



## 2008 Human Rights Report: Ghana

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

**2008 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 approximately 22 million. In the December election the opposition National Democratic Congress (NDC) won both the presidency and control of Parliament, marking Ghana's second successful peaceful transition of power between political parties. The election was judged by domestic and international observers to be free and fair. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities.

The government generally respected human rights, but human rights problems continued, including: 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; female genital mutilation (FGM); societal discrimination against women, persons with disabilities, homosexuals, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically and ethnically motivated violence; 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, the use of excessive force by security forces resulted in the deaths of several criminal suspects and other persons during the year. On June 3, police fired on commercial transport drivers following a confrontation in Ashaiman, near Accra, killing two persons, including a student, and injuring several others. The drivers had gathered to protest alleged police harassment. In September a government-appointed committee chaired by a court of appeals justice investigating the shooting recommended the dismissal of the divisional commander of the Motor Traffic and Transport Unit (MTTU) and the transfer of MTTU personnel. The report recommended reprimands for two police officials. The committee determined that eight police officers who accompanied the divisional commander did no wrong and recommended the lifting of interdiction against three police inspectors. At year's end the officer responsible had been tried by a police court, found not culpable, and reinstated. Funeral expenses were paid to the family of the deceased youth, and the Attorney General's office was negotiating a compensation package for the victims.

In August 2007 agents of the Bureau of National Investigations who were searching for a car thief mistakenly shot and killed a 26-year-old man. The president ordered security agencies to conduct a thorough investigation of the case. In December 2007 the case was forwarded to the attorney general's office for review. At year's end there was no new information on the case.

In August 2007 a joint police-military patrol reportedly beat and killed 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. In May a trial began for three security personnel involved in the incident. The trial was ongoing at year's end.

In May a man was killed after he apparently entered the official compound of the Volta Region regional minister in Ho. The man, whose motives are unknown, was killed by security personnel after a struggle in which a police officer was also killed, apparently with his own weapon. Investigations remained inconclusive at year's end despite public demand for an independent enquiry.

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

In Bawku, in the Upper East Region, an ongoing chieftaincy dispute led to violent outbreaks in January, May, and July. The violence caused an estimated 18 deaths 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, which runs daily from 10:00 pm to 4:00 a.m., was extended at the end of the year. In May communal violence led to eight deaths and the burning of a village in Burkprugu-Yunyoo District, Northern Region. The violence followed a dispute over land. Police investigated the incident and a case is pending. Those arrested were out on bail at year's end.

In November 2007 a chieftaincy conflict erupted in Anloga in the Volta Region, resulting in at least five deaths, including one police officer and two persons who died in police custody. Rooted in a decade-long chieftaincy dispute, the disturbances arose from opposition to the installation of a new chief in the Anlo traditional area. Media and nongovernmental organization (NGO) sources reported that police used excessive force, intimidation, and beatings in order to control the violence and to extract information. Police reportedly arrested more than 75 suspects, including children and at least one elderly woman, immediately after the conflict erupted. There have been no further developments since the court adjourned the case in May.

In November 2007 at least three persons were reportedly killed, and over 20 houses set ablaze, as a result of a chieftaincy dispute in Princes Town in the Western Region. A number of individuals were arrested and charged with rioting, fighting with offensive weapons, and causing damage. There was no change in the status of the case at year's end. Numerous deaths resulted during the year from vigilante-style violence against suspected criminals by angry citizens. Security forces sometimes intervened to save the lives of the intended victims.

In October 2007 Amasaman District police arrested nine persons for allegedly killing a suspected thief in Pokuase by beating him and dragging him along the ground with his hands tied. The nine suspects remained in detention awaiting trial at year's end.

In April 2007 a group of young men beat and killed the administrator of Goaso Government Hospital whom they suspected of participating in a gang responsible for multiple killings. Police charged 15 persons in connection with the killing. In December 2007 four of the suspects were granted bail while the remaining 11 were remanded in custody. Those remanded were facing murder charges before the High Court in Sunyani. At year's end the 11 suspects were still facing murder charges at the Sunyani High Court.

