



## Ghana

Country Reports on Human Rights Practices - 2003  
Released by the Bureau of Democracy, Human Rights, and Labor  
February 25, 2004

23/3-04

Ghana is a constitutional democracy with a strong presidency and a unicameral 200-seat Parliament. In December 2000, six opposition parties and the ruling National Democratic Congress (NDC) contested presidential and parliamentary elections, which, despite a few incidents of intimidation and election fraud, domestic and international observers judged generally free and fair. In January 2001, John Agyekum Kufuor of the opposition New Patriotic Party (NPP) was elected president in a run-off election with 56.7 percent of the vote against then Vice-President John Atta Mills of the NDC. The Constitution provides for an independent judiciary; however, in practice, the judiciary was subject to influence and corruption and lacked adequate resources.

The police, under the jurisdiction of an eight-member Police Council, were responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate department, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the executive branch. 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. Some members of the police and other security forces committed numerous serious human rights abuses.

The market-based economy remained dependent on agriculture, which accounted for approximately 39.5 percent of gross domestic product (GDP), 35.5 percent of foreign exchange earnings and 49 percent of employment, according to government statistics. The country's population was approximately 20.5 million. The economy was expected to grow at a rate of 4.7 percent during the year. Inflation increased dramatically from 13 percent to 29 percent, due to a fuel price increase early in the year, and wages kept pace with inflation.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police use of excessive force resulted in some unlawful killings and injuries. There continued to be credible reports that police beat suspects in custody, and that police arbitrarily arrested and detained persons. Police corruption and impunity was a problem. Prison conditions remained harsh and life threatening. Prolonged pretrial detention remained a problem. Corruption in the judicial system remained a serious problem. At times the Government infringed on citizens' privacy rights. There were occasional reports that government officials pressured government media outlets to minimize coverage of opposition politicians. At times, the Government restricted freedom of assembly. Police set up barriers to demand bribes from motorists. A night-time curfew continued in the north where intra-ethnic violence occurred during the previous year. Violence against women and children was a serious problem; however, prosecution of sexual abuse against underage girls increased and courts began to give lengthy sentences for such abuse. There was also a decline in the incidence of *Trokosi*, a traditional form of ritual servitude practiced on a limited scale in one region of the country. Female genital mutilation (FGM) still was practiced. Societal discrimination against women was a problem. There were some incidents of politically and ethnically motivated violence, and some ethnic groups complained of discrimination. Child labor was a problem in the informal sector, and forced child labor and trafficking in women and children also were problems. Vigilante justice also was a problem.

During the year, the National Reconciliation Commission (NRC) held hearings on human rights abuses for the periods of unconstitutional government since independence in 1957.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, security forces committed some unlawful killings of criminal suspects and innocent bystanders with excessive force. Incidents of police brutality, negligence, and corruption contributed to low public confidence in police, mob attacks on police stations, and a widespread desire to deal with suspected criminals through vigilante justice (see Sections 1.c. and 1.d.). For example, on July 30, in Bechem, Brong-Ahafo, a meat-seller argued with a police officer guarding the bank, and at the officer reportedly assaulted the man. As two other police officers assisted to arrest the man, a mob protested the officers' actions. The officers fired warning shots to disburse the crowd, killing a bystander and injuring others. The meat seller was released from custody, and an investigation into the incident by the police Homicide Unit was ongoing at year's end.

On August 24, in Kintampo, Brong-Ahafo Region, police killed one man and injured another while attempting to arrest them for illegal logging. The officers attempted the arrest without the consent of their superior. One police officer was charged with murder, and the trial was ongoing at year's end.

During the year, there were several cases of police shooting and killing armed robbers while trying to apprehend them. For example, on September 10, in Dzodze, Volta Region, police killed a suspected fuel thief while trying to apprehend him by firing shots at his car as he tried to escape. A mob protested the police action by attacking the police station with machetes, stones, and sticks.

The Attorney General did not schedule the trials in the case of a police officer charged with the May 2002 murder of a suspected robber and the case of security forces accused of killing three local neighborhood watch members in June 2002. In response to the neighborhood watch killings, the Government commissioned a streetlight project to enhance the neighborhood's security.

In December 2002, the Attorney General's office began criminal proceedings against the six senior police officers who gave the order to fire tear gas to control a crowd at a soccer match in 2001. A 2002 government inquiry attributed the 127 deaths to poor police command procedures. On July 30, an Accra High Court acquitted the 6 officers of 127 counts of manslaughter due to lack of evidence, and the officers were reinstated.

The trial in the case of a police officer charged with the 2001 murder of an Accra Polytechnic student at Dansoman, Greater Accra, was ongoing at year's end.

During the year, chieftancy disputes led to several deaths and a number of injuries (see Section 5).

Political clashes also led to several deaths, injuries, and property damage. On April 22 and 23, in Tamale, Northern Region, NPP and NDC supporters clashed over displays of party flags and paraphernalia, resulting in four deaths, during a several-day lapse in the area's state of emergency (see Section 2.d.). Security forces quelled the riot. On April 23, Parliament re-imposed the state of emergency and curfew. By April 26, security forces had arrested 208 suspects. There were reports that many persons were detained for several days without being informed of their offense and without medical treatment. Many of those detained were beaten or forced to lie on hot pavement. Authorities charged 8 with the murder of 1 of the 4 deceased and 114 suspects with causing unlawful harm and damage. No one was charged in the deaths of three other persons. Those charged with murder were all acquitted on December 17 due to lack of evidence. The trials of those charged with unlawful harm were ongoing at year's end. Opposition NDC party members called for an official inquiry into the situation, alleging that security forces abused, harassed, and discriminated against their party supporters during the incident; however, no judicial inquiry occurred by year's end, and the Government denied the allegations.

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches, which led to a number of deaths and injuries (see Section 5). In several instances, security forces intervened to save the lives of suspected criminals.

On February 20, police in Odomase, Brong-Ahafo Region, arrested 69 persons for lynching a Malian man who was accused of injuring another man during an argument. Police had arrested the Malian man, but released him the same day. The mob then attacked and set him on fire. One person was charged with murder and the other 68 persons were released without charges. The trial was ongoing at year's end.

On July 31 in Nkaseim, Brong-Ahafo Region, a mob attacked and killed a fetish priest accused of using his spiritual powers to kill another man. No arrest had been made and an investigation was ongoing by year's end.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices; however, there were continued credible reports that police and customs officials beat prisoners and other citizens. It generally was believed that severe beatings of suspects in police custody occurred throughout the country but largely went unreported.

