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## 2010 Human Rights Report: Ghana

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

April 8, 2011

Ghana, with a population of 24 million, is a constitutional democracy with a strong presidency and a unicameral 230-seat parliament. In 2008 the opposition National Democratic Congress (NDC) won both the presidency and a small majority in parliament in an election deemed generally free and fair by domestic and international observers; John Evans Atta Mills was inaugurated president in January 2009. There were instances in which elements of the security forces acted independently of government authorities.

Human rights problems included the following: use of excessive force by police, which resulted in deaths and injuries; ethnic killings and vigilante violence; harsh and life-threatening prison conditions; police impunity; prolonged pretrial detention; arbitrary arrest of journalists; corruption in all branches of government; violence against women and children, including female genital mutilation (FGM); societal discrimination against women, persons with disabilities, gays and lesbians, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically motivated violence; and child labor, including forced child labor.

#### **RESPECT FOR HUMAN RIGHTS**

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed politically motivated killings; however, use of excessive force by security forces resulted in the deaths of several armed criminal suspects and other persons during the year.

On April 28, an inmate in Koforidua Prison, Eastern Region, died en route to the hospital. According to the Criminal Records Office at the Ghana Prisons Service, the inmate died of illness; however, one local newspaper charged that the prisoner died from injuries inflicted during torture. No postmortem exam was conducted because the Ghana Police Service (GPS) denied requests by hospital staff to conduct one, alleging that the staff had not followed proper procedures to request a postmortem.

Ethnic violence resulted in deaths. For example, on January 23, three persons were killed in clashes between Fulani herdsmen and residents in Aboboa, a farming community in the Atebubu Amantin district of Brong-Ahafo Region. Authorities arrested six suspects in the neighboring village of Duabone. The suspects remained in prison, and an investigation continued at year's end.

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

On January 31, one person was killed, and 36 houses and a medical facility were burned following the installation of a rival chief in Tema, a village in the Bunkpurugu-Yunyoo district of the Northern Region. On March 7, in the same region, three persons were killed and 101 houses were burned during a renewed dispute between sympathizers of the newly appointed chief and community leaders. Police and military personnel were called to restore order. In April two persons were killed in renewed ethnic clashes in the region.

On March 5, in Tuobodom, Brong-Ahafo Region, three persons were killed and more than 500 persons displaced because of fighting between ethnic factions after the kidnapping of a rival chief. Eight persons were arrested in connection with the incident. An investigation conducted by the Criminal Investigations Division (CID) continued at year's end.

On March 22, a newly appointed chief in Garihegu, Northern Region, was attacked and killed by unidentified assailants while riding his motorbike to a nearby village. The assailants allegedly tortured the chief to death, ignited his motorbike, and placed the burning motorbike on top of him. Five persons were arrested and awaiting trial at year's end.

On March 22, in Dankyira, Greater Accra Region, a clash between supporters of two rival chiefs resulted in three deaths. Police arrested 10 suspects, and the trial continued at year's end.

Throughout the year an ongoing chieftaincy and ethnic dispute in Bawku, Upper East Region, resulted in an estimated five deaths; a polling station chairman of the opposition New Patriotic Party (NPP) was among the dead. Military and police personnel were deployed to the region, and the municipality remained under a curfew that was imposed several years ago. The violence occurred despite the establishment in February of a military barracks in the Binduri constituency of Bawku to assist with peacekeeping efforts.

There were no developments in the following 2009 societal or ethnic killings: the February killings of two persons in the Northern Region as a result of a land dispute between rival clans; the February killing of one person over ownership of a parcel of land; the July death of one arsonist in a chieftaincy dispute in the Volta Region; and the August deaths of two men and the September deaths of three other persons as a result of clashes between rival ethnic groups in the Agboghloshie section of Accra.

Vigilante and societal violence continued to result in deaths during the year. Police took action in cases in which perpetrators were identified; however, witnesses were often reluctant to come forward, and many cases remained unsolved.

On January 19, a mob lynched a suspected thief in Ashaiman, Greater Accra Region.

In February a 21-year-old student was lynched in Birim central municipality, Eastern Region, by a mob that suspected his involvement in two alleged ritual killings in the area.

On April 11, two suspected armed robbers were lynched by a mob in Sakaman, Greater Accra Region.

On June 11, a man was lynched by a group of unidentified students at the University of Cape Coast, Central Region, for alleged theft. An investigation conducted by the Cape Coast Metropolitan Police continued at year's end.

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At year's end there was no new information in the following 2009 cases of vigilante violence: the March beating death in Accra of a man who allegedly stole a mobile phone; the May beating death in the Volta Region of a woman who was accused of stealing a piece of cloth; the July lynching of two suspected armed robbers in an Accra suburb, and the July lynching of a man in Adisadel Estate, Cape Coast area.

Persons suspected of witchcraft were killed during the year. For example, on November 20, in Tema, Greater Accra Region, persons including an evangelist pastor allegedly set fire to a 72-year-old woman after accusing her of being a witch. The woman died the following day from her injuries. Police arrested six persons; two were charged with murder, and four were released on bail. At year's end the trial continued.

