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U.S. Department of State

Ghana Country Report on Human Rights Practices for 1997

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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 1996 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 National Democratic Congress (NDC) party won 133 of the Parliament's 200 seats, just short of the two-thirds majority required to amend the Constitution. 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 that hobbles the effectiveness of all three branches. The presence of a significant number of opposition parliamentarians since January has led to increased scrutiny of the Government's activities. 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 eight-member Police Council, are responsible for maintaining law and order. A separate 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 and 70 percent of employment derived from this sector. Gold, cocoa, and timber are the traditional sources of export earnings, with gold growing in importance. The economy grew at an estimated rate of 5.5 percent in 1997, up from the 5.2 percent recorded in 1996. Increased gold production and a good cocoa harvest accounted for the slightly higher growth rate. There was improved growth in service industries and manufacturing, but mining slowed. The privatization of state-owned enterprises continues, but the pace of divestiture remains slow. Inflation fell from 45 percent at the end of 1996 to an average of 30 percent during the year. The gross domestic product per capita is approximately \$340.

The Government's human rights record improved somewhat, but problems remain in several areas. Police used excessive force, which resulted in a number of extrajudicial killings, as well as injuries during attempts at crowd control. There were continued credible reports that members of the police beat prisoners and other citizens; arbitrarily arrested and detained persons; and infringed on citizens' rights to privacy. Municipal security forces, which fall outside the regular police service, injured a number of persons by using excessive force to control street vendors and public demonstrations. Prison conditions remained harsh, and prolonged pretrial detention remained a problem. In a prison riot in April in Kumasi, prison officers injured five prisoners. Inadequate resources and a system vulnerable to political influence compromised the integrity of the overburdened judicial system. The Government closed its case on the deaths of four demonstrators during a 1995 antigovernment protest without any investigation and did not press charges in most of the fatalities caused by police and customs officers. It did not press charges in the shooting deaths of two demonstrators in a protest in Kumasi against the semiautonomous energy company.

The Government continued to pressure the media. It resorted to a rarely used criminal libel law to prosecute three independent journalists, and many observers feared that these cases signaled a renewal of press harassment by the Government. The trials were postponed repeatedly, and one of the cases subsequently was dropped. The independent press continued its vigorous and outspoken criticism of various government policies. Seven independent radio stations operated in Accra and new stations opened throughout the country. In April the Government issued a white paper rejecting some of the adverse findings against three government officials in the 1996 report issued by the CHRAJ. The CHRAJ issued a rebuttal to the white paper.

Traditional practices still result in considerable discrimination against 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 at least six separate occasions in attempting to control crowds, poorly trained and ill-equipped police killed at least five citizens and injured at least seven, reportedly as a result of stray bullets from warning shots. In at least five other incidents, police or customs officials shot and killed five suspects extrajudicially. One police officer was remanded for shooting a taxibus driver's assistant to death after the driver failed to stop following a traffic violation.

Although the Government acknowledges and often denounces the actions of the police, the Government has been unable to curb police excesses. The Government took no action against police officers responsible for accidental killings in December 1995 and January 1996.

In March police fired warning shots into a crowd of demonstrators in Kumasi who were protesting against the semiautonomous energy company and killed two persons. The Minister of Interior stated that the police were to blame and recommended that the Government compensate the families of the victims. However, the police officials responsible were not identified or disciplined.

Stray bullets fired by police killed two teenagers during a riot over months of accumulated rubbish in an Accra slum on October 30. After police and military forces quelled a riot by some 600 residents, 1 demonstrator died on the scene and another 2 were critically injured, 1 of whom died subsequently. Press accounts say that two teenagers died, but the police maintain only one died and that the two who were critically injured are still alive. Rubbish pits in Nima, one of Accra's worst slums, were choked with refuse, including human excrement, after not having been cleaned for months. Residents of the predominately Muslim area protested by piling garbage in the middle of a main street and carting trash to the doorstep of their assemblyman. The assemblyman reportedly called for reinforcements, including the police, the Inspector General of Police, the mayor, and the Interior Minister. The police claimed they tried to quell the riot with tear gas and used live ammunition to fire warning shots after running out of rubber bullets. Authorities allegedly arrested people in their homes and tried to extract others from a mosque to arrest them. It took 8 hours to restore order. A total of 76 people were arrested. The Interior Minister testified before Parliament that the lives of the police were threatened before they resorted to the use of arms.