On September 19, the Deputy Inspector General of Police informed a graduating class of police that "use of unreasonable force, resort to firearms without justification and other acts that may constitute criminality, will no longer be treated by the Police Administration as misconduct, but criminal." During the year, police officers faced prosecution for misconduct during the May 2001 stadium riot and use of excessive force that killed a suspected illegal logger, while a criminal investigation was conducted on the use of warning shots that killed a bystander (see Section 1.a.). Police Administration also opened an internal investigation into use of excessive force on a riot. Police regulations do not authorize warning shots; however, there were instances in which police used warning shots, which killed or injured suspected criminals and innocent bystanders (see Section 1.a.). Unlike in the previous year, there were no reports that police used rubber bullets or water cannons.

On June 22, police clashed with students of Sunyani Polytechnic in the Brong-Ahafo Region, when the students barricaded traffic in response to the killing of a classmate by a driver. Police fired warning shots with live ammunition, injuring three students and destroying school property. Police arrested 33 students, who were granted bail pending an investigation. The Brong-Ahafo Regional Police Commander admitted that police used excessive force, and the IGP ordered seven officers to go before a police disciplinary committee, warned three officers, and transferred several officers for acting unprofessionally. Investigators also recommended prosecution of 30 students for their participation in the riot; however, no charges were filed by year's end.

Early in the year, the Defense Minister said the Ministry could assist in the investigation of the 2000 case in which 25 off-duty soldiers attacked and injured more than 20 civilians in Accra because the complainants could not identify the soldiers.

There were reports of inter- and intra-party clashes. A dispute between the ruling NPP and opposition NDC parties turned violent in Tamale, Northern Region in April, which resulted in the death of four persons and reports of police abuses (see Section 1.a.).

On July 29, an intra-party conflict in Ho, Volta Region, turned violent when a gasoline bomb exploded outside the residence of the Regional NPP Organizer and a man was assaulted at the NPP Regional headquarters. The violence allegedly originated from a power struggle between party executives whose positions were annulled and the new executives recognized by the National NPP Secretariat. Police arrested four persons in connection with the bombing, while the assaulted man could not identify his attackers. The trial of the four suspects was ongoing at year's end.

On October 17, the Government appointed a commission of inquiry into the cause of the January 2001 clash between a group of NPP activists and NDC supporters in Asutuare, Greater Accra Region. The commission was mandated to investigate the widely disputed underlying causes of disturbances in the area within the past 3 years. Police investigators claimed that a long-standing chieftancy dispute caused the clash, while residents and opposition party leaders claimed it was a coordinated attack on NDC supporters. The mandate required the commission to submit a report to the President within 8 weeks of its first meeting. The case had not been called to court by year's end.

"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.

During the year, chieftancy disputes led to numerous injuries (see Section 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs against suspected criminals and suspected witches that led to a number of deaths and injuries (see Section 5). For example, on May 10 in Nkoranza, Brong-Ahafo Region, a palm tree farmer amputated a student's right forearm for stealing his palm wine. The farmer was arrested, charged, and sentenced to 30 months in prison. The farmer was also required to pay the victim \$1,160 (10 million cedis) or serve 10 additional years.

On July 4, in the Ashaiman, a driver falsely accused four men of theft after they signaled for him to slow down so they could cross the street. A mob severely beat the four men. The driver was arrested and released on \$9,275 (80 million cedis) bond. The case was still under investigation at year's end.

Prison conditions in most cases were harsh and sometimes life threatening, despite government efforts during the year to improve them. On several occasions, the Director General of Prisons publicly described the prisons as overcrowded and under-financed and called for improved living conditions for the prisoners. According to the Prisons Service Annual Report for 2002 and press statements by the Director General, there was a monthly average of 11,400 prisoners serving in prisons meant for a total population of 6,500. Some of the prisons reported as much as 300 percent overcrowding. To relieve the congestion, on June 30 the President granted amnesty to 2,004 first time offenders with 1 year or less remaining on their sentence. The Prisons Service also established eight prison camps for those convicted of minor offenses, providing conditions similar to house arrest.

The Government also sought to address the unsafe and unsanitary conditions of the prisons during the year. 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. The Cabinet approved a plan for the relocation of several of these prisons, and the Government released approximately \$73,000 (630 million cedis) for the construction of improved sanitation facilities for all prisons.

Prisoners' daily food allowance was approximately \$.57 (4,000 cedis). Prisoners relied on families or outside organizations for additional food, medicine, and other supplies. Bedding was available for only 30 percent of the inmates, and there was no funding for clothes. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Overcrowding contributed to a high prevalence of communicable diseases. Some suspects allegedly plead guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells.

According to the 2002 Prisons Service Report, 125 prisoners died in the country's prisons from diseases such as tuberculosis, HIV/AIDS, and anemia.

The results of the investigation into the May 2002 death of two suspects who died in a police holding cell in Accra were not made public by year's end.

Women were held separately from men. Juvenile offenders were held separately in the Borstal Institute, a juvenile correction center. Pretrial detainees were held with convicted prisoners.

The Prisons Service is governed by a Prisons Council, appointed by the President, with members from the Interior and Justice Ministries, the Department of Social Welfare, the Medical and Bar Associations, and other members of civil society. During the year, Members of the Prisons Council, as well as the Commission for Human Rights and Administrative Justice (CHRAJ), foreign diplomats, nongovernmental organizations (NGOs), and the media inspected prison conditions. The Director General of Prisons allowed cameras into some prison inspections to educate the population on the conditions; however, on September 17, the prison commander of Akuse prison refused to allow the media to accompany the CHRAJ Commissioner on his annual inspection, stating that he had not been properly notified of the media's presence. The CHRAJ Commissioner addressed the problem to the Ministry of Interior but had not received a response by year's end.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for protection against arbitrary arrest, detention, or exile; however, arbitrary arrest and detention were problems.

The police service has come under repeated criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remained low, and mobs attacked several police stations due to perceived police inaction, delays in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice (see Section 1.a.).

A survey conducted by the Center for Democratic Development (CDD) on Police-Community Relations, released on August 21, found that many of those arrested believed that they were not treated according to the law; there was a strong belief that police often violated the human rights of those arrested. Of those who stated that they were arrested, 46 percent 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.

Government officials publicly stated that the Government's "zero tolerance for corruption" policy applied to police and other security officials; however, the Police-Community Relations Survey also found that 68 percent of respondents believed extortion or bribery occurred frequently within the Police Service. Of the small number of respondents who admitted having offered a bribe, 92 percent reported that police officers accepted the bribe. Similarly, a public opinion survey that CDD conducted in September 2002 and released in February found that citizens were most suspicious of the police (with 79 percent responding that at least some police personnel were corrupt), followed by customs officials (74 percent), and judges/magistrates (70 percent).