Ritual killings occurred during the year. For example, on December 4, in Assin Gangan, Central Region, a man allegedly beheaded his three-year-old son for ritual purposes. A buyer in Kumasi reportedly offered the man 35,000 cedis (\$24,000) to produce a human head that he could use for ritual purposes. The father was arrested, and an investigation continued at year's end.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were credible reports that police beat and abused suspects, prisoners, and other citizens. Severe beatings of suspects in police custody reportedly occurred throughout the country but generally were unreported in official channels. Police generally denied allegations or claimed that force was justified. Military officials also reportedly mistreated persons during the year. During the year several nongovernmental organizations (NGOs), lawyers, and civil society organizations publicly criticized police use of excessive force. A 2009 call by such organizations for the Inspector General of Police (IGP) to take action against security force members involved in abuse resulted in campaigns to raise awareness and in disciplinary actions against such officials during the year.

In August a police officer in Juaso, Ashanti Region, shot and injured a man who made a derogatory comment. Police were investigating the incident at year's end.

On October 21, in Aflao, Volta Region, an immigration official allegedly shot and injured a taxi driver when he refused to stop at the border crossing. A mob subsequently burned tires and vandalized the offices of the Ghana Immigration Service. The border was temporarily closed, and the military was called to restore order. Two immigration officers were arrested pending further investigation, which continued at year's end.

On October 27, police and security personnel in Nakpanduri, Northern Region, allegedly ransacked and burned homes, injured civilians, and repeatedly fired their guns during an operation to arrest an escaped convict; the interior minister subsequently issued an apology on behalf of the government. The Commission on Human Rights and Justice (CHRAJ) noted that investigations to determine the culpability of individual police personnel continued at year's end.

Violence between soldiers and police, often due to internal rivalries, resulted in injuries during the year. For example, on June 4, in Kumasi, soldiers from the Fourth Garrison attacked and beat 12 police officers stationed at various duty posts throughout the city. One officer was hit in the head with a hammer and was hospitalized. Soldiers also vandalized property at police stations and forced officers to flee their duty posts. In July a committee composed of three top-ranking military

officers and three senior police officers, and chaired by a retired appeals court judge opened an investigation into the incidents.

At year's end there was no new information in the following 2009 cases of security force abuse: the January shooting and injuring by military police of a man on a motorcycle; the August police shooting and injuring of an 18-year-old man; the filmed abuse of two suspects being interrogated by military personnel in Bawku.

Chieftaincy disputes during the year resulted in injuries.

For example, on March 28, in the Ashanti Region, an unknown assailant shot and injured the village chief of the Ofoase traditional area.

On April 11, youth from the Abudu faction of the Dagbon ethnic group attacked 11 traders at a market in Yendi, Northern Region. The attack was in response to the arrest of some of their leaders as a result of an ongoing chieftaincy dispute.

On May 21, two persons were injured in Kaneshie, Greater Accra Region, when approximately 25 persons armed with machetes, axes, and locally manufactured pistols invaded the Ga Mantse palace in an attempt to remove the king. Four persons were arrested. At year's end the trial continued.

On August 9, in Salaga, Northern Region, two persons were shot and injured in a chieftaincy dispute.

In August in Achiaman, Greater Accra Region, nine persons were injured when fighting erupted between two factions in a chieftaincy dispute.

On September 28, in Akuapem Mampong, Eastern Region, seven persons including a 10-year-old child were injured after fighting erupted between two factions in a chieftaincy dispute.

There were no developments in the following violence stemming from chieftaincy disputes in 2009: the March incident in which police refused to intervene after the paramount chief of the Goaso traditional area, Brong-Ahafo Region, ordered his men to beat a woman for not kneeling before him; and the May incident in which nine persons were injured in the Central Region.

Vigilante violence against suspected criminals and persons accused of witchcraft resulted in deaths and injuries (see sections 1.a., 1.d., and 6).

Mob violence during the year resulted in injuries and property damage.

On August 31, residents of Navrongo, Upper East Region, attacked construction workers who were building a school in the community; the attack reportedly was due to the hiring of workers from outside the community.

On September 16, in Tema, Greater Accra Region, approximately 200 fishermen and fishmongers attacked construction workers who attempted to clear land that was slated for a construction project. The fishermen used the land to dry and smoke fish. The mob burned vehicles and buildings, threw stones, and fired at police officers. Police and military were called in to restore order, and 32 persons were arrested, of whom 28 were granted bail. An investigation continued at year's end.

On November 8, in Gowrie, Upper East Region, students at the Gowrie Senior High and Technical School allegedly attacked two police officers during a protest against the temporary closure of the school. School officials closed the school after students boycotted classes and refused meals to protest the suspension of 18 classmates earlier in the year.

There were no developments in the February 2009 attack in Greater Accra Region by youths who robbed and beat workers at a building site before burning the building because it was on their playing field.

