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## U.S. Department of State

### Ghana Country Report on Human Rights Practices for 1996

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#### GHANA

Ghana continues its transition from a single-party, authoritarian system to a constitutional democracy. Flight Lieutenant (ret.) Jerry John Rawlings has ruled the country for 16 years. He became the first President of the Fourth Republic following controversial elections in 1992. This ended 11 years of authoritarian rule under Rawlings and his Provisional National Defense Council (PNDC), which had seized power from an elected government in 1981. The opposition fully contested the December 7 presidential and parliamentary elections, which were described as peaceful, free, and transparent by domestic and international observers. President Rawlings was reelected with 57 percent of the popular vote. Rawling's NDC party won 133 of the Parliament's 200 seats. The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral Parliament, an independent judiciary, and several autonomous commissions, such as the Commission for Human Rights and Administrative Justice (CHRAJ). In reality this system of checks and balances is circumscribed by a Parliament monopolized by the President's party, a hesitant judicial service, and a system-wide lack of resources which hobbles the effectiveness of all three branches. The election of a significant number of opposition parliamentarians, however, may provide a more open process and debate in Parliament. The judiciary is subject to executive influence and lacks adequate resources.

Several security organizations report to various government departments. The police, under the jurisdiction of an 8-member Police Council, are responsible for maintaining law and order. An independent department, the Bureau of National Investigations (BNI) handles cases considered critical to state security and answers directly to the executive branch. Although the security apparatus is controlled by and responsive to the Government, monitoring, supervision, and education of the police in

particular remain poor. Credible allegations continue of police involvement in human rights abuses, especially in areas remote from the capital.

The economy remains highly dependent on agriculture, with about 45 percent of gross domestic product derived from this sector. Gold, cocoa, and timber are the traditional sources of export earnings with gold growing in importance. The economy grew at a 4.5 percent rate in 1995, up from the 3.8 percent recorded in 1994. Increased gold production and a good cocoa harvest accounted for the slightly higher growth rate. However, inflation accelerated dramatically during 1995 and 1996 and at year-end registered 40 to 45 percent. The privatization of state-owned enterprises continues, but the pace of divestiture remains slow.

The Government's human rights record improved slightly, but problems remain in several areas. There were continued credible reports that members of the police beat prisoners and other citizens; arbitrarily arrested and detained persons; used excessive force, which resulted in a few instances of deaths in custody; and infringed on citizens' right to privacy. Newly organized municipal security forces, which fall outside the regular police service, injured a number of persons in using excessive force to control street vendors and public demonstrations. Prison conditions remained harsh despite modest reforms, and prolonged pretrial detentions remained a problem. Inadequate resources and a system vulnerable to political influence compromised the integrity of the overburdened judicial system. The Government failed to investigate the deaths of four demonstrators during a 1995 antigovernment protest.

The Government pressured the media. It resorted to an obscure 1960 law to prosecute several journalists, and there were a spate of criminal and civil libel suits that seemed to signal possible official harassment of the independent press. Nevertheless, the small but independent press, human rights monitoring groups, and opposition parties were again vigorous and out-spoken in criticizing various aspects of government policy. The CHRAJ, a government body, issued a critical report on the prison system and was successful in arbitrating individual human rights cases and in educating the public. Several new independent radio stations reflected the Government's public commitment to open airwaves.

The Government carefully controlled all aspects of the preelection procedures, but the participation of eight political parties and a large citizen turnout highlighted the gradually improving human rights situation.

Traditional practices still result in considerable discrimination and abuse of women and children, with violence against women a particular problem.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political killings. However, on two separate occasions in attempting to control crowds, poorly trained Kumasi police killed two persons, reportedly as a result of stray bullets from warning shots. Police fired shots that accidentally killed a man after a December 1995 soccer match that ended in violence between the teams' supporters. In January another person was killed by a stray police bullet when police attempted to disperse demonstrating students who had erected road blocks. Police authorities announced that rubber bullets and water cannons had been ordered for crowd control.

