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2009 Human Rights Report: Ghana

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Ghana is a constitutional democracy with a strong presidency and a unicameral 230-seat parliament. The population is over 23 million. In the December 2008 election, the opposition National Democratic Congress (NDC) won both the presidency and a small majority in the parliament, marking the country's second successful peaceful transition of power between political parties. Domestic and international observers determined that the election was generally free and fair. Professor John Evans Atta Mills was inaugurated as president, and the new parliament convened on January 7. 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.

There were deaths resulting from the excessive use of force by police; vigilante violence; harsh and life-threatening prison conditions; police corruption and impunity; prolonged pretrial detention; forcible dispersal of demonstrations; corruption in all branches of government; violence against women and children, including female genital mutilation (FGM); societal discrimination against women, persons with disabilities, homosexual persons, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically and ethnically motivated violence; and child labor, including forced child labor.

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 reports that the government or its agents committed political killings; however, use of excessive force by security forces resulted in the deaths of several criminal suspects and other persons during the year. In July and August police in various jurisdictions shot and killed 15 suspected armed robbers. Police claimed self-defense to justify the shootings.

In August 2008, two soldiers and a policeman were acquitted of the 2007 murder of a minibus driver in Suhum following his arrest. The Ministry of Interior set up a committee to investigate the death. The committee recommended compensation for the victim's family and disciplinary action against the leader of the patrol team.

As in previous years, chieftaincy disputes resulted in deaths, injuries, and destruction of property.

On February 4, two persons were killed in the Northern Region in a land dispute between rival clans. In a separate incident in the same region, one person died and 69 houses were burned on February 6 in a dispute over ownership of a parcel of land. Police were called in to restore order. At year's end there was no new information on these cases.

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On July 25, the Anloga chieftaincy dispute in the Volta Region became violent when a mob broke into the chief's residence and burned his property. One arsonist died. The 18 policemen called to the scene were unable to prevent the riot.

In Bawku, in the Upper East Region, an ongoing chieftaincy and ethnic dispute led to violent outbreaks in January, March, April, May, June, September, and November. The violence caused an estimated 15 deaths, including the Bawku district director of the Commission on Human Rights and Administrative Justice, and the destruction of property. The military and police were deployed to the region and the municipality was placed under curfew following the outbreaks. The curfew fluctuated and in December was daily from midnight until 5:00 a.m. Sixteen persons were arrested on violence-related charges. At year's end there was no new information on the cases.

In August two men were killed at the Kokomba Yam Market in the Agbogbloshe section of Accra following clashes between rival ethnic groups that have been locked in a chieftaincy dispute in the Northern Region since 2002. In September an additional three persons were killed as a result of the same dispute. At year's end there was no new information on these cases.

Mob action sometimes led to deaths. In March a mob in Accra beat a man for stealing a mobile phone. He died from injuries sustained trying to escape.

In May a woman was beaten to death near her village of Viepe, in the Volta Region, for allegedly stealing a piece of cloth.

On July 25, two suspected armed robbers were lynched by a mob in Latebiokorshie, an Accra suburb. On July 29, a man was lynched in Adisadel Estate, a suburb of Cape Coast. The motive was unknown.

In August one person was beaten to death by unknown assailants after taking part in a demonstration against the detention by the Bureau of National Investigations (BNI) of the former minister of information.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were credible reports that police beat and abused suspects, prisoners, demonstrators, and other citizens. Severe beatings of suspects in police custody reportedly occurred throughout the country but largely went unreported in official channels. In many cases, police denied allegations or claimed that force was justified by the circumstances.

The many cases of police brutality leading to deaths during the year led several NGOs, lawyers, and civil society organizations to publicly denounce the tendency of police to use excessive force and to call for the Inspector General of Police (IGP) to take action against those responsible.

On January 2, military police shot and wounded a man while he was riding a motorcycle with friends in a small coastal town. The man, resident in a foreign country, was in Ghana for a visit. Police stated that the bike was unregistered and was the type used by criminals. The police launched an investigation. At year's end there was no new information on the case.

In March the Paramount Chief of the Goaso traditional area in the Brong Ahafo region ordered his men to beat with canes a 28-year-old woman for not kneeling before him. When the victim reported the incident to the police, the police refused to accept the complaint and detained the victim and her mother without charges. They were later released.

On August 8, in Osu, Accra police shot the 18-year-old son of a former member of parliament in the leg outside a nightclub as he was leaving the venue with friends. Police have not determined a motive for the shooting. Two hospitals denied the victim medical treatment because he did not have a police report, a prerequisite for treating such cases. A third hospital treated him. At year's end there was no new information on the case.

In November a video clip and still photos were released to the media depicting military personnel in Bawku (Upper East Region) interrogating and abusing two naked civilian suspects. Still photos showed a soldier kicking a suspect and placing the tip of his gun in a suspect's mouth. Earlier media reports accused the soldiers of stripping the suspects and parading them through the township following their arrest. The suspects were detained by military personnel for alleged involvement in sporadic shooting in the Natinga area of Bawku. According to the National Peace Council, the Military High Command questioned the Bawku unit commander and launched an inquiry into the incident.

In May nine persons were wounded in the Central Region in a chieftaincy dispute clash.

On May 14, violence erupted in the Western Region as a result of a dispute between two rival chiefs over the sale of a parcel of land. The dispute was resolved when the land owner offered a second parcel of land for sale.

Vigilante-style justice conducted by angry citizens and mobs against suspected criminals and persons accused of witchcraft resulted in deaths and injuries.

In February a mob of youths robbed and beat workers at a school building site in greater Accra then burned the building in protest against the construction of the school on a playing field.

Prison and Detention Center Conditions

Prison conditions generally were harsh and sometimes life-threatening. Much of the prison population was held in buildings that were originally colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, substandard construction, and limited space. Many prisoners had to sleep on bare floors or take turns using beds. According to the 2008 Prisons Service Annual Report, 14,128 prisoners (average daily lockup) were held in prisons designed to hold approximately one-third that number. There were 276 female prisoners and 118 juveniles. It was common for as many as 55 inmates to share a cell intended for 12. Overcrowding contributed to the prevalence of communicable diseases, medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organizations for additional food, medicine, and other necessities. Shortages of food, bedding, clean water, and clothing for prisoners persisted.

