

# GHANA 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Ghana is a constitutional democracy with a strong presidency and a unicameral, 275-seat parliament. In late 2008 the National Democratic Congress (NDC) won both the presidency and a small majority in parliament in an election domestic and international observers deemed generally free and fair. NDC candidate John Evans Atta Mills became president in early 2009 for a four-year term. When President Mills died in July 2012, Vice President John Dramani Mahama assumed the office of president. President Mahama won re-election in December 2012. The New Patriotic Party (NPP) alleged massive voting irregularities and filed a legal suit in the Supreme Court contesting the outcome of the election. In August the Supreme Court dismissed the case and upheld the results of the election. Authorities failed at times to maintain effective control over the security forces. Security forces sometimes committed human rights abuses.

The most important human rights problems included trafficking in persons; exploitive child labor, including forced child labor; and harsh and life-threatening prison conditions.

Other human rights problems included use of excessive force by police resulting in deaths and injuries; prolonged pretrial detention; arbitrary arrest of journalists; corruption in all branches of government; violence against women and children, including female genital mutilation/cutting (FGM/C); societal discrimination against women, persons with disabilities, and persons with HIV/AIDS; ethnic killings and vigilante violence; ethnic discrimination and politically motivated violence; and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals.

The government took steps to prosecute and punish officials who committed abuses, but police impunity remained a problem.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports that the government or its agents committed arbitrary or unlawful killings. Use of excessive force by security forces in the line of duty resulted in the deaths of several armed criminal suspects and other persons during

the year. Claims of excessive force by security forces are investigated by the Inspector General of Police (IGP), the Commission on Human Rights and Justice (CHRAJ), and the Police Intelligence and Professional Standards Unit (PIPS).

In October Police Service officials allegedly shot and killed a suspected thief in the city of Kumasi. According to the police, the victim was armed with an axe and a machete, and he resisted arrest, threatening to harm the policemen. Local residents in the area, however, claimed the victim was innocent and unarmed at the time of the shooting. Area residents staged a protest in Kumasi in response to the shooting, and the matter was pending investigation at year's end.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

While the constitution and law prohibit such practices, there were credible reports that police beat and otherwise abused suspects, prisoners, and other citizens. According to the CHRAJ, beatings of suspects and other citizens reportedly occurred throughout the country but were generally unreported in official channels as victims were reluctant to file formal complaints. Police generally denied allegations or claimed that the level of force used was justified. Military officials also reportedly mistreated persons. Several nongovernmental organizations (NGOs), lawyers, and civil society organizations criticized police use of excessive force.

Reacting to public concerns, the government conducted awareness-raising campaigns and took internal disciplinary actions against offending security officials in 2013. In June the IGP ordered an investigation in response to allegations that police in Accra had used excessive force and severely beaten approximately 20 private guards in Cantonments, Accra. The incident captured public attention after home videos appeared online showing approximately 30 police with sticks and batons repeatedly kicking and beating unarmed men in the street.

### **Prison and Detention Center Conditions**

According to media and expert reports, prison conditions generally were harsh and sometimes life threatening. There were no reports of prison deaths due to those conditions, but police brutality in prisons persisted according to the CHRAJ. Officials held much of the prison population in buildings that were originally colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, substandard construction, and limited space and light. Many prisoners slept on bare floors or took turns using beds.

Physical Conditions: Prisons Service statistics available in October indicated 14,101 prisoners (13,889 men and 212 women) were held in prisons designed to hold approximately one-third that number. Authorities neither housed juvenile detainees separately from adults nor pretrial detainees separately from convicted prisoners, but officials did house women separately. Prisoners had access to potable water.

In 2011 authorities discharged 125 inmates under the “Justice for All” program begun in 2008 to ease prison overcrowding and to accelerate judicial processes; another 117 inmates were released on bail during the same year. Data on efforts to alleviate prison overcrowding in 2012 and 2013 were unavailable at year’s end.

Administration: There were reports that inadequate recordkeeping led some pretrial detainees to spend excessive time in jail awaiting trial. There were no reports of inadequate recordkeeping for sentenced prisoners. Prisoners and detainees had reasonable access to visitors and religious observance. Amnesty International reported access to legal aid was limited or nonexistent, which resulted in some detainees spending years awaiting trial. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions and treatment; however, submission of complaints by prisoners was not common practice. There were no prison ombudsmen to respond to complaints. Authorities investigated credible allegations of inhumane conditions and treatment, and documented the results. Whenever allegations of inhumane treatment were made, the accused officer was asked to respond. If prison authorities were unsatisfied with the response of the officer, they opened an internal inquiry and submitted recommendations for disciplinary action to the director general of the prisons service.

Independent Monitoring: The government permitted independent monitoring of prison conditions by the CHRAJ, which served as the official ombudsman, and the Welfare Unit of the Prisons Service. In 2011 the CHRAJ monitored 28 of the 42

prisons and prison camps. The CHRAJ did not conduct any monitoring visits to prisons in 2012 or during the first 10 months of the year. Through public advocacy efforts and case-by-case legal assistance, the CHRAJ and other NGOs worked on behalf of prisoners and detainees to help alleviate inhumane overcrowding, address the status and circumstances of confinement of juvenile offenders, and improve pretrial detention, bail, and recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for the charged offenses.

While the government also permits independent monitoring of prison conditions by local and international human rights groups, including the International Committee of the Red Cross, no such visits occurred during the year.

#### **d. Arbitrary Arrest or Detention**

The constitution and law provide for protection against arbitrary arrest and detention, and the government generally observed these protections.