Police shot and killed a 43-year-old auto mechanic during an antinarcotics raid on November 9 in Ho, the Volta regional capital. A joint police-military task force had cordoned off the well-known criminal neighborhood of Bankoe-Muviefe and appeared to be seeking the victim, known as Rasta Napo, who had a previous criminal history. The task force of about 20 men went to the victim's house and, during a confrontation, shot the victim. According to relatives, the shooting occurred when Napo was trying to go back inside his house, and a police officer shot him in the back. He allegedly was shot again and stabbed with a police bayonet. According to police, Napo charged the police with a bayonet and dagger, refusing to retreat after a whistle and a warning shot. Another shot was fired, hitting Napo in the head. In response to the shooting, about 250 youths staged a 3-hour march during the following morning to protest what they described as an extrajudicial killing and an act of barbarism. They asked the district chief executive for an independent investigation of the incident, which was initiated but was without result at year's end (see Sections 1.c. and 1.d.).

One civilian and one police officer were killed during a clash between police and citizens on November 1, after 35 police officers stormed the Akwatia diamond market to arrest illegal alien diamond dealers. A mob, which eventually numbered 5,000, attacked the police. Human rights activists contend that a police warning shot intended to disperse the crowd killed one civilian. However, the Interior Minister told Parliament that the civilian death resulted from a mob member's reckless firing of a gun seized from the police in the melee. The mob seriously injured nine police officers, including one who later died. On November 16, police arrested 2,000 people in apparent retaliation for the attack. Authorities conducted a dawn raid in Akwatia, and roused males from their beds beating them with weapons, batons, and ropes, and hauled them to the police station. Eventually, a majority of those arrested were released.

On November 30, a policeman shot and killed a taxibus driver's assistant in Kaneshie, a neighborhood of Accra, when the vehicle failed to stop after driving through a one-way lane. The driver was later caught and beaten by army and police personnel. The policeman responsible for the killing was jailed pending "immediate and full-scale investigations," according to the police commander, who denounced the

action regardless of whether the driver had violated a traffic law. At year's end, the policeman was in custody awaiting the Attorney General's advice and determination of charges.

Customs officers were responsible for the shooting deaths of two individuals, a man suspected of a stolen car and a man suspected of smuggling. On September 30, one man was shot after ignoring an order to stop on reaching the barrier at Dabala near the Togolese border. He was suspected of driving a stolen car. In early November, another man was killed after also ignoring an order to stop at the Dabala customs check point. The customs officer chased the victim by car and shot him in a nearby village. At year's end, investigations were continuing.

Police in Accra fired on a car full of youths in the predawn hours of December 21, killing a 20-year-old man and injuring another. A police spokesman stated that the officers were responding to a report of an armed robbery. When they approached the site of the alleged robbery, the students' vehicle reportedly refused to yield the right of way or heed the police vehicle's lights and siren and, instead, turned off its lights and accelerated. Suspicious of this behavior, the police fired "warning shots" aimed at the car's tires that passed through the rear window and killed one of the passengers. The spokesman confirmed that one of the officers is in custody and that the case is under investigation.

On December 12, security forces killed one person and injured two others while attempting to control a mob in Wa in the Upper West Region. The crowd was attempting to free 14 people arrested in the wake of a violent incident between Muslim sects 2 days earlier (see Section 2.c.).

In August the authorities filed murder charges against two policemen and a police laborer in the unexplained death of a man in an Eastern Region police cell in February 1996.

The Government again refused to launch an independent inquiry into the deaths of four demonstrators during a protest against government tax policy in May 1995 and finally closed its case inconclusively. There was no further action on the libel case by the Youth and Sports Minister against an independent newspaper that reported on the 1995 U.S. Government report on human rights practices in Ghana and his possible involvement in the 1995 killings of four demonstrators. The Government has held unresolved lawsuits over certain journalists, effectively circumscribing their reporting.

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. This officer was disciplined by the department by being confined to his barracks for 2 weeks and denied his salary for 3 months. At the request of the Attorney General, the other officer was charged, tried, and awaits sentencing.

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. Journalists continued to raise this issue; however, the Government ignored their requests.

The press reported numerous cases of vigilante-style "instant justice" conducted by angry citizens and mobs in local communities on suspected criminals and suspected witches.