In September a delegation of the Commission on Human Rights and Administrative Justice (CHRAJ), an independent government commission that investigates human rights abuses, corruption, and abuse of power, visited the Nsawam Medium Security Prison. The prison was built in 1960 to accommodate 717 inmates and now has a population of 2,883, including 1,549 prisoners awaiting trial. During the visit, the deputy director of the prison said that the "Justice for All" program introduced in 2008, which was intended to accelerate the judicial process and ease overcrowding in prisons, had resulted in the release of only 15 inmates.

Of the prisoners awaiting trial, police acknowledged that they were not able to locate files for approximately 300 since at least 2007. This ostensibly was due to the transfer and retirement of prosecutors and investigators. The detainees were being held at Nsawam Prison while prison officials, courts and the police rebuild the cases.

In 2008 107 prisoners died while in custody. The most common causes of death were TB, HIV/AIDS, and liver failure. In May the Inspector General of Police suspended two officers following the death of a 59-year-old man who was in custody in the Tesano District following a police raid looking for suspected criminals. Police promised an investigation. The deceased's brother claimed that the victim was arbitrarily arrested. In August a suspected drug courier died in the police hospital in Accra after pellets of heroin in his stomach burst. At year's end, there was no new information on these cases.

Pretrial detainees were held with convicted prisoners.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The police, under the jurisdiction of a 10-member Police Council, were responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. The Ghana Police Service is within the Ministry of Interior. A separate entity, the BNI, handled cases considered critical to state security and answered directly to the Ministry of National Security. The police maintained specialized units in Accra for homicide, forensics, domestic violence, trafficking in persons, visa fraud, narcotics, and cybercrimes. However, there were significant barriers to extending such services nationwide, including a lack of office accommodation, police vehicles, and equipment outside of the capital. In June the vice president criticized BNI agents for failing to identify themselves before making arrests. The criticism was based on complaints from members of the former government after the BNI approached them for questioning. In September the BNI lost a court appeal to keep the passport of a former foreign minister under investigation for corruption. The former minister claimed that the loss of his passport was a breach of his fundamental freedom of movement. The former foreign minister was indicted on corruption charges in October.

The police service was criticized repeatedly for incidents of police brutality, corruption, and negligence. Impunity remained a problem. Delays in prosecuting suspects, rumors of police collaboration with criminals, and a widespread perception of police ineptitude contributed to an increase in vigilante violence during the year. There were also credible reports that police extorted money by acting as private debt collectors, by setting up illegal checkpoints, and by arresting citizens in exchange for bribes from the arrested persons' disgruntled business associates.

Government officials stated that the policy of zero tolerance for corruption applied to police and other security officials; however, low salaries, which were sometimes not paid on time, contributed to the tendency of individual law enforcement officials to demand bribes.

Officials of the Ghana Highway Authority (GHA) were accused of extorting money from drivers to allow them to cross a major bridge with overloaded vehicles endangering the structural security of the bridge. In June six policemen including a deputy superintendent of police and a chief inspector went on trial for robbing a businessman of 76,000.00 cedis (\$53,000). In November the six policemen were found guilty and each received a 20-year jail sentence. The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. From January through September PIPS received 883 new cases, compared with a total of 491 in 2008. The investigation of 468 cases were completed, and 415 cases remained under investigation. At year's end, PIPS was investigating 83 complaints of harassment, unlawful arrest, and detention with human rights violations, compared with 134 in 2008 and 149 in 2007.

Arrest Procedures and Treatment While in Detention

The constitution and law provide for protection against arbitrary arrest and detention; however, the government did not always observe these prohibitions. The constitution provides that a detained individual should be informed immediately, in a language that the detainee understands, of the reasons for the detention and of his or her right to a lawyer and an interpreter at state expense. In most cases, lawyers were assigned promptly, although there were instances of delays. The law requires judicial warrants for arrest and provides for arraignment within 48 hours. The law requires that a detainee who has not been tried within a "reasonable time" as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person will appear in court at a later date. The law also provides for bail. In practice, however, many abuses of these rights occurred, including detention without charge for periods longer than 48 hours, failure to obtain a warrant for arrest, and detention of prisoners for indefinite periods by renewing warrants or by simply allowing them to lapse while an investigation was conducted.

Police conducted anticrime patrols dubbed "Operation Calm Life" arresting individuals suspected of being criminals. Members of the patrol which killed eight armed robbers in a shoot-out in Kumasi in August received cash rewards from the Police Service. Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. The court has unlimited discretion to set bail, which was often prohibitively high. The court may refuse to release prisoners on bail and instead detain them without charge for an indefinite period, subject to weekly review by judicial authorities. On occasion, police also demanded money from suspects as a precondition for their release on bail.

Lengthy pretrial detention remained a serious problem. According to the Prisons Service's 2008 Annual Report, 30.5 percent of the prison population was in pretrial status, down from 31.55 percent in 2007. Detainees sometimes served more time in detention awaiting trial than the sentence for the crime required.

CHRAJ reported that one inmate at Nsawam Prison has been in detention for 17 years. In another case, a woman was granted bail in January after 37 months in detention. A male arrested in the same case was granted bail after six months. No further information was available on these cases at year's end.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to influence and corruption (see Section 4).

The law establishes two basic levels of courts: the lower courts and the superior courts. The lower courts consist of the circuit and district courts, which also serve as juvenile courts and family tribunals. These courts try civil cases involving 5,000 cedis (\$3,500) or less; and criminal cases for offenses punishable by a fine not exceeding 1,000 cedis (\$700), imprisonment for a term not exceeding two years, or both. The superior courts consist of the Supreme Court, the Appeals court, the High court, the Commercial court, regional tribunals, and fast-track courts. Fast-track courts hear cases to conclusion within six months. The majority of cases filed before the fast track courts involved banking and commercial matters, human rights, and defamation.

Members of the military were tried separately under the criminal code in a military court. There were no military tribunals separate from the military court system. Military courts were not permitted to try civilians. Military courts provide the same rights as civil courts.

The Judicial Service has made efforts to mainstream alternate dispute resolution (ADR) procedures in order to decongest the courts and to address judicial inefficiency. Mediators have been trained throughout the country to implement ADR and mediation desks have been established in some district courts. An ADR secretariat was established within the Judicial Service.