There were credible reports that police extorted money from local businesses by acting as private debt collectors and arrested citizens in exchange for bribes from detainees' disgruntled business associates.

The opposition NDC continued to claim that the Government used anti-corruption investigations to intimidate and harass its members. The Government continued to question former officials during the year. On December 4, the Government apologized for its March 2002 attempted arrest, during a church service, of the former head of the Ghana National Petroleum Corporation for questioning on charges of causing financial loss to the state. The man later reported to police for questioning and was on trial at year's end.

The Constitution provides for an individual detained to be informed immediately, in a language that the detained person understands, of the reasons for the detention and of the right to a lawyer and an interpreter, at state expense. It allows judicial authorities to hold citizens for up to 48 hours without filing charges against them, requires judicial warrants for arrest, and provides for arraignment within 48 hours. The Constitution 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.

In practice, while incidence of abuse lessened, many abuses still occurred, including detention without charge for 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 simply allowing them to lapse. In addition, at times persons were detained for trivial offenses or on unsubstantiated accusations. Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. In the past, human rights activists criticized the common practice of arresting persons on Friday and keeping them in detention over the weekend until court was in session on Monday, which they described as a deliberate circumvention of the 48-hour detention rule; however, on December 10, the CHRAJ Commissioner stated that annual inspections of police cells revealed greater compliance with the 48-hour rule and that fewer suspects were detained for more than 48 hours. The court has unlimited discretion to set bail, which may be 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. Police also demanded money from suspects as a precondition of their release on bail.

Unlike in the previous year, police did not arrest persons attempting to demonstrate.

Security forces used checkpoints and mass arrests while searching for criminals (see Section 2.d.). For example, on February 23, joint security forces briefly detained 16,000 men in the Buduburam Refugee Camp, searching for weapons, ex-combatants, and criminals. No arrests or weapons seizures occurred.

A citizen of Belize, who had been in custody awaiting deportation since 2001, was deported in the spring.

Large numbers of long-term remand prisoners remained a serious problem, and while the problem was debated publicly, the Government had not implemented any meaningful policy to reduce the number of pretrial detainees by the year's end. During inspections of prison facilities, the Director-General of Prisons met numerous remand prisoners who had been detained for up to 10 years without a trial. In March, a Sunyani High Court judge stated that out of 30 murder cases on the dockets, 3 persons had been in remand for 9 years, 5 between 4 to 6 years, and 19 for 3 years. The Director-General of prisons sent several thousand of remand cases to the Attorney-General for review. Judicial officials made a number of efforts to improve the efficiency of the courts, such as implementing a pilot alternate dispute resolution program (see Section 1.e.).

The Constitution prohibits forced exile, and the Government did not practice it. The Government encouraged citizens, including dissidents living abroad, to return. Some former Armed Forces Revolutionary Council (AFRC) and Provisional National Defense Council officials returned to testify before the NRC (see Section 4).

Traditional village authorities can punish rural women with banishment for being pregnant out of wedlock or for suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman (see Section 5). In March, CHRAJ estimated that there were approximately 1,090 persons living in three main witches camps in the area of Gambaga, Ngani, and Kukuo. Various organizations provided food, medical care, and other support to the residents of the camp. The CHRAJ and human rights NGOs mounted a campaign to end this traditional practice but have met with little success.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the judiciary generally was independent; however, in the past, the judiciary was subject on occasion to executive influence. Corruption was a serious problem.

There were numerous allegations of corruption within the judicial system. On June 20, the Parliamentary Select Committee on the Judiciary adopted a report that provided details on corruption in the judiciary. The report included accounts of extortion; misuse of remand, bail, and contempt of court charges for bribery; and acceptance of gifts or money in exchange for expedited or postponed cases, or losing records. The Committee recommended establishing and enforcing codes of conduct, transparent complaint procedures, and disciplinary mechanisms. The newly appointed Chief Justice began a campaign to end corruption, dismissing some officials and opening investigations of others. In October, the Chief Justice

inaugurated a Complaints Unit of the Judicial Service to receive and investigate complaints of corruption, delays, and unfair treatment. Within the first few weeks, the Unit received 46 complaints related to corruption, delay of court processes, and conduct of lawyers.

On August 5, a Cape Coast High Court judge accused a sitting Supreme Court Judge of bribing him to decide in favor of one faction in a chieftancy dispute. On September 23, the Disciplinary Committee of the Judicial Council began an investigation, which was ongoing at year's end.

The Constitution mandates Superior Courts of Judicature consisting of the High Court and Regional Tribunals, the High Court of Appeals, and the Supreme Court. Parliament may establish lower courts by decree. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court, subject to Parliamentary approval. The Chief Justice was empowered to impanel the justices of his choice to hear cases. These provisions, along with a lack of resources, limited the court's ability to balance to the power of the executive branch and contributed to the perception that the judiciary occasionally was subject to executive influence.

The Constitution establishes two basic levels of courts: Superior and lower. The superior courts included the Supreme Court, the Appeals Court, the High Court, and regional tribunals. During the year, the Government inaugurated four additional Fast Track Courts, a division of the High Court of Judicature, to try cases to conclusion within 6 months. The Fast Track Courts a authorized to hear cases involving banks and investors, human rights, electoral petitions, government revenue, prerogative writs, defamation, specified commercial and industrial cases, and criminal cases that involve substantial public money or are a matter of extreme public importance. The majority of cases filed before the Fast Track Court were for Banking and Commercial matters, and Human Rights and Defamation. Several high profile prosecutions of former officials on corruption charges occurred, with convictions obtained in two cases.

During the year, the Government implemented an Act that replaced Community Tribunals, run by appointed panels and police with magistrate courts.

Legal safeguards are based on British legal 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. In practice, authorities generally respected these safeguards.

There were frequent reports that large numbers of prisoners were held in detention for extended periods, sometimes years, without going to trial (see Section 1.d.). The Government sponsored a 1-week alternate dispute resolution pilot program in Accra and Tema, during which 185 cases were resolved.

The law 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 and been vested in civil institutions, such as courts and district assemblies.

There were no reports of political prisoners.

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

The Constitution prohibits such actions; however, in practice the Government infringed on these rights at times. Although the law requires judicial search warrants, police did not always obtain 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.