There were two reports in the press of possible wrongful deaths of suspects in police custody. In January the official press reported that the authorities in the northern region had prosecuted two policemen for using excessive force in the death of a detainee, but that a court had subsequently acquitted the officers. In another case, at year's end the authorities had still not clarified or made arrests in the unexplained death of a man in a Central Region police cell in February, and the case remained open.

The Government continued to refuse to launch an inquiry into the deaths of four demonstrators during a protest of government tax policy in May 1995. There was credible evidence that the Minister of Youth and Sports had organized and armed the counter-demonstrators who were responsible for the killings. A police committee's report about the events surrounding the killings has never been publicly released. The police, however, claimed at a 1995 press conference that they were unable to identify any specific individuals responsible and that the matter was thus closed. The Minister of Youth and Sports has charged an independent newspaper with libel for reporting on the 1995 U.S. Government report on human rights practices in Ghana and his possible involvement in the killings.

In 1995 the police beat a Tetrem man in the Ashanti region who subsequently died. A police service inquiry determined that one of the two officers involved was primarily responsible for the suspect's death. Over 18 months later, the police officer's trial had not yet begun although the Attorney General has requested that the officer be charged with manslaughter. It is generally believed that severe beatings such as this occur throughout the country but go largely unreported.

Journalists were unsuccessful in their continued efforts to persuade the Government to investigate extrajudicial killings in the early years of PNDC rule, despite police professions in 1993 of willingness to investigate such killings.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution states that the dignity of all persons shall be inviolable and that no one shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment, or any other condition that detracts from human dignity. Nonetheless, there were continued credible reports that members of the police beat prisoners and other citizens. Police used excessive force in attempting to control crowds, at times resulting in citizens' deaths (see Section 1.a.).

Security forces outside the control of the police service made a high-profile debut in 1996 and proved a threat to civil liberties. The Mayor's office in Accra dispatched a specially trained force, known as the City Crime Combating and Cleaning Unit, to eject forcefully unlicensed street vendors from city streets. The special force inflicted physical injuries on a number of vendors and destroyed much of their property. After withdrawing the forces for retraining, the Metropolitan Assembly decided in November to negotiate with the traders to resettle them in other less congested areas. In Tema a metropolitan security unit beat a taxi driver unconscious, and another unit, the so-called traffic task force, handed out unduly harsh penalties to and engaged in regular shake-downs of Kumasi taxi drivers. These actions sparked a demonstration by taxi drivers in August, and angry demonstrators burned vehicles and destroyed property, injuring 17 persons, some with gunshot wounds. Many reports indicated that most injuries were caused by metropolitan security forces. It was unclear if these injuries occurred before or after army troops were called in to restore order, or who caused the injuries.

Prisons are in most cases very poorly maintained, and conditions are extremely harsh. In March the CHRAJ published its long-anticipated report on prison conditions. It described prisons that are unsanitary, overcrowded, and poorly ventilated.

Prisoners are malnourished (the daily food allowance per prisoner is about \$0.35) and suffer from lack of medicines unless paid for by the inmates or provided by their families. The report concluded in part that prison conditions are "a flagrant violation of the individual's fundamental human rights." The CHRAJ's findings and recommendations generated much positive press coverage, but the only concrete action taken by the Government was a decree of amnesty for certain convicted prisoners and commuted sentences for others in order to relieve overcrowding in the prisons. Juvenile offenders were moved from prisons to schools for delinquent youths.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for protection against arbitrary arrest, detention, or exile and states that an individual detained shall be informed immediately, in a language the detained person understands, of the reasons for the detention, and of the right to a lawyer and to an interpreter, the latter at state expense. It also requires judicial warrants for arrest and provides for arraignment within 48 hours. In practice, however, many abuses occur, including detention without charge for longer than 48 hours and failure to obtain a warrant for arrest. The government press reported that the Inspector General of Police and the northern regional police commander were sued in January by a private businessman for unlawful arrest and detention.

The court has unlimited discretion to set bail, which can be excessive. It may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. It is common to remand a prisoner to investigative custody. The Constitution requires, however, that a detainee who has not been tried within a "reasonable" time shall be released either unconditionally or subject to conditions necessary to ensure that he appears at a later date for court proceedings.

