and NEPAD Kofi Konadu Apraku, and minister of works and housing Hackman Owusu Agyemang pursued libel suits against media outlets during the year.

There were no government restrictions on the Internet or on academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of peaceful assembly; however, at times the government restricted this right. The government does not require permits for demonstrations, but police can deny use of a particular route. During the year police arbitrarily cancelled demonstrations and forcibly dispersed demonstrations, which resulted in injuries.

In March Kumasi police sought a court order to postpone a well-publicized opposition street protest. Also in April, police cancelled a planned demonstration by media practitioners to protest the lack of development in the Ashanti Region; no explanation for the cancellation was provided.

On June 13, a joint team of military and police shot and wounded at least seven persons who were protesting surface mining in Prestea in the Western Region. Numerous persons were injured. Neither the police nor the government responded to requests for an investigation by year's end.

Also in June police used water cannons and batons to deter protestors from going to the president's office. Police used excessive force to disburse refugees in a demonstration (see 2.d.).

No action was taken against police and soldiers who assaulted and beat supporters of the ruling party for failing to obtain permission to demonstrate in the capitol in 2004.

There were no developments in the 2004 beatings of individuals by NPP party thugs.

Unlike in the previous year, no bans were imposed on outdoor political activities or demonstrations; however, the ban on campus demonstrations remained in effect during the year, although it has never been challenged or enforced.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice. Members of security forces are prohibited from joining political assemblies or groups within the security services, but they are allowed to participate outside police or military compounds.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

Religious institutions that wanted formal recognition were required to register with the Registrar General's Department; however, there were no reports that the government denied registration to any group. Most traditional religions, with the exception of the Afrikania Mission, did not register.

Because Christianity over the years has come to pervade many aspects of society, some Muslims feel a sense of political and social exclusion, due to factors such as the token representation of Muslims in national leadership positions, public prayers that often are Christian only, and the ubiquity of Christian slogans.

Trokosi, a religious practice indigenous to the southern Volta region, involves pledging family members, most commonly teenagers but sometimes children under the age of 10, to extended service at a shrine to atone for another family member's sins. Trokosis help with the upkeep of these shrines and pour libations during prayers. Trokosis sometimes live near shrines, often with extended family members, during their period of service, which lasts from a few months to three years. Government agencies, such as CHRAJ, have at times actively campaigned against Trokosi, although local officials portray it as a traditional practice that is not abusive. Some NGOs maintain that Trokosis are subject to sexual exploitation and forced labor, while supporters of traditional African religions, such as the Afrikania Renaissance Mission, have said these NGOs misrepresent their beliefs and regard their campaigns against Trokosi as religious persecution.

Societal Abuses and Discrimination

There were occasional reports of interreligious and intrareligious friction, but no violent incidents based on religious affiliation occurred during the year.

The Jewish community had a few hundred residents. There were no reports of anti-Semitic acts; however, two weekly newspapers that generally supported the opposition occasionally published anti-Semitic articles.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

Security officers manned checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals, although many were unmanned during daylight hours; however, the police acknowledged that some officers occasionally erected illegal barriers to solicit bribes from motorists. The police continued to erect security checkpoints and conduct highway patrols in response to an upsurge in highway robberies. Police roadblocks and car searches were a normal part of nighttime travel in larger cities. The regional police commanders monitored the activities of police personnel working at the checkpoints.

The law prohibits forced exile, and the government did not use it.

Traditional village authorities can punish rural women with banishment for being pregnant out of wedlock or for suspected witchcraft. Approximately 300 women accused of witchcraft were sent to penal villages known as witch camps in the Northern Region (see section 5).

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government has established a refugee board to adjudicate claims for refugee status and to ensure refugees receive all appropriate protections. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government also granted refugee status or asylum. The law also incorporates the broadened refugee definition under the African Union Convention Governing Specific Aspects of Refugee Problems in Africa. The country cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The country generally had a liberal policy of accepting refugees from other West African nations, although this did not generally extend to granting work permits or permanent residence.

On November 9, police fired tear gas and warning shots in at Krisan refugee camp in the Southwestern Region to control a riot that left buildings and a vehicle burned. Several hours after the riot police proceeded from house to house, beating refugees. Records at the camp clinic indicate that 100 refugees were treated for injuries sustained during the period November 8-11. The government promised to investigate the incident.