#### Prison and Detention Center Conditions

Prison conditions generally were harsh and sometimes life threatening. Police beat suspects in custody. Much of the prison population was held in buildings that were originally colonial forts or abandoned public or military buildings with poor ventilation and sanitation, substandard construction, and limited space and light. Many prisoners slept on bare floors or took turns using beds. As many as 55 inmates commonly shared a cell intended for 12. According to the 2009 Prisons Service Annual Report, 13,778 prisoners (average daily lockup) were held in prisons designed to hold approximately one-third that number. The CHRAJ noted that the most common ailments affecting prisoners stemmed from overcrowding, poor nutrition, and a lack of ventilation. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organizations for additional food, medicine, and other necessities. According to the CHRAJ, the daily food stipend for prisoners was 60 pesewas (\$.40), which the CHRAJ deemed too low. Shortages of food, bedding, clean water, and clothing for prisoners persisted.

In 2009, 84 prisoners died in custody. The most common causes of death were tuberculosis, HIV/AIDS, and cardiovascular distress, although severe overcrowding sometimes also resulted in death.

For example, in February two inmates in a police cell in Ashaiman, Greater Accra Region, allegedly suffocated to death. The cell in which the two were incarcerated was built to accommodate 10 persons, but held 43 at the time of their deaths.

No investigation was conducted in the May 2009 death of a detainee during a police raid on a police holding facility in Tesano District, Accra. In May 2009 the IGP suspended two officers in connection with the death and promised an investigation.

There were 189 female and 121 juvenile inmates in the country's 42 prisons. Juvenile detainees were not housed separately from adults, and pretrial detainees were held with convicted prisoners.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. 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. Authorities investigated credible allegations of inhumane conditions and treatment and documented the results. Whenever allegations of inhumane treatment are made, the accused officer is asked to respond. If prison authorities are unsatisfied with the response of the officer, an internal inquiry is launched and recommendations for disciplinary action are submitted to the director general of the Prisons Service.

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. During the year the CHRAJ monitored 28 of the total 42 prisons and prison camps in the country. The CHRAJ and other NGOs worked on behalf of prisoners and detainees to help alleviate inhumane overcrowding; to address the status and circumstances of confinement of juvenile offenders; and to improve pretrial detention, bail, and recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for charged offenses.

The government also permitted independent monitoring of prison conditions by international human rights groups, including the International Committee of the Red Cross; however, no such visits were conducted during the year.

During the year 204 inmates in Nsawam Medium Security Prison, Eastern Region, were discharged under the "Justice for All" program, which began in 2008 to ease prison overcrowding and to accelerate judicial processes; another 251 inmates in the country were released on bail.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The GPS, under the Ministry of Interior, was responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate entity, the Bureau of National Investigations, 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, however, due to a lack of office space, vehicles, and other equipment outside of the capital. In May the GPS unveiled a five-year strategic plan to increase police personnel, housing, vehicles, and equipment, as well as to establish new training academies.

Police brutality, corruption, negligence, and impunity were problems. Delays in prosecuting suspects, rumors of police collaboration with criminals, and a widespread perception of police ineptitude contributed to vigilante violence during the year. There were also 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 (see section 4). Low salaries, which were sometimes not paid on time, contributed to police corruption. On July 1, the government implemented the Single Spine Salary Structure, which increased the salaries of all police officers.

The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. During the year PIPS received 1034 new cases; of those, 430 cases were closed, and 604 remained under investigation at year's end. Among the 604 cases being investigated at year's end, 100 involved complaints of harassment, 37 involved unlawful arrest, and 46 involved alleged police brutality with human rights violations.

#### Arrest Procedures and Treatment While in Detention

The law requires judicial warrants for arrest and provides for arraignment within 48 hours; however, persons were frequently arrested without warrants, and detention without charge for periods longer than 48 hours occurred. Police detained some prisoners for indefinite periods by renewing warrants or by simply allowing them to lapse while an investigation was conducted. The constitution provides that a detained individual be informed immediately, in a language that the person understands, of the reasons for the detention and of his or her right to a lawyer at state expense if unemployed or indigent. The government did not always observe these rights. With some exceptions, lawyers were generally assigned promptly. Authorities routinely failed to notify prisoners' families of their incarceration. The law requires that a detainee who has not been tried within a "reasonable time" as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person will appear in court at a later date; however, in practice, this provision was rarely observed.

The law provides for bail, and the court has unlimited discretion to set bail, which was often prohibitively high. The court may refuse to release prisoners on bail and instead detain them without charge for an indefinite period, subject to weekly review by judicial authorities. In September a man was granted bail after spending 10 years in detention. On occasion, police also demanded money from suspects as a precondition for their release on bail.

Lengthy pretrial detention remained a serious problem. According to the Prisons Service's 2009 Annual Report, 28 percent of the prison population was in pretrial status, a decrease from 30.5 percent in 2008. Detainees sometimes served more time in detention awaiting trial than the sentence for the crime required. In 2009 the CHRAJ reported that one inmate at Nsawam Prison had been in pretrial detention for 17 years.

During the year prison officials, courts, and police continued efforts to reconstruct the files of at least 300 pretrial inmates; the files had been missing since at least 2007. Once files are reconstructed, trials of the detainees may begin. At year's end, 136 inmates had been released.