Despite the provisions of the law, abuses occur. People are sometimes detained for trivial offenses or on unsubstantiated accusations. Approximately 30 percent of the prison population consists of pretrial detainees. In November the press reported the release of 5 suspects on bail who had been in prison from 5 to 10 years without trial. In December there were reports of remanded suspects languishing in prison without trial for up to 9 years. The suspects had petitioned the CHRAJ, which negotiated their release. The Commission was reported as saying at the time that it had other such instances under investigation.

The CHRAJ report on prison conditions recommended improvement in the administration of criminal justice, which currently denies many citizens their constitutional rights to be charged within 48 hours, to have bail posted within the same period, and to a speedy trial. The report concluded that the "penal system is unwittingly but inexorably punishing the innocent."

At the year's end, a Presidential Commission on the Police Service continued to hold public hearings in efforts to improve police effectiveness.

There were no known political arrests in 1996. However, an army captain, charged with plotting to overthrow the Government, was remanded into custody and awaited trial for treason.

The Government does not practice forced exile and encourages citizens with valuable skills who are living abroad to return, including dissidents. Some former government and discredited PNDC officials

have returned and resumed careers and political activities.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but in practice the judiciary is subject to executive influence. The Constitution allows the Government to nominate up to 15 members of the Supreme Court; confirmation is the responsibility of a Parliament dominated by the President's party. Furthermore, the Chief Justice is empowered to impanel the justices of his choice to hear cases. These provisions along with a debilitating lack of resources have hindered the Court's role as a balance to the power of the executive branch. There were no official charges of judicial corruption but a recent survey revealed that 66 percent of the citizens believe that money influences the judicial system. Furthermore, the integrity of the legal system is compromised by a severe lack of financial, human, and material resources.

The Constitution establishes two basic levels of courts: superior and lower. The superior courts include the Supreme Court, the Appeals Court, the High Court, and regional tribunals. Parliament may establish lower courts or tribunals by decree. Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice the authorities generally respect these safeguards.

The CHRAJ's charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continues to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediates and settles cases brought to it by individuals with grievances against government agencies or private companies. In 1995 the CHRAJ received 6,173 petitions in its offices around the country and completed action on over 3,700 from 1995 and previous years. The majority of the complaints lodged with the commission were labor and workplace related, but cases involving human rights issues are increasing. In October the Commission concluded its lengthy corruption probe of high government officials. Its findings, damaging to the careers of three officials, were accepted as fair and reasonable.

The Chieftaincy Act of 1971 gives village and other traditional chiefs powers to mediate local matters, including authority to enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, a number of laws passed during the PNDC era (1981-92) and the 1992 Constitution have steadily eroded the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

There were no reports of political prisoners. The last known political prisoner was Gershon Dompreeh, who was released in January 1995.

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

The Constitution provides that a person shall be free from interference within the privacy of his home, property, correspondence, or communication. This article has yet to be tested in court. In practice, although the law requires judicial search warrants, police do not always obtain them. Observers assume that the Government continues to engage in surveillance of citizens engaged in activities that it deems objectionable. In the past, this included monitoring of telephones and mail.

There have also been confirmed reports of interference in the affairs of private businessmen when they have been perceived as unsympathetic to the ruling NDC party. The Serious Fraud Office (SFO), created

in 1994, has launched politically directed attacks on private business people perceived as unsympathetic to the regime. The SFO can freeze assets for up to a week without judicial review, a prerogative that it has not yet exercised. It has, however, attempted to seize passports of subjects of its investigations.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Constitution provides for freedom of speech and the press, and opposition political parties and others have used these freedoms to criticize the Government. However, the Government dominates the print and electronic media and has continually pressured the government-run media for conformity. The Government controls the principal radio and sole television station and the two daily newspapers. The official media do not directly criticize government policies or President Rawlings although they report charges of corruption or mismanagement in government ministries and state-owned enterprises. The Government occasionally disciplines or dismisses journalists working in government-subsidized media for articles deemed unacceptable. The Government reportedly ended subsidies to the two state-owned publishing companies as a first step in partial divestiture.

Despite the Government's dominant position, the independent press continued to publish unimpeded, with newspapers and magazines critical of the Government, including personal attacks on the President, his wife, and his close advisers. However, independent newspapers and magazines tend to be small, with little circulation outside major cities.