There were no new developments involving a May 2007 incident where a mob on the Kumasi-Techiman highway captured and set on fire a man suspected of having robbed a gas station. Police investigations remained inconclusive and no arrests were made by the end of the year.

In August 2007 three suspected armed robbers were lynched in Accra as they were allegedly attempting to escape

after snatching a woman's bag. No suspects were arrested, and investigations remained inconclusive at year's end.

In December 2007 two alleged gang members suspected of burglary were beaten to death by neighbors of the homeowner. Police investigations remained inconclusive at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution 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.

In June military personnel illegally detained 13 commercial drivers at 37 Military Hospital in Accra. The drivers, who were allegedly involved in "chaotic" acts near the entrance of the hospital (which also serves the general public), were taken by military personnel into the hospital's morgue. There the drivers were made to handle corpses, including, according to the drivers, touching female cadavers in a sexually explicit manner. President Kufuor called for an investigation of the incident. Following the investigation, the Military High Command called for disciplinary actions (yet to be determined) against an officer, two enlisted soldiers, and five mortuary attendants. The military offered the drivers financial compensation of 100 cedis (approximately \$85) and a year's free medical care, an amount the drivers say is inadequate.

In May police fired teargas and rubber bullets to disperse supporters of a defeated parliamentary candidate. The leader of the Bekwai traditional area demanded an apology after several people were allegedly harmed by the police action. A police investigation determined that the police used appropriate and proportional force.

"Land guards" (private security enforcers hired by citizens to settle private disputes) caused injury and property damage during the year. There were some allegations of police complicity with these extralegal security agents, although police denied involvement.

Vigilante-style justice conducted by angry citizens and mobs against suspected criminals and witches resulted in deaths and injuries.

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, sub-standard construction, and limited space.

In July the government completed the closure of the Jamestown prison in Accra. The prison, which dated from the colonial era slave trade, did not meet modern standards for a penitentiary. The closure, however, led to higher levels of congestion in other prisons. The construction of a new maximum security prison continues at Ankafu in

Central Region. According to the 2007 Prisons Service Annual Report, 13,335 prisoners (average daily lockup) were held in prisons designed to hold approximately one-third of that number. 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 July 2007 the Parliamentary Select Committee on the Judiciary visited the Nsawam Medium Security Prison to determine whether inmates' rights were being respected. Prisoners reportedly informed the delegation that some inmates had been incarcerated for years without a trial. As a result of the committee's findings and other reports compiled by the prison service, the government made some efforts to address the lengthy detention periods. In September 2007 the Attorney General's office launched its "Justice for All" initiative under which a special court sat at the James Fort Prisons in Accra. The initiative was intended to accelerate the judicial process and ease overcrowding in s prisons. The Attorney General's Office began a process to review the cases of remand prisoners at Nsawam Prison, resulting in the release of some remand prisoners. Since the inception of the program, approximately 40 persons on remand have been discharged, while others have been granted bail.

There were no known reported cases of deaths or abuses of prisoners during the year.

Some juveniles inflated their ages to avoid lengthy rehabilitation sentences in the Borstal Institute, a juvenile detention center that the government operated like a prison. In response, the Department of Social Welfare and the Prison Service collaborated to transfer younger juveniles in adult prisons to juvenile correction centers and older juveniles back to the Borstal Institute.

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, are 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 Bureau of National Investigations, 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, visa fraud, narcotics, and cyber-crimes. However, there were significant barriers to extending such services nationwide, including a lack of office accommodation, police vehicles, and equipment outside of Accra.

The police service received repeated criticism due to incidents of police brutality, corruption, and negligence. Impunity remained a problem. Delays in prosecuting suspects, rumors of police collaboration with criminals, and the widespread perception of police ineptitude contributed to an increase in vigilante 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 detainees' disgruntled business associates.

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

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.