The Chieftaincy Act gives village and other traditional chiefs the power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, the authority of traditional rulers has steadily eroded because of a commensurate increase in the power of civil institutions, such as courts and district assemblies.

A judicial complaints unit, headed by a retired Supreme Court justice, addressed public complaints. During 2008 the unit received 416 complaints, of which 109 were resolved and 300 were under investigation at year's end.

Trial Procedures

The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases and have a right to appeal. Defendants have the right also to present witnesses and evidence. Juries are used in murder trials. The law extends the above rights to all citizens. In practice, authorities generally respected these safeguards. The constitution provides for the right to a fair trial, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

Fast-track courts and automated commercial courts continued to try to improve access to justice and to streamline resolution of disputes. A growing number of automated courts, whose proceedings were expedited through electronic data management, were established across the country.

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

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

Opposition politicians claim they were harassed by government institutions for partisan reasons.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice.

Individuals criticized the government publicly without reprisal.

The independent media were active and expressed a wide variety of views without restriction.

There were an estimated 70 newspapers and almost 200 FM radio stations across the country. The most wide-reaching print, radio, and television outlets were state-owned.

There were at least eight reports that police arrested, detained, or used excessive force against members of the media. On February 12, two female sports journalists were assaulted by police while trying to gain access to the players' dressing room following a football (soccer) match. Both reporters had press credentials. On August 5, police arrested and detained the regional editor of Metro TV, an independent station, after he entered a court room to witness a rape trial. Police had prevented him from filming the suspect the day before. The journalist was released, and the police apologized.

On September 17, police briefly closed an independent radio station in the Northern Region owned by a former vice president. The station was closed in connection with a chieftaincy dispute after it broadcast a press conference by the regent of a disputed territory. The regent called the press conference to explain that he walked out of a recent town hall meeting because he was made to sit with "ordinary" persons while another chief was seated with government ministers. The regional police commander ordered police to close the station. Station staff were arrested and detained for several hours. The station was back on air the following day.

In February the director general of the state-owned Ghana Broadcasting Corporation gave a cease transmission order, thus cutting of the broadcast of a live program following a complaint of bias against the ruling NDC party made by the NDC communications chairman. The panel of one NDC and two opposition National Patriotic Party (NPP) members was discussing the president's state of the union address. The director general stated that the composition of the panel was not in the best interest of the station.

On April 11, an Upper East Regional correspondent for the Accra-based newspaper *The Chronicle* was assaulted by supporters of the ruling NDC for photographing party activity. They also destroyed his digital camera. The editor in chief of *Today*, an independent anti-government daily, reported receiving threatening messages on his cell phone. No arrests were made or charges filed.

On May 28, a group of NDC supporters besieged a privately owned FM radio station in the Brong Ahafo Region, attacking three persons and vandalizing the station.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was accessible in Accra and other large cities, but there was limited access in other parts of the country. According to International Telecommunication Union statistics for 2008, approximately 4.27 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of peaceful assembly; however, at times the government restricted this right. The government does not require permits for demonstrations, but police can deny use of a particular route.

In June police obtained a court order to prevent an antigovernment demonstration from taking place on the grounds that they would not be able to control the crowd. The demonstration was held peacefully in August.

In October the Oda Youth Association in the Eastern Region planned a demonstration to protest against the government for perceived neglect of the district. According to the association, on October 26 they wrote to the local police informing them of their intention to hold a protest, but that evening the president of the group was called into the regional BNI office and questioned about his plans. The next day, the local police commander informed the Association that their demonstration would be not be permitted.

At the end of the year, there was no progress on the 2007 case in which police forcibly dispersed boycotting students at Takoradi Polytechnic Institute arresting 64 in connection with the rioting. The ban on campus demonstrations remained in effect, although it was not further challenged by students. There was no more information available on this case at year's end.

Freedom of Association

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

c. Freedom of Religion

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

Some Muslims claimed political and social exclusion because of the pervasiveness of Christianity in many aspects of society. Factors such as the frequency of Christian-oriented prayers in public settings and the ubiquity of Christian slogans contributed to this perception of marginalization and discrimination.

Muslim students generally enjoyed religious freedom in public schools. However, despite official policies promoting free religious practices, Muslim students complained that school administrators occasionally failed to accommodate students' religious obligations when regulating school attire or scheduling examinations on holy days.

Trokosi, a practice indigenous to the southern Volta region, involves pledging family members, most commonly female teenagers, to a period of service from a few months to three years at a local shrine. Trokosis helped with the upkeep of these shrines and poured libations during prayers. Government agencies, such as the governmental Commission on Human Rights and Justice (CHRAJ), and some NGOs have at times actively campaigned against Trokosi, although local officials portrayed it as a traditional practice that was not abusive. Supporters of traditional African religions, such as the Afrikania Renaissance Mission regarded these campaigns against Trokosi as religious persecution.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination based on religious belief or practice; however, there were occasional reports of interreligious and intrareligious friction during the year.

The Jewish community had a few hundred members. There were no reports of anti-Semitic acts.

The government often took steps to promote interfaith understanding during the year.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The law prohibits forced exile, and the government did not use it.

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa, the 1954 Convention on Stateless Persons and the 1961 Convention on the Reduction of Statelessness. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The government established the Ghana Refugee Board (GRB) to adjudicate claims for refugee status and to ensure that refugees receive all appropriate protections. The Office of the UN High Commissioner for Refugees (UNHCR) participated as an observer on the refugee board. The country cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers. The law allows rejected asylum seekers to appeal and remain in the country until the appeal is adjudicated; however, there were some reports of delays in the appeal process. The minister responsible for adjudicating appeals did not make a decision on any appeals. The law also accords the right of protection to refugees who entered the country illegally without documentation.

As part of the transition to a new government, the GRB was dissolved in January. As of September, with the exception of a chairman, new members of the board were nominated, but the new GRB had not convened by year's end. While the GRB secretariat continued some functions such as conducting refugee interviews, there were no board meetings to adjudicate claims or confer refugee status.

Refugee status for Sierra Leoneans who fled during that country's civil war was terminated as of the end of 2008 in accordance with international agreements. The GRB and the UNHCR conducted interviews to determine if any of the Sierra Leoneans remaining in Ghana qualified as refugees based on an individual need for international protection. A total of 134 individuals went through the process, and the GRB issued decision letters to all concerned. Individuals who were rejected have filed appeals to the minister of the interior.