While the Government has not overtly suppressed the independent print media, there were clear indications that the authorities were concerned and suspicious, particularly during an important election year. In November security forces detained a freelance journalist who, in his opinion column in an independent newspaper, alleged that the armed forces were prepared to rig or annul the results of the upcoming elections. The journalist was accused of "subversive activities leading to a treasonable offense," but was released on bail the day after having been taken into custody.

There was also a spate of libel charges against independent journalists and their editors during the year. These libel cases resulted largely in small fines and published apologies, but in general appeared to be officially inspired harassment of the independent press. However, two journalists and their editor face the more serious prospect of criminal prosecution and 10-year prison sentences under an obscure 1960 law, never before used, prohibiting defaming or slandering the "Ghanian State". The journalists and editor had essentially republished an article that originally appeared in a U.S.-based publication. They were first arrested in February, jailed, and then detained 10 days without bail before being released to prepare their case. By year's end, a decision had not yet been handed down. Prosecution under the criminal libel law became a more serious threat when the Supreme Court ruled in July that all citizens, rather than just those closely associated with the State, may avail themselves of the provisions of this law. Formerly criminal charges could only be sought when a false report was considered to have injured the credit or reputation of the State. Civil suits for libel are also allowed.

In July in another case, a contempt of court charge was leveled at a journalist reporting court proceedings in a case embarrassing to the President. The court sentenced the journalist to jail for 30 days, but more disturbing was the restraining ("gag") order the presiding judge imposed both on the case under consideration and reporting on the contempt charge. The independent press widely challenged the restraining order through noncompliance.

The Minister of Youth and Sports charged an independent newspaper with libel for its reporting on his

possible involvement in the May 1995 deaths of four demonstrators (see Section 1.a.).

There were also accusations that the Government indirectly manipulates the independent press by refusing to do business with companies that advertise in opposition newspapers. However, advertising is steadily increasing in the independent newspapers. Foreign periodicals are sold in Accra and other major cities; they circulate freely and sometimes contain articles critical of the Government. Most Ghanaians obtain their news from the government-owned electronic media and the British Broadcasting Corporation radio service.

The Constitution states that individuals are free to own radio and television stations. While in the past the Government has been slow to grant licenses to independent broadcasters, six independent radio stations and a private television station began operations by year's end. While these stations are clearly independent, they cannot be characterized as outspoken critics of the Government.

There has been no restriction of academic freedom on university campuses, although the authorities clashed with demonstrating students on two occasions. In January a stray bullet fired by the Kumasi police killed a student protesting the lengthy closure of the universities (see Section 1.a.). The National Union of Ghanaian students, one of the more vocal critics of the Government, is allowed to organize and hold meetings. In June an appearance by President Rawlings at the Legon University campus ended in a brawl between demonstrating student union members and NDC supporters.

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

The Constitution provides for freedom of peaceful assembly and association; it does not require permits for demonstrations. Parliament passed a public order law in late 1994 requiring that all organizers of "special events" or "processions" inform the police of their intentions so that the police can institute precautionary measures. The law also provides for curfews and arrest without warrants in specified instances. The authorities did not abuse the provisions of the law during the year.

In November five workers demonstrating in favor of union demands for improved working conditions were injured by bullets fired by the police. The proper authorities had been notified in advance, as required by law, that the demonstration would take place. The press secretary of the ruling NDC said that the party "regretted" the incident. The union chairman was quoted in the government press as saying that workers wanted a peaceful demonstration to remind management of union demands.

NGO's are required to register with the Registrar General's office, but this registration is routine. However, the possible threat of government interference in the form of mandatory NGO registration remains in a bill that has been languishing in a parliamentary committee for nearly 2 years. The council that would implement the law would consist primarily of government appointees and would have the authority to deny, suspend, or cancel an NGO's right to operate.

Political parties must be accredited by the Electoral Commission. The parties must show evidence of a "national character" such as official representation in all 10 of the country's regions. The Electoral Commission evaluates whether the party has shown evidence of a viable national support base before granting accreditation.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

There is no state-favored religion and no apparent advantages or disadvantages attached to membership in any particular sect or religion. Foreign missionary groups have generally operated throughout the country with a minimum of formal restrictions.