The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. During the year PIPS received 491 complaints and petitions, compared with a total of 693 in 2007. There were 134 complaints in the period related to harassment, unlawful arrest, and detention with human rights violations, compared with 149 in 2007 and 70 in 2006. There were 62 complaints of misconduct, compared with 225 in 2007. Investigation of 397 cases was completed, of which reports for 305 had been forwarded to the inspector-general of police. A total of 94 cases remained under investigation. Some cases forwarded to the IGP resulted in dismissals, reduction of rank, and transfers.

#### Arrest and Detention

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. 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 remand of prisoners into custody for indefinite periods while an investigation is conducted by renewing warrants or by simply allowing them to lapse.

The government continued to conduct arbitrary arrests and detentions during the year. From October to December the police conducted anticrime patrols in parts of Accra, arresting individuals suspected of being criminals. Approximately 100 individuals were held for prosecution on charges of criminal activity.

Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. The court has unlimited discretion to set bail, which was often prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. On occasion, police also demanded money from suspects as a precondition for their release on bail.

Lengthy pretrial detention remained a serious problem. According to the Prisons Service's 2007 Annual Report, 31.5 percent of the prison population was in pretrial status—up from 29.5 percent in 2006. Detainees sometimes served more time in detention awaiting trial than the sentence for the crime required.

The Ghanaian Times reported a man was released on bail in Brong Ahafo Region after eight months awaiting trial. No further information was available on the case at year's end.

On December 7, the date of the general election, armed forces personnel detained approximately 210 individuals in Central Region. The individuals, known locally as "machomen," were believed to be affiliated with one or more political parties and were congregating near polling stations for the alleged purpose of intimidating voters. The soldiers turned the men over to the police, who reportedly released them after the polls closed.

#### 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.

The law establishes two basic levels of courts: the lower courts and the superior courts. The lower courts consist of the circuit and district courts, which serve as juvenile courts and family tribunals. These courts try civil cases involving 5,000 cedis (approximately \$5,750) or less; and criminal cases for offenses punishable by a fine not exceeding \$1,000 cedis (approximately \$1,150), 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 are tried under the criminal code in a military court.

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 judge, addressed public complaints. During 2006 the unit received 632 complaints, of which 107 were resolved, 186 were under investigation, and 339 were pending. There were no more recent figures available 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. In practice, authorities generally respected these safeguards. Chapter 5 of 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. There are no records of any suits against the police.

Opposition party activists claimed the government engaged in surveillance and harassment of those it perceived to be opposed to the ruling party. Some civil society organizations expressed concerns that the government used surveillance, free of any oversight or regulation. However, there were no credible reports of such activities and the government has denied any involvement.

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.

In August police officers entered an opposition National Democratic Congress (NDC) radio station, Radio Gold, ostensibly in response to reports of an armed robbery in progress. Radio Gold managers maintained that the police, who beat workers and arrested the financial comptroller, were interfering with plans by the station to air the "confession" of an NPP supporter accused of electoral fraud. The supporter had been brought to the radio station by a crowd of agitated citizens. The comptroller was released from police custody later in the day.

Journalists were occasionally subjected to physical and verbal harassment as a result of their reporting. For example, members of the two major political parties, NPP and the NDC, verbally harassed journalists throughout the year for negative reporting on their respective parties. Prior to the December election editors and reporters of pro-NDC newspapers reported receiving threatening text messages, however no legal action was taken.

No action was taken in the 2006 case of a photojournalist who was covering a narcotics smuggling trial, and who was attacked by a group supporting the defendants.

Government officials, including the president, called upon media to be more disciplined in their reporting but did not censor or abridge media output. Smaller parties, such as the Convention People's Party (CPP) and the People's National Convention (PNC) accused the media and the larger parties of colluding to monopolize coverage. However, both smaller parties received regular coverage in the state-owned media. Journalists reported that self-censorship did occur around topics of particular sensitivity, such as the narcotics trade.

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.

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.

As in previous years, police arbitrarily and forcibly dispersed demonstrations. On December 8, the day following the general election, members of the armed forces dispersed a crowd outside the Electoral Commission District Office in Bawku, in the Upper East Region. Persons were frustrated with what they believed to be delayed returns for the local parliamentary race. There were no observed injuries.