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 and customs officials beat prisoners and other citizens. It is generally believed that severe beatings of suspects in police custody occur throughout the country but go largely unreported. Police used excessive force in attempting to control crowds, at times resulting in citizens' deaths (see Section 1.a.). In February poorly trained police in Kumasi and mining security guards injured two people during an environmental protest, reportedly as a result of stray bullets from warning shots. On October 4, a policeman shot a third-year secondary school student in Cape Coast. The student was an uninvolved spectator injured when police attempted to quell a fight between football players and spectators. At year's end, the case was still under investigation. Police conducted a dawn raid in the town of Akwatia on November 16, in apparent revenge for a bloody clash with illegal diamond traders the previous week during which nine police officers were injured, one of them fatally. Police roused males from their beds, beat them with weapons, batons, and ropes, and hauled them to the police station. also threatened and beat women (see Sections 1.a. and 1.d.).

The International Foundation for Election Systems (IFES) released its 1997 postelection Public Opinion Report, which stated that 43 percent of the population has little or no faith in the police service. In November 1996, a police task force burned three villages in the Western Region as it searched for a suspected killer. Hundreds of people lost their homes and property. Public suspicion of the police was such that, in at least nine incidents, citizens in remote villages attacked police who were reportedly attempting to enforce the law. Eight police stations were ransacked, forcing the officers to flee and abandon their sites. Although the police may have been attempting to enforce the law, their unprofessional approach triggered the public reaction. Police presence was reestablished in some areas by year's end.

In late 1997, officers of the Customs, Excise, and Preventive Service (CEPS) brutalized two doctors at checkpoints in two well-publicized incidents in the Volta Region. Following the second incident, the Ghana Medical Association (GMA) called for a public declaration of disciplinary action taken against the CEPS officials, compensation for the victims, and disclosure of steps being taken to prevent a recurrence. A GMA official characterized CEPS personnel in the Volta Region as a "public liability in view of their improper use of firearms in recent times."

Security forces outside the control of the police service made a high-profile debut in 1996 and proved a threat to civil liberties. The Accra Metropolitan Assembly (AMA) 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 force for retraining, the AMA disbanded it. In 1997, however, the force reappeared as the Chameleon Bombers dispatched and organized by the AMA's office. They continued to inflict injury and destroy property. Two members were arrested in August after brutalizing two street market women during an attempt to decongest Accra's overcrowded streets.

Two of the five defendants on trial for an alleged 1994 plot to overthrow the Government reportedly were severely tortured by BNI officials prior to this year. Both had scars as a result of hot metal applied to their backs while in BNI cells.

Machomen, private security enforcers hired by citizens to settle private disputes and vendettas, caused injury and property damage. The Machomen are not legally constituted, but organized privately and operate outside the law. None, however, have been arrested for any illegal action, and police, to some

extent, appear intimidated by them.

Prisons are in most cases very poorly maintained, and conditions are extremely harsh. In 1996 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 prisoners also suffer from lack of medicine 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 and some changes, but while the Government concurred with the 1996 findings, it stated that lack of funding in 1997 prevented further improvements. Families still supplement prisoners' food and bribe prison guards for visitation rights.

In April prisoners in Kumasi rioted over lack of food and five prisoners were injured by police officers. Prisoners cited inadequate food and refusal by authorities to empty prison toilets as prompting the riot.

While the CHRAJ has access to monitor the prisons, the Government resisted granting access to the press.

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, 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 Region police commander were sued in 1996 by a private businessman for unlawful arrest and detention.

Authorities do not routinely notify prisoners' families of their incarceration; such information is often obtained only by chance.

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. There has been no meaningful policy implemented by the Government to reduce the numbers of pretrial detainees, although the independent press has called for reduction of harsh bail conditions for suspects who do not pose a threat to society. Many credible sources report that private citizens pay the police to arrest business associates in deals gone awry. In one such case in Tema, the detainee was held for 2 months without treatment for a serious medical problem. The CHRAJ reported one case of a 16-year detention. Remanded suspects may languish in prison without trial for up to 9 years.

The 1996 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." In response the Attorney General asked the CHRAJ for a list of those detained for 6 years or more in order to investigate their cases and the CHRAJ provided such a list. According to the Attorney General's office, a committee is investigating how the remanded prisoners can either be brought to trial quickly or released.

