



## 2018 Trafficking in Persons Report - Ghana

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### GHANA: TIER 2

The Government of Ghana does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Ghana was upgraded to Tier 2. The government demonstrated increasing efforts by validating and implementing the national anti-trafficking action plan and expending funds allocated for the plan; prosecuting and convicting labor and sex traffickers under the Human Trafficking Act; increasing interagency cooperation in efforts to remove child victims from trafficking situations; adopting systematic procedures for identifying and referring trafficking victims for services; and conducting and providing support for anti-trafficking public awareness activities. However, the government did not meet the minimum standards in several key areas. The government did not adequately address corruption and political interference in trafficking investigations and prosecutions or convene the inter-ministerial board responsible for anti-trafficking policy and administration of the human trafficking fund. The lack of sufficient resources for effective investigation and evidence collection and the shortage of state attorneys hindered prosecutions, and the courts failed to hold some convicted traffickers accountable with sentences strong enough to deter the crime. The limited availability of shelter spaces for children and the absence of any shelter for adult victims severely hampered the government's ability to protect and provide services to identified victims and impeded some officials from taking action to remove potential victims from trafficking situations.

### RECOMMENDATIONS FOR GHANA

Provide increased resources to enable police and immigration service investigators, in cooperation with social welfare workers, to respond in a timely way to reports of suspected sex or labor trafficking, gather and preserve evidence effectively, and protect potential victims; increase efforts to address corruption and other interference that impede the investigation and prosecution of trafficking crimes; provide increased resources to support comprehensive trauma-informed care and reintegration services for adult and child trafficking victims in government-operated shelters; develop and provide specialized services for child and adult victims of sex trafficking; increase efforts to ensure attorney general prosecutors review human trafficking case dockets with investigators and lead the prosecution of human trafficking cases; hold traffickers accountable through prosecution and conviction under the anti-trafficking act and sentencing that is strong enough to deter others from committing these crimes; amend the 2015 implementing regulations for the 2005 Ghana Anti-Trafficking Act to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim; implement standard operating procedures (SOPs) for law enforcement, social welfare personnel, and labor inspectors throughout Ghana to proactively identify trafficking victims and refer them to protective services; increase efforts to identify and assist Ghanaian migrant workers who are in trafficking situations in other countries and investigate and prosecute recruitment agents and others suspected of participating in their trafficking; continue to implement the national plan of action against trafficking with dedicated resources, including administration of the human trafficking fund to expand victim services; provide advanced training to law enforcement on evidence collection in trafficking cases and to prosecutors and judges on pursuing cases under the anti-trafficking act; and implement systematic

nationwide collection and reporting of data on investigations, prosecutions, victims identified by enforcement and protection agencies, and assistance provided.

## PROSECUTION

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

The government reported initiating 113 total investigations into suspected human trafficking during calendar year 2017, compared to 138 investigations in 2016. Of the 113, the Ghana Police Service (GPS) Anti-Human Trafficking Unit (AHTU) reported conducting 91 investigations of potential trafficking crimes, compared with 118 investigations in 2016. Of these 74 were labor trafficking investigations, most of which were trafficking within Ghana, and 17 were sex trafficking investigations, all of which involved cross border trafficking. The Ghana Immigration Service (GIS) reported investigating 22 suspected trafficking cases compared with 20 cases in 2016; of these, 18 were labor trafficking cases and four were sex trafficking. The government reported investigating five recruitment agents for suspected human trafficking during the reporting period, compared to three in 2016. As in past years, the government did not prosecute or convict any recruitment agents for fraudulent offers of employment and/or excessive fees for migration or job placement in 2017. The government reported initiating 29 prosecutions against 56 alleged traffickers, compared to 11 prosecutions involving 11 defendants in 2016. The government prosecuted 46 defendants for alleged labor trafficking and 10 defendants for alleged sex trafficking. The government prosecutions included 26 by the GPS involving 52 defendants, compared to eight GPS prosecutions in 2016. The GIS initiated prosecutions against three suspected traffickers, one allegedly involved in child labor trafficking and two allegedly involved in sex trafficking, under the Immigration Act due to insufficient evidence to proceed with trafficking charges, compared to three defendants prosecuted by the GIS in the prior year. The GIS also continued prosecuting one alleged labor trafficker charged in 2016. The government reported a state attorney initiated prosecution of one alleged trafficker in high court and a state attorney continued a 2014-initiated prosecution of an Egyptian national and a Ghanaian conspirator for suspected illegal labor recruitment and human trafficking. The GPS also transferred three suspected traffickers to Nigerian authorities after the court case was delayed due to the judge's illness and the lack of shelter. The government did not provide information on prosecutions initiated in prior years, which were stalled reportedly due to a lack of evidence, reluctance of victims to testify, or inability to locate the defendant. In 2017, the government convicted six traffickers, all of them prosecuted by the GPS under the anti-trafficking act; this compares to zero convictions under the anti-trafficking act and seven convictions for suspected trafficking offenses under other statutes that resulted in lesser penalties in 2016. The GIS convicted three individuals for immigration violations such as possessing false documents and deceiving public officials; these cases which were initially reported as suspected labor trafficking and sex trafficking crimes. Sentences imposed for the trafficking act convictions varied by the court hearing the case and ranged from six months imprisonment with a fine and victim restitution to five years imprisonment. A circuit court sentenced two traffickers convicted of forced labor to imprisonment of five years; a district court sentenced two traffickers convicted of forced labor to imprisonment of one year; and a circuit court sentenced two traffickers convicted of sex trafficking to six months imprisonment and payment of 10,000 cedis (\$2,210) in restitution to the victims and a fine of 3,600 cedis (\$800) or, if in default, a sentence of three years imprisonment. The district courts sentenced three individuals convicted of immigration act violations to fines of 600 to 1,200 cedis (\$130 to \$270). The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, officials acknowledged, and NGOs and other organizations continued to report, general corruption within the police and judicial system as well as political interference with police investigations and prosecutions of suspected human trafficking as ongoing concerns.