On December 28, during the presidential runoff election, police fired warning shots to disperse a crowd that had gathered outside a hotel in Ashiman. The crowd—basing its actions on rumors—believed that stolen ballot boxes were inside the hotel. On December 29, authorities fired warning shots to disperse a crowd of party supporters gathered outside the offices of the electoral commission. The crowd moved away from the building but did not disperse.

In June 2007 police forcibly dispersed students at Takoradi Polytechnic Institute who had declared an indefinite boycott of academic work on May 31 to protest the principal's alleged incompetence. Sixty-four students were arrested in connection with the clashes and charged with rioting with weapons and engaging police in a confrontation. At the end of the year, there had been no progress on the case. The ban on campus demonstrations remained in effect, although it was not further challenged by students

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 are prohibited from joining political assemblies or groups within the security services, but they are allowed to participate in political activities outside police or military compounds.

In September seven retired senior military and police officers were prohibited by government order from entering military or police installations, following a meeting they held with former President Rawlings.

c. Freedom of Religion

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

Some Muslims continued to claim 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 and Seventh-day Adventist students continued to complain 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 to atone for another family member's sins. 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 intra-religious 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 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

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

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol and the 1969 Organization of African Unity Convention on Refugees. The government has established a refugee board 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. Ghana cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The government has a generally liberal policy toward accepting refugees from other West African countries, although this does not generally extend to granting work or residence permits. The law allows rejected asylum seekers to appeal and remain until the appeal is adjudicated. The law also accords the right of protection to refugees who entered the country illegally without documentation.

In practice, the government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, there were some instances of deportation and expulsion during the year. In February protestors at the Buduburam refugee settlement disrupted humanitarian operations. On March 17, police arrested approximately 630 Liberians engaged in the illegal protest. UNHCR was given access to this group on March 19 and negotiated the release of 90 vulnerable individuals. On March 22, police arrested an additional 70 Liberians suspected of organizing the protests. UNHCR had requested access to this group, which was still pending on March 23, when 16 members of this group were deported to Liberia, 13 of whom had been formally registered as refugees. No involuntary return of registered refugees occurred after that date. On March 31, all but 23 of the arrested Liberians were released. The Director of Immigration issued an order for their repatriation. The Liberians challenged the order, but the courts upheld it and they were returned to Liberia. On March 29, the governments of Liberia and Ghana and the UNHCR formed a tripartite committee to facilitate the safe and voluntary return of Liberians. During the year a total of 8,795 Liberians returned to Liberia.

On February 23, the government deported an Iraqi family to Syria. The family expressed fear of returning to Syria or Iraq and filed an asylum application with the Ghana Refugee Board (GRB). However, the GRB had not heard the case prior to the deportation.

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 refugee camp, approximately 17 sexual violence cases involving defilement, rape, and sodomy were reported to the Women's Initiative for Self-Empowerment (WISE), UNHCR and to the police during the year. Of the six cases in court at the end of 2007, one alleged perpetrator was acquitted, one was on remand, and the four cases that were pending at the end of 2007 are still under investigation and no prosecutions have been brought. In the Krisan refugee camp there were four cases reported to WISE and UNHCR involving defilement and rape during the year. One of the defilement cases has been referred to the district court and was still pending at the end of the year. In the Volta Region, the number of cases reported to WISE, UNHCR, and other agencies during the year included one case of defilement, two cases of rape and one case of incest. WISE, UNHCR and other actors worked to educate refugee populations about sex and gender-based violence, provide counseling, and refer refugees to the appropriate services.

### 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

The country continued its transition from a one-party state to a multiparty constitutional system. On December 7, Ghana held its election for president and for the 230 members of parliament. Domestic and international observers reported that the elections were generally free, fair and peaceful. None of the eight presidential candidates received a majority of votes, forcing, per the constitution, a run-off election. The run-off was held on December 28, and resulted in a narrow victory for Professor John Atta Mills, the candidate of the opposition NDC.