#### **Role of the Police and Security Apparatus**

The police, under the Ministry of Interior, were responsible for maintaining law and order. The military, however, continued to participate in law enforcement activities. A separate entity, the Bureau of National Investigations (BNI), handled cases considered critical to state security and answered directly to the Ministry of National Security. Police maintained specialized units in Accra for homicide, forensics, domestic violence, trafficking in persons, visa fraud, narcotics, and cybercrimes. Such services were unavailable nationwide due to the lack of office space, vehicles, and other equipment outside the capital.

Police brutality, corruption, negligence, and impunity were problems. There were delays in prosecuting suspects, rumors of police collaboration with criminals, and widespread perception of police ineptitude during the year. There were credible reports that police extorted money by acting as private debt collectors, setting up illegal checkpoints, and arresting citizens in exchange for bribes from disgruntled business associates of those detained. Low salaries, which were sometimes not paid on time, contributed to police corruption. Three years after the government increased police salaries under the Single Spine Salary Structure, its success in reducing corruption was unclear.

In April the Western Regional Police Command arrested five Ghana Police Service (GPS) officers for extortion. Dressed in uniform and armed with AK-47 rifles, the

officers allegedly forced their way into the home of a foreign businessman, threatened to arrest him, and demanded a payment of 10,000 cedis (\$4,555) in exchange for not taking him to jail. The officers, whose actions were captured on a closed-circuit security camera, were arrested several days later.

PIPS investigated human rights abuses and police misconduct. In 2012, the most recent year for which statistics were available, PIPS received 654 new complaints, of which 233 were closed and 421 remained under investigation at year's end. Among the 654 new cases, the largest number of cases involved unprofessional handling of a case or unfair treatment at the hands of the police.

### **Arrest Procedures and Treatment of Detainees**

The constitution and law provide for protection against arbitrary arrest and detention; however, the government frequently violated these provisions.

Arbitrary Arrest: The law requires judicial warrants for arrest and provides for arraignment within 48 hours. Experts and media reports allege, however, that police made frequent arrests without warrants and detained individuals without charge for periods longer than 48 hours. Officials detained some prisoners for indefinite periods by renewing warrants or by simply allowing them to lapse while an investigation occurred. The constitution grants a detained individual the right to be informed immediately, in a language the person understands, of the reasons for detention and of his or her right to a lawyer at state expense if unemployed or indigent. The government did not consistently protect these rights, but lawyers were generally assigned promptly to detainees. The law requires that a detainee who has not been tried within a "reasonable time," as determined by the court, be released either unconditionally or subject to conditions necessary to ensure the person's appearance in court at a later date. This provision was rarely observed in practice.

The law provides for bail, but courts in their unlimited discretion often set bail prohibitively high. The court may refuse to release prisoners on bail and instead may detain them without charge for an indefinite period, subject to weekly review by judicial authorities. On occasion, police also demanded money from suspects as a precondition for their release on bail.

Pretrial Detention: Lengthy pretrial detention remained a serious problem. According to Prisons Service data in September, 21 percent of the prison population was in pretrial status. Detainees sometimes served more time in

detention awaiting trial than the maximum sentence prescribed for the crime with which they were charged.

### **e. Denial of Fair Public Trial**

While the constitution and law provide for an independent judiciary, the judiciary was subject to influence and corruption (see section 4).

Members of the military are tried separately under the criminal code in a military court. Military courts, which provide the same rights as civilian courts, were not permitted to try civilians. Despite alternate dispute resolution (ADR) procedures to decongest the courts and address judicial inefficiency, court delays persisted. Professional mediators were trained to conduct ADR, and they worked in various district courts throughout the country to resolve disputes and avoid lengthy trials. Nevertheless, even in fast-track courts established to hear cases to conclusion within six months, trials could go on for years.

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

A judicial complaints unit headed by a retired Supreme Court justice addressed public complaints, such as unfair treatment by a court or judge, unlawful arrest or detention, missing trial dockets, delayed trials and rendering of judgments, and bribery of judges. In 2012, the most recent year for which statistics were available, the complaints unit received 158 complaints, most of which were resolved by year's end.

### **Trial Procedures**

The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right. The judiciary was sometimes inefficient, however, and subject to influence and corruption. Defendants are presumed innocent and trials are public. Defendants have the right to be informed promptly and in detail of charges against them. Defendants have adequate time and facilities to prepare their defense. Juries are used in murder trials. Defendants have a right to be present at their trials, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. Defendants have the right also to

present witnesses and evidence. Defendants and their attorneys have access to government-held evidence relevant to their cases, and have a right to appeal. Defendants have the right not to be compelled to testify or confess guilt. Authorities generally respected these safeguards.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

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

Fast-tracked ADR courts and “automated” commercial courts, whose proceedings were expedited through electronic data management, continued efforts to streamline resolution of disputes, although delays were common. Additional automated courts were established across the country, and their randomly selected judges contributed to reducing judicial corruption.

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

The constitution prohibits such actions, and the government respected these prohibitions.

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

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

Although the constitution and law provide for freedom of speech and press, the government sometimes restricted those rights. The police arbitrarily arrested and detained journalists, contributing to self-censorship.

Press Freedoms: There were more than 150 newspapers and magazines, approximately 250 FM radio stations, and 28 television stations registered with the National Media Commission. The most popular publications were state owned, while the majority of television and radio stations were private.

The courts continued to impose hefty fines on media houses for printing allegedly libelous stories concerning prominent citizens. In July an Accra Fast Track High Court fined two daily newspapers, the state-owned *Daily Graphic* and privately owned *Daily Democrat*, 90 thousand cedis each (\$41,000) for publishing defamatory articles in 2009 about Joe Baidoe-Ansah, member of parliament for Kwesimintsim, and former minister of trade, industry, and private-sector development. The articles suggested that the former minister had signed off on a government contract that resulted in financial loss to the state.