CHRAJ investigations into the 2001 demolition of Kyekywere village, Western Region by Abooso Goldfields Limited and the \$5 million (34.5 billion cedis) lawsuit against the Accra Metropolitan Assembly, the former Chief Executive, and the Attorney General for the unlawful demolition of a private hotel were ongoing at year's end.



## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were occasional reports that government officials pressured government media outlets to minimize coverage of opposition politicians, and major government media outlets exercised some restraint in their coverage. Opposition political party leaders frequently criticized the Government.

On August 9, a man who made derogatory remarks about the President when the President's convoy passed through Kumasi, Ashanti Region, was arrested and charged with defaming the President. On August 27, the Interior Minister ordered police to discontinue their investigation and publicly urged them to be more tolerant. The man was released on August 29. Shortly after the incident, several roadside traders who booed at the President's convoy in the Sogakope, Greater Accra Region, were suspended from their roadside business for 5 days, after the District Chief Executive (DCE) charged them with "disrespecting" the President. While the Government did not officially comment on the incident, the DCE was removed from office 1 month later.

On September 11, the Government withdrew certain travel expediting courtesies for former president Jerry Rawlings, accusing the former president of making derogatory remarks about the Government when traveling internationally. The NDC claimed that the Government's action contravened the Constitution, which accorded pensions and facilities to the former president.

There were 50 newspapers including 3 government-owned dailies, two government-owned weeklies, and many privately owned newspapers. Two of the government-owned dailies had national circulation. Most newspapers circulated only in regional capitals, and many of the smaller private newspapers were available only in Accra. The President did not appoint chief executives to the state-owned media, and the Government did not finance any newspaper.

According to the National Communications Authority (NCA), the body responsible for allocating bandwidth and broadcast media licenses, Accra had 1 government-owned and 15 private FM radio stations, and there were approximately 11 government and 60 private FM stations across the country. Most stations were independent and aired a wide range of viewpoints. There was one government-owned television station that broadcast nationwide. There were three semi-private television stations that broadcast in the Greater Accra, Eastern, and Ashanti regions. There were three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi. There was one private television station broadcasting in Kumasi.

On May 5, the President appointed a new chairman of the NCA. Previously, the Minister of Communications served as the chairman, which media organizations saw as a conflict of interest. Complaints persisted regarding delays in obtaining bandwidth and licenses for broadcast media; however, the number of radio stations increased significantly during the year.

Foreign media operated freely in the country, including the British Broadcasting Corporation (BBC), Radio France International, and Voice of America (VOA). Foreign periodicals were available in major cities and circulated freely even when they contained articles critical of the Government.

The government-owned media reported extensively on charges of corruption or mismanagement by government officials in the previous administration and on some allegations against officials in the current Government. During the year, the government-owned media gave some coverage to opposition politicians and printed occasional editorials critical of government policies; however, direct criticism of the President was avoided. The opposition NDC claimed that government media denied it equal access and coverage on numerous occasions, and in practice the government-controlled media gave greater exposure to government officials.

Some privately owned newspapers were harshly critical of the Government's policies and of President Kufuor, and his ministers and advisors. The Government at times alleged that some reporters and editors failed to abide by professional ethical guidelines. For example, on July 8, a High Court judge ruled in a libel suit by the head of the government-owned Volta River Authority



(VRA) against an independent newspaper, that no "seemingly libelous and damaging" stories should be printed against the VRA or its management, unless the publications were factual.

The National Media Commission (NMC), a constitutionally mandated independent government body, was charged with maintaining journalistic standards, including the investigation, mediation, and settlement of complaints made against or by the media; however, it did not have legally binding authority to implement its recommendations. The NMC has published standards and guidelines, and voluntary use of its alternative dispute resolution offices continued to increase. Resolutions recommended by the NMC included retraction, apology, and the printing of rejoinders. Of the 56 cases reviewed between January 1 and September 23, 14 were resolved, 25 were conducted without direct NMC intervention, 2 were struck out, and the remaining cases were pending; 29 cases were brought by private individuals, 1 by a former government official, 7 by current government officials, 15 by government organizations, and 2 by other organizations or institutions. There were 53 complaints brought against private media, and 7 against the state-owned media, with some complaints filed against more than 1 media house.

On August 25, an independent journalist was arrested and charged with extortion for threatening to print a negative article about a local government official if he was not paid to be silent.

The Government did not restrict access to the Internet. There were more than 10 operating Internet Service providers (ISPs) in the country at year's end.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, at times the Government restricted this right. The Government did not require permits for demonstrations; however, police could deny use of a particular route, and during the year police on four occasions negotiated time and route changes with protesters. The law requires that all organizers of "special events" or "processions" inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures.

Political parties held national congresses and labor organizations held demonstrations without hindrance during the year; however some political party rallies were either postponed or cancelled at the request of police.

In March, in Navrongo, Northern Region, police cancelled opposition party rallies, allegedly for security purposes to accommodate the Vice President's visit to the area, in the final days before a closely contested parliamentary by-election. In April, in Gomoa East, Central Region, police again cancelled opposition rallies immediately before a bi-election, ostensibly to safeguard the Vice President's security. The practical effect of both incidents was to disrupt opposition campaigning (see Section 3).

One opposition party rally was postponed twice due to disagreements between the organizers and security forces on use of route and timing. The rally eventually took place in September.

The Government permitted peaceful demonstrations and rallies during the year. Unlike the previous year, police did not use force to disperse any demonstration.

There were no developments in the 2002 cases in which security forces forcibly dispersed demonstrations.

The ban on demonstrations in the Dagbon Traditional area due to a state of emergency remained in effect throughout the year (see Section 2.d.).

The ban on campus demonstrations remained in effect during the year; however, it has never been challenged nor enforced.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, members of security forces were prohibited from joining political assemblies or groups within the security services, but were allowed to participate outside police or military grounds.

NGOs were required to register with the Registrar General's office and the Department of Social Welfare, but this registration was routine.

The Electoral Commission (EC) accredits political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The EC evaluates whether the party showed evidence of a viable national support base before granting accreditation and may annul the registration of a party that failed to meet the criteria for being a viable party.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government increased its prosecution of violent acts, including religious violence, and all incidents of religious violence were prosecuted during the year.

Religious institutions that wanted formal recognition were required to register with the Registrar General's Department; however, this was a formality only, and 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.

The Government generally respected the Education Service regulation providing that public school authorities not force students of ethnic minority groups to worship with the majority religious groups in school. Muslim organizations reported that while there were a few isolated reports of disrespect for the directive, Muslim students generally experienced greater religious freedom in public schools.