The December 7 parliamentary elections also gave the NDC 114 seats, the New Patriotic Party 107, minor parties three, and independents four seats. Two seats are subject to court challenges; in one, six ballot boxes were stolen by supporters of one party in an effort to disrupt the parliamentary voting.

The 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 base 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.

The political system includes recognized opposition parties, which expressed their views freely. Registered political parties operated freely; however, opposition parties and persons in private business continued to allege that government contracts were often awarded on the basis of ruling party membership.

During the run-up to the election there were some incidents that involved violence. On September 1, 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. An NPP rally in Tamale was disrupted by gunfire, forcing the party's vice presidential candidate to flee, also in early September. The incident led to attacks on NDC supporters returning from their own rally, and in the destruction of houses and vehicles.

In August 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, the Electoral Commission (EC) published revised voter lists with duplicate names removed, and allowed public review in each constituency of the revised list.

#### Government Corruption and Transparency

Corruption in the executive and legislative 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 (Ministry of Justice) and the Public Prosecutors Office are 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 Unit is an independent government body that investigates corruption. Officials are subject to a financial disclosure process, but their responses are not available for public review. The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a problem.

The NDC accused the government of using anticorruption investigations to intimidate and harass its members. Opposition parties charged that corruption continued unabated and that the government failed to use the institutions and mechanisms at its disposal to address the problem. There were reports that government officials pressured businesses to steer contracts toward favored companies and individuals.

The case of Nana Konadu Rawlings, wife of former president Jerry Rawlings, who was accused in 2006 of "willfully causing financial loss to the state" in connection with the purchase of a Ghana Industrial Holding Corporation cannery," was pending at year's end. In this case prosecutors failed to appear in court on November 1, 2007 and January 22. A new judge was appointed on July 9. Just prior to leaving office, President Kufuor announced that the case against Rawlings was to be discontinued.

On June 18, a court sentenced Tsatsu Tsikata, the former head of the National Petroleum Corporation, to a five-year prison term for willfully causing financial loss to the state and to misappropriating public property. At the time, some aspects of the case were also pending before the Supreme Court. Opposition parties, the Ghana Bar Association and some citizens have criticized the judiciary and made claims of political manipulation, as the individual was not allowed to exhaust all legal avenues prior to his incarceration. On December 18, the Court of Appeals ruled that the High Court was in error in dismissing Tsikata's application for bail. A date has yet to be set for the new bail hearing. As one of his last acts in office, President Kufuor announced a pardon for Tsikata, who promptly rejected it, saying that he intended to clear his name in court.

In November an Accra court convicted four persons of involvement in a 2006 narcotics trafficking scandal. However, by year's end the government had not followed the trial judge's recommendation to prosecute a leading police official for his alleged complicity.

There were no developments in a separate 2006 case in which the government declined to censure the IGP following allegations that a different senior police official requested a 234,000 cedi (approximately \$200,000) bribe to drop a case against a foreign cocaine trafficker. The police council and the government, in separate statements in 2007, disagreed with the committee's recommendation that the IGP be censured.

During 2007 CHRAJ received a number of cases following its issuance of conflict of interest guidelines in 2006. The

public and official response to the guidelines was generally positive.

Although the constitution provides for public access to government information, parliament did not pass the freedom of information bill, drafted in 2002, by year's end.

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

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 within the Kufuor administration. 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 nongovernmental 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. In 2006 the government began compensating victims of human rights abuses that occurred during the various periods of military rule between 1957 and 1993. The victims were identified by the National Reconciliation Commission, which was set up by the 2001 National Reconciliation Act to investigate and document cases of human rights violations during this specific period. The government set aside 1.3 million cedis (approximately \$1.4 million) to compensate 2,177 victims. By June 2008 the government had compensated 1,268 persons over 700,000 cedis (\$730,000). An additional 500,000 cedis (\$520,000) was approved, from which 387 victims were paid by year's end, leaving 522 victims who had not yet been compensated 100,000 cedis (\$105,000). There were no new developments during the year.