Violence and Harassment: Local authorities sometimes detained, arrested, or harassed critics of the government. For example, in March military security officials assaulted two journalists for attempting to take photographs of the president at an Independence Day celebration. The security officials allegedly slapped one of the journalists several times and attacked the other journalist's genitals with an electrical shock device. Although the armed forces conducted an internal review of the incident and made a public apology for use of excessive force, they subsequently exonerated both of the accused soldiers.

### **Internet Freedom**

There were no government restrictions on access to the internet or reports that the government monitored e-mail or internet chat rooms without judicial oversight. Individuals and groups could engage in the peaceful expression of views via the internet, including by e-mail. The internet was accessible in Accra and other large cities. There was limited but growing internet access in other parts of the country. According to the International Telecommunication Union, more than 17 percent of the population used the internet in 2012, the latest year for which data is available.

### **Academic Freedom and Cultural Events**

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

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

The constitution and law provide for freedom of peaceful assembly and association, and the government generally respected these freedoms in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In 2011 nearly 18,000 residents of Cote d'Ivoire fled to Ghana as a result of political instability following Cote d'Ivoire's disputed 2010 presidential election. As security and political stability returned to Cote d'Ivoire, many Ivoirian refugees went home. As of October the number of Ivoirian refugees in Ghana had dwindled to 8,857. Although Ivoirian refugees were granted prima facie refugee status during the initial stages of the emergency, by the end of 2012 Ghana had transitioned to individual refugee status determination for all Ivoirians entering thereafter.

The UNHCR issued a Declaration of Cessation effective June 30, 2012, for Liberian refugees, terminating their prima facie refugee status. For those Liberians who continued to express protection concerns, the UNHCR worked with the Ghana Refugee Board (GRB) to facilitate individual refugee status determination. Prior to the 2012 Declaration of Cessation, the UNHCR worked to ensure that remaining refugees registered for one of the two permanent solutions available: repatriation to Liberia or integration in the host country. In 2012 the UNHCR and the International Organization for Migration assisted with the voluntary repatriation of more than 4,700 Liberians from Ghana. For the approximately 4,000 Liberians who opted for local integration, the UNHCR and the GRB were working with the Liberian government to ensure the timely issuance of passports for the regularization of their immigration status in Ghana. The Ghana Immigration Service also supported the process by issuing reduced cost residency permits, including work permits for adults, to locally integrating former Liberian refugees.

The UNHCR estimated that as of October, 19,640 refugees and asylum seekers remained in Ghana. This figure included refugees and asylum seekers from

Liberia (5,229), Togo (3,793), Sudan (499), and Cote d'Ivoire (9,301), as well as other countries.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government provided protection in practice against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The GRB adjudicates claims for refugee status and seeks to ensure that refugees receive all appropriate protections.

The law allows rejected asylum seekers to appeal and remain in the country until an appeal is adjudicated. A four-member Appeals Committee, appointed by the minister of interior, is responsible for adjudicating the appeals, but these are often subject to delays. As of September the committee had adjudicated 12 asylum appeals. Their decisions on the cases, however, were not disclosed. The law also accords protection to refugees who entered the country illegally without documentation.

Sexual and gender-based violence remained a problem for refugees. All refugees had freedom of movement within the country, and none were required to carry identification. Refugees could apply for work permits through the same process as other foreigners. Work permits, however, generally were issued only for employment in the formal sector while the majority of refugees worked in the informal sector. Refugee children had access to public primary schools. Urban refugees had access to health care on a fee-for-service basis.

According to the UNHCR, there was an increase in the number of people fitting an ex-combatant profile and seeking refuge after Ivoirian leader Laurent Gbagbo's 2011 arrest in Cote d'Ivoire. Suspected ex-combatants were placed at a separate site, the Eagle Star Reception Center. In March 2012 camp residents killed a man in an arson attack at Eagle Star. In May 2012 the approximately 170 suspected ex-combatants left Eagle Star amid rumors they would be relocated to a prison facility, and Eagle Star was later shut down. As of September the whereabouts of the suspected ex-combatants were unknown.

In 2012 a former Ivoirian minister in Laurent Gbagbo's administration, Justin Kone Katinan, was arrested by Ghanaian security force personnel pursuant to an

international arrest warrant after having entered Ghana as an asylum seeker. After he was granted bail in September 2012, authorities re-arrested Kone Katinan before both granting him refugee status in November 2012 and then beginning proceedings to legally extradite him pursuant to the Ivoirian warrant. In August a magistrate court in Ghana dismissed the extradition case against Kone Katinan, allowing him to retain his refugee status and remain in Ghana.

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

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

#### **Elections and Political Participation**

Recent Elections: When President Mills died in July 2012, Vice President John Dramani Mahama immediately assumed the presidency. Presidential and parliamentary elections took place in December 2012. The elections were the first in which voters presented biometric identification cards in order to vote. The use of biometric verification was intended to eliminate multiple voting. Due to biometric voter verification machine failures and late openings of polling stations, particularly in Accra, authorities extended voting an extra day. The independent Electoral Commission declared President Mahama the winner of the presidential election. Domestic and international election observers deemed the elections generally free and fair despite logistical and other problems. The opposition NPP candidate Nana Akufo-Addo and that party's leadership alleged massive voting irregularities, however, and subsequently filed suit before the Supreme Court in December 2012 contesting the presidential election results. In August the Supreme Court dismissed the NPP's case and declared that Mahama had been legitimately elected president in the 2012 election.