Although the law prohibits involuntary servitude, Trokosi, a form of religious servitude usually lasting no more than a few months, existed on a limited scale (see Section 5). Government agencies, like CHRAJ, have campaigned actively against Trokosi for years, and supporters of traditional African religions, such as the Afrikania Renaissance Mission, have stated that these activities constituted discrimination against indigenous religious beliefs.

There were occasional reports of inter-religious and intra-religious incidents, but no violent incidents based on religious affiliation occurred during the year.

In July 2002, tensions between a local church and the traditional council resulted in a mob setting fire to the church's worship center in Techiman, Brong-Ahafo Region. No injuries were reported. Traditional authorities denied involvement in the fire. Those who followed traditional practices in the area accused the church of preaching against the traditional Apoo Festival and ban on fishing on the Tano River. An investigation by the Techiman District Security Committee (which includes the District Chief Executive, District Police Commander, and others) was ongoing at year's end, and no arrests were made due to lack of evidence. However, the Committee formally cautioned the traditional authorities and discussed strategies to prevent further disturbances. In September, the evangelist of the church formally apologized to the traditional council for what he termed his "misbehavior" and the resulting "misunderstanding" that led to the incident.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

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

The Constitution provides for these rights, and the Government generally respected them in practice.

Citizens and foreigners were free to move throughout the country. Security officers manned checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals, although many were unmanned during daylight hours (see Section 1.d.). The Police

Administration continued to erect security checkpoints in response to an upsurge in highway robberies and police roadblocks, and car searches were a normal part of nighttime travel in larger cities. The police administration acknowledged that some officers occasionally erected illegal barriers to solicit bribes from motorists. The Regional Police Commanders monitored the activities of police personnel working at the checkpoints.

In response to intra-tribal violence in Yendi, Northern Region, in March 2002, Parliament continued to renew the state of emergency and curfew in the Dagbon traditional area at 1 month intervals (see Section 5). By year's end, the Government had lifted the curfew in four out of six districts subject to the state of emergency. For most of the year, the curfew remained from midnight to 4 a.m., except immediately after the April riot in Tamale, when for several weeks, the curfew was increased from 6 p.m. to 6 a.m. (see Section 1.c.).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and 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 Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country generally had a liberal policy of accepting refugees from other West African nations. The Government also provided protection to certain individuals who fell outside of the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The political crisis in Cote d'Ivoire and Liberia led to an inflow of approximately 6,000 refugees during the last quarter of 2002 and throughout the year. During the year, the Government and the UNHCR conducted a registration and documentation exercise that confirmed that there were 47,695 total refugees and asylum seekers in the country, of whom 42,388 were Liberian, 3,895 Togolese, 1,125 Sierra Leonean, and 287 from other African nations.

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

The Constitution provides citizens with the right to change their government, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. Despite a few incidents of intimidation and election fraud, domestic and international observers judged the 2000 national election to be generally free and fair. The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system included recognized opposition parties, which expressed their views freely within Parliament and won a near majority of the parliamentary seats.

In the first round of the 2000 presidential elections, neither major candidate received a majority vote. In December 2000, a presidential runoff was held in accordance with the constitutional requirement that the president be elected with at least 50 percent plus one of the votes. In the runoff John Agyekum Kufuor of the NPP beat Vice President John Evans Atta Mills with 56.7 percent of the vote.

The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the CHRAJ. In practice the system of checks and balances was limited by a system-wide lack of resources that affected all three branches. Parliament still sought effective oversight of the workings of the executive branch. Although all Members of Parliament (M.P.s) could introduce bills, no one has ever done so; however, some have introduced motions.

During the year, there were four parliamentary by-elections to fill vacant seats. Despite a few reports from all sides of intimidation and vote-buying, domestic and international observers judged all four by-elections to be free and fair. The ruling NPP party won each election, bringing the NPP's representation in Parliament to 103 seats, while the NDC held 89 seats and smaller parties and independents held the remaining 8 seats.

During two by-election campaigns, one in March in Navrongo, Northern Region and the other in April in Gomoa East, Central Region, police required opposition parties to reschedule their rallies during the last full days of campaigning, ostensibly in order to accommodate security

requirements for the Vice President's visit to the regions. Some opposition parties were effectively precluded from rescheduling their rallies, which disrupted their campaigning.

Opposition parties, and some persons in private business, continued to allege that some government contracts were awarded on the basis of ruling party membership and that government officials pressured businesses to steer contracts toward favored companies and individuals.

There were 18 female M.P.s in the 200-member Parliament, and 13 female ministers and Council of State members out of 92.

#### 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. The Government generally granted ready access to prisons, with the exception of one prison commander who would not let the media enter with the CHRAJ officials (see Section 1.c.). Prominent NGOs included the International Committee of the Red Cross (ICRC), Amnesty International (AI), the International Federation of Woman Lawyers (FIDA), the African Center for Human Development, and Ghanalert. The Government cooperated with international humanitarian organizations, including the ICRC.

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. On average the CHRAJ received between 4,000 and 5,000 new petitions per year, with steady increases each year. By July 30, CHRAJ had received 3,800 cases. Since CHRAJ was founded in 1993, it has received a total of 64,804 cases, 70 percent of which were resolved through mediation.

The CHRAJ operated with no overt interference from the Government. Its biggest obstacle was a lack of adequate funding. Low salaries and poor working conditions resulted in the loss of many CHRAJ-trained personnel to other government agencies that were able to pay their employees more.

In January, the NRC, established to create a historical record of human rights abuses for the periods of "unconstitutional government" and make recommendations for redress, began conducting public hearings. The Commission's 12-month mandate was extended by 6 months to accommodate the volume of complaints and allow thorough investigation. By year's end, the NRC had registered 4,211 complaints nationwide, including ill treatment, detention, torture, seizure of property, unlawful killing, abductions, disappearance, and others.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution 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 specifically to order enforcement of these prohibitions.

##### Women

Violence against women, including rape and domestic violence, remained a significant problem. According to FIDA, one in three women experienced domestic violence at some time in their lives, and most abuses went unreported and seldom came before the courts. Police tended not to intervene in domestic disputes; however, during the year, the Women and Juvenile Unit (WAJU) of the police established a national secretariat to increase its efficiency in handling cases of domestic violence, child abuse, and juvenile offenses as well as researching patterns and types of crimes against women and children. Also during the year, the police administration expanded WAJU's regional presence from 9 to 12 cities around the country. The WAJU worked

closely with the Department of Social Welfare, FIDA, the Legal Aid Board and several human rights NGOs.