Refugees enjoy freedom of movement within Ghana and were not required to always carry identification. Refugees were allowed to apply for work permits through the same process applicable to other foreigners. However, work permits generally were issued only for employment in the formal sector, and the majority of refugees worked in the informal sector. Refugee children have access to public primary schools. Refugees in the Krisan camp, Buduburam settlement, and the Volta region have been enrolled in the national health insurance scheme (with funding from UNHCR), providing access to public health care. Urban refugees have access to health care on a fee-for-service basis.

In March 2008 the governments of Liberia and Ghana, and the UNHCR formed a tripartite committee to facilitate the safe and voluntary return of Liberians. From April 2008 to March 31, the UNHCR, with the support of the government of Ghana, facilitated the voluntary return of 9,294 Liberians. A UNHCR verification exercise concluded that 11,062 Liberian refugees remained in Buduburam. During the same timeframe, the UNHCR facilitated the voluntary repatriation of 4,383 Togolese. Some 1,200 refugees of various nationalities remained in the Krisan camp, 4,000 Togolese refugees and asylum seekers remained in the Volta region, and 1,600 lived in greater Accra. Some 3,000 Liberian refugees and asylum seekers resided outside the Buduburam settlement.

During the year the UNHCR conducted an exercise to verify the number and nationalities of the refugees and asylum seekers residing in urban areas. Sexual and gender-based violence remained a problem among refugee populations. The physical insecurity of refugees living in camps contributed to their vulnerability. In the Buduburam settlement, one case of defilement and 23 domestic violence cases were reported to the Women's Initiative for Self-Empowerment (WISE), UNHCR, and the police during the year. The survivor of the defilement could not identify the perpetrator, so no arrest was made. No prosecutions were initiated in any of the domestic violence cases.

In June a man was convicted of sodomizing a child in 2007 and sentenced to five years' imprisonment. With the support of the UNHCR, the police force opened a police post on the Buduburam settlement in July. In the Krisan refugee camp six cases of physical child abuse and three of domestic violence were reported. One of the defilement cases reported in 2008 had been referred to the district court last year and was still pending.

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

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

Elections and Political Participation

After two unsuccessful bids for the presidency, John Evans Atta Mills, the NDC party candidate, was inaugurated as president in January following a narrow victory over the NPP candidate, Nana Akufo-Addo, in December 2008. The December 2008 elections also gave the NDC 115 seats, the NPP 108, minor parties three, and independents four seats in the new parliament. The December 2008 elections were generally peaceful and transparent. Activities at polling stations were observed by party agents and thousands of domestic and international observers. There were reports in some areas of voter intimidation and election irregularities, particularly in the regions of the country where the two main parties have their bases of support. However, the consensus of observers and the independent Electoral Commission was that these irregularities were insufficient to have altered the outcome of the election.

During the preelection period there were some incidents that involved violence. In September 2008 there were violent clashes in Gushiegu District in the Northern Region between NPP and NDC supporters when they attempted to erect campaign flags in the same location. The clashes resulted in six deaths and the burning of houses and vehicles. Also in September 2008 an NPP rally in Tamale was disrupted by gunfire, forcing the party's vice presidential candidate to flee. The incident led to attacks on NDC supporters returning from their own rally, and in the destruction of houses and vehicles.

In August 2008 the Electoral Commission conducted an exercise to update the voter registry, generally for persons who had turned 18 since the last update in 2006. The exercise was marked by long lines and shortages of registration materials. Media reports and accusations by political party representatives described efforts to register underage persons and to transport persons into areas to facilitate multiple registrations. In October 2008 the Electoral Commission (EC) published revised voter lists with duplicate names removed, and allowed public review in each constituency of the revised list.

There are no laws preventing women from voting or participating in political life on the same basis as men, but traditionally, women have much less access to leadership positions than men. There were 20 women in the 230 seat parliament, and 38 ministers of whom eight were women. There were four women in the cabinet, and five women on the Supreme Court.

There are no laws, cultural or traditional practices that prevent minorities from participating in political life on the same basis as other citizens. According to the 2000 Population Census, Ghana has more than 80 ethnic groups, each of whom constitutes a minority. For example, the Ashanti were the largest ethnic minority with 14.8 percent of the total population.

Section 4 Official Corruption and Government Transparency

Corruption in the executive, legislative, and judicial branches continued to be a problem. The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices. CHRAJ was charged with investigating alleged violations of human rights, including

corruption of public officials, and taking action to remedy proven violations. The attorney general, the minister of justice, and the Public Prosecutor's Office were responsible for combating corruption. Parliament's Public Accounts Committee is also responsible for auditing government spending. An auditor general reviews public sector accounts. The Serious Fraud Office is an independent government body that investigates corruption. Officials were subject to a financial disclosure process, but their responses were not available for public review. The World Bank's most recent Worldwide Governance Indicators (2008) reflected that corruption was a problem.

President Mills has stressed the need to combat corruption. Soon after taking office, the minister of youth and sports, Alhaji Mohammed Muntaka Mubarak, was forced to resign after being accused of misuse of public funds. In October two ministers were forced to resign following allegations that they had accepted bribes from a British company during the 1990s. Also in October the former minister of foreign affairs and former chief executive of the National Investment Bank were indicted on corruption charges for activities that occurred during the previous government. There were reports that government officials pressured businesses to steer contracts toward favored companies and individuals.

In July a presidential commission was established to investigate the activities of the former government's Ghana@50 Secretariat due to allegations of corruption. To date the commission has taken evidence from more than 200 witnesses, including suppliers, contractors, consultants, and officials involved in the celebration of the country's 50th anniversary of independence in 2007. The investigation continued at year's end.

Law enforcement authorities prevented the former minister of information from travelling abroad on the grounds that he was under criminal investigation for abuse of office for failing to follow proper procurement procedures when hiring his sister-in-law's firm to remodel his office at the ministry.

In September and October the Metropolitan Oversight Committee of the Governing Council of the National African Peer Review Mechanism conducted a study in which 83.5 percent of respondents said that situations in which people paid bribes for justice had not improved. Seventy percent of respondents said judicial decisions were unfair.