Since January 270 Sudanese refugees were held at a former prison in Accra, pending refugee status determination. On July 21, two refugees attempted to leave the prison to seek medical treatment but were mistakenly refused permission to exit. Violence ensued between refugees and community residents. Two refugees and two Ghanaians sustained minor injuries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

In December 2004 presidential and parliamentary elections were held nation-wide. John Agyekum Kufuor of the NPP was reelected with 52.45 percent of the vote. Despite some irregularities, domestic and international observers characterized the elections as generally free and fair. There were reports of a shortage of ballot at some polls and minor problems with the voter register, such as misspelled names or photos not matching names. In the parliamentary elections the NPP won 128 seats; the National Democratic Congress 94; the Convention People's Party 3; the Peoples' National Convention (PNC), 4; and 1 independent candidate won a seat.

The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system includes recognized opposition parties, which expressed their views freely within parliament and won a near majority of the parliamentary seats. Registered political parties operated freely within the country; however, opposition parties and some persons in private business continued to allege that some government contracts were awarded on the basis of ruling party membership.

Women held 25 of 230 parliamentary seats, and there were 4 female ministers, 14 deputy ministers, and 3 female council of state members out of 112 such positions.

Government Corruption and Transparency

Corruption in the executive and legislative branches continued to be a problem. At year's end the CHRAJ continued to investigate allegations that President Kufuor purchased a hotel with wrongfully obtained funds. Unlike in the previous year, the opposition NDC did not accuse the government of using anticorruption investigations to intimidate and harass its members; however, opposition parties charged that corruption continued unabated and that the government failed to use the institutions and mechanisms at its disposal to address the problem. There were reports that government officials pressured businesses to steer contracts toward favored companies and individuals.

In a report on political party financing released in September 2004, the CDD found that 42 percent of those surveyed cited kickbacks as the strongest manifestation of political corruption, followed by political appointment and extortion.

On November 21, *The Enquirer* newspaper publicly released secretly recorded tapes in which the then ruling party chairman alleged that government contractors regularly paid money to the president and his staff, either directly or through ministers, some of which went to fund the ruling party. The presidency denies these charges, although there was no official investigation.

The law does not provides for public access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

At least 20 domestic and international human rights NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views. Prominent NGOs that operated in the country included the International Committee of the Red Cross (ICRC), Abantu for Development, Amnesty International, the International Federation of Woman Lawyers (FIDA), as well as local NGOs such as the African Center for Human Development and Ghanalert. In addition to cooperating with these NGOs, the government cooperated with international humanitarian organizations, including the ICRC and the International Organization for Migration (IOM).

The CHRAJ was charged with investigating alleged violations of human rights, including corruption of public officials, and taking action to remedy proven violations. The CHRAJ continued to hold workshops to educate the public, traditional leaders, police, and the military on human rights issues. It mediated and settled cases brought to it by individuals with grievances against government agencies or private companies. CHRAJ received an average of 10 thousand complaints annually. The bulk of these were family-related issues, although the commission investigated some corruption cases, specifically those involving conflict of interest. Since its inception in 1993, CHRAJ has received over 78 thousand petitions and successfully resolved 64,024.

The CHRAJ operated with no overt interference from the government; however, some critics questioned its ability to independently investigate high-level corruption within the Kufuor administration. Its biggest obstacle was a lack of adequate funding, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and nongovernmental agencies.

On April 22, the government issued a formal response to the October 2004 recommendations made by the National Reconciliation Commission (NRC), which was established to create an historical record of human rights abuses for the periods of unconstitutional government between 1957 and 1993 and to make recommendations for redress. The government agreed to sensitize security forces to the importance of human rights, fairness, and professionalism. The government also established a Reparation and Rehabilitation Fund for victims; however, the budget was reportedly limited.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, sex, disability, language, or social status; however, enforcement by authorities was generally inadequate, in part due to limited financial resources. The courts were empowered to specifically order enforcement of these prohibitions.

Women

Violence against women, including rape and domestic violence, remained a significant problem. The law does not prohibit domestic violence, and the criminal code grants husbands spousal immunity from any charges of assault against their wives. According to FIDA, one in three women experienced domestic violence, and most abuses went unreported. The police service's Domestic Violence Victim Support Unit (DOVVISU), formerly the Women and Juvenile Unit, handled cases of domestic violence, child abuse, and juvenile offenses. During the year, DOVVISU received 13,224 cases, the majority of which involved non payment of child maintenance (4,266) or failure to provide necessities of life (3,171). There were also 206 rape cases. DOVVISU worked closely with the Department of Social Welfare, FIDA, the Legal Aid Board, and several human rights NGOs to combat domestic violence.