The United Nations Development Program (UNDP) has an office in Accra and implements programs involving governance. The European Union also operates programs involving governance and justice, as do other international donors. During the 2008 election the Electoral Commission accredited observers from the African Union, ECOWAS, the Commonwealth, European Union, the Carter Center, and several diplomatic missions.

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

#### Section 5 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; however, rape remained a significant and underreported problem. When cases of rape were reported, perpetrators generally were arrested and prosecuted. During the year the Domestic Violence and Victim Support Unit (DOVVSU) of the police noted 227 reports of rape, with 110 reported arrests and seven convictions.

Violence against women, including domestic violence, remained a significant problem. In February 2007 parliament passed a bill outlawing domestic violence. In November 2007 the Ministry of Women and Children's Affairs

(MOWAC) held a review meeting for stakeholders on the draft policy document and national plan on the Domestic Violence Act.

The police service's Domestic Violence Victim Support Unit (DOVVSU) handled cases of domestic violence and child abuse, as well as juvenile offenses. During the year DOVVSU investigated 14,799 cases, of which 7,044 involved nonpayment of maintenance. There were also 1,080 defilement cases and 320 rape cases. 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.

Prosecution of domestic violence cases remained difficult. Despite growing public awareness that domestic violence is 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.

In the Northern, Upper East, and Upper West regions of the country, where belief in witchcraft remained strong, rural women continued to be banished by traditional village authorities or their families 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 slightly decreased 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.

The government, under the auspices of the DOVVSU, continued to charge and investigate persons who committed acts of violence against suspected witches. Police refrained from pursuing charges against persons based solely on allegations of witchcraft.

Prostitution is illegal and is subject to criminal prosecution. The police occasionally stage actions to arrest prostitutes. On December 19, the Ghana Times reported that, based on an interview survey of 251 police officers done by the Police Hospital, 15 percent of police personnel involved in arrests of sex workers demanded sex in return for not turning those arrested over for prosecution. Prostitution is prevalent in the major towns and transportation centers.

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

Under Chapter 5, Article 17 of the constitution, all persons are to be treated equally under the law. 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 and 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 are registered with the government. Although a birth certificate is 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. The government provided textbooks.

According to the Ministry of Education, Science, and Sports, the gross enrollment rate during the 2007-08 school year (the gross enrollment rate was 95 percent at the primary level, with 92.8 percent for girls and 97.1 percent for boys. At the junior secondary school (JSS) level, 78.8 percent of eligible children were enrolled, with 75.2 percent enrollment for girls and 82.2 percent for 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 under-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 children's 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 (approximately \$3.35) 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.

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.

During the year DOVVSU received 1,080 cases of suspected child defilement and thirteen cases of attempted defilement.

The law prohibits female genital mutilation (FGM), but it remained a serious problem in the northern regions of the country. 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. The typical age at which a girl was excised was 15, although it was often performed on younger girls. According to a 2005 study conducted by the Ministry of Health, approximately 15 percent of women and girls between 12 and 19 in the three northern regions had undergone FGM, although some observers believed that NGO- and government-sponsored awareness campaigns regarding the illegality of FGM had driven the practice underground, and that the actual rate in these regions was as high as 30 percent. One NGO stated that girls are also taken to Burkina Faso to undergo FGM.

Sylvester Kyei-Gyundi, Head of the Information Research Advocacy Division of the Department of Children, says 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. 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. There were no prosecutions of practitioners during the year.

Forced child marriage, which is 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.

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 is a source, transit, and destination country for women and children trafficked for the purpose of forced domestic and commercial labor and sexual 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 twenty cases of child trafficking. Numbers reported in the media and obtained from police sources indicate that the actual figure is 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 from the Northern Region, going to work in the fishing communities along Lake Volta or in small mines in the west, and girls from the north and east going to Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. 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 such trafficking. 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 Equatorial Guinea to work as farm workers, laborers, divers, street hawkers, or domestics. Benin and Burkina Faso were also destination countries for trafficked children.