#### e. Denial of Fair Public Trial

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

Members of the military were tried separately under the criminal code in a military court. Military courts, which provide the same rights as civil courts, were not permitted to try civilians. Despite alternate dispute resolution (ADR) procedures to decongest the courts and to address judicial inefficiency, court delays persisted. Mediators have been trained throughout the country to implement ADR, mediation desks have been established in some district courts, and an ADR secretariat was established within the Judicial Service. Nevertheless, even in fast-track courts, which were established to hear cases to conclusion within six months, trials could last for years.

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

A judicial complaints unit, headed by a retired Supreme Court justice, addressed public complaints, such as unfair treatment by a court or judge, unlawful arrest or detention, missing dockets, delayed trials and delivery of judgments, and alleged bribery of judges. During 2009 the unit received 345 complaints, of which 294 were resolved and 51 remained under investigation at year's end.

#### Trial Procedures

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

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

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

Fast-track courts and automated commercial courts continued efforts to streamline resolution of disputes, although delays were common. A growing number of automated courts, whose proceedings were expedited through electronic data management, were established across the country.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government sometimes restricted those rights during the year. Journalists were arbitrarily arrested and detained during the year, and some practiced self-censorship.

Individuals generally could criticize the government publicly or privately without reprisal; however, local authorities sometimes arrested or harassed its critics.

For example, on May 24, in Kumasi, Ashanti Region, opposition NPP activist Adu Gyamfi was arrested for referring to President Mills as a chimpanzee during a radio program on Fox FM. Gyamfi was released after 48 hours when President Mills said he was not interested in pressing charges against the radio commentator.

The independent media were active and expressed a wide variety of views without restriction. There were reports that the government paid journalists "time and transportation" costs to facilitate coverage.

There were an estimated 1,200 newspapers and magazines registered with the National Media Commission, approximately 200 FM radio stations, and 17 television stations across the country. The most wide-reaching print outlets were owned by the state; the majority of television and radio stations were privately owned.

On January 26, a photographer with the *Daily Guide*, an Accra-based privately owned newspaper, was arrested and detained on orders of the Accra High Court. Police claimed that the photographer, who was covering the trial of four criminals convicted of murder, did not have permission to photograph the convicts.

Opposition NPP activist and radio commentator Nana Darkwa Baafi, who alleged during a February 18 radio discussion that former president Rawlings deliberately set a fire at his residence, was arrested and charged with publication of false news with the intent to cause fear and alarm to the public. Baafi was initially refused bail by an Accra Circuit Court; however, his case was dismissed, and he was released.

On September 16, police in Tamale, Northern Region, forced the temporary closure of privately owned North Star Radio for airing an inflammatory press conference during which a chief voiced his displeasure about the behavior of some of his fellow chiefs. Observers believed, however, that the temporary closure resulted from broadcasts that allegedly inflamed local tensions over a longstanding conflict between two ethnic groups in the Upper East Region.

On March 24, a former national security operative forced a reporter of the independent JOY FM radio station to delete a recording of an interview with national security officials after the interview was played for the officials; the interview focused on grievances of former employees of the security services.

On July 19, police charged Ato Kwamena Dadzie, acting news editor of JOY FM radio, with "publishing false news with intent to cause fear or harm to the public or to disturb the public peace" in violation of Section 208 of the criminal code. Police subsequently forwarded Dadzie's case to the Attorney General's Department for advice.

On July 21, the CID summoned Enimil Ashon, the editor of the state-owned *Ghanaian Times* newspaper, after the newspaper published an article alleging that police were susceptible to bribery and government influence.

Following the two incidents in July, the National Executive Committee of the Ghana Journalists Association (GJA) called on the GPS to refer grievances to the National Media Commission (NMC), which is responsible for ensuring press freedom and accountability. The NMC subsequently intervened with police on Ashon's behalf, and no charges were filed.

On September 16, prison officers in Kumasi reportedly stormed the premises of privately owned OTEC FM and attacked two staff members, including the program manager; the prison officers reportedly objected to the radio station's coverage of a prison guard strike. An investigation continued.

According to information that surfaced during the year from the GJA's Upper West Regional Branch, in October 2009 a journalist was physically assaulted, subjected to a rigorous body search, handcuffed, and detained in a police cell for two and one-half hours. The journalist, who worked with the community station Radio Progress, was accused of "disrespecting" police when he photographed a man they had allegedly tied to a power pole.

No action was taken against police officers who in February 2009 assaulted two female sports journalists who were trying to gain access to the players' dressing room following a football match.

No action was taken against supporters of the ruling NDC party who assaulted an Upper East Regional correspondent for *The Chronicle* newspaper after the newspaper photographed an NDC party activity. Unlike in the previous year, there were no reports that NDC supporters attacked independent journalists and vandalized their radio stations.

In previous years journalists received threatening cell phone messages; however, there were no known reports of such calls during the year.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was accessible in Accra and other large cities, but there was limited access in other parts of the country. According to International Telecommunication Union statistics for 2009, approximately 5.3 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

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

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

##### Freedom of Assembly

The constitution and law provide for freedom of peaceful assembly, and, unlike in the previous year, the government generally respected this right. The government does not require permits for demonstrations, but police can deny use of a particular route.

Unlike in the previous year, there were no reports that police denied demonstration permits to antigovernment groups.