Prosecution of domestic violence cases remained difficult. Of 11,335 cases reported to DOVVISU's Accra branch between 1998 and 2004, only 19 percent led to a court appearance and less than 3 percent resulted in convictions. Many victims did not have access to appropriate medical assistance to record abuses, which hampered prosecution efforts. However, during the year the court sentenced a man who shot his wife to 10 years' imprisonment, and police arrested another man who allegedly killed his wife.

Unless specifically called upon by DOVVISU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills, shelter, and other resources to assist victims. An NGO operated a single shelter for victims in the Eastern Region, and two provided free legal clinics for victims

The criminal code outlaws rape, and in practice the country arrest and prosecutes perpetrators for this crime. However, husbands have immunity from such charges.

A strong belief in witchcraft continued in many parts of the country. Most accused witches were older women, often

widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. Many of these women were banished by traditional village authorities or their families and went to live in witch camps, villages in the north populated by suspected witches. The women did not face formal legal sanction if they returned home; however, most feared that they could be beaten or lynched. During the year a few women successfully reintegrated into their communities. The law provides protection to alleged witches, and DOVVISU continued to prosecute violence and societal abuses related to allegations of witchcraft.

There were several cases of lynching and assault of accused witches. In September Yendi police arrested a Tamabo farmer for allegedly cudgeling to death a woman suspected of being a witch. In August 2004 the court sentenced a man to death for killing his wife, who he believed was a witch.

Various organizations, including Catholic Relief Services, provided food, medical care, and other support to residents of the witch camps. The CHRAJ and human rights NGOs had little success in their efforts to end this traditional practice but held a series of workshops to sensitize communities in the area on proper treatment of alleged witches.

The law prohibits FGM, but it remained a serious problem. The typical age for circumcision was 15, although it was often performed on girls under 15. According to a recent study conducted by the Ministry of Health, approximately 15 percent of women between 12 and 19 in the three northern regions had undergone FGM, although some observers believed that education on the illegality of FGM had driven the practice underground and the real rate was as high as 30 percent. Intervention programs have been somewhat successful in reducing the prevalence. Officials at all levels, including traditional chiefs, have spoken against the practice, and local NGOs continued their educational campaigns to encourage abandonment of FGM and to retrain practitioners. In some cases FGM victims actively sought out practitioners, sometimes without their parents' knowledge, to prepare for marriage. One NGO in the Northern Region reported that mothers frequently failed to return to the hospitals where they delivered their babies for immunizations and to attend postnatal clinics, allegedly because they did not want the hospitals to discover that they were engaging in FGM.

In January 2004 a 70-year-old woman was imprisoned for 5 years for circumcising 7 girls who subsequently required medical attention.

The law imposes punishments for prostitution involving children; however, it occurred (see section 5, Children).

Trafficking of women and children for prostitution occurred (see section 5, Trafficking.)

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 was a problem. A survey by the African Women Lawyers Association found that 63 percent of 789 female respondents had experienced some form of sexual harassment in the workplace and at educational institutions.

Women continued to experience discrimination. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children. There were a number of female entrepreneurs, but access to banking resources remained a serious barrier for women who wanted to start or expand a business.

Women's rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. In March the Ministry of Women and Children's Affairs (MOWAC) began developing plans to include women's concerns in government policies and to increase the hiring of women in civil service positions. The government was active in educational programs, and many officials were active, outspoken advocates of women's rights.

Children

Within the limits of its resources, the government was committed to protecting the rights and welfare of children. The government continued to implement the Education Sector Plan (ESP) 2003-2015, which provides for free universal primary school education by 2015.

Education is compulsory through primary and junior secondary school (the equivalent of grades 1 through 9); however, education is generally not free. Parents are required to purchase uniforms and books. In the past some schools also imposed levies of up to \$50 (455,000 cedis) per term, and teachers often imposed extra classes for an additional fee to supplement their incomes. As part of its overall goal of making education accessible to all children, the government during the year abolished the payment of school charges and levies nationwide and introduced a capitation grant scheme, under which these charges were paid by the government.