An average of 10 cases of violence against women were reported daily to the WAJU. The number of reported cases of violence against women doubled from 852 cases in 1999 to 1,658 in 2001. During the year, a total of 2,244 cases were recorded. The Director of WAJU stated the increase in reported cases was due to an increase in victim rights awareness programs. The media also increasingly reported cases of assault and rape. Prosecution of domestic violence cases was still difficult. On average, of the cases prosecuted, approximately one-quarter received convictions. Many victims did not have access to appropriate medical assistance to record the abuse, which hampered prosecution efforts. During the year, WAJU, international donors and NGOs collaborated to create a medical trust fund for victims of domestic violence.

In 2002, the Attorney General's office drafted a domestic violence bill based on a proposal submitted by FIDA. During the year, the draft bill was the subject of intense national debate, due to a provision that repeals a section of criminal code justifying the use of force within marriage. Some opposed the provision as contrary to tradition and destructive to the institution of marriage. NGOs joined to form the National Coalition on Domestic Violence Legislation and worked with government officials to hold numerous workshops to educate citizens on the contents of the bill. The bill was pending at year's end.

The Criminal Code bans the practice of customary servitude protects women accused of witchcraft, makes the age of criminal responsibility 12 years, criminalizes indecent assault and forced marriages, and imposes punishments for defilement, incest, and prostitution involving children.

Belief in witchcraft was still strong 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 live in "witchcamps," villages in the north populated by suspected witches (see Section 1.d.). The women did not face formal legal sanction if they returned home; however, most feared that they could be beaten or lynched if they returned to their villages. The law provides protection to alleged witches.

There were several cases of lynching and assault of accused witches during the year. For example, on July 2 in Asempanwu, Ashanti Region, a woman was beaten to death on suspicion that she was a witch who used her powers to cause the death of three children who died in a car accident. Two other women were seriously injured in the attack. Police arrested four men, and an investigation was ongoing at year's end.

On August 1, a Tamale, Northern Region High Court sentenced a 28-year old man to death for the 2001 murder of a woman suspected of being a witch. The High Court also sentenced the man's father to life in prison for conspiracy to murder.

During the year, a man in Tongor, Volta Region was sentenced to 6 years in prison with hard labor for chopping off the hands of his 75-year-old aunt in 2001, claiming that she was a witch.

There were several traditional discriminatory practices that were injurious to the health and development of young girls. In particular FGM was a serious problem. A Ministry of Health survey conducted between 1995 and 1998 found that FGM was practiced among nearly all the northern sector ethnic groups, up to 86 percent in rural parts of the Upper West and Upper East Regions. Often it was performed on girls under the age of 15. Some observers believed that in the north there was a 15 percent FGM prevalence rate, while others believed that education on the illegality of FGM has driven the practice underground and the real rate was as high as 30 percent. 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 in which FGM was performed, the victims actively sought out practitioners, sometimes without their parents' knowledge, in a quest to become ready for marriage.

The law prohibits FGM; however, members of the legal community advocated legislation to close loopholes in the law and extend culpability to those who aid in carrying out FGM and to citizens who commit the crime outside the country's borders. On September 22, a Circuit Court

in Wa, Upper West Region, found a 50-year-old woman guilty of committing FGM on three children and sentenced her to 5 years in prison. The case was the region's first FGM conviction since the practice became illegal in 1994.

There were no laws that specifically protect women from sexual harassment.

There is a Ministry of Women and Children's Affairs to address gender and children's issues; however, women continued to experience societal 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.

Women's rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government was 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 spent 5 percent of GDP on education, approximately 64 percent of which went toward basic education in 2002. Education was compulsory through primary and junior secondary school (the equivalent of grades 1 through 9); however, education was not free. In practice, schools imposed fees of up to \$50 (400,000 cedis) per term, despite government regulations that these fees should not be more than \$10 (80,000 cedis); and parents were required to purchase uniforms and books, as well as extra items listed in schools' prospectuses. In addition, teachers often imposed extra classes for an additional fee to supplement their incomes. During the year, the Minister of Education directed all fees above \$10 (80,000 cedis) to be refunded and required bills of secondary schools to be vetted by District Directors of Education before being sent to parents.

Some children were unable to attend school because they needed to work to supplement their family's income (see Section 6.d.), they had to travel long distances to reach the school, or there was a lack of teachers, especially in more rural areas. In addition, children's attendance at school was not enforced regularly by authorities, and parents rarely, if ever, were sanctioned for keeping their children out of school.

Females frequently dropped out of school due to societal or economic pressures, and there was a significant gap in enrollment rates between males and females. According to UNICEF, 80 percent of eligible children (84 percent of males enrolled compared with 77 percent of females) were enrolled in primary school in 2001-02. Primary school enrollment figures were significantly lower in the rural northern areas; in the Northern Region, 65 percent of eligible children (75 percent of males and 55 percent of females) were enrolled in primary school in 2001-02.

According to Ministry of Education (MOE) data for 2001-02, 55 percent of males and 45 percent of females in the 12- to 14-year age range were enrolled in junior secondary school. The 2001-02 advancement rate from junior secondary to senior secondary school was 47 percent. Enrollment of women at the university level in 2002 was less than half that of men.

The Government has taken some concrete steps to support education, including support of "informal" schools (NGO-sponsored schools that were not regulated by the Government and provide nontraditional education), and increased emphasis on assuring that students progressed from one school grade to another. The Government actively campaigned for girls' education, and the Minister of State for Primary, Secondary, and Girl-Child Education was responsible for addressing gender-related issues in education. The Ghana Education Service (GES) prepared a Five Year Action Plan for Girls' Education in Ghana 2003-2008 and offered the following programs during the year: "Science and Technology and Mathematics Education" clinics nationwide; scholarships for girls at the Junior Secondary School and Senior Secondary School levels; and incentives for female teachers to teach in rural areas and sensitize students, parents, and community members on girls' education. In addition, the GES has placed Girls Education Officers at the regional and district levels.

There were frequent reports that male teachers sexually assaulted their female students. The girls often were reluctant to report the attacks to their parents, and social pressure often prevented parents from going to authorities. In July, at U.N. Development Program (UNDP) sponsored workshop, researchers revealed a survey in which 27 percent of school girls interviewed stated their teacher had pressured them for sex, 25 percent stated they knew at least one teacher having an affair with a school girl, and 79 percent stated they were sexually harassed by male classmates, making it difficult to study. There were several press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

WAJU and regular police units increasingly investigated and prosecuted sexual abuse of minors, and press reports of court cases ending in lengthy prison sentences became routine. Of the 1,500 cases brought to the Greater Accra Region WAJU between January and June, 288 were cases of defilement.