Participation of Women and Minorities: There are no laws preventing women from voting or participating in political life on the same basis as men, but women traditionally and culturally have held fewer leadership positions than men. Until elections in December 2012, the speaker of the parliament was a woman, as was the chief justice of the Supreme Court. Women held 29 of 275 seats in parliament. Five of 13 Supreme Court Justices were women. The newly elected Mahama administration increased the number of women cabinet officers from four in 2012 to seven this year. In January parliament approved the appointment of Nana Oye

Lithur, a prominent female human rights activist, as minister of the reconstituted Ministry of Gender, Children, and Social Protection.

No laws or practices exclude members of minorities from equal participation in political life. According to the latest census (2010), none of eight major ethnic groups constitute a majority. The most populous, the Akan ethnic group, comprises 47.5 percent of the population.

#### **Section 4. Corruption and Lack of Transparency in Government**

Corruption: Corruption was present in all branches of government, according to media and NGOs. The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials frequently engaged in corrupt practices. For example, police set up highway barriers to extort money from motorists, and judicial officials reportedly accepted bribes to expedite or postpone cases or to “lose” records. The World Bank’s most recent Worldwide Governance Indicators reflected that corruption was a problem.

The Economic and Organized Crime Office (EOCO) investigates and prosecutes crimes such as money laundering, human trafficking, and cybercrime. The EOCO is the lead agency on any major corruption case.

The CHRAJ investigates human rights abuses, public corruption, and abuse of power, and is empowered to recommend punishments for violators. The attorney general, the minister of justice, the EOCO, and the Public Prosecutor’s Office are responsible for combating corruption. The Parliamentary Public Accounts Committee is responsible for auditing government spending, and the Auditor General’s Department reviews public sector accounts.

In May the government came under scrutiny after the Ministry of Youth and Sports announced plans to investigate claims of malfeasance at the Ghana Youth Employment and Entrepreneurial Development Agency (GYEEDA), which received more than 949 million cedis (\$432.3 million) in government support between 2009 and 2012. The result of the investigation, commonly known as the GYEEDA Report, was released in August and cited incompetent leadership, mismanagement of procurement and contracts, and inadequate oversight of program finances among its findings.

The media continued to criticize the government for corruption. For example, following an alleged breach of contract for a government construction project,

courts awarded NDC financier Alfred Woyome an abnormally large judgment award in 2010. Under the late President Mills, the EOCO conducted an investigation and presented a report alleging that corruption and government incompetence had led to the judgment award. Woyome was arrested in February 2012; charged with conspiracy to commit a crime, fraud, and corrupting public officials; and released on bail of 20 million cedi (\$9.1 million). Woyome was re-arrested in August 2012 on fresh charges of defrauding by false pretense and causing financial loss to the state; again he secured bail a few days after the arrest. As of September the case was being tried at the Commercial Division of the High Court in Accra.

In 2012 British authorities at Heathrow Airport intercepted a significant quantity of cannabis and cocaine on two commercial flights from Accra, and the BNI detained five officials from Ghana's Narcotics Control Board (NACOB) in connection with the seizures. Despite questioning officials on how a record amount of cannabis made it past airport security, the BNI released the NACOB officials pending further evidence. Four other individuals implicated in the bust, including two private security officers and one customs official, were arrested and standing trial at a court in Accra as of September.

Whistleblower Protection: The law provides protection for whistleblowers who disclose information that relates to unlawful or other illegal conduct or corrupt practices. The CHRAJ is charged with adjudicating reported violations of the law; however, no such adjudications were made this year.

Financial Disclosure: Officials were subject to financial disclosure, but their responses were not available for public review.

Public Access to Information: The constitution provides for public access to government information; however, obtaining such access was difficult in practice. Government offices kept poor records, many official records were missing, and requests for information often received no reply.

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

A variety of domestic and international human rights groups, including the CHRAJ, the Human Rights Advocacy Center (HRAC), and the Ark Foundation generally operated without government restriction, investigating and publishing

their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The CHRAJ, which mediated and settled cases brought by individuals against government agencies or private companies, operated with no overt interference from the government; however, some critics questioned its ability to independently investigate high-level corruption. Its biggest obstacle was a lack of adequate funding, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other governmental and nongovernmental agencies. Public confidence in the CHRAJ was high, resulting in an increased workload for its staff.

The Committee on the Constitution, Legal Issues, and Parliamentary Affairs, a standing parliamentary committee, was effective. It addressed human rights issues in parliament, including the 2013 Property Rights of Spouses Bill.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, but not spousal rape. Convicted rapists may be punished with prison sentences ranging from five to 25 years. Rape was significantly underreported and remained a serious problem. The GPS' Domestic Violence and Victim Support Unit (DOVVSU) worked closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers, the Legal Aid Board, and several other human rights NGOs to combat domestic violence. In 2012, the latest year for which data is available, DOVVSU received 290 reports of rape and reported 135 arrests and 81 prosecutions, resulting in five convictions; 207 cases remained under investigation at year's end.

Although the law prohibits domestic violence, it continued to be a problem. The law stipulates that a person in a domestic relationship who engages in misdemeanor domestic violence is liable on summary conviction to a fine, a term

of imprisonment of not more than two years, or both. The court also may order the offender to pay compensation directly to the victim. Inadequate resources and logistical capacity in DOVVSU and other agencies, however, hindered the full application of the law. Unless specifically called upon by DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills, shelter facilities, and other resources to assist victims. In many cases, victims were discouraged from reporting abuse and from cooperating with prosecutors because they were aware of long delays in bringing such cases to trial. Victims frequently did not complete their formal complaints because they could not afford the fees that doctors charged to document the abuse on police medical forms. Victims also did not report domestic violence (or rape) because of fear of retaliation. In 2012 DOVVSU prosecuted only 234 cases of rape and domestic assault.