The gross enrollment rate was 87.5 percent at the primary level with 90.5 percent of boys enrolled compared with 84.4 percent of girls. At the junior secondary school (JSS) level, 72.8 percent of eligible children were enrolled, with 77.3 percent of eligible boys and 68.1 percent of eligible girls enrolled. Some children were unable to attend school

because they worked to supplement their family's income (see section 6.d.), they had to travel long distances to reach the school, or their school had insufficient teachers, especially in rural areas. In addition, authorities did not enforce children's attendance at school regularly, and parents rarely, if ever, were sanctioned for keeping their children out of school.

The government strongly supported the UN's Education for All goals. During the year, the Ghana Education Service (GES) actively campaigned to expand education for girls by providing scholarships at the JSS and senior secondary school levels and by offering incentives for female teachers to work in rural 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 school enrollments for girls. The government established science and math clinics at the JSS level to encourage more girls to pursue careers in science and technology.

These efforts have been accompanied by increased government support of informal schools, which target children that must work to help support their families. The government also increased educational opportunities for students with disabilities by increasing grants to primary schools serving these students during the year.

Children under five years of age, regardless of gender, had access to free health care at public hospitals.

The law prohibits defilement, incest, and sexual abuse against minors, but such abuse remained a serious problem. There were frequent reports that male teachers sexually assaulted and harassed female students. The girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. A 2003 survey reported that 27 percent of school girls interviewed stated their teacher had pressured them for sex, 25 percent stated they knew at least 1 teacher having an affair with a school girl, and 79 percent stated they were sexually harassed by male classmates. Approximately 40 percent of female students reported being sexually harassed at school often or very often, according to a study conducted during the year in upper primary and junior secondary schools. During the year there were several press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

DOVVISU announced in June that between January 1999 and May 2004, there were 1,756 cases reported in which men victimized children between the ages of 2 and 15, 397 cases in which girls over the age of 16 had been raped, and 44 cases of reported incest. DOVVISU further advised that during the year 237 cases of defilement, 15 cases of causing harm to a child, and 2,341 cases of child neglect were reported.

Law enforcement officials have pursued such cases aggressively.

The Tarkwa Circuit Court recorded 44 defilement cases between May and July 2004. During the year police arrested a man for allegedly defiling a two-year-old girl. On March 30, 3 teenage boys were remanded for defiling a 15-year-old girl, and on October 7, a man was sentenced to 25 years' imprisonment with hard labor for defiling a 5-year-old girl. On October 11, a man was sentenced to 10 years' imprisonment with hard labor for molesting an 8-year-old boy. On October 20, the Akyem Swedru Circuit Court sentenced a man to 14 years' imprisonment for defiling an 11-year-old girl.

There were no developments in the following 2004 cases: the June remand of a man for sexually abusing a 13-year-old girl with disabilities, the remand of a man for sexually abusing a 7-year-old girl in the Central Region, and the September arrest and remand of a chief in the Ashanti Region for allegedly defiling a 14-year-old girl.

Reports have been received regarding corporal punishment, including caning of students.

Trokosi, which occurs in the Southern Volta Region among the ethnic Ewe group, is a practice in which a family member, most commonly a teen but sometimes a child under the age of 10, serves and is trained in traditional religion at a fetish shrine. A Trokosi, may live near the shrine for a period lasting between several weeks and 3 years to atone for an allegedly heinous crime committed by a family member. Local authorities estimated there were fewer than 50 Trokosis, some of whom were male or adult. While instances of sexual abuse may occur, there was no evidence that sexual or physical abuse was an ingrained or systematic part of the practice. The practice explicitly forbids a Trokosi to engage in sexual activity or contact during the atonement period. After a ritual, the Trokosi returns to his or her family. In the vast majority of cases, there is no particular stigma attached to one's status as a former Trokosi shrine participant. Multiple investigations by foreign embassy representatives have turned up no credible evidence of systematic or widespread abuses.

FGM was performed primarily on girls (see section 5, Women).

Forced child marriage, which is illegal, remained a problem. In August 2004 the Acting Commissioner for CHRAJ declared forced marriage the major human rights abuse issue in the Northern Region. In June 2004 a 16-year-old girl committed suicide to protest an abusive marriage into which she had been forced. Schoolteachers reported two other cases of forced marriages in 2004.

There were no further developments in the attempt by the Children's Department of the MOWAC and the CHRAJ to effect the prosecution of a chief who married a 14-year-old and impregnated her.