The Government unlawfully detained two policemen for 27 days in June and July after a theft at the residence of the Minister of Justice/Attorney General. After the media exposed the case, the Government released the detainees and accepted responsibility for the violation. The Attorney General denied knowledge of the violation and admitted a possible police over-reaction in keeping the policemen detained beyond the constitutionally permitted 48-hour limit without charge. The Minister of Interior submitted a statement to Parliament in which he apologized to the policemen who were detained and said that the police had acted outside the law. The Inspector General of Police subsequently undertook a campaign to emphasize the 48-hour rule to police officials throughout the country, and improved adherence to this provision resulted. The BNI paid \$11,000 in damages to a detainee held 72 hours in a case of mistaken identity. Others unlawfully detained were released as they were discovered. One Tema man was released after a spot check revealed that he had been imprisoned 6 years without being charged.

In the wake of an October 30 riot in the Nima slum, authorities allegedly arrested 76 people, many in their homes, and reportedly tried to extract people from a mosque to arrest them.

In November police arrested 2,000 men in the town of Akwatia, after a mishandled sting operation. Police killed one civilian and beat both men and women (see Sections 1.a. and 1.c.).

There were no known political arrests. However, the case of an army captain, charged in 1996 with plotting to overthrow the Government, was dismissed for lack of merit in October.

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 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. Police, however, arrested two persons who offered bribes to the police officer handling the prosecution of cases from the Akwatia riot.

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 1996 the CHRAJ received 12,409 petitions in its offices around the country and completed action on over 8,775. Forty percent of the cases were resolved through mediation. This effort compares with 1995 when 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 from those who felt they suffered injustice as a result of abuse of power, unfairness, and high handedness. CHRAJ figures for the number of petitions received and acted upon during 1997 had not been compiled by year's end. In October 1996, the Commission concluded its lengthy corruption probe of high government officials. The Commission's report, which detailed adverse findings against three public officials and exonerated a fourth, evoked an aggressive government rebuttal and a questioning of the scope of the CHRAJ's mandate that finally led the CHRAJ to request in 1996 a Supreme Court interpretation of its rights and responsibilities. The case has been argued before the court; however, at year's end there was no verdict (see Section 4).

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), as well as the 1992 Constitution, have steadily eroded the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

Attorneys for five defendants on trial for an alleged 1994 plot to overthrow the Government (see Section 1.c.) criticized prison officials for impeding their access to their clients. At year's end, the attorneys had access to their clients.

There were no reports of political prisoners.

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. Although the law requires judicial search warrants, police do not always obtain them in practice. 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. Several political activists reported being followed.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and opposition political parties and others have used these freedoms to criticize the Government. The Government has allowed more control of print and electronic media to be transferred to the private sector. The Government pressures certain newspapers indirectly by allowing pending lawsuits to continue unresolved.

There are 15 newspapers including 2 government-owned dailies, 2 government-owned weeklies, and 11

independent newspapers published weekly, biweekly, or triweekly. One of the government-owned dailies has national circulation. However, most newspapers circulate regionally, and many of the smaller independent newspapers are available only in the capital. Accra has eight radio stations (one of which is government-owned). While seven stations are independent, they cannot be characterized as outspoken critics of the Government. The number of independent radio stations outside of Accra also expanded. The government-owned television station is the only station that broadcasts nationwide. Two other television stations began broadcasting during the year; one is independent, the other is partially owned by the Government. Both stations' broadcasts could be received only in Accra. Government-owned media did not seem to receive government subsidies. Neither, however, was there any real movement toward their divestiture.

The government-owned media occasionally reported charges of corruption or mismanagement in government ministries and government-owned enterprises, but they never directly criticized the Government's policies or President Rawlings' activities. The Government occasionally disciplines or dismisses journalists working in government-subsidized media for articles deemed unacceptable. The Government ended subsidies to the state-owned publishing companies, and the newspapers are published by profit-making printing companies but have not been offered for public sale.

The independent press was often harshly critical of the Government's policies and its coverage of President Rawlings, his wife, and his regime often bordered on the profane. Although the Government did not overtly suppress the independent media, authorities remained suspicious and wary of them. The Government and government officials used civil suits, and occasionally criminal libel suits, to threaten independent editors and journalists. In the most glaring case, the Government continued to prosecute two independent journalists under a rarely used sedition law for allegedly libeling President Rawlings and his wife and, through them, the State. The trials, repeatedly postponed, were seen by many observers to signal a renewal of press harassment. There was a particularly overt sign of the regime's suspicious and distrustful attitude toward press freedom in May when the Government asked an accredited diplomat, who had criticized the country's criminal libel laws, to leave the country.