Throughout the year, the GPS and GIS personnel reported a lack of adequate facilities, operating funds for logistics and investigative equipment, as well as appropriate shelter facilities for identified victims, which

hampered or delayed investigative operations to remove potential victims from exploitative situations. State attorneys declined to prosecute several suspected trafficking cases due to inadequate evidence collection by police. While the Attorney General's (AG) Department continued to report a shortage of prosecutors, police prosecutors, who lack formal legal training and whose actions in cases are limited by procedural rules not applicable to state attorneys, initiated all but one of the trafficking prosecutions. The government supported introductory anti-trafficking training for 313 GIS recruits and 54 cadets, as well as a refresher course for 107 officers at the GIS training school; and provided in-kind support for numerous donor-funded training programs for hundreds of investigators, prosecutors, judges, social service personnel, labor officers, and journalists during the reporting period.

## PROTECTION

The government increased efforts to identify and assist victims. The government reported identifying 579 potential victims of trafficking compared to 163 potential victims identified during the previous year. The GPS reported identifying 339 potential victims compared with 121 potential victims in 2016. Of these, 310 were potential victims of labor trafficking, most of whom were boys and many of whom were intercepted while being transported in groups within Ghana; 29 females were identified in suspected sex trafficking cases, nearly all of whom were adults. The GIS identified 215 females as potential trafficking victims compared with 42 in 2016. Of these, 203 were potential victims of labor trafficking and 12 were potential victims of sex trafficking; nearly all of these potential victims were adults and many were intercepted while in transit to overseas employment. The Ministry of Gender, Children and Social Protection (MOGCSP) and the Department of Social Welfare (DSW) reported identifying 25 potential victims of labor trafficking, nearly all of whom were boys. Of the victims identified by the GPS and GIS, 32 were foreign national victims of labor or sex trafficking in Ghana, including 23 Nigerian sex trafficking victims. Ghanaian law enforcement collaborated with Nigerians residing in Ghana and the Nigerian foreign ministry and anti-trafficking authorities on the repatriation of the Nigerian citizens. In addition, the Ministry of Foreign Affairs and Regional Integration (MFARI), MOGCSP, GIS, and GPS cooperated in facilitating the repatriation of approximately 35 Ghanaian trafficking victims identified abroad, primarily in Middle East, by liaising with the victims' families, international organizations, and the government in the destination countries. Private citizens and international organizations continued to take primary responsibility for funding the return of Ghanaians exploited in trafficking situations abroad.