The constitution provides for public access to government information.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Major local human rights NGOs acted independently of the government and political parties. The government does not apply any restrictions on domestic NGOs, although all must be registered with the State. The registration process is the same for all organizations.

The government did not refuse visas to international human rights observers or otherwise restrict access to the country.

The government cooperated fully with a range of United Nations organizations in country.

CHRAJ mediated and settled cases brought by individuals with grievances against government agencies or private companies.

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

However, public confidence in CHRAJ was high, resulting in an increased workload for its staff, whose salaries were often delayed due to a chronic lack of resources and administrative issues.

Human rights issues were addressed in the parliament by the Committee on the Constitution, Legal Issues and Parliamentary Affairs.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, gender, disability, language, or social status; however, enforcement by authorities was generally inadequate. Limited financial resources and a generally permissive societal attitude toward such discrimination contributed to its perpetuation. The courts were empowered to specifically order enforcement of these prohibitions.

Women

The law criminalizes rape but not marital rape. Rape was underreported and remained a significant problem. When cases of rape were reported, perpetrators were often arrested and prosecuted. During the year the police service's Domestic Violence and Victim Support Unit (DOVVSU) worked closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers (FIDA), the Legal Aid Board, and several other human rights NGOs to combat domestic violence. From January through September, DOVVSU noted 283 reports of rape, with 136 reported arrests leading to 57 prosecutions resulting in five convictions, and 217 uninvestigated cases. Convicted rapists may be punished with jail sentences ranging from five to 25 years. There were also 858 defilement cases. DOVVSU investigated 5,458 cases of nonmaintenance.

Although the law prohibits domestic violence, it continues to be a problem. The law stipulates that a person in a domestic relationship who engages in misdemeanor domestic violence is liable on summary conviction to a fine, a term of imprisonment of not more than two years, or both. In addition to imposing a fine or a prison term, the court may order the offender to pay compensation directly to the victim. Aggravated assault is tried under a separate law. However, prosecution of domestic violence cases remained difficult. Despite growing public awareness that domestic violence was a crime, government officials and NGOs did not have evidence that the new law had increased victims' willingness to report abuse or affected the number of arrests. Inadequate resources and logistical capacity in DOVVSU and other agencies, as well as only partial implementation of the Domestic Violence Act, hindered the full application of the law during the year. In many cases, victims were discouraged from reporting abuse and from cooperating with prosecutors because of long delays in bringing such cases to trial. Victims frequently did not complete their formal complaints because they could not afford the fees that doctors charged to document the abuse in police medical forms. Although the law waived these medical fees, doctors continued to require them in exchange for signing medical reports. There were credible reports that doctors sometimes charged more than the rate set by hospital administration to sign medical forms.

Unless specifically called upon by DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills, shelter, and other resources to assist victims. Statistics were not available on the number of abusers who were prosecuted or convicted during the year.

In the Northern, Upper East, and Upper West regions of the country, where belief in witchcraft remained strong, rural women were banished by their families or traditional village authorities for suspected witchcraft. 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. The banished women went to live in "witch camps," villages in the north of the country populated by suspected witches, some of whom were accompanied by their families. Catholic Relief Services and other NGOs provided food, medical care, and other support to residents of the camps. Government officials and the regional

office of CHRAJ claimed that the number of women in the witch camps in the Northern Region had decreased slightly in recent years.

Although there were no confirmed reports of assaults on witches during the year, experts believed that discrimination and intolerance towards witches continued.

Prostitution is illegal and is subject to criminal prosecution. Prostitution was prevalent in the major towns and transportation centers. In July police destroyed Soldier Bar, a well known brothel in Accra, as part of the mayor's efforts to improve living conditions in the city.

There were no laws to specifically protect women from sexual harassment; however, some sexual harassment cases were prosecuted under the existing criminal code. Women's advocacy groups reported that sexual harassment remained a problem.

Policy allows couples and individuals to freely decide on the number, spacing and timing of pregnancies. In 2008 98 percent of all women surveyed were able to cite at least one birth control method. According to a foreign aid agency, 17 percent of married women of reproductive age using a modern contraceptive method. The fertility rate averaged four children per woman.

The use of antenatal care for pregnancy and delivery was high, with more than 75 percent of pregnant women having four or more antenatal visits. Approximately 60 percent of women delivered with a skilled attendant. Maternal mortality was estimated in a recent study at 451 per 100,000 live births, with the most common causes of death being hemorrhage and infection. More than two thirds of women reported receiving medical care within two days of delivery.

Women were more likely than men to accept HIV testing, particularly since it was offered as a standard component of antenatal care. HIV prevalence in the general population declined and was less than 2 percent. An estimated 10 percent of the population knows their HIV status, and about 30 percent of HIV-positive pregnant mothers receive antiretroviral medications to prevent mother-to-child transmission.

The constitution provides for all persons to be treated equally under the law. However, women continued to experience discrimination in access to employment. 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, performing physically difficult manual labor such as farming, transporting goods, and manual household chores, while often carrying a child on their back. Women also were subjected to traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritance and property, a legally registered marriage with the associated legal rights, and the maintenance and custody of children. There were female entrepreneurs, but poor access to credit remained a serious barrier for women who wanted to start or expand a business.

Women's rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The government was involved in educational programs, and many officials were advocates of women's rights.

Children

The government was committed to protecting the rights and welfare of children, although its efforts were constrained by limited financial and logistical resources.

Not all births were registered with the government. Citizenship is derived by birth within the country or parentage. Although a birth certificate was not a legal precondition to attend school, in practice some children were reportedly denied education because their births were not registered.

Education is compulsory from preprimary through junior secondary school. Despite the constitutional provision for "free compulsory and universal basic education," parents were required to purchase uniforms and writing materials. Uniforms are mandatory in all government-supported schools. Students may be asked to leave school if they do not wear their uniform. The government provided textbooks.