The Government readily granted accreditation to foreign journalists. Foreign periodicals were sold in Accra and other major cities and circulated freely even when they contained articles critical of the Government. Most citizens obtain their news from the government-owned electronic media and the British Broadcasting Corporation radio service.

There were no new developments in the case of the Minister of Youth and Sports who 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 was no restriction of academic freedom on university campuses. The National Union of Ghanaian Students, one of the more vocal critics of the Government, is allowed to organize and hold meetings. In August the threat of a large protest helped avert an increase in electricity charges (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice. The Government 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 August the threat of a large demonstration organized in part by the National Union of Ghanaian Students and the Trades Union Congress helped pressure the Government to suspend an increase in electricity rates.

In November 1996, five workers demonstrating in favor of union demands for improved working conditions were injured by bullets fired by the police. They were treated at a police hospital and the company assumed subsequent medical costs. No action was taken against the police.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. NGO's are required to register with the Registrar General's office, but this registration is routine. However, there is a possible threat of government interference in a bill that has been languishing in a parliamentary committee for nearly 3 years that would establish a government body with 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.

In December there were two violent confrontations between Islamic sects in the northern part of the country involving theological rather than political issues, which resulted in two deaths and significant property destruction.

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, and the Government generally respects these provisions in practice.

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. There were numerous reports that police used checkpoints to solicit bribes. Citizen complaints about police harassment caused the Government to reduce the number of checkpoints from 125 to the 38 most essential posts. Government roadblocks and car searches are a normal part of nighttime travel in larger cities. Taxi drivers in Tamale struck in protest against persistent harassment by the police.

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 resulted in the deaths of an estimated several thousand citizens in the Northern Region in 1994-95 in the most recent outbreak of land-related ethnic conflict, which has existed since the early part of the century. During the year, the ethnic groups maintained an uneasy calm.

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 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. It continued to provide first asylum to some 5,907 Togolese, approximately 14,600 Liberians, 490 Sierra Leoneans (including 302 who were granted refugee status in December), and 27 Nigerians. There were no 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 1996. The country continued its transition from a one-party state to a more established constitutional system. The political system includes recognized opposition parties which express their views freely within Parliament.

President Rawlings was reelected in 1996 for a final 4-year term with 57 percent of the popular vote. The NDC retained control of the 200-member Parliament with 133 seats, while opposition parties took 67 seats, including 1 in June that was delayed by a court injunction. The NDC fell one seat short of commanding the two-thirds majority required to amend the Constitution. To a large degree, opposition members are frustrated by impediments the executive branch imposes by refusing to support opposition amendments to proposed legislation. Parliament is still working to develop effective oversight of the workings of the executive branch.

There are no obstacles to the participation of women in government; however, they compose a small minority in government and politics. In 1997 there were 18 female parliamentarians. Several ministers and Council of State members also were women.

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, and there were 17 NGO's in the field at year's end. These NGO's operated without government interference and without control by the Government (see Section 2.b.). Prominent NGO's include the Red Cross, Amnesty International, the International Federation of Woman Lawyers (FIDA), Women in Law and Development in Africa, and Ghanalert.

The Government cooperates with international humanitarian organizations, including the International Committee of the Red Cross.

Although not an NGO, the CHRAJ, at the invitation of President Rawlings, began investigations in November 1995 into a series of allegations of corruption and other acts of impropriety made in the press against public officials. The CHRAJ completed its report in October 1996 and detailed adverse findings against three public officials; it exonerated a fourth. The Government issued a white paper in April, rejecting some of the adverse findings in the CHRAJ report and recommending that interpretations of certain laws be forwarded to the Attorney General's office. The CHRAJ issued a rebuttal to the white paper. In addition the CHRAJ submitted an interim report in November on corruption allegations against a senior government official of the Cocoa Board. The Commission found the allegations to be false. The CHRAJ issued a report on its investigations at the "witches" camps in the Northern Region. The report

detailed the living conditions of the women in the camps and proposed how to reintegrate the women into society. The plan involves an educational campaign in conjunction with the Center for National Culture and the House of Chiefs. The Commission has also provided periodic updates to various sections of its report on prison conditions.

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. The FIDA wrote a handbook and presented a workshop on domestic violence and aided poor women for free. However, FIDA believes that women's shelters must be built in order for legal intervention to be effective.

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.

Rural women can be punished with banishment by traditional village authorities for teenage pregnancy or suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman. Two villages contained 400 elderly women, and 1 village contained 2,000 women and family members, all sentenced by a village male or chief who claimed to have the power to divine witches. Although the women face no formal legal sanction if they leave, most fear that they would be beaten to death if caught. The CHRAJ is mounting a campaign to end this traditional practice, which violates the victims' constitutional rights.