There were reports that trafficking in children occurred, for forced labor or sexual exploitation, including children being sold into various forms of involuntary servitude (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

The migration of children from rural to urban areas increased, due to economic hardship. Children were driven to the streets to fend for themselves, increasing both the occurrence of child labor and the school dropout rate (see section 6.d.). During the year MOWAC officials estimated that as many as 40 thousand porters, most of whom were girls under 18, lived on the streets in major cities, including Accra, Kumasi and Takoradi. These girls 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. In 2003 the Ghana Statistical Service and the ILO International Program to Eliminate Child Labor (ILO/IPEC) surveyed 2,314 street children throughout the country, most of whom lived in the urban areas of the Greater Accra and Ashanti Regions and had migrated from northern rural areas. Of those surveyed, 45.7 percent had never attended school, 98.1 percent were engaged in economic activity within the last 12 months, and 80 percent stated the work was demanding. Over three-quarters of street children surveyed reported that both parents were alive, indicating poverty was the main cause of the problem.

Local and international NGOs worked with the government to promote children's rights and were somewhat successful in sensitizing communities to protecting the welfare of children.

Trafficking in Persons

On July 28, parliament passed an antitrafficking law that provides for a minimum prison sentence of five years for convicted traffickers. President Kufuor signed the new antitrafficking law on December 5. There were no prosecutions under the new law by year's end; however, on October 27, the Obuasi High Court sentenced a farmer under the criminal code to 10 years' imprisonment with hard labor for attempting to sell his son for \$8,869 (80 million cedis). The country was a source, transit, and destination country for women and children trafficked for the purpose of forced domestic and commercial labor and sexual exploitation.

The government, the ILO, and NGOs trained security forces, immigration authorities, customs officials, and police on the problems of trafficking.

Child prostitution was a problem. The ILO/IPEC organized workshops throughout the year on the problem of increased child prostitution in the tourism industry and to combat the problem. During the year a government minister told hotel administrators to prevent adults from bringing children to hotels for sexual exploitation.

From January to May there were 105 cases of child abduction and 131 cases of child stealing, according to the DOVVISU.

On July 12, a 25-year-old Ivorian man was remanded in custody in Sekondi for attempting to sell his 21-year-old male friend for \$42,771 (25 million cedis).

On September 4, the Immigration Service reported its largest interception of traffickers to date when Kulungugu border officials arrested a woman for attempting to traffic 17 children, ages 5 to 17, to Burkina Faso.

The government generally assisted with international investigations of trafficking; however, during the year the government refused to extradite a member of parliament to face an indictment for trafficking charges.

Under the new antitrafficking law, the DOVVISU has responsibility for enforcement, and the Ministry of Manpower's Department of Social Welfare has responsibility for victim assistance, including temporary shelter, counseling, family tracing, and skills training. The law also establishes a 17-member Human Trafficking Board composed of all relevant ministries, the security services, the private sector, and other stakeholders.

There was no reliable estimate of the number of internally or externally trafficked victims, although the figure was thought to be in the thousands.

Trafficking was both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involved boys from the Northern Region going to work in the fishing communities along the Volta Lake or in small mines in the west, and girls from the north and east going to Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders (see section 6.d.). Local NGOs reported these children were subjected to dangerous working conditions and sometimes were injured or killed as a result of the labor they performed.

Children between the ages of 7 and 17 also were trafficked to and from the neighboring countries of Cote d'Ivoire, Togo, the Gambia, Nigeria, and Equatorial Guinea to work as farm workers, laborers, divers, street hawkers, or domestics.

Much of the recruitment of children was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would receive food, shelter, and

often some sort of training or education. Some parents sent their children to work for extended family members in urban areas. Treatment of children sent to work in relatives' homes varied. Many children were given to professional recruiters, usually women, who placed the children with employers in cities. A child in these circumstances usually was paid between \$2.20 and \$3.30 (20 thousand to 30 thousand cedis) per month. In many cases, the children never received the education or vocational training the recruiters promised. Girls could be forced into prostitution and were sometimes sexually abused by their employers.

Women also were trafficked to Western Europe, mostly to Italy, Germany, and the Netherlands. International traffickers promised the women jobs; however, the women often were forced into prostitution once they reached their destination. The women were sometimes sent directly to Europe while others were trafficked through other countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There also was a trade in Nigerian women transiting through the country on their way to Western Europe or the Middle East to work in the commercial sex industry. Traffickers from other countries reportedly used Accra as a transit point to Europe and the Middle East. Reportedly, there was some trafficking in persons from Burkina Faso, mostly transiting through the country on the way to Cote d'Ivoire. Authorities were unaware of any organized crime syndicates involved in human trafficking in the country.