Trokosi is a religious practice involving a period of servitude lasting up to 3 years found among the ethnic Ewe group in the Southern Volta Region. A virgin girl, sometimes under the age of 10, but often in her teens, is given by her family to work and be trained in traditional religion at a fetish shrine for a period lasting between several weeks and 3 years as a means of atonement for an allegedly heinous crime committed by a member of the girl's family. In exceptional cases, when a girl of suitable age or status is unavailable, a boy can be offered. The girl, who is known as a Trokosi or a Fiashidi, then becomes the property of the shrine god and the charge of the shrine priest for the duration of her stay. As a charge of the priest, the girl works in the shrine and undergoes instruction in the traditional indigenous religion. While instances of sexual abuse may occur on a case-by-case basis, there was no evidence that sexual or physical abuse was an ingrained or systematic part of the practice. The practice explicitly forbids a Trokosi or Fiashidi to engage in sexual activity or contact during her atonement period. After she completed her service to the shrine, the girl's family must provide material items such as drinks, cloth, money, or livestock to the shrine for a final release ritual. After the release ritual, the girl returns to her family without, in the vast majority of cases, any particular stigma attaching to her status as a former Trokosi shrine participant. Generally the women continued to associate themselves with the shrine, a voluntary association involving return visits for ceremonies. In many instances, when a Trokosi woman dies, years if not decades after she has completed her service, her family was expected to replace her with another young girl, continuing the association of the family to the shrine from generation to generation. In very occasional cases, the family abandons the girl or cannot afford the cost of the final rites, in which case she may remain at the shrine indefinitely. She also may leave the shrine and return to her village; however, her family's reputation with the shrine, and possibly with the community, may be tarnished. Shrines rarely have more than 4 girls serving their atonements at any one time, and there were no more than 100 girls serving their atonement periods at Trokosi shrines throughout the Volta Region at year's end.

The law bans ritual servitude in comprehensive legislation to protect women and children's rights. NGOs, such as International Needs, and government agencies, such as the CHRAJ, have been campaigning against Trokosi for years. According to reports by International Needs, other NGOs, and international observers, the practice has declined considerably in recent years due to education campaigns, conversion to other belief systems, and the death of fetish priests who have not been replaced.

Forced childhood marriage, which is illegal, remained a problem. On August 15, a Circuit Court in Wa, Upper West Region, convicted and sentenced a farmer to prison for 14 years for sexually assaulting and marrying a 14-year-old girl.

In 2002, the Ghana National Commission on Children (GNCC) was working with the CHRAJ to effect the prosecution of the chief of Mpeasem-Easuakyir, in the Central Region, who coerced a 14-year-old girl into marrying him after he abused and impregnated her.

Investigations into the August 2002 case of a 15-year-old girl forced to marry a 60-year-old man and the August 2002 kidnapping of a 5-year-old girl for ritual purposes were ongoing at year's end.

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



Child prostitution, although illegal, also existed. The International Labor Organization's International Program to Eliminate Child Labor (ILO/IPEC) organized workshops throughout the year to create awareness of increasing child prostitution in the tourism industry, and create a strategy to combat the problem.

There were reports that trafficking in children occurred, including children being sold into various forms of involuntary servitude, for forced labor or sexual exploitation (see Sections 6.d. and 6.f.).

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

The GNCC, a policymaking and coordinating body established to improve the lives of children, administered training programs for law enforcement and judicial officials to familiarize them with the Children's Act and other pertinent child labor legislation.

#### Persons with Disabilities

The Constitution 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 Constitution also provides persons with disabilities access to public buildings "as far as practicable;" however, in practice this provision was implemented. During the year, Department of Social Welfare officials estimated that 10 percent of the population lives with some form physical disability.

#### National/Racial/Ethnic Minorities

Although the Government played down the importance of ethnic differences, its opponents have complained that it is 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 chieftancy issues, particularly those of succession and land. For example, on August 7 in Brekusu, Eastern Region, two persons were killed and three severely injured (including the Queen Mother) during a riot at the area's traditional festival. The violence was attributed to tensions over the legitimacy of the positions of the Chief and the Queen Mother and over who held the authority to allocate lands in the area. On September 4, 28 persons were arrested in connection with the violence; 24 were granted bail and 4 charged with rioting, conspiracy, attempted murder, and murder. Investigations continued at year's end.

In March 2002, the Ya-Na, chief of the Dagomba tribe in Yendi, Northern Region, and 29 of his followers were killed in fighting with a rival faction of the royal family. The two factions have long feuded over traditional ceremonies and the right to hold the throne. In July, two men indicted for conspiracy to commit the Ya-Na's murder were acquitted due to lack of evidence. Several others have been implicated in the crime, but no other arrests were made by year's end. A three-person team of traditional leaders, appointed by the President, and several local NGOs, conducted various peace-building and reconciliation activities between the factions. By year's end, progress was made in reducing tensions.

Government officials, M.P.s, and other prominent opinion leaders regularly called for peaceful coexistence between ethnic groups. The Permanent Peace Negotiating Team (PPNT) was a facilitative body whose primary purpose was to mediate disputes. The Government banned firearms in the Northern Region and northern part of the Volta Region.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides for freedom of association, and workers exercised this right in practice. In October, the President signed into law new labor legislation that conformed with (ILO) conventions, enhanced the right of every worker to form or join a trade union, and created

a National Labor Commission to help resolve labor disputes (see Section 6.b.).

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, and that number was expected to increase.

The Trades Union Congress (TUC), the largest labor organization in the country, consisted of 17 national unions. The TUC has been a vocal and constructive critic of the Government's economic policies. Civil servants had their own union, the Civil Servants Association, which operated outside of the TUC umbrella. The Ghana Federation of Labor (GFL) served as an umbrella organization for several independent labor unions, which either had ceased ties with or never were members of the TUC.

The law prohibits anti-union discrimination and requires employers found guilty of the offense to reinstate or pay compensation to workers fired for union activities. There were no reports of anti-union discrimination during the year.

Unions had the right to affiliate with international bodies. The TUC was affiliated with the Organization of African Trade Union Unity headquartered in Accra and was also a member of the International Confederation of Free Trade Unions.

#### b. The Right to Organize and Bargain Collectively

The law protects workers from employer interference and their right to organize and administer their unions. The law also provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiated together to set the daily minimum wage through a National Tripartite Committee. The new labor law, enacted in October, gave the Committee a formal role to determine and set the national daily wage, consult on matters of social and economic importance, and advise on employment and labor market issues.