The ban on campus demonstrations at Takoradi Polytechnic Institute, where 64 students were arrested in 2007, remained in effect.

#### Freedom of Association

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

#### c. Freedom of Religion

For a complete description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

The constitution 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.

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

In May approximately 1,000 persons left the Bunkpurugu/Yungoo District in the Northern Region for Togo to escape violence stemming from an ongoing chieftaincy dispute; however, most returned to their homes by year's end, according to the UNHCR.

#### Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government established the Ghana Refugee Board (GRB) to adjudicate claims for refugee status and to ensure that refugees received all appropriate protections; the UNHCR participated as an observer on the board. Following the January 2009 presidential election, the incoming administration appointed new board members. However, because the government had not appointed a GRB board chairman by year's end, the board was unable to function. While the GRB secretariat continued some functions such as conducting refugee interviews, there were no board meetings to adjudicate claims or to confer refugee status during the year.

The law allows rejected asylum seekers to appeal and to remain in the country until an appeal is adjudicated. There were delays in the appeal process, however. The law also accords the right of protection to refugees who entered the country illegally without documentation.

Refugee status for Sierra Leoneans who fled during that country's civil war was terminated as of the end of 2008 in accordance with international agreements. In December 2008 the GRB and UNHCR conducted interviews to determine if any of the Sierra Leoneans remaining in the country qualified as refugees based on an individual need for international protection. Of the 135 individuals who went through the process, 65 were rejected; of these rejections, 51 subsequently

filed appeals with the interior minister. During the year 15 of the appeal cases had been granted exemption, qualifying the 15 as refugees.

The UNHCR estimated that approximately 14,800 refugees resided in the country during the year: 81 percent were Liberians in the Buduburam Camp near Accra; 12 percent were Togolese in various communities in the Volta Region; 3.5 percent were refugees of various nationalities in Krisan Camp in the Western Region; and 3.5 percent were urban refugees and asylum seekers in the Greater Accra Region. Since 2008 the UNHCR has assisted the voluntary return of nearly 10,000 Liberians and 4,383 Togolese refugees. Sexual and gender-based violence remained a problem among refugee populations. In the Buduburam settlement, three cases of defilement, one case of child abduction, and one case of child abuse were reported to the UNHCR and police during the year. With the support of the UNHCR, police opened a police post in the settlement in July 2009.

Refugees had freedom of movement within the country and were not required to carry identification at all times. Refugees were allowed to apply for work permits through the same process applicable to other foreigners. However, work permits generally were issued only for employment in the formal sector, and the majority of refugees worked in the informal sector. Refugee children had access to public primary schools. Refugees in Krisan Camp, the Buduburam Settlement, and the Volta Region were enrolled in the national health insurance system with funding from the UNHCR. Urban refugees had access to health care on a fee-for-service basis.

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

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

#### Elections and Political Participation

Following a narrow victory in 2008 over opposition NPP candidate Nana Akufo-Addo, ruling NDC candidate John Evans Atta Mills was inaugurated as president in January 2009. There were reports in some areas of voter intimidation and election irregularities; however, the consensus of observers and the independent Electoral Commission was that these irregularities were insufficient to have altered the outcome of the election.

During an August by-election in Atiwa, Eastern Region, members of opposing parties blocked roads limiting access to polling stations, and fighting sometimes broke out near polling stations between opposing party members. On August 31, NDC and the NPP party leaders complained about voter intimidation and the use of violence, noting that police response to the violence was inadequate.

Political parties could operate without restriction or outside interference. The NDC held 116 seats in the parliament, the NPP 107, minor parties three, and independents four.

There are no laws preventing women from voting or participating in political life on the same basis as men, but women traditionally had less access to leadership positions than men. There were 19 women in the 230-seat parliament, four women in the cabinet, and five women on the Supreme Court. Eight of 38 ministers were women.

No laws or practices prevent minorities from equal participation in political life. According to the 2000 census, the country had more than 80 ethnic groups, none of which constituted a majority. For example, the Ashanti were the largest ethnic group with 14.8 percent of the total population.

### Section 4 Official Corruption and Government Transparency

Corruption was present in all branches of government. 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. Police set up barriers to extort money from motorists, and judicial officials accepted bribes to expedite or postpone cases or to "lose" records. The World Bank's most recent Worldwide Governance Indicators (2008) reflected that corruption was a problem.

On September 7, the Serious Fraud Office was replaced by the Economic and Organized Crime Office (EOCO), which was granted expanded powers to investigate and prosecute corruption in economic crimes such as money laundering, human trafficking, and cyber crime. The EOCO hired new employees during the year, the majority of which were slated to be investigators.

The CHRAJ investigates human rights abuses, public corruption, and abuse of power and is empowered to recommend punitive actions against proven violators. The attorney general, the minister of justice, the EOCO, and the Public Prosecutor's Office are responsible for combating corruption. Parliament's Public Accounts Committee is also responsible for auditing government spending. An auditor general reviews public-sector accounts.

In hearings in May and August, the Public Accounts Committee uncovered numerous cases of embezzlement and misuse of funds by government ministries, departments, agencies, and district assemblies. The committee ruled that failure to refund funds or to reconcile accounts would result in prosecution. The committee forwarded all cases to the attorney general; however, no prosecutions had been reported at year's end.