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 also were trafficked to Western 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 from Nigeria, Benin, Togo, and Burkina Faso were trafficked 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 anti-trafficking law, DOVVSU has responsibility for enforcement, and the Department of Social Welfare within the Ministry of Manpower, Youth and Employment (MMYE) 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.

In Tarkwa, on May 15, two men were convicted and sentenced to 20 years each for conspiracy and slave dealing after attempting to sell a 16-year-old carpenter.

The Human Trafficking Act of 2005 (Act 694) established the Human Trafficking Board. In 2007 the government established a 17-member Human Trafficking Board composed of all concerned ministries, the security services, the private sector, and other stakeholders.

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. By year's end officials of the Immigration Service, including the Border Patrol Unit, identified 26 traffickers who were transferred to the police. 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 MMYE, in conjunction with ILO/IPEC, continued to implement a National Plan of Action for the Elimination of Child Labor. International and local NGOs and 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. The Trafficking Victims fund, established by the government in 2006 was not funded. In December the MOWCA hosted

an event for NGO and foreign donors and asked for contributions to the trafficking fund.

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

In January the police raided an area of brothels in Accra known as Soldier Bar, rescuing 160 women and children. Due to a lack of adequate facilities to care for and protect the victims, most of the women rescued left the facility where they were being sheltered within a day or two of being rescued.

During the year the police made a number of rescues of children being trafficked. In July 155 children being transported in four minibuses were rescued while being transported to Cote d'Ivoire (CDI). In August police rescued 12 children in a vehicle, also heading to CDI. In the same month, 10 girls, ages five to 15, were rescued from a vehicle near Accra. In July 15 children were rescued from a Koranic teacher in Bimbilla, Northern Region. The teacher was forcing the children to beg. The teacher was arrested on child welfare charges, although the police planned to also charge him with trafficking. The teacher was released on bail and reportedly sought the protection of a local chief. At year's end the court case continued, and the children remained in protective custody.

#### Persons with Disabilities

In 2006 parliament passed legislation that specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination in employment, health care, and other domains. 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. The national council for the disabled, mandated by law, was not established by year's end. 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.

According to the Ghanaian Times of July 28, Yakubu Busanga, a hunchback, was killed and his hump removed. The attack may have been motivated by an effort to obtain body parts for use in ritual practices. In September there were reports from Bibiani District of three hunchbacks being murdered for body parts which apparently were to be used in rituals. Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance. Some religious groups believed that persons with mental disabilities were afflicted by demons which 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 indicate that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong Ahafo regions. During 2006 visits to prayer camps, foreign embassy observers witnessed more than 100 persons who were forcibly chained to beds or posts and one windowless cell designed for persons with mental illness. The Commonwealth Human Rights Initiative released a report during the year 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 MMYE, the Ministry of Education, and the Center for Democratic Development.

#### National/Racial/Ethnic Minorities

Although the government deemphasized the relevance of ethnic differences, its opponents complained that appointed senior government positions were dominated by Ashantis and other Akans at the expense of Ewes and northerners. President Kufuor and some of his ministers and close advisors were Ashanti, but the vice president and many ministers were of other ethnic origins. President Mills will name a new cabinet and senior administration in early 2009.

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.

#### Other Societal Abuses and Discrimination

The law criminalizes homosexuality, and lesbians and gays faced widespread discrimination, as well as police harassment and extortion attempts. There is a minimum misdemeanor charge for homosexual activity, and homosexual men in prison often were subjected to sexual and other physical abuse.

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 6 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 2003 Labor Act requires that trade unions or employers' organizations must register and be authorized by the chief labor officer to obtain a certificate of registration and 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 that led many new entrants to the workforce to enter the informal sector. 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." During the year the Minister of Manpower, Youth and Employment formally designated the 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 the case of 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 strike actions during the year. There had been no legal strikes since independence.

In February workers of the state-owned Ghana Railway Company went on a seven-week strike demanding payment of four months outstanding salaries, a 150 percent salary increase, and the removal of their management. The workers called off the strike following a meeting with government officials and an agreement to establish a committee to review the union's collective bargaining agreement, which had lapsed in 2000.