According to the Ministry of Education, the enrollment rate during the 2008-09 school year was 94.9 percent at the primary level; 48.6 percent of those students are girls and 51.4 percent are boys. At the junior secondary school (JSS) level, 80.6 percent of eligible children were enrolled; 46.7 percent of the total enrollment was girls and 53.3 percent were boys. Some children did not attend school because they worked to supplement their family's income or lived far from the closest school. Many schools, particularly in rural areas, had insufficient teachers and were inadequately resourced. The indirect economic cost associated with enrollment, including lost wages from children not in the labor force, was a significant obstacle for many children's families. In addition, authorities did not regularly enforce attendance, and parents were rarely sanctioned for keeping their children out of school.

The government continued its Capitation Grant program, paying schools approximately three cedis (\$2.08) per school year per child to cover cultural, sports, and other school fees. The National School Feeding Programme also helped alleviate the incidental costs associated with school attendance. During the year 645,000 children were enrolled in the program nationwide with a target of one million by 2010. The number of children in Accra participating in the school lunch program doubled during the year to an estimated 6,000.

The government strongly supported the UN's Education for All goals. During the year the Ghana Education Service (GES) actively campaigned to expand education for girls by providing scholarships at the JSS and Senior Secondary School levels and by offering financial incentives and free housing to female teachers to work in some rural areas. The GES placed girls' education officers at regional and district levels, and there were community participation coordinators in every district office to mobilize communities to increase school enrollments for girls.

The law prohibits defilement, incest, and sexual abuse of minors, but such abuse remained a serious problem. There were frequent reports that male teachers sexually assaulted and harassed female students. Girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. During the year there continued to be press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

In September the headmaster of a girls' school was arrested after impregnating a 16-year-old student. He was charged with forceful marriage of a minor and failing to take responsibility as a father. He could not be charged with defilement because the student was over the age of consent, and the girl's family consented to the marriage.

During the year DOVVSU received 858 cases of suspected child defilement and 10 cases of attempted defilement.

The law prohibits female genital mutilation (FGM), but it remains a serious problem in the Upper West region of the country, and to a lesser extent in Upper East and Northern regions. Type II FGM--defined by the World Health Organization as the excision of the clitoris with partial or total excision of the labia minora--was more commonly performed than any other type. A girl was typically excised between 4 and 14 years of age. According to a 2008 study conducted by the Ghana Statistical Service with support from the UN Children's Fund, approximately 49 percent of women age 15-49 in

Upper West had experienced some form of FGM, compared to 20 percent of women in this age group in Upper East and 5 percent of this group in Northern Region.

Sylvester Kyei-Gyundi, head of the Information Research Advocacy Division of the Department of Children, said that national efforts focused on negative cultural practices (including FGM) have yielded positive results. Intervention programs were somewhat successful in reducing the prevalence of FGM, particularly in the northern regions. Officials at all levels, including traditional chiefs, continued to speak out against the practice, and local NGOs continued educational campaigns to encourage abandonment of FGM and to train practitioners in new skills so they could seek alternate sources of income.

Among women 15-49 surveyed in Upper West where the practice was most common, 85 percent stated that the practice should be discontinued, 10 percent were unsure, and only 5 percent supported its continuation. Lower prevalence of FGM among women in Upper East was highly correlated with increased education. There were no prosecutions of practitioners during the year.

Forced child marriage, which was illegal, remained a problem. CHRAJ and NGOs reported that the problem had not improved during the year.

The migration of children to urban areas increased due to economic hardship in rural areas. Children were often forced to support themselves to survive, increasing both the occurrence of child labor and the school dropout rate. Girls under 18 were among the most vulnerable child laborers, as many also engaged in prostitution or were sexually exploited in exchange for protection while living on the streets. The girls were exploited by both their protectors and their customers.

There were media reports that children participated in the ongoing ethnic and chieftaincy conflict in Bawku in the Upper West Region. Children were reported to have burned houses, and a group of Mamprusi children were alleged to have ambushed a Kusasi woman near Bawku hospital. In March Vice President John Mahama spoke out against the involvement of children in this conflict, and ordered the security forces to work to prevent it.

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

Trafficking in Persons

The law prohibits all forms of trafficking in persons and provides for a minimum prison sentence of five years for convicted traffickers.

The country was a source, transit, and destination country for women and children trafficked for the purpose of forced domestic and commercial labor and sexual exploitation. The parliament passed a bill in July to amend the definition of human trafficking to include the phrase "for the purpose of exploitation."

The number of trafficked victims was unknown, although NGOs estimated the number to be in the thousands annually. During the year DOVVSU received reports of 11 cases of child trafficking. Numbers reported in the media and obtained from police sources indicate that the actual figure was much higher.

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 children, mostly boys, trafficked into the fishing communities along Lake Volta, and girls from the north and east trafficked to Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. Local and international NGOs reported these children were often subjected to dangerous working conditions and were sometimes injured or killed as a result of the labor they performed. Local authorities supported projects sponsored by the International Organization of Migration (IOM) and other organizations to decrease the incidence of trafficking in persons. IOM and various NGOs offered microcredit assistance

and education to families who agreed not to provide their children to traffickers and to those whose children had been trafficked.

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

Much of the recruitment of children was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas. In other cases, children were given to professional recruiters, usually women, who placed the children with employers in cities. In many cases the children never received the education or vocational training the recruiters promised.

Women and girls also were trafficked to Europe, mostly to Italy, Germany, and the Netherlands. International traffickers promised the women legitimate jobs; however, the women often were forced into prostitution once they reached their destination. Women were sometimes sent directly to Europe while others were trafficked through third countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There were also reports that women and girls from Nigeria, Benin, Togo, and Burkina Faso were trafficked to or through the country in transit to Western Europe or the Middle East to work in the commercial sex industry. Traffickers sometimes operate under the guise of being employment agents, promising work as domestics or in other fields. Under the antitrafficking law, DOVVSU has responsibility for enforcement, and the Department of Social Welfare within the Ministry of Employment and Social Welfare (MESW) has responsibility for victim assistance, including locating family members and providing temporary shelter, counseling, and job skills training. Local police and social welfare officials reported insufficient resources to implement the law, particularly in rural areas without police stations.

On March 30, a Nigerian woman was sentenced to eight years in prison with hard labor for trafficking a 14-year-old girl from Togo to Ghana.

In April four Nigerians were arrested for trafficking three compatriots into Ghana for prostitution. The four were remanded into police custody. The traffickers were sent to Nigeria on May 1 to be tried in their home country. In June three Chinese were convicted and sentenced to prison terms of between 12 and 17 years with hard labor for trafficking eight compatriots to Ghana for prostitution. The court ordered more than \$14,500 seized from the convicted Chinese traffickers to finance the victims' return to China.