During the year, there were a series of violent confrontations between religious groups, particularly among Islamic sects, but the issues involved were theological rather than political.

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

The Constitution provides for these rights as an aspect of the provision for personal liberty.

Citizens and foreigners are free to move throughout the country without special permission. Police checkpoints exist countrywide to prevent smuggling, but most are left unmanned during daylight hours. Roadblocks and car searches are a normal part of nighttime travel in Accra.

Citizens are generally free to travel internationally and to emigrate or to be repatriated from other countries.

Ethnic tension and violence in the northern region diminished during the year. Army troops were deployed to the area and as a result Konkomba farmers were again able to travel to regional markets to sell produce (see Section 5).

The Government cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Ghana has a liberal policy of accepting refugees from other West African nations. The Government provides first asylum. It has provided first asylum in recent years to Togolese refugees, most of whom have returned to Togo as part of the UNHCR's organized voluntary repatriation program which was implemented in mid-year. It continues to provide first asylum to some 34,000 Togolese and approximately 18,000 Liberians who are still in Ghana. It provided first asylum to an additional 1,800 who arrived in 1996, most of whom arrived in April aboard the ship Bulk Challenge from Liberia, after other countries in the region refused to permit the passengers to disembark.

In June the Government did not authorize disembarkation of passengers from the Russian refugee ship, the Zolitisa, which had been searching for a port to disembark its 435 passengers, including many Liberians. There were no other reports of persons not being allowed to request asylum. There were no reports of forced return of persons to a country where they feared persecution. There were no forced expulsions of refugees with a valid claim to refugee status.

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

The Constitution provides citizens with the right to change their government, and citizens exercised this right through a democratic process in presidential elections held in December.

In preparation for the elections, the Electoral Commission consulted closely with representatives of all registered political parties regarding election processes and laws. By October 1995, the Commission had registered over 9 million citizens. It was noteworthy that in five regions women registered in greater numbers than men; and in the Central Region women accounted for 54 percent of the total number registering. Over 6 million citizens returned to the 20,000 registration sites to ensure that their names were included on the registry.

As a result of these careful preparations, the elections proceeded smoothly, and observers judged them free and fair. The 77 percent turnout was significantly higher than the 52 percent in 1992, but the electorate was orderly. Hard work by the National Electoral Commission, political parties, and national and international NGO's contributed to the successful election. President Rawlings was reelected for a final 4-year term with 57 percent of the popular vote. The Great Alliance candidate, John Kufuor, received 40 percent. The NDC retained control of the 200-member Parliament with 133 seats, while opposition parties took 66 seats (1 seat was not contested due to a court injunction).

There are no obstacles to the participation of women in government. In 1996 there were 16 female parliamentarians and several ministers and Council of State members were women. In the December elections, 17 women were elected to the Parliament taking office in 1997.

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

NGO's interested in human rights continued to grow in number and strength. These NGO's operate without government interference and, at year's end, without the need to register with the Government (see Section 2.b.). Prominent NGO's include the Red Cross, Amnesty International, the International Federation of Woman Lawyers (FIDA), and Women in Law and Development in Africa (WILDAF).

The Government cooperates with international humanitarian organizations including the International Committee of the Red Cross (ICRC).

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

The Constitution prohibits discrimination on the basis of race, sex, religion, disability, language, or social status. The courts are specifically empowered to enforce these prohibitions, although enforcement by the authorities is generally inadequate, in part due to limited financial resources.

##### **Women**

Violence against women, including rape and wife beating, remains a significant problem. These abuses usually go unreported and seldom come before the courts. The police tend not to intervene in domestic disputes. However, the media increasingly report cases of assault and rape. Women's groups have not yet raised the issue of domestic violence with the Government.

Women continue to experience societal discrimination. Women in urban centers and those with skills and training encounter little overt bias, but resistance to women in nontraditional roles persists. Few women enter college. Women, especially in rural areas, remain subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often deny women their inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children, all provided for by statute.