#### 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. 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 is 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.

Attempts by some workers to form unions have allegedly led to unfair treatment by employers. In July the chairman and secretary of the Senior Staff Association of the Bank of Ghana (the nation's central bank) were dismissed following a protracted dispute over unionizing of senior staff. In July the union vice-chairman of a micro-finance company was dismissed for soliciting union membership on the firm's premises.

In January a high court judge ruled that an employer is not required to provide a reason for the termination of employment, providing appropriate notice is served in accordance with the contract of employment. The Ghana Trade Union Congress is urging the government to ratify ILO Convention 158 to provide for worker rights. Existing labor law applies in export processing zones.

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

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

The law provides for employers found guilty of using forced labor to be fined no more than 250 penalty units (each unit is 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 employment that is not likely to be harmful to the child and does not affect the child's attendance 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 continued to conduct seminars on child labor to educate the media, police, civil servants, and the general public. Local custom and poverty encouraged children to work to help support their families and eroded societal observance of minimum-age laws.

Children as young as seven worked in agriculture and as domestic laborers, porters, hawkers, miners, quarry workers, and fare collectors. The fishing industry on Lake Volta 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. 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 reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarries and mines, 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 fisherman 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. In July police stopped four vans in Western Ghana, carrying 155 children toward Cote d'Ivoire. The children were believed to be going to work in agricultural areas.

The extent of child labor in the cocoa industry was better known following the June release of the Ministry of Manpower, Youth and Employment's "Cocoa Labour Suvey in Ghana," part of its National Plan for the Elimination of the Worst Forms of Child Labor. The survey found that children involved in cocoa work were generally the children of cocoa farmers, that an estimated 90 percent of the children working in the cocoa sector were attending school (although often schools of poor quality), and no evidence of forced child labor or instances of the trafficking of children in the sector. The survey also found that 47 percent of the children interviewed had participated in at least one hazardous cocoa activity during the previous farming season. Some of the more common hazardous activities included working without protective clothing, using a cutlass to clear weeds, or being in the vicinity of the spraying of agro-chemicals. Only 1.5 percent of the children interviewed reported working with agrochemicals.

Inspectors from the Labor Department of the MMYE 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.

The MMYE has been involved in sensitizing district assemblies on child labor issues in the cocoa sector. The MMYE chairs a National Steering Committee for the elimination of child labor and a national subcommittee on child labor in the cocoa sector.

During the year the MOWAC carried out awareness-raising initiatives disseminating results of a 2005 study of child

labor practices in cocoa farming. The Ministry of Employment also worked closely with NGOs and the cocoa industry to better understand the role of children in the cocoa sector and to encourage changes, though the program to eliminate the worst forms of child labor in the cocoa industry.

ILO/IPEC, government representatives, the Trade Union Congress, the 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. Forums were held throughout the country to develop and implement an ILO/IPEC Time-Bound Program, which aimed to eliminate all forms of child labor under specified time periods and benchmarks.

e. Acceptable Conditions of Work

A National Tripartite Committee composed of representatives of the government, labor, and employers set daily minimum wages. The daily minimum wage of 1.60 cedis (approximately \$1.65) 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 MMYE was unable to credibly enforce this law.

In June 2007 the president signed legislation creating a Fair Wages and Salaries Commission 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. By the end of the year the commission was not fully operational.

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 section.

Occupational safety and health regulations exist, and the Factories Department within the MMYE was responsible for imposing sanctions on violators; employers who failed to comply were liable to a fine not exceeding one thousand 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 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 documents abuses by the security services in mining areas, particularly of galamseys, or 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 impacts on both public health and on the loss of livelihoods. Blasting in mine sites also caused damage to private property.

The report cites examples of private and GOG 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 undisclosed security service members. The report cited a 2006 incident in Wassa West area where members of the Ghana military covered pits where independent miners were known to be digging. The miners were able to

extract themselves.