In August a Ghanaian woman was convicted of trafficking and sentenced to eight years' imprisonment with hard labor for trafficking two Togolese children and three Ghanaian children to Ghana and Cote d'Ivoire to work in the fishing industry. Ghana's Antihuman Trafficking Unit investigated the case, rescued the children, and returned them to their parents for reintegration.

In December police arrested four Chinese nationals for trafficking seven women from China through Togo to work as prostitutes in Ghana. Three of the accused were remanded into custody. The fourth was released on bail.

The government, the International Labor Organization (ILO), and NGOs continued to train security forces, immigration authorities, customs officials, and police on the new trafficking law. The Border Patrol Unit, part of the Immigration Service, is responsible for monitoring the flow of travelers in and out of the country, particularly along unapproved routes. Various ministries worked with the ILO's International Program on the Elimination of Child Labor (ILO/IPEC), the IOM, and NGOs to address trafficking. The MESW, in conjunction with ILO/IPEC, continued to implement a National Plan of Action for the Elimination of Child Labor. International and local NGOs and the Ministry of Women and Children's Affairs (MOWAC)

worked to identify and return children trafficked to fishing villages, and to support the fishermen's transition to alternate forms of income generation.

Authorities made ad hoc efforts to shelter and reintegrate trafficking victims from the country and other West African countries. However, the government devoted little attention to rehabilitating child trafficking victims.

During the year the government continued to conduct community meetings and workshops for media and police to raise awareness of the trafficking law.

Persons with Disabilities

The law provides for the rights of persons with disabilities, including protection against exploitation and discrimination in employment, health care, and other domains. The National Council on Disability, mandated by law, was inaugurated on April 7. While the government did not systematically or overtly discriminate against persons with disabilities, such persons often experienced societal discrimination. The law provides persons with disabilities access to public buildings "as far as is practical." Activists supporting the rights of persons with disabilities complained of the slow implementation of the Persons with Disability Act, especially the lack of legislative instruments to implement the new law. Despite the legal protection provided in the law, discrimination against disabled persons in employment and the inaccessibility of public buildings continued to be problems.

In March four persons appeared in court on murder charges in connection with the July 2008 killing of Yakubu Busanga, a hunchback. The attack may have been motivated by a desire to obtain body parts for use in ritual practices.

Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance. In July a two-year-old albino boy was stolen from his mother for ritual purposes. An 18-year-old woman was arrested for the kidnapping and detained in prison custody. She claimed that she was hired to steal the child. At year's end there was no new information on the case.

Some religious groups believed that persons with mental disabilities were afflicted by demons that should be exorcised. The abuse of children with disabilities was common. In previous years there were reports that children with disabilities were tied to trees or under market stalls and caned regularly and of family members killing children with disabilities.

Human rights activists expressed concerns about camps in which individuals believed to be possessed by evil spirits were chained up for weeks, physically assaulted, and denied food and water. The camps targeted persons with mental illnesses. Camp supervisors diagnosed mental illness as a "demonic affliction" and prevented patients from consuming food or water, often for seven consecutive days, to cleanse victims of their evil spirits. Some victims were estimated to be as young as six years old. Families sent these victims to be exorcised of evil spirits or cured of their physical or mental illnesses. Victims were held at the camps until they were considered to be healed. Reports indicated that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong Ahafo regions. The Commonwealth Human Rights Initiative (CHRI) released a report in May on prayer camps based on interviews with current and former inmates. The report found that insufficient financial resources was a burden faced by many families caring for mentally ill members, and that prayer camps were an available option. The CHRI called for regulation of prayer camps.

There are several government agencies and NGOs involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare in the MESW, the Ministry of Education, and the Center for Democratic Development.

National/Racial/Ethnic Minorities

The government has deemphasized the relevance of ethnic differences. President Mills and some of his ministers and close advisors are Fanti, but the vice president and many ministers are of other ethnic origins. There were numerous small-scale conflicts within ethnic groups during the year, most of which related to chieftaincy and land use issues. Efforts by NGOs to encourage reconciliation continued during the year.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The constitution protects human rights but does not specifically mention sexual orientation in its list of protected classes. The law makes consenting homosexual acts a misdemeanor, and strong sociocultural beliefs discriminated against and stigmatized same gender sex. The law does not differentiate between male-male and female-female sex. There are no registered Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations. LGBT persons faced widespread discrimination, as well as police harassment and extortion attempts. Gay men in prison often were subjected to sexual and other physical abuse.

Other Societal Violence or Discrimination

Discrimination against persons with HIV/AIDS was a problem, and the fear of being stigmatized continued to discourage persons from being tested for HIV infection.

The government and NGOs subsidized many centers that provided free HIV testing to citizens, although there were reports that confidentiality was not consistently respected.

Section 7 Worker Rights

a. The Right of Association

The law allows workers, except for the armed forces, police, the prison service, and some other security and intelligence agency personnel, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. While unions no longer must seek government approval before registering, the law requires that trade unions or employers' organizations must register, be authorized by the chief labor officer, and obtain a certificate of registration to be considered legal. The percentage of workers belonging to unions decreased in recent years, in part because of a relative lack of employment opportunities in the formal, unionized sectors. Moreover, some workers previously employed in the formal sector lost their jobs.

The law recognizes the right to strike but restricts that right for workers who provide essential services, including "areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other services as the minister may by legislative instrument determine." The minister of employment and social welfare designated a list of essential services. The list included services carried out by utility companies (water, electricity, etc.), ports and harbors, medical centers, and the Bank of Ghana. In these essential services, the parties to any labor disputes are required to resolve their differences within 72 hours; the deadline was meant to put pressure on employers and employees to operate efficiently with limited interruptions. The right to strike can also be restricted for workers in private enterprise whose services were deemed essential to the survival of the enterprise by a union and an employer. A union may call a legal strike if the parties fail to agree to refer the dispute to voluntary arbitration or if the dispute remains unresolved at the end of arbitration proceedings. No union had ever gone through the complete dispute resolution process, and there were numerous unsanctioned strikes during the year.