Women's rights groups are active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government is also active in educational programs, and the President and First Lady are among the most outspoken advocates of women's rights. Although there has been no concrete policy change on the national level, the 1995 United Nations Conference on Women and the resulting platform for action generated widespread positive discussion about the status of women in Ghana.

## Children

Within the limits of its resources, the Government is committed to protecting the rights and welfare of children. There is little or no discrimination against females in education, but girls and women frequently drop out of school due to societal or economic pressures. Statistics show that from grades 1 to 6, 45 of every 100 pupils are girls; from grades 7 to 9, this number drops to 41. In the grades equivalent to high school (grades 10 to 12), the number of girls drops to 33 per 100 students, and drops even further to 25 per 100 students at the university level.

There are several traditional discriminatory practices that are injurious to female health and development. In particular, female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is a serious problem. According to one study, the percentage of women who have undergone this procedure may be as high as 30 percent, although most observers believe 15 percent to be more accurate. FGM is practiced mostly in Muslim communities in the far northeastern and northwestern parts of the country. As of 1994, FGM became a criminal act, and at least one practitioner and an accomplice were arrested during the year. Officials at all levels have been vocal in publicly speaking out against the practice of FGM, and a local NGO is making some inroads through its educational campaigns to encourage abandonment of FGM.

Trokosi, a traditional practice found among the Ewe ethnic group and primarily in the Volta region, is an especially severe abuse and a flagrant violation of children's and women's rights. It is a system in which a young girl, usually under the age of 10, is made a slave to a fetish shrine for offenses allegedly committed by a member of the girl's family. The belief is that if someone in that family has committed a crime, such as stealing, members of the family may begin to die in large numbers unless a young girl is given to the local fetish shrine to atone for the offense. The girl becomes the property of the fetish priest, must work on the priest's farm, and perform other labors for him. Because they are the sexual property of the priests, most trokosi slaves have children by him. Although the girls' families must provide for their needs, such as food, most are unable to do so. There are at least 4,500 girls and women bound to various shrines in the trokosi system, a figure that does not include the slaves' children. Even if released, generally without skills or hope of marriage, a trokosi woman has continued obligations to the shrine for the duration of her life. When the fetish slave dies, the family is expected to replace her with another young girl for the fetish shrine.

Although the Constitution outlaws slavery, Parliament has yet to pass a law explicitly prohibiting trokosi. The practice persists because of deeply entrenched traditional beliefs, and it is therefore unlikely that any legislative prohibition alone would eliminate the practice. Nevertheless, a local NGO has had some success in approaching village authorities and fetish priests and winning their confidence with the ultimate objective of securing the release of the trokosi slaves. There were 3 ceremonies where a total of over 120 trokosi women and girls were released through the efforts of this NGO, and the organization is working for additional releases.

Another traditional practice that violates the rights of children is forced childhood marriages. The prostitution of female children exists, despite its illegality.

## People with Disabilities

The Constitution specifically provides for the rights of people with disabilities, including protection against exploitation and discrimination. In practice, the disabled are not discriminated against in any systematic or overt manner. It also states that "as far as practicable, every place to which the public has access shall have appropriate facilities for disabled persons." In practice, however, this provision has yet

to be implemented.

### National/Racial/Ethnic Minorities

Although the Government plays down the importance of ethnic differences, its opponents occasionally complain that it is dominated by the Ewe ethnic group from the eastern part of the country. The President and many of his close advisers are Ewe, but many ministers are of other ethnic origins.

To address the continuing tensions between the Konkomba and other ethnic groups in the north, the Government has created a permanent negotiating team comprised of religious leaders, NGO's, Council of State members, and other interested parties to help resolve the conflict. A series of highly publicized "peacemaking" ceremonies were held at which tribal leaders pledged to solve their differences through negotiations.

The primary issue of contention among the northern ethnic groups is land.

There were numerous violent confrontations between and within ethnic groups related to chieftaincy issues, particularly those of succession. Beyond regular pleas by government officials for peace, there has been little effective intervention.

## Section 6 Worker Rights

### a. The Right of Association

This right is restricted, as the Trades Union Ordinance confers broad powers on the Government to refuse to register a trade union. However, neither the PNDC nor the Government has interfered with the right of workers to associate in labor unions.