Various ministries worked with ILO/IPEC, the IOM, and NGOs to address trafficking. The Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, continued to implement a National Plan of Action for the Elimination of Child Labor (see section 6.d.). The IOM, the African Center for Human Development, and MOWAC worked to identify and return children trafficked to fishing villages. The government lead a nine-nation multilateral protocol for international cooperation on child trafficking that was signed in July.

Authorities made efforts to shelter and reintegrate trafficking victims from the country and other West African countries. In June the Department of Social Welfare opened its second shelter in Medina near Accra.

Several NGOs, both local and international, worked with trafficking victims. These organizations, as well as the University of Ghana's Center for Social Policy Studies, conducted studies into trafficking as part of their broader agenda, performed some rescue operations for street children, provided training and education for victims of trafficking and abuse, and in some cases, assisted with family reunification.

Persons with Disabilities

The law specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination. While the government did not systematically or overtly discriminate against persons with disabilities, in practice, such persons often experienced societal discrimination. The law provides persons with disabilities access to public buildings as far as practicable; however, in practice this provision was not implemented. In 2003 department of social welfare officials estimated that 10 percent of the population had some form of physical disability.

In 1999 the government established a policy whereby blind and wheelchair-bound persons would receive a disability allowance. In June 2004 the interim chairman of the Ghana Union of Physically Disabled Workers accused the GES of not paying workers with disabilities the disability allowance to which they are entitled. According to the Ghana Union of Physically Disabled Workers, approximately 60 persons with disabilities were denied this allowance, with GES the main offender.

Person with disabilities were frequently subjected to abuse and intolerance. Some religious sects believed that persons with disabilities were afflicted by demons and should be exorcised. The abuse of children with disabilities was common. There were reports that children with disabilities were tied to trees or under market stalls and caned regularly. There also were reports of family members killing children with disabilities.

There were multiple government agencies involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare, and the Ministry of Education.

National/Racial/Ethnic Minorities

Although the government deemphasized the importance of ethnic differences, its opponents complained that the government was dominated by Ashantis and other Akans at the expense of Ewes and northerners. The president and some of his ministers and close advisors were Ashanti, but the vice president and many ministers were of other ethnic origins.

Efforts by NGOs to encourage reconciliation continued during the year; however, there were several violent confrontations within ethnic groups related to chieftaincy issues, particularly those involving succession and land. For example, on April 1, a chieftaincy conflict between 2 factions at Tetegu, a suburb of Accra left a number of persons with gunshot wounds, more than 2 thousand persons displaced, and approximately 120 houses belonging to members of the feuding factions destroyed. At Bortianor, near Krokobite in Accra, two persons belonging to different chieftaincy factions were shot and killed while eight others were brutally injured. In December gun battles returned to Bimbila, the site of a long-standing chieftaincy dispute. The clashes between rival factions vying for the chieftancy resulted in gunshot wounds to one and machete wounds to four others as well as five arrests.

The trial of four persons charged with rioting, conspiracy, attempted murder, and murder from a 2003 clash in Brekusu, Eastern Region, was ongoing at year's end.

Other Societal Abuses and Discrimination

The law is discriminatory toward homosexuals, and homosexuality is criminalized in the country. There is a minimum misdemeanor charge for homosexual activity, and homosexual men often are subjected to abuse in prison. In May 2004 the acting commissioner for CHRAJ publicly suggested that the government consider decriminalizing homosexuality to conform to international standards of human rights.

In April four male students were dismissed from a boy's school in Akosombo for allegedly engaging in homosexual acts. Additionally, gay and lesbian activists reported that gay men were particularly vulnerable to extortion by police.

Discrimination against persons with HIV/AIDS was a problem, and the fear of being stigmatized continued to discourage persons from being tested. In April 2004 the inspector general of police publicly urged all police officers to be tested voluntarily through a free service available to the police. During the year several key government representatives publicly denounced discrimination against persons with HIV/AIDS. In 2004 the cabinet approved a policy to protect the rights of persons living with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law provides for freedom of association, and workers exercised this right in practice. Workers form unions without excessive requirements, and workers exercised this right in practice. The percentage of workers belonging to unions appeared to be decreasing as more of the workforce entered the informal sector, where there was no union activity. The Ministry of Employment and Manpower Development estimated that 80 percent of the work force was employed in the informal sector.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law also provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. However, only unions that represented the majority of workers in a given company can obtain a Collective Bargaining Certificate, which is required to engage in collective bargaining.