The government reported providing counseling and referring 560 of the 579 potential victims of trafficking for care during the reporting period; however, the government did not provide details about the care for most victims. With the combined support of the Human Trafficking Secretariat and GPS totaling 13,200 cedis (\$2,920), DSW provided short-term care for 31 child victims of trafficking in a shelter for abused children in Osu, where they received psycho-social and educational services. This shelter lacks security and is co-located with a girls correctional facility and a juvenile pre-trial detention facility with no structural barrier protecting the victims from criminal offenders. The government also provided a total of 22,600 cedis (\$5,000) to three NGOs to support shelter and care for 95 child victims of trafficking and two adult female victims and their children. GIS provided 97,930 cedis (\$21,670) to support the protection of adult victims. The government also reported it allocated 22,200 cedis (\$4,910) to a children's shelter operation fund and 30,000 cedis (\$6,640) for future operation of a shelter for adults that was under renovation in 2017. The government continued to rely on private facilities operated by NGOs and faith-based organizations to provide the care and treatment for most child trafficking victims in Ghana, for which it did not provide support. Working in cooperation with an international organization, the government contributed to the renovation of the only government shelter previously dedicated for child trafficking victims, but the facility remained closed due to incomplete renovations and pending approval of a memorandum of understanding between the MOGCSP and the donor organization outlining the government's support for the shelter's operations. Nonetheless, the overall shelter capacity for child labor trafficking victims was limited and most shelters did not provide services for child sex trafficking victims, which hampered efforts to remove potential child trafficking victims from exploitative situations. The absence of any shelter for adult victims of trafficking severely hampered the government's ability to provide services to adults. For immediate protection in some cases the government supported ad hoc shelter in safe houses for adult female victims and in two cases provided shelter for two female victims and their children in a shelter for children; no services were provided for adult male victims of trafficking. The MOGCSP established a toll free hotline in mid-December to facilitate access to social welfare programs, including services for human trafficking victims; it reported receiving 30 calls, one of which was referred to the GPS AHTU.

NGOs reported improved cooperation with national, regional, and local government officials in response to NGO reports of suspected child trafficking and during law enforcement-led operations that were coordinated with the navy, marine police, and local social welfare workers, who were responsible for screening victims, securing care orders through the district courts, and arranging placement for child victims. The government collaborated with an international organization and NGOs to finalize and begin implementation of SOPs for screening, identifying, and referring victims during the reporting period. Ghanaian law permits victims of trafficking to pursue restitution by filing a civil suit. The government did not report any such suits or whether the traffickers ordered to pay restitution to two victims complied with the order. Foreign victims may seek temporary residency during the investigation and prosecution of their cases and, with the interior minister's approval, permanent residency if deemed to be in the victim's best interest; no victims sought temporary or permanent residency during the year. There were no reports that officials fined, detained, or penalized trafficking victims for unlawful acts committed as a result of being subjected to trafficking; due to the lack of full implementation of formal victim identification procedures, however, some victims may have remained unidentified in the law enforcement system.

## PREVENTION

The government increased anti-trafficking prevention efforts. With input from stakeholders and support from an international organization as well as its own resources, the government finalized, validated, and began implementation of its National Plan of Action for the Elimination of Human Trafficking in Ghana, 2017-2021 (NPA), which includes activities under four objectives aligned with the "4P" paradigm of prosecution, protection, prevention, and partnership. Of the approximately 1.5 million cedis (\$331,860) allocated for implementation of the plan in 2017, the government released 730,000 cedis (\$161,500) in 2017, and expended 150,000 cedis (\$33,190) to disseminate the NPA and support numerous human trafficking public awareness activities at the national, regional, district, and community levels. The government deposited 500,000 cedis (\$110,620) into the human trafficking fund. Expenditure of these funds awaited inauguration of the Human Trafficking Management Board (HTMB), the inter-ministerial committee mandated to meet at least quarterly, administer the fund, advise the MOGCSP on anti-trafficking policy, promote prevention efforts, and facilitate the protection and reintegration of trafficking victims. The HTMB, dissolved in January due to the change in government, did not meet in 2017. The Human Trafficking Secretariat lacked sufficient personnel and government funds to fulfill its mandate to conduct monitoring and evaluation, data collection, and research related to trafficking. With donor support, government representatives of the Human Trafficking Secretariat, GPS, GIS, DSW, and state attorneys worked collaboratively with an international organization to develop systematic data collection methods to compile and report governmental anti-trafficking activities; however, the new methods were not implemented. The local government authorities in 32 communities in three regions partnered with an NGO to conduct community-level training on child trafficking prevention and identification and appropriate care for child trafficking victims.