In January an undercover reporter filmed members of the Customs, Excise and Preventive Service and the Ghana Immigration Service allegedly extorting money and harassing travelers at the Ghana-Togo border crossing in Aflao, Volta Region. The officers were removed from the post, and an investigation continued at year's end.

Security force members were arrested for corruption during the year.

In March, in Accra, three soldiers and two policemen were arrested for extorting two men they had falsely accused of drug charges. Also in March, in Accra, a policeman and a former policeman were charged with extorting money from a man they framed on drug charges.

On March 19 in Accra four policemen were accused of attacking and robbing a foreign national of more than 7,207 cedis (\$5,000). Two officers were arrested and in December were each sentenced to 10 years' imprisonment. Two officers remained at large in connection with the case.

In May three police officers in the Greater Accra Region were arrested for stealing 500,000 CFA francs (\$970) from a deceased accident victim. The police officers were indicted, and an investigation continued at year's end.

Officials were subject to a financial-disclosure process, but their responses were not available for public review.

In July 2009 a presidential commission was established to investigate allegations of corruption and financial mismanagement by the former government's Ghana@50 Secretariat. The attorney general subsequently charged Kwadwo Mpiani, chairman of the National Planning Committee, and Charles Wereko-Brobby, CEO of the Ghana@50 Secretariat, with four counts of willfully causing financial loss to the state. On May 24, the defendants filed pretrial motions to dismiss the case for lack of jurisdiction, pending appeal of the commission's adverse findings. The High Court agreed and dismissed the case for lack of jurisdiction.

The constitution provides for public access to government information; however, obtaining such access was difficult in practice.

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

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

The CHRAJ, which mediated and settled cases brought by individuals against government agencies and private companies, operated with no overt interference from the government; however, some critics questioned its ability to investigate high-level corruption independently. Its biggest obstacle was a lack of adequate resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and nongovernmental agencies. However, public confidence in the CHRAJ was high, resulting in an increased workload for its staff, whose salaries were often delayed due to a chronic lack of resources and administrative issues.

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

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

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

### Women

The law criminalizes rape but not marital rape. Rape was underreported and remained a significant problem. When cases of rape were reported, perpetrators were often arrested and prosecuted. During the year the police service's Domestic Violence and Victim Support Unit (DOVVSU) worked closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers, the Legal Aid Board, and several other human rights NGOs to combat domestic violence. During the year DOVVSU received 318 reports of rape and reported 158 arrests, 101 prosecutions, and three convictions; 224 cases remained uninvestigated at year's end. Convicted rapists may be punished with prison sentences ranging from five to 25 years.

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. However, inadequate resources and logistical capacity in DOVVSU and other agencies, as well as only partial implementation of the Domestic Violence Act, hindered the full application of the law during the year. Unless specifically called upon by DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills, shelters, and other resources to assist victims. In many cases, victims were discouraged from reporting abuse and from cooperating with prosecutors because of long delays in bringing such cases to trial. Victims frequently did not complete their formal complaints because they could not afford the fees that doctors charged to document the abuse in police medical forms. Although the law waived these medical fees, doctors continued to require them in exchange for signing medical reports. There were credible reports that doctors sometimes charged more than the rate set by the hospital administration to sign medical forms. Statistics were not available on prosecutions of domestic violence cases during the year.

In the Northern, Upper East, and Upper West regions of the country, where belief in witchcraft remained strong, rural women and men suspected of witchcraft were banished by their families or traditional village authorities to "witch camps." Such camps were separate from the "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 identified as the cause of illness, crop failure, or financial misfortune. Some suspected witches in the camps were accompanied by their families. NGOs provided food, medical care, and other support to residents of the camps. During the year the CHRAJ monitored three camps in the Northern Region and reported that the camps contained 175 females and eight males; media sources reported far higher numbers of men, women, and children in the camps.

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

Couples and individuals have the right to decide freely on the number, spacing, and timing of pregnancies. According to the 2008 Demographic and Health Survey, 98 percent of all women surveyed were able to cite at least one birth control method. According to a foreign aid agency, 17 percent of married women of reproductive age used a modern contraceptive method. More than 75 percent of pregnant women had four or more prenatal visits. Approximately 60 percent of women delivered with a skilled attendant. Maternal mortality was estimated in a recent study at 451 per 100,000 live births, with the most common causes of death being hemorrhage and infection. More than two-thirds of women reported receiving medical care within two days of delivery. Women were more likely than men to accept HIV testing, particularly since it was offered as a standard component of prenatal care. 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.

The constitution provides for all persons to be treated equally under the law; however, women continued to experience discrimination in access to employment. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women's entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions, performing physically difficult manual labor such as farming, transporting goods, and manual household chores, while often carrying a child on their backs. Women also were subjected to traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritance and property, a legally registered marriage with the associated legal rights, and the maintenance and custody of children. There were female entrepreneurs, but poor access to credit remained a serious barrier for women who wanted to start or expand a business.

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

#### Children

Citizenship is derived by birth within the country or parentage, but 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.