The law recognizes the right to strike; however, the law restricts that right for workers who provide essential services. The Minister of Manpower, Youth, and Employment had not formally designated the list of essential services by year's end. The right to strike can also be restricted for workers in private enterprise whose services were deemed essential to the survival of the enterprise by a union and an employer. A union may call a legal strike 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. No union has ever gone through the complete dispute resolution process, and there were numerous unsanctioned strike actions during the year. There have been no legal strikes since independence.

Existing labor law applies in export processing zones (EPZs), including the right to organize.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see sections 5 and 6.d.).

The law provides for fines to employers found guilty of using forced labor; however, by year's end the law had not been used. During the year the ILO continued to urge the government to revise various legal provisions that permit imprisonment with an obligation to perform labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 and provides for fines and imprisonment for violators; however, child labor remained a serious problem in the informal sector. 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. However, child labor laws were not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, often were unfamiliar with the provisions of the law that protected children. Observance of minimum age laws was eroded by local custom and economic circumstances that encouraged children to work to help support their families.

An ILO/IPEC-Ghana Statistical Service survey of child labor released in 2003 found that 2.47 million children were engaged in some economic activity and 64.3 percent of those children attended school. Of those children engaged in

economic activity, 1.27 million children were found to be engaged in child labor as defined by age and hazardous working conditions. Children as young as seven worked as domestic laborers, porters, hawkers, miners, quarry workers, fare collectors, and in agriculture. The fishing industry on Lake Volta had a particularly high number of child laborers engaged in potentially hazardous work, such as deep diving. According to an ILO representative, child labor in the tourism industry also increased. Child laborers were poorly paid and subjected to physical abuse; they received little or no health care and generally did not attend school. According to government labor officials and the Ghana Employers Association, child labor problems did not exist in the formal labor sector because the formal sector was better regulated.

The law prohibits forced and compulsory labor by children; however, during the year children were reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarry mines, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced (see section 5).

There were newspaper reports of children being sold into various forms of involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fisherman in exchange for a yearly remittance to their families. The practice often involved the consent of their generally impoverished parents. Reliable data was not available on the number of children who were working in fishing villages along Lake Volta; nevertheless, NGOs who worked on this issue estimated the number to be well into the thousands (see section 5).

Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations, and district labor officers and the social services sub-committees of district assemblies are charged with seeing that the relevant provisions of the law are observed. They visited each workplace annually and made spot checks whenever they received allegations of violations. However, all law enforcement and judicial authorities in the country were hampered by severe resource constraints and a lack of public awareness about the problem.

When Ministry of Manpower Development and Employment inspectors found infractions of child labor laws during their routine monitoring of companies' labor practices, they generally informed the employers about the provisions of the law and asked them to make changes. There were no prosecutions for child labor resulting from these inspections. Officials only occasionally punished violators of regulations that prohibit heavy labor and night work for children. In addition, the inspectors' efforts were concentrated only in the formal sector, which was not where most child labor was performed.

ILO/IPEC, government representatives, the TUC, the media, international organizations, and NGOs continued to build upon the 2001-02 National Plan of Action for the Elimination of Child Labor in Ghana by increasing institutional capacity to combat child labor. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities. Forums were held throughout the country to develop and implement an ILO/IPEC Time-Bound Program, which aimed to eliminate all forms of child labor under specified time periods and benchmarks.

e. Acceptable Conditions of Work

A National Tripartite Committee composed of representatives of the government, labor, and employers set daily minimum wages. In February, after lobbying by trade unions, the Tripartite Committee raised the daily minimum wage to \$1.45 (13,520 cedis), which did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law. In most cases, households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities. The Ministry of Manpower, Youth, and Employment was unable to credibly enforce this law.

The law sets the maximum workweek at 40 hours, with a break of at least 48 consecutive hours every 7 days. The government compensated extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposed sanctions on violators. However, safety inspectors were few and poorly trained. They took action if matters were called to their attention but lacked the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercised this right.

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