Harmful Traditional Practices: In the Northern, Upper East, and Upper West regions, where adherence to indigenous religious beliefs remained strong, rural women and men suspected of witchcraft were banished by their families or traditional village authorities to “witch camps.” At these villages in the north populated by suspected witches, some of those interned were accompanied by their families. Such camps were distinct from “prayer camps,” to which persons with mental illness were sometimes sent by their families. Most accused witches were older women, often widows, whom fellow villagers accused of being the cause of difficulties, such as illness, crop failure, or financial misfortune. Some persons suspected of witchcraft were also killed. NGOs provided food, medical care, and other support to residents of the camps. The CHRAJ claimed the number of women in witch camps in the Northern Region decreased slightly in recent years.

The Ministry of Gender, Children, and Social Protection monitors witch camps. The CHRAJ has an office in Tamale in the Northern Region, which supports efforts to protect the rights of those accused of being witches and monitors three camps. During its most recent survey of the camps in 2010, the CHRAJ reported that these camps contained 175 female and eight male residents; however, media sources reported far higher numbers of men, women, and children in the camps.

In July the minister of Gender, Children, and Social Protection, accompanied by staff from the HRAC, visited the Gambaga Witch Camp in the Northern Region. Following the visit, the HRAC issued a statement claiming that the conditions of the camp violate Article 25 of the Universal Declaration of Human Rights, which provides for an adequate standard of living for health and wellbeing.

Female Genital Mutilation/Cutting: See section 6, Children.

Sexual Harassment: No laws specifically prohibit sexual harassment; however, some sexual harassment cases were prosecuted under provisions of the existing criminal code. Women's advocacy groups, including the HRAC, reported that sexual harassment remained a widespread problem.

Reproductive Rights: Couples and individuals have the right to decide freely on the number, spacing, and timing of pregnancies. According to the government's Multiple Indicator Cluster Survey (MICS), use of a modern contraceptive method by women (currently married or in a relationship) rose from 17 percent in 2008 to 23 percent in 2011. The Total Fertility Rate (TFR) was measured at 4.3 in 2011. No more recent data was available at year's end. The discrepancy between the relatively low level of contraceptive use and the moderate TFR is likely due to a high abortion rate. Abortion is legal only in cases of rape, incest, fetal abnormality, or if the mother's health is threatened; and many women undergo unsafe abortions. Maternal mortality and morbidity rates have remained high despite advances in most other health areas.

Maternal mortality was declared a national emergency in 2008 when a large-scale maternal health survey conducted by the Ghana Statistical Service and the Ghana Health Service disclosed, in the first reliable statistic of this sort, 451 maternal deaths per 100 thousand live births. While over 95 percent of women received some prenatal care, the quality of that care was widely perceived to be inadequate. The 2011 MICS found that 67 percent of deliveries occurred with the assistance of a skilled health care provider, a significant increase from 2008. This was likely due to free pregnancy, delivery, and postpartum care being included in the interim as benefits under the National Health Insurance Scheme. Postpartum care for mothers lagged, however, as fully 26 percent of women who delivered in a health facility left within the first 12 hours after the birth. In addition, health organizations reported nearly 60 percent of all pregnant women were anemic, and both women and their developing fetuses frequently experienced increased susceptibility to malaria.

An estimated 10 percent of the population knew their HIV status. Approximately 30 percent of HIV-positive pregnant mothers received antiretroviral medications to prevent mother-to-child transmission.

Discrimination: The constitution provides for equal treatment of all persons under the law; however, women continued to experience discrimination in access to

employment. Women in urban centers and those with skills and training encountered little overt bias, but resistance persisted to women entering nontraditional fields. Women, especially in rural areas, remained subject to burdensome labor conditions, including the performance of physically difficult manual labor such as farming, transporting goods, and manual household chores, while often carrying a child on their backs. Traditional practices and societal norms often denied women their statutory entitlements to inheritance and property, a legally registered marriage with the associated legal rights, and the right to resources adequate to maintain and exercise custody of children.

Women's rights groups, including the Ark Foundation, were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The government was involved in educational programs targeting women and many officials, including Minister of Gender, Children, and Social Protection Nana Oye Lithur, were advocates of women's rights.

## **Children**

Birth Registration: Citizenship is derived by birth in or outside the country if either of the child's parents or one grandparent is a citizen of Ghana; however, not all births were registered with the government. Some children were reportedly denied education because their births were not registered, although a birth certificate is not a legal precondition to attend school.

Education: The constitution provides for "free, compulsory, and universal basic education" for all children from kindergarten through junior high school; however, parents were required to purchase uniforms and writing materials. The government continued a program to provide school uniforms to 1.3 million children in "deprived" areas, although contracting delays prevented most of the targeted children from receiving their uniforms. The government also operated a school feeding program for more than 1.6 million children, which covered incidental costs as well as meals, and a nationwide capitation grant program that covered other school fees for all children attending public schools.

According to the Ministry of Education, girls attending primary school during the 2011-12 school year constituted 48.7 percent of all students; at the junior high school level, the proportion was 46.8 percent. The Ghana Education Service (GES) campaigned to expand education for girls by providing scholarships at the junior and senior high school levels and by offering financial incentives and free housing to female teachers to work in deprived areas. The GES placed girls'

education officers at regional and district levels, and there were community participation coordinators in every district office to mobilize communities to increase enrollment of girls.