In response to continued reports of sex and labor trafficking, as well as serious physical abuse of Ghanaian women recruited for domestic work and hospitality jobs in the Middle East, in June the Minister of Employment and Labor Relations banned the issuance of work permits for jobs in the Middle East, and subsequently formed a cabinet-level committee with MFARI, Ministry of the Interior, and MOGCSP to examine recruitment processes. Since the ban, the GIS, which was responsible for examining exit permits issued by the Labor Department before a Ghanaian worker departed the country for foreign employment, reported an increase in Ghanaian workers' use of land borders to access airports outside of Ghana in order to fly to the Middle East. With foreign donor support, the government collaborated with an international organization to train recruitment agencies to identify emigrants vulnerable to trafficking and conduct a session on safe migration in the Brong Ahafo region. The government negotiated a bilateral agreement with the Government of Qatar that is under review by the AG. The government did not report on its efforts to implement the labor recruitment agreement signed with Jordan in 2016. Ghana also signed a cooperation agreement with other West African countries on the fight against child trafficking and the worst forms of child labor in the cocoa sector. The government made no efforts to decrease the demand for forced labor or for commercial sex acts. The government relied on foreign donors to provide anti-trafficking training to Ghanaian troops prior to their deployment abroad on peacekeeping missions. The government did not report providing anti-trafficking training for its diplomatic personnel.

## TRAFFICKING PROFILE

As reported over the past five years, Ghana is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Ghanaian boys and girls are subjected to forced labor within the country in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, quarrying, herding, and agriculture, including cocoa. Donor-funded research focused on the fishing industry on Lake Volta indicated that more than half of the children working on and around the lake were born in other communities and many of these children are subjected to forced labor; not allowed to attend school; given inadequate housing and clothing; and are controlled by fishermen through intimidation, violence, and limiting access to food. Boys as young as five years old are forced to work in hazardous conditions, including deep diving, and many suffer waterborne infections; girls perform work on shore such as cooking, cleaning fish, and preparing fish for market, and are vulnerable to sexual abuse. A study of the prevalence of child trafficking in selected communities in the Volta and Central Regions indicated that children from nearly one-third of the 1,621 households surveyed had been subjected to trafficking, primarily in fishing and domestic servitude. Child trafficking in the fishing industry is often facilitated by parents who receive a payment and organized traffickers who target vulnerable communities; girls exploited in domestic servitude are often sent via relatives or middlemen to work in harsh conditions. Boys aged 13-16 years who finished primary school in northern areas of Ghana are vulnerable to forced labor in agriculture, including in cocoa-growing areas; their transit is often facilitated by middlemen or relatives. Children living in northern regions sent by their parents to work in the south during the dry season are vulnerable to forced labor in agriculture and other sectors. Ghanaian girls, and to a lesser extent boys, are subjected to sex trafficking in urban areas across Ghana. Though reports are declining, some Ghanaian girls are subjected to forced servitude as part of a ritual to atone for sins of a family member. Ghanaian girls and young women from the rural northern regions move to urban centers throughout Ghana to seek work as porters; they are at risk for sex trafficking and forced labor.

Ghanaian women and children are recruited and sent to the Middle East, West Africa, and Europe for forced labor and sex trafficking. Unscrupulous agencies arrange transport of Ghanaians seeking employment in Europe through neighboring African countries, where they are subjected to sexual exploitation and held involuntarily by traffickers who extort funds from the victims. Recruiters entice Ghanaian women and girls with offers of good paying jobs in domestic service or the hospitality industry in countries in the Middle East and attempt to circumvent the ban on recruitment for such jobs by arranging travel across land borders to access airports for flights to the region. After their return, many of them report being deceived, overworked, starved, abused, molested, and/or forced into prostitution. Ghanaian men are also recruited under false pretenses to go to the Middle East, where they are subjected to forced labor and forced prostitution. In recent years, a few Ghanaian men and women were identified as victims of forced labor in the United States. Nigerian women and girls who are lured to Ghana by the promise of a good job are coerced into prostitution to pay exorbitant debts for transportation and lodging. Some Ghanaian and Nigerian labor migrants are coerced into prostitution by traffickers who demand more money for transit and document costs. Children from West African countries are subjected to forced labor in Ghana in agriculture or domestic service. Ghana is a transit point for West Africans subjected to sex trafficking in Europe, especially Italy and Germany. Corruption and bribery in the judicial system hinder anti-trafficking measures.

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