The new legislation repealed a law restricting the right to bargain collectively to only those groups that apply for a Collective Bargaining Certificate through the TUC, essentially giving the TUC a monopoly and breaching the right to establish and choose organizations. The new law allows any trade union to apply for a Collective Bargaining Certificate through the Chief Labor Officer.

The law recognizes right to strike; however, the new labor law restricts that right for workers who provide essential services. The Minister of Manpower Development and Employment had not formally designated the list of essential services by the year's end. There were no legal strikes since independence. There are nominally illegal strikes on a regular basis, which were resolved by negotiated settlement between labor and employers.

The new law provides for an independent National Labor Commission, made up of government, employers and organized labor representatives, responsible for settling disputes, first through mediation, then through arbitration. Parties in a dispute may request compulsory arbitration. Workers providing essential services that do not settle disputes within 3 days must go to the National Labor Commission within 24 hours for settlement by compulsory arbitration. Unlike the previous labor laws, the new law considers the Government an employer and therefore not responsible for dispute resolution. A union may call a legal strike if parties fail to agree to refer the dispute to voluntary arbitration or 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. The law prohibits retribution against strikers, and this provision was enforced.

In June, the Deputy Minister of Manpower Development and Employment stated that there were 25 industrial actions involving 22,091 workers in the first 6 months of the year, costing the country 40,000 man-days of labor. Most actions involved demands for higher wages and better benefits.

There is legislation that authorized export-processing zones (EPZs), and a few EPZs are in operation. Existing labor law applies in any EPZ, including the right to organize.

#### c. Prohibition of Forced or Bonded Labor

The Constitution and the new labor law prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 5, 6.d., and 6.f.).

The new labor law provides for fines employers found guilty of forced labor; however, at year's end, the law had not been used. The ILO continued to urge the Government to revise various legal provisions that permitted imprisonment with an obligation to perform labor for offenses that were not allowed under ILO Convention 105.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Child labor was a serious problem in the informal sector. The law sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age. 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 during the year 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 7 years worked as domestic laborers, porters, hawkers, miners, quarry workers, fare-collectors, and agriculture. The fishing industry on Lake Volta has a particularly high number of child laborers engaged in potentially hazardous work. 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 is better regulated.

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. The Ghana Statistical Service and ILO/IPEC also 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 said the work was demanding. Over three-quarters of street children surveyed said that both parents were alive, indicating poverty was the main cause of the problem.

The law prohibits forced and bonded labor performed 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. Some children were connected to Trokosi shrines, although the practice has declined in recent years (see Sections 5 and 6.f.).

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. A 2002 report on child trafficking by the African Center for Human Development counted 708 children under the age of 18 working in fishing villages along the Volta Lake in the Afram plains (see Section 6.f.).

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.

The Children's Act establishes a minimum age for employment and prohibitions on night work and hazardous labor and provides for fines and imprisonment for violators. In addition, the

legislation allows for children aged 15 years and above to have an apprenticeship whereby the 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 protecting children. 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. 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 was no record of any prosecutions for child labor resulting from these inspections. Officials only occasionally punished violators of regulations that prohibited 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.

#### e. Acceptable Conditions of Work

A National Tripartite Commission composed of representatives of the Government, labor, and employers set daily minimum wages. On February 27, after lobbying by trade unions, the Tripartite Commission raised the daily minimum wage to \$1.06 (9,200 cedis), which was insufficient to provide a decent standard of living for a single wage earner 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 law sets the maximum workweek at 40 hours, with one 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.

The law protects both legal and illegal foreign workers. The new labor law also protects the rights of casual laborers and temporary workers.

#### f. Trafficking in Persons

No laws specifically addressed trafficking in persons, and trafficking in persons was a problem. The Government could prosecute traffickers under laws against slavery, prostitution, and underage labor. The country was a source and a destination country for trafficked persons. The Government acknowledged that trafficking was a problem.

Law enforcement authorities were not given sufficient resources to deal with the problem and had a difficult time identifying persons who were being trafficked because of the fluid nature of family relations in the country. For example, a friend often was called a "cousin," and an older woman an "aunt," even if there was no blood relation. The Government, the ILO, and NGOs began to train security forces, immigration authorities, customs and border officials, and police on issues of trafficking.

During the year, police arrested four persons for trafficking related offenses; however, none were convicted. Police officials claimed the lack of legislation criminalizing trafficking hampered their efforts.

On February 20, a couple in Nkawkaw, Eastern Region, was sentenced to 2 years in prison for trying to sell a neighbor's 3-year-old son for almost \$4,500 (38 million cedis). The couple was also ordered to pay a fine of \$1,150 (10 million cedis) each or default to another 2 years in prison.

During the year, the woman accused of taking four girls to work as prostitutes in Nigeria in September 2002 was released when the girls failed to show up in court to testify.

During the year, a court in the Upper East Region arraigned a woman who was arrested in 2001 for trafficking eight boys and three girls to the Gambia. The trial was ongoing at year's end.

The case of traffickers intercepted in 2002 with 50 children was pending in court at year's end.

Various ministries worked with the ILO 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 in Ghana" (see Section 6.d.). In July, the Ga District Assembly in the Greater Accra Region instituted a committee to investigate reported cases of child trafficking among fishing communities within the district. The International Organization for Migration (IOM), the African Center for Human Development, and the Ministry of Women and Children's Affairs worked to identify and repatriate children trafficked to the fishing villages.

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 the cities of Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. The IOM estimated that approximately 3,000 children reportedly were contracted out to Lake Volta fishermen (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, and Nigeria to work as farm workers, laborers, or household help.

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 \$2.50 and \$3.75 (20,000 and 30,000 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 often were sexually abused by their employers.

Women also were trafficked to Western Europe, mostly 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 sent sometimes 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 growing trade in Nigerian women transiting through the country on their way to Western Europe and reportedly the Middle East to work in the sex industry. Traffickers from other countries reportedly used Accra as a transit point to Europe and reportedly the Middle East. There reportedly was some trafficking in persons from Burkina Faso, mostly transiting through the country on the way to Cote d'Ivoire.

The Government coordinated anti-trafficking efforts with NGOs and called meetings of its Human Trafficking Task Force occasionally during the year to discuss draft anti-trafficking legislation; however, it was an ILO/IPEC Steering Committee, which included many government officials, that provided the major focus for anti-trafficking activities (see Section 6.d.).

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 kids, provided training and education for victims of trafficking and abuse, and in some cases, assisted with family reunification.