Child Abuse: The law prohibits defilement (defined as sex with a child younger than 16 years with or without consent), incest, and sexual abuse of minors. In 2012 DOVVSU received 1,111 complaints of suspected child defilement and 15 cases of attempted defilement; the true number of cases was thought to be much higher. There were frequent press reports that male teachers sexually assaulted and harassed female students. Girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. There were press reports during the year of teachers, coaches, and headmasters/headmistresses arrested for sexual harassment of female students or dismissed for ignoring reported problems. There were also a few reports of male teachers arrested for sexually assaulting male students.

In May a court sentenced an evangelist to 15 years in prison with hard labor for defiling his girlfriend's 10-year-old daughter. The evangelist reportedly physically assaulted the girl and raped her twice before threatening to kill her if she reported the incident. The perpetrator pleaded not guilty to the crime, but medical examinations confirmed the rape.

Forced and Early Marriage: According to the law, the minimum legal age for marriage is 18 years. Forced child marriage, which is illegal, remained a problem, and no improvements were noted during the year, according to the CHRAJ and NGOs.

Harmful Traditional Practices: The law prohibits female genital mutilation/cutting (FGM/C), but it remained a serious problem in the Upper West Region of the country and, to a lesser extent, in the Upper East and Northern regions. Type II FGM, defined by the World Health Organization as the excision of the clitoris with partial or total excision of the labia minora, was more commonly perpetrated than any other type. A girl was typically excised between four and 14 years of age. The 2011 MICS found that 4.2 percent of women and girls were victims of some form of FGM and that the practice of FGM was most prevalent in the Upper West and East regions with an incidence of 41 and 28 percent, respectively.

Intervention programs were somewhat successful in reducing the prevalence of FGM/C, particularly in the northern regions. Officials at all levels, including traditional chiefs, continued to speak out against the practice, and local NGOs

continued educational campaigns to encourage abandonment of FGM/C and to train practitioners for alternative employment.

Sexual Exploitation of Children: The migration of children to urban areas continued due to economic hardship in rural areas. Children were often forced to support themselves to survive, contributing to both the incidence of child prostitution and the school dropout rate. Girls under 18 years of age were among the most vulnerable child laborers, as many also engaged in prostitution or were sexually exploited in exchange for protection while living on the streets.

The minimum age for consensual sex is 16 years. Defilement is punishable by imprisonment for seven to 25 years. There is no legislation specific to child pornography; however, it can be prosecuted as an “offense against public morals” and is punishable by imprisonment for a period not to exceed three years and/or a fine ranging from 120 to 600 cedis (\$55 to \$275) in a country where the average annual income was estimated in 2012 to be 3,255 cedis (\$1,480).

Local and international NGOs, including Rescue Foundation Ghana and Challenging Heights, worked with the government to promote children’s rights and were somewhat successful in sensitizing communities about protecting the welfare of children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law explicitly prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, health care, air travel and other transportation, and other domains. The National Council on

Persons with Disability, mandated by law, was inaugurated in 2009. Several government agencies and NGOs were involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare in the Ministry of Gender, Children, and Social Protection, the Ministry of Education, and the Center for Democratic Development.

The law provides that persons with disabilities should have access to public spaces with “appropriate facilities that make the place accessible to and available for use by a person with disability.” Activists supporting the rights of persons with disabilities, including Voice Ghana (a disability advocacy organization), complained of slow implementation of the law, especially the lack of legislative instruments to implement it. Despite legal protection provided in the law, discrimination against persons with disabilities in employment and the inaccessibility of public buildings continued to be problems.

In March 2012 parliament passed a Mental Health Bill, which then President Mills signed into law in May. According to a 2012 Human Rights Watch report, more than five million people with disabilities lived in the country, one-fifth of the total population, including 2.8 million people with mental disabilities.

Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance. Some religious groups believed that persons with mental disabilities were afflicted by demons that should be exorcised. The abuse of children with disabilities was common. There were reports that children with disabilities were tied to trees or under market stalls and caned regularly, and that family members killed some children with disabilities.

Human rights activists expressed concerns about prayer camps in which individuals believed to be possessed by evil spirits were chained for weeks, physically assaulted, and denied food and water. Camp supervisors would sometimes diagnose mental illness as a “demonic affliction” and prevent patients from consuming food or water, often for seven consecutive days, to cleanse them of evil spirits. Some victims were thought to be as young as six years old. Families sent members to be exorcised of evil spirits or cured of their physical or mental illnesses for periods often lasting until the persons held at the camps were considered healed. Reports indicated that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong Ahafo regions. In 2012 Human Rights Watch released a report on prayer camps based on interviews with current and former inmates, family members, and healthcare professionals. The report noted that some families caring for mentally ill members had limited

financial resources and viewed prayer camps as an accessible treatment option. Human Rights Watch and other NGOs urged regulation of prayer camps; however, no regulations were implemented by year's end.

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

According to the criminal code, “unnatural carnal knowledge” is defined as “sexual intercourse with a person in an unnatural manner or with an animal.” It states that individuals who have unnatural carnal knowledge “of any person of 16 years or over with his consent” is guilty of a misdemeanor. There was considerable public debate over whether this legislation could be used to prosecute consenting adults for same-sex sexual activity, but there were no reports that it had ever been used.

The former and current commissioners of the CHRAJ spoke out against all forms of discrimination and advocated the need to protect the human rights of every citizen as provided for in the constitution.