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. During the year the government launched a program to provide uniforms to 1.6 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 670,000 children, which covered incidental costs as well as meals, and a nationwide capitation grant program, which covered other school fees for all children attending public schools. According to the Ministry of Education, girls attending primary school during the 2009-10 school year constituted 48 percent of all students; at the junior high school level, the proportion was 47 percent. During the year the Ghana Education Service (GES) actively 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 the "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 school enrollment of girls.

The law prohibits defilement, incest, and sexual abuse of minors, but such abuses remained serious problems. During the year DOVVSU received 1,080 cases of suspected child defilement and 11 cases of attempted defilement. 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. Press reports of teachers, coaches, and headmasters/headmistresses either being arrested for sexual harassment of female students or dismissed for ignoring reported problems continued during the year.

The law prohibits FGM, but it remained a serious problem in the Upper West Region of the country, and to a lesser extent in Upper East and Northern regions. Type II FGM--defined by the World Health Organization as the excision of the clitoris with partial or total excision of the labia minora--was more commonly performed than any other type. A girl was typically excised between 4 and 14 years of age. According to a 2008 study conducted by the Ghana Statistical Service with support from the UN Children's Fund, approximately 49 percent of girls and women between 15 and 49 years old in Upper West Region--where the practice was most common--had experienced some form of FGM, 20 percent in Upper East Region, and 5 percent in Northern Region.

Intervention programs were somewhat successful in reducing the prevalence of FGM, particularly in the northern regions. Officials at all levels, including traditional chiefs, continued to speak out against the practice, and local NGOs continued educational campaigns to encourage abandonment of FGM and to train practitioners in new skills so they could seek alternate sources of income.

In a 2009 survey of girls and women between 15 and 49 years old in Upper West Region, 85 percent stated that the practice should be discontinued, 10 percent were unsure, and only 5 percent supported its continuation. Lower prevalence of FGM among women in Upper East Region was highly correlated with increased education. There were no prosecutions of practitioners during the year.

Forced child marriage, which was illegal, remained a problem with no improvement during the year, according to the CHRAJ and NGOs.

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

The minimum age of consensual sex is 16 years. Defilement of a child younger than 16 years, with or without the child's consent, constitutes an offense and is punishable by imprisonment for between seven and 25 years. There is no specific legislation against child pornography; however, it can be prosecuted as an "offense against public morals" and is punishable by a fine ranging from 120 to 600 cedis (\$80-\$400) and/or imprisonment for a period not to exceed three years.

Unlike in the previous year, there were no reports that children participated in the ongoing ethnic and chieftaincy conflict in Bawku. In 2009 there were media reports that children participated in the ongoing ethnic and chieftaincy conflict in Bawku in the Upper West Region. Children were reported to have burned houses, and a group of Mamprusi children were alleged to have ambushed a Kusasi woman near Bawku hospital.

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

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

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

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law provides for the rights of persons with disabilities, including protection against exploitation and discrimination in employment, health care, and other domains. The National Council on Disability, mandated by law, was inaugurated in April 2009. While the government did not systematically or overtly discriminate against persons with disabilities, such persons often experienced societal discrimination. The law provides persons with disabilities access to public buildings "as far as is practical." Activists supporting the rights of persons with disabilities complained of the slow implementation of the Persons with Disability Act, especially the lack of legislative instruments to implement the new law. Despite the legal protection provided in the law, discrimination against disabled persons in employment and the inaccessibility of public buildings continued to be problems.

Persons with mental and physical disabilities were frequently subjected to abuse and intolerance; however, unlike in the previous year, there were no reports of persons with disabilities being killed for ritual purposes.

In March 2009 four persons appeared in court on murder charges in connection with the July 2008 killing of Yakubu Busanga, a hunchback. The attack may have been motivated by a desire to obtain body parts for use in ritual practices. At year's end there was no new information on this case.

In July 2009 a two-year-old albino boy was stolen from his mother for ritual purposes. An 18-year-old woman was arrested for the kidnapping and detained in prison custody. She claimed that she was hired to steal the child. At year's end there was no new information on the case.

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

Human rights activists expressed concerns about "prayer camps" in which individuals believed to be possessed by evil spirits were chained for weeks, physically assaulted, and denied food and water. The camps targeted persons with mental illnesses. Camp supervisors diagnosed mental illness as a "demonic affliction" and prevented patients from consuming

food or water, often for seven consecutive days, to cleanse victims of their evil spirits. Some victims were estimated to be as young as six years old. Families sent these victims to be exorcised of evil spirits or cured of their physical or mental illnesses. Victims were held at the camps until they were considered healed. Reports indicated that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong-Ahafo regions. The Commonwealth Human Rights Initiative (CHRI) released a report in May 2009 on prayer camps based on interviews with current and former inmates. The report found that some families caring for mentally ill members had insufficient financial resources and viewed prayer camps as an available option. The CHRI urged regulation of prayer camps; however, no regulations were implemented by year's end.

Several government agencies and NGOs were involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Ministry of Employment and Social (MESW), the Ministry of Education, and the Center for Democratic Development.