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 continued to generate widespread positive discussion about the status of women in the country.

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. Although the percentages increased in several areas from 1996, participation is still low. Statistics show that from grades 1 to 6, 46 percent of pupils are girls; from grades 7 to 9, this number drops to 43 percent. In the grades equivalent to high school (grades 10 to 12), the number of girls drops to 36 percent of students, and drops even further to

23 percent 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. Officials at all levels have spoken out against the practice of FGM, and local NGO'S are making some inroads through their educational campaigns to encourage abandonment of FGM and to retrain practitioners. There were, however, no arrests during the year. The two individuals arrested in 1996 for practicing FGM were convicted, but at year's end, had not been sentenced.

Although the Constitution prohibits slavery, it exists on a limited scale. 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 4,000 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. Over the past few years, the CHRAJ has conducted an awareness campaign with traditional leaders and practitioners in an effort to bring the practice to an end. The CHRAJ's efforts have been taken in conjunction with an NGO called International Needs, which has had some success in approaching village authorities and fetish priests at 10 of the 76 shrines, winning the release of 474 Trokosi slaves to date, and retraining them for new professions. The organization is working for additional releases. Including work by other organizations, the total number of slaves released was 672 at year's end.

Another traditional practice that violates the rights of children is forced childhood marriages. The prostitution of female children exists, despite its illegality. Forced labor also occurs at the camps for women accused of witchcraft.

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. The Constitution 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.

Religious Minorities

In December there were two violent confrontations between Islamic sects in the northern part of the country, involving theological rather than political issues, which resulted in two deaths and significant property destruction.

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. In the 1997 IFES Report on Public Opinion, 25 percent of the respondents said that they felt discrimination because of their tribal background.

The Government created a permanent negotiating team in 1995 comprised of religious leaders, NGO's, Council of State members, and other interested parties to help resolve the continuing tensions between the Konkomba and other ethnic groups in the north. Ethnic tension and violence in the Northern Region resulted in the deaths of an estimated several thousand citizens in the Northern Region in 1994-95. The Permanent Peace Negotiating Team (PPNT) is a facilitative body whose primary purpose is to mediate disputes, most of which relate to chieftancy and land issues dating from colonial times. In 1996 a series of highly publicized "peacemaking" ceremonies were held at which tribal leaders pledged to solve their differences through negotiations. In response to reports of latent insecurity, the PPNT extended its activities to some northern parts of the Volta Region in October and in December supervised a peace accord among all parties to the conflict residing there. The primary issue 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, the Government has not interfered with the right of workers to associate in labor unions and has not refused to register any unions.

About 9 percent of workers belong to unions, a figure that is likely to increase following the formation of a new federation called the Ghana Federation of Labor, which will serve as an umbrella organization for several other labor unions not encompassed by the Trades Union Congress (TUC), previously the only federation. The Industrial Relations Act (IRA), initially written in 1958, and amended in 1965 and 1972, governs trade unions and their activities. In recent years, the TUC has been led by experienced union leaders who, aided by a revised union constitution and bylaws, 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 toward 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, which has been pending for many years.

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. Trade unions engage in collective bargaining for wages and benefits for 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.

There is legislation that authorizes export processing zones (EPZ's), and a secretariat exists. The Secretariat provides data on designated EPZ's, educates the public and potential investors on export provisions and concepts, and facilitates establishment of businesses within designated EPZ's. There are a few EPZ's in operation. Existing labor law applies in any EPZ, including the right to organize.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits slavery. The law also prohibits forced or bonded labor, including that performed by children; however, at least 4,000 women and girls are bound to shrines through the Trokosi system (see Section 5). Apart from the Trokosi system, forced or bonded labor by children is not practiced. 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. Status of Child Labor Practices and Minimum Age for Employment

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.

The law prohibits forced or bonded labor, including that performed by children; however, at least 4,000 women and girls are bound to shrines through the Trokosi system (see Section 6.c.).

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 workplace 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 of 2,000 cedis is less than \$1.00. 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 or 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 1996 Spintex workers filed petitions with the CHRAJ, the Ministry of Employment and Social Welfare, and the Ministry of Labor concerning working hours. They have withdrawn the case from administrative review and, instead, taken the case to court. Hearings were in process 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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