LGBT persons faced widespread discrimination in employment and education, as well as police harassment and extortion attempts. There were reports that police were reluctant to investigate claims of assault or violence against LGBT persons. According to the HRAC, gay men in prison were often subjected to sexual and other physical abuse. The government took no official actions to investigate or punish those complicit in the abuse.

In April Opoku Ware Secondary High School in Ashanti Region expelled 19 students for allegedly practicing homosexuality. School officials accused the students of recruiting their peers to practice same-sex acts. In the same month, an additional 34 students were dismissed from Wesley Girls Senior High School in Kumasi for engaging in “lesbianism.”

In 2012 a gang of men assaulted nine people they believed to be LGBT individuals in Jamestown, a neighborhood of Accra, forcing them from their homes and attacking them with canes and sticks. The victims filed a complaint with the HRAC, alleging that their homes were burgled after they were chased out. No arrests were made in the case.

While there were no reported cases of violence against LGBT persons during the year, stigma, intimidation, and the attitude of the police toward LGBT persons were likely factors in preventing victims from reporting incidents of abuse.

### **Other Societal Violence or Discrimination**

According to the West Africa AIDS Foundation, discrimination against persons with HIV/AIDS was a problem. Fear of being stigmatized continued to discourage persons from being tested for HIV infection and those who tested positive from seeking timely care. There were no indications that this situation improved during the year. Instances where HIV-positive persons were forced to leave their jobs or houses were common. The government and NGOs subsidized many centers that provided free HIV testing to citizens, although high patient volume and the physical layout of many clinics made it difficult for the centers to respect confidentiality at all times.

Ritual killings continued to occur. For example, in August unknown persons in the Ashanti region killed a woman for what was believed to be ritual purposes. A passerby found the victim's naked body in the bush with her breasts and genitals removed. Police were searching for the killer.

Chieftaincy disputes which frequently resulted from a lack of clear succession, competing claims over land and other natural resources, and internal rivalries and feuds continued to result in deaths, injuries, and destruction of property.

In June one person was killed and three others were injured in Teshie, Accra, when feuding factions clashed over naming a successor to a chief who died in 1984. Police arrested four suspects in connection with the violence and were investigating the incident.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows workers, except for the armed forces, police, the prison service, and some other security and intelligence agency personnel, to form and join unions of their choice without previous authorization or excessive requirements. The law requires that trade unions or employers' organizations must register; be authorized by the chief labor officer, an appointed government official; and obtain a certificate of registration.

The law recognizes the right to strike but restricts that right for workers who provide “essential services.” The minister of employment and labor relations designated a list of essential services, which included many sectors falling outside the International Labor Organization’s (ILO) essential services definition. The list included services carried out by utility companies (water, electricity, etc.), ports and harbors, medical centers, and the Bank of Ghana. In these sectors, the parties to any labor disputes are required to resolve their differences within 72 hours; the deadline was meant to put pressure on employers and employees to operate efficiently with limited interruptions. The right to strike can also be restricted for workers in private enterprises whose services were deemed essential to the survival of the enterprise by a union and an employer. A union may call a legal strike only if the parties fail to agree to refer the dispute to voluntary arbitration or if the dispute remains unresolved at the end of arbitration proceedings. Additionally, the Emergency Powers Act of 1994 grants authorities the power to suspend any law and prohibit public meetings and processions, but it was unclear if the law applies to labor disputes.

The law provides a framework for collective bargaining. Only unions that represent the majority of workers in a given company, however, can obtain a collective bargaining certificate, which is required to engage in collective bargaining. In cases where there are multiple unions in an enterprise, normally the majority union will receive the certificate and conduct the bargaining. Generally, the certificate holder will include representatives from the smaller unions. The armed forces, police, prison service, security and intelligence personnel, and workers with policymaking and managerial functions do not have the right to bargain collectively.

The National Labor Commission is a government body with the mandate of ensuring employers and unions comply with labor law. It also serves as a forum for arbitration in labor disputes.

The law allows unions to conduct their activities without interference and provides reinstatement for workers dismissed under unfair pretenses. The labor law also prohibits antiunion discrimination by employers and provides for reinstatement for workers fired for union activity. It protects trade union members and their officers against discrimination if they organize within the free zones. The law, however, also provides for an employer’s right to terminate workers’ employment without giving cause.

The government generally protected the right to form and join independent unions and to conduct legal strikes and bargain collectively. Workers exercised these rights in practice. Worker organizations were independent of the government and political parties, and there were no instances of government interference in union activities during the year. There were no reports of violence, threats, or other abuses targeting union leaders and members by government or employers. While there were no instances of employers who refused to bargain, bargained with unions not chosen by workers, or hired workers without bargaining rights, some instances of subtle employer interference in union activities occurred. Since many unions also did not fully understand the labor laws, they normally did not follow approved processes for dealing with disputes. Due to lack of awareness about its role, the National Labor Commission faced challenges in enforcing applicable sanctions against both unions and employers.

Trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. No union had ever gone through the complete dispute resolution process involving arbitration, and there were numerous unsanctioned strikes during the year. Some employers continued to fire employees for union activity.

According to the International Trade Union Confederation, 15 workers at an oil and gas service provider in Takoradi were dismissed in February for attempting to join the General Transport and Petroleum and Chemical Workers Union.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits most forms of forced or compulsory labor. Provisions of various laws prescribe imprisonment and an obligation to perform prison labor as punishment for violations. For employers found guilty of using forced labor the law provides for fines of no more than 250 penalty units (each unit is assigned a monetary value adjusted for the fluctuating exchange rate).