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

The law makes consenting homosexual acts a misdemeanor, and strong sociocultural beliefs discriminated against and stigmatized same-gender sex. There were no registered Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations. LGBT persons faced widespread discrimination, as well as police harassment and extortion attempts. Gay men in prison often were subjected to sexual and other physical abuse.

On June 4, more than one thousand protesters in Takoradi, Western Region, participated in a peaceful rally against reports of gay and lesbian activities in their city. This was reportedly the first antigay protest in the country.

On December 22, the acting head of the CHRAJ spoke against discrimination during a radio interview on Accra-based CITI FM. She stressed that gays and lesbians should not be condemned based on societal attitudes and that the constitution provides for freedom from discrimination.

#### Other Societal Violence or Discrimination

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

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

#### Section 7 Worker Rights

##### a. The Right of Association

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

The law recognizes the right to strike but restricts that right for workers who provide essential services, including "areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other services as the minister may by legislative instrument determine." The minister of employment and

social welfare designated a list of essential services. The list included services carried out by utility companies (water, electricity, etc.), ports and harbors, medical centers, and the Bank of Ghana. In these essential services the parties to any labor disputes are required to resolve their differences within 72 hours; the deadline was meant to pressure employers and employees to operate efficiently with limited interruptions. The right to strike can also be restricted for workers in private enterprise whose services a union and an employer deemed essential to the survival of the enterprise by. A union may call a legal strike if the parties fail to agree to refer the dispute to voluntary arbitration or if the dispute remains unresolved at the end of arbitration proceedings. No union ever went through the complete dispute resolution process, and there were numerous unsanctioned strikes during the year.

On September 15, prison officers at both the Kumasi Central Prison in the Ashanti region and the Sekondi Central Prison in the Western Region demonstrated against perceived inequalities in the implementation of the Single Spine Salary Structure. The initiative aimed to unify differing salary structures of the national government.

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

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

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

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

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. Local NGOs cited the presence of compulsory labor affecting both children and adults in the fishing sector and illegal mining. Local NGOs claimed victims forced to work on boats as children were sometimes unable to leave their employers and continued to work without pay as adults. In the illegal mining industry (galamsey), NGOs cited debt bondage as a problem. Please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip) for more information.

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

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum employment age at 15 years and 13 years for light work not likely to be harmful to the child or to affect the child's attendance at or capacity to benefit from school. The law prohibits night work and certain types of hazardous labor for those under 18, and provides for fines and imprisonment for violators; however, child labor remained a serious problem in the informal sector.

The law allows children 15 years of age and above to have an apprenticeship under which craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. However, child labor laws

were not always enforced effectively or consistently, and law-enforcement officials, including judges, police, and labor officials, were sometimes unfamiliar with the provisions of the law that protected children. Local custom and poverty also contributed to child labor and eroded societal observance of child labor laws.

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

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

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

According to government labor officials and the Ghana Employers Association, child labor problems were infrequent in the formal labor sector.

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

There were newspaper reports of children being sold into involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fishermen in exchange for a yearly remittance to their families. The practice often involved the consent of their generally impoverished parents. The media run regular stories about children in involuntary servitude, particularly as street hawkers and porters. Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

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

On September 13, the minister of employment and social welfare signed the Joint Declaration and Framework of Action with Senator Harkin, Representative Engel, and representatives from the U.S. Department of Labor, the government of Cote d'Ivoire, and the cocoa and chocolate industry to reaffirm and further extend implementation of the Harkin-Engel Protocol. The protocol requires governments to prohibit the worst forms of child labor and to take immediate action towards eliminating it.

In October the cabinet approved the 2009-2015 National Plan of Action for the Elimination of the Worst Forms of Child Labor. The government worked closely with NGOs, labor unions, and the cocoa industry to eliminate the worst forms of child labor in the cocoa industry.

During the year the Ministry of Women and Children's Affairs conducted seminars on child labor to educate the media, police, civil servants, and the general public.

The ILO's International Program on the Elimination of Child Labor, government representatives, the Trade Union Congress, the media, international organizations, and NGOs continued to build upon the National Plan of Action for the Elimination of Child Labor in Ghana by increasing institutional capacity to combat child labor. In October the MESW

relaunched the National Steering Community on Child Labor, consisting of over 40 representatives from government, the ILO, labor unions, and development partners. In November the MESW unveiled a new, integrated child labor monitoring system. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities.

#### e. Acceptable Conditions of Work

A National Tripartite Committee composed of representatives of the government, labor, and employers sets daily minimum wages. The daily minimum wage of 3.11 cedis (\$2.19) during the year did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law in the formal sector, and there was no official minimum wage for the growing informal labor force. In most cases households had multiple wage earners, and family members often engaged in family farming or other family-based commercial activities. The Ministry of Employment and Social Welfare was unable to enforce this law effectively.

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

The law sets the maximum workweek at 40 hours, with a break of at least 48 consecutive hours every seven days. Workers were entitled to at least 15 working days' leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. However, such provisions apply neither to task workers or domestic workers in private homes, nor elsewhere in the informal sector.

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

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

The report cited examples of private and government security forces abusing small-scale miners. In the Obuasi area in the western region, independent miners suspected of stealing equipment from a nearby mine were arrested and beaten by security service members.

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