In May doctors in one hospital went on strike over unpaid allowances, and in August the miners in one large gold mine went on strike over wage disparities between expatriate and local workers. In July the National Association of Graduate Teachers threatened to strike over pay and allowances. At year's end, the graduate teachers had not called a strike.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. However, the armed forces, police, prison service, security, and intelligence personnel, and workers with policy making and managerial functions, do not have any possibility of bargaining collectively. The law provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. However, only unions that represented the majority of workers in a given company can obtain a Collective Bargaining Certificate, which was required to engage in collective bargaining.

The labor law prohibits antiunion discrimination by employers; however, some employers continued to fire employees for union activity contrary to the law. Although the Labor Act protects trade union members and their officers against discrimination if they organize within the free zones, in practice some employers persistently resisted unionization of the employees.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. Local NGOs cited the presence of compulsory labor affecting both children and adults in the fishing sector and in illegal mining. Local NGOs claimed victims forced to work on boats as children were sometimes unable to leave their employers and continue to work without pay as adults. In the illegal mining industry (galamsey), NGOs cited debt bondage as a problem.

The law provides for employers found guilty of using forced labor to be fined no more than 250 penalty units (each unit was assigned a monetary value adjusted for the fluctuating exchange rate); however, limited resources inhibited the government's implementation of the law, and no fines were levied during the year. During the year the ILO continued to urge the government to revise various legal provisions that permit imprisonment with an obligation to perform labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum employment age at 15 years and 13 years for light work that was not likely to be harmful to the child and does not affect the child's attendance at or capacity to benefit from school. The law prohibits night work and certain types of hazardous labor for those under 18, and provides for fines and imprisonment for violators; however, child labor remained a serious problem in the informal sector. The law allows for children age 15 and above to have an apprenticeship under which craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. However, child labor laws were not always enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, were sometimes unfamiliar with the provisions of the law that protected children. During the year the MOWAC conducted seminars on child labor to educate the media, police, civil servants, and the general public. However, local custom and poverty encouraged children to work to help support their families and eroded societal observance of child labor laws.

Children as young as seven worked in agriculture and as domestic laborers, porters, hawkers, miners, quarry workers, and fare collectors. Children also engaged in herding livestock, fetching firewood, and bricklaying.

The fishing industry in the Lake Volta region had a particularly high number of child laborers engaged in potentially hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. Girls in the region also engaged in work as domestic servants, cooks, servers, and porters.

Child laborers were poorly paid and physically abused; 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 were infrequent in the formal labor sector.

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

There were newspaper reports of children being sold into involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fishermen in exchange for a yearly remittance to their families. The practice often involved the consent of their generally impoverished parents. The media runs regular stories about children being used in involuntary servitude, particularly as street hawkers and porters.

Inspectors from the Ministry of Employment and Social Welfare are responsible for enforcement of child labor regulations, and district labor officers and the social services subcommittees of district assemblies are charged with seeing that the relevant provisions of the law are observed by annually visiting each workplace and making spot checks whenever they receive allegations of violations. Inspectors are required to provide employers with information about child labor violations and effective means to comply with provisions of the Labor Act. However, the government did not provide sufficient resources to law enforcement and judicial authorities to conduct these efforts.

During the year the government continued its five-year national Program for the Elimination of Child Labor in the Cocoa Sector, which included awareness-raising initiatives regarding child labor practices in cocoa farming. The government worked closely with NGOs, labor unions, and the cocoa industry to better understand the role of children in the cocoa sector and to encourage changes, through the program to eliminate the worst forms of child labor in the cocoa industry.

The government continued to implement its National Plan of Action for the Elimination of Child Labor and collaborated with ILO/IPEC through June on a \$4.75 million project to support this plan. This project withdrew 5,326 children from exploitative child labor and kept another 5,753 children from exploitative child labor.

ILO/IPEC, government representatives, the Trade Union Congress, media, international organizations, and NGOs continued to build upon the National Plan of Action for the Elimination of Child Labor in Ghana by increasing institutional capacity to combat child labor. With the support of the government, NGOs and foreign governments funded more recent programs to combat child labor. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities.

e. Acceptable Conditions of Work

A National Tripartite Committee composed of representatives of the government, labor, and employers set daily minimum wages. The daily minimum wage of 2.65 cedis (\$1.85) during the year did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law in the formal sector and there was no official minimum wage for the growing informal labor force. In most cases households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities. The Ministry of Employment and Social Welfare was unable to credibly enforce this law.

The Fair Wages and Salaries Commission was charged with ensuring fair, transparent, and systematic implementation of the government public service pay policy; advising government on matters related to salaries, wages, grading, classification, job analysis, and job evaluation; and ensuring that decisions on those issues are implemented.

The law sets the maximum workweek at 40 hours, with a break of at least 48 consecutive hours every seven days. Workers were entitled to at least 15 working days' leave with full pay in a calendar year of continuous service or after

having worked at least 200 days in a particular year. However, such provisions do not apply to task workers or domestic workers in private homes, nor elsewhere in the informal sector.

Occupational safety and health regulations exist, and the Factories Department within the MESW was responsible for imposing sanctions on violators; employers who failed to comply were liable to a fine not exceeding 1,000 penalty units, to imprisonment for a term not exceeding three years, or to both. The law requires that employers report, no later than seven days from the date of occurrence, occupational accidents and diseases. In practice, safety inspectors were few and poorly trained, and they lacked the resources to effectively respond to violations. Inspectors did not impose sanctions or otherwise respond to violations during the year.

In September 2008 CHRAJ issued a report, "The State of Human Rights in Mining Communities in Ghana." The report found evidence of widespread violations of human rights in mining areas of the country. The report documented abuses by the security services in mining areas, particularly of galamseys, independent, artisanal miners whose operations sometimes conflict with larger, concessionary miners. The report also notes that environmental damage from mining, especially to water resources, has impacted both public health and loss of livelihoods. Blasting in mine sites also caused damage to private property.

The report cited examples of private and government security forces abusing small-scale miners. In the Obuasi area of Western Ghana, independent miners suspected of stealing equipment from a nearby mine were arrested and beaten by security service members. The report cited a 2006 incident in Wassa West area where members of the Ghana military covered pits in which independent miners were known to be digging at the time. The miners were able to extract themselves.