About 9 percent of workers belong to unions, a figure that has been declining slowly over the past several years. The Industrial Relations Act (IRA), initially written in 1958, and amended in 1965 and 1972, governs trade unions and their activities. The Trades Union Congress (TUC) is the only existing confederation, although it has no legal monopoly. In recent years it has been led by experienced union leaders who, aided by a revised union constitution and by-laws, continued to define an autonomous role for the TUC within the NDC regime. Since the 1992 elections, the TUC has taken a somewhat more confrontational stance vis-a-vis the Government and has criticized some of its economic policies. Civil servants have their own union, the Civil Servants Association, which operates outside of the TUC umbrella.

The law recognizes the right to strike. Under the IRA, the Government established a system of settling disputes, first through conciliation, then through arbitration. A union may call a legal strike if negotiations and mediation fail. However, because no union has ever gone through the complete process, there have been no legal strikes since independence. The IRA prohibits retribution against strikers, and this law is enforced. There has been no progress in implementing the Government's declared intention to establish labor tribunals to arbitrate industrial disputes certified as deadlocked.

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

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

The IRA provides a framework for collective bargaining and some protection against antiunion discrimination as well. Trade unions engage in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. The Government, labor, and employers negotiate together, however, through a tripartite commission to set minimum standards for wages and working conditions. The law requires employers found guilty of antiunion discrimination to reinstate workers fired for union activities. No union leaders have been detained in recent years for union or other activities.

Press reports in February claimed that management refused workers at the Volta garment factory in Teshie the right to unionize. This right, however, was ultimately respected, and in November the workers announced their decision to affiliate with the Industrial and Commercial Workers Union.

Legislation approving export processing zones (EPZ's) has been passed and a secretariat established, but at year's end there was no EPZ in operation. Existing labor law, however, will apply in any EPZ, including the right to organize.

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

The law prohibits forced labor, and it is not known to be practiced except in the *trokosi* system (see Section 5). The International Labor Organization (ILO) continues to urge the Government to revise various legal provisions that permit imprisonment with an obligation to perform labor for offenses that are not countenanced under ILO Convention 105.

#### d. Minimum Age for Employment of Children

Labor legislation sets a minimum employment age of 15 and prohibits night work and certain types of hazardous labor for those under 18 years of age. In practice, child employment is widespread, and young children of school age often perform menial tasks during the day in the market or collect fares on local buses. An ILO survey conducted in three rural districts between 1992 and 1993 concluded that 11 percent of school age children were employed for wages and another 15 percent without remuneration. Observance of minimum age laws is eroded by local custom and economic circumstances that encourage children to work to help their families.

Officials only occasionally punish violators of regulations that prohibit heavy labor and night work for children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations. They visit each work place annually and make spot checks whenever they receive allegations of violations.

#### e. Acceptable Conditions of Work

In 1991 minimum standards for wages and working conditions were set by a tripartite commission composed of representatives of the Government, labor, and employers. The daily minimum wage, revised in 1996, combines wages with customary benefits, such as a transportation allowance. The daily minimum wage is \$1.00 (1,700 cedis). This sum is insufficient for a single wage earner to support a family. Furthermore, there is widespread violation of the minimum wage law. In most cases households have multiple wage earners, and family members engage in some family farming and other family-based commercial activities.

The law sets the maximum workweek at 45 hours, with one break of at least 36 consecutive hours every 7 days. Through collective bargaining, however, the basic workweek for most unionized workers is 40

hours. In February, however, workers at the Spintex textile factory publicly charged that management was forcing them to work overtime without compensation under threat of layoffs. When workers formally requested that they be laid off, management refused the requests, which unleashed a worker protest that ended in the police using tear gas and firing warning shots. Workers have filed petitions with the CHRAJ, the Ministry of Employment and Social Welfare, and the Ministry of Labor. The status of the petitions was unknown at year's end.

Occupational safety and health regulations are in effect, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposes sanctions on violators. Safety inspectors are few, however, and poorly trained. They take action if matters are called to their attention, but lack the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercise this right.

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