There were indications of compulsory labor affecting both children and adults in the fishing sector and in illegal mining. During the year children were forced to work (see section 7.c.). Some victims were forced to work on boats as children and were sometimes unable to leave their employers and continued to work without pay as adults. In the illegal mining industry (consisting of independent, artisanal miners known as galamseys, whose operations sometimes conflicted with larger, concessionary miners), NGOs cited debt bondage as a problem. There were newspaper reports of children sold into involuntary servitude for either sexual

exploitation or labor, such as 10- to 12-year-old boys working for fishermen in exchange for a yearly remittance to their families. The practice often involved parental consent. The media regularly published stories about children used in involuntary servitude, particularly as street hawkers and porters.

The government did not commit sufficient resources to enforce legislation prohibiting forced labor. No fines were levied during the year, and no legal cases were brought that resulted in imprisonment. Data on the number of victims removed from forced labor were not available. Neither was information available at year's end updating government efforts to bring its labor laws into conformity with the ILO Convention on forced labor as recommended by the ILO in 1994.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum employment age at 15 years, or 13 years for light work that was not likely to be harmful to the child and does not affect the child's attendance at or capacity to benefit from school. The law prohibits night work and certain types of hazardous labor for those under 18 and provides for fines and imprisonment for violators. The law allows for children age 15 and above to have an apprenticeship under which craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools.

Child labor laws were not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, were sometimes unfamiliar with the provisions of the law that protected children.

Inspectors from the Ministry of Employment and Labor Relations were responsible for enforcement of child labor regulations, and district labor officers and the social services subcommittees of district assemblies were charged with seeing that the relevant provisions of the law were observed by annually visiting workplaces and making spot checks whenever they received allegations of violations. Inspectors were required to provide employers with information about child labor violations and effective means to comply with provisions of the law. The government, however, did not provide sufficient resources to law enforcement and judicial authorities to carry out these efforts.

The ILO, government representatives, the Trade Union Congress, media, international organizations, and NGOs continued efforts to increase institutional capacity to combat child labor.

In May to commemorate the World Day Against Child Labor, the minister of gender, children, and social protection announced her plan to introduce in parliament a new bill to regulate domestic work. The government continued to work closely with NGOs, labor unions, and the cocoa industry to eliminate the worst forms of child labor in the industry. Through these partnerships, the government created several community projects, which promoted sensitization, monitoring, and livelihood improvement. During the year the government completed the Child Labor Monitoring System pilot program in the cocoa industry and planned to apply a similar monitoring system to other industries throughout the country.

According to government labor officials and the Ghana Employers Association, child labor problems were infrequent in the formal labor sector. During the year several ministries conducted seminars on child labor to educate the media, police, civil servants, and the general public. Local custom and poverty, however, encouraged children to work to help support their families and eroded societal observance of child labor laws, particularly in the informal sector, where child labor remained a serious problem.

Children as young as seven worked in agriculture and as domestic laborers, porters, hawkers, miners, quarry workers, and fare collectors. Children also engaged in herding livestock, fetching firewood, and bricklaying. In the fishing industry in the Lake Volta region, child laborers engaged in potentially hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. Children in the region also engaged in work as domestic servants, cooks, servers, and porters.

Children were also forced to work, and in some cases parents reportedly sold, leased, or gave away their children to work in fishing villages, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced.

Child laborers were often poorly paid and physically abused; they received little or no health care and generally did not attend school.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

A National Tripartite Committee composed of representatives of the government, labor, and employers set a daily minimum wage, which was 5.24 cedis (\$2.30) during the year. The law sets the maximum workweek at 40 hours, with a break of at least 48 consecutive hours every seven days. Workers were entitled to at least 15 working days of leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. Such provisions, however, do not apply to task workers or domestic workers in private homes, nor elsewhere in the informal sector. The law does not prescribe overtime rates and does not prohibit excessive compulsory overtime.

Occupational safety and health (OSH) regulations are set by the government. The Factories Department within the Ministry of Employment and Labor Relations was responsible for imposing sanctions on violators of the OSH standards. Employers who failed to comply were liable to a fine not exceeding 1,000 penalty units, imprisonment for a term not exceeding three years, or both. The law requires that employers report occupational accidents and diseases no later than seven days from the date of occurrence. Only workers in the formal sector, which employed less than 20 percent of the labor force, are covered by this legislation.

The Ministry of Employment and Labor Relations was unable to effectively enforce the wage law. There was widespread violation of the minimum wage law in the formal economy across all sectors. The minimum wage law was not enforced in the informal sector. Legislation governing working hours was largely followed in the formal sector but widely flouted and not enforced in the informal sector.

Safety inspectors were few and poorly trained, and they lacked the resources to effectively respond to violations. Inspectors did not impose sanctions or otherwise respond to violations during the year. Specific information regarding the number of labor inspectors and adequacy of penalties was not available. There were no reports of specific government action taken during the year to prevent violations or improve wages and working conditions.

As first documented in a 2008 CHJRAJ report, abuses by the security services in mining areas, particularly among galamseys, continues to be a concern. In August

residents of Twifo Praso, Central Region, alleged that a police raid on an illegal galamsey mining site resulted in officers unlawfully shooting and killing two local men. The government ordered an investigation into the incident and found that although the two men died of drowning, not gunshot wounds, the police officers involved in the raid had overstepped their operational boundaries.

The law provides for compulsory participation in the Social Security and National Insurance Trust Pension Scheme as well as the National Health Insurance Scheme; however, the government did not always enforce compliance, particularly in the informal sector. The law provides for work injury insurance and maternity insurance. Unemployment insurance is not provided by law.