

GHANA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ghana is a constitutional democracy with a strong presidency and a unicameral 275-seat parliament. Presidential and parliamentary elections conducted in 2016 were peaceful, and domestic and international observers assessed them to be transparent, inclusive, and credible. New Patriotic Party (NPP) candidate Nana Akufo-Addo defeated National Democratic Congress (NDC) candidate and incumbent President John Mahama. NPP candidates won 169 parliamentary seats, with the NDC securing the remaining 106 seats.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included excessive use of force by police, including torture resulting in death and injuries; rape by police; harsh and life-threatening prison conditions; assault on and harassment of journalists; corruption in all branches of government; lack of accountability in cases of violence against women and children, including female genital mutilation/cutting; early and forced marriage; sexual exploitation of children; infanticide of children with disabilities; trafficking in persons; criminalization of same-sex sexual conduct, though rarely enforced; and exploitative child labor, including forced child labor.

The government took steps to prosecute and punish officials who committed abuses, whether in the security forces or elsewhere in the government, but impunity remained a problem.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports the government or its agents committed arbitrary or unlawful killings; persons tortured by police sometimes died from the ordeal.

As of September police service enquiries for four officers implicated in the May 2016 killing by police of a suspect in Kumasi had not yet commenced. The government did not prosecute any officers for the incident, but it dismissed one officer and reprimanded five others.

As of September the Police Intelligence and Professional Standards Unit (PIPS) had investigated 33 reports of police brutality.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

While the constitution and law prohibit such practices, there were credible reports police beat, raped, and otherwise abused detained suspects and other citizens. Beatings of suspects and other citizens occurred throughout the country but victims were reluctant to file formal complaints. Police generally denied allegations or claimed the level of force used was justified. There were reports military personnel beat residents of Obuasi-Denkyira in Ashanti Region while on domestic deployment to combat illegal mining and investigate the killing of an army officer.

In 2015 UN Special Rapporteur Juan E. Mendez received reports that torture and other mistreatment occurred with frequency during apprehension, arrest, and interrogation of suspects, and particularly as a means to extract confessions by police.

Prison and Detention Center Conditions

Prison conditions were generally harsh and sometimes life threatening due to physical abuse, food shortages, overcrowding, inadequate sanitary conditions, and lack of medical care.

Physical Conditions: Ghana Prisons Service statistics available in August indicated that it held 13,597 prisoners (13,437 men and 160 women) in prisons designed to hold 9,875. Although authorities sought to hold juveniles separately from adults, there were reports of detainees under age 18 being held with adults at Nsawam Prison. Pretrial detainees were housed in the same facilities as convicts but generally in separate cells, although due to overcrowding in convict blocks, Nsawam Prison began housing some convicts in blocks designated for pretrial detainees. A facility dedicated for housing pretrial detainees was under construction adjacent to Nsawam Prison. The Prisons Service held women separately from men. No prison staff specifically focused on mental health, and

officials did not routinely identify or offer treatment or other support to prisoners with mental disabilities.

In his 2013 visit, UN Special Rapporteur Mendez characterized prison overcrowding as “alarming.” Some cellblocks in Nsawam Prison contained 115 convicted prisoners sharing a space of approximately 415 square feet. The pretrial detention sections were often even more congested, with cells so overcrowded (40 in a cell designed for four) prisoners were lying head to toe in a fetal position. Prisoners in Sekondi Prison slept in shifts, sitting up, due to lack of space. Many prisoners slept on the floor without a mattress, mat, or blanket. In his follow-up assessment in 2015, Mendez observed no improvements in these prison conditions. A visit in September indicated severe overcrowding, inadequate medical care, and poor sanitation remained problems at Nsawam Prison. Although the government continued to reduce the population of individuals in pretrial detention, dropping 21.9 percent from October 2016 to September 2017, overcrowding remained a serious problem, with certain prisons holding approximately two to four times more prisoners than designed capacity. Special judicial hearings at the prisons under the Justice for All program through October resulted in the discharge of 46 pretrial detainees and the granting of bail to an additional 152.

The government reported 29 deaths in custody through September. Causes of death included severe anemia, pulmonary tuberculosis, septicemic shock, gastrointestinal bleeding, and acute abdominal partial intestinal obstruction.

UN Special Rapporteur Mendez reported guards and other prisoners physically abused prisoners. Prison guards sometimes allegedly used caning to enforce prison rules, carried out usually by “black coats,” a term referring to model prisoners. While the government acknowledged the existence of “black coats,” it denied it gave them special powers or allowed them to exercise disciplinary functions. There were no reports of prison guards or “black coats” abusing prisoners during the year. The government prosecuted five prisoners in Western Region suspected of killing a fellow prisoner in police detention in March.

While prisoners had access to potable water, food was inadequate. Meals routinely lacked fruit, vegetables, or meat, forcing prisoners to rely on their families to supplement their diet. The Prisons Service facilitated farming activities for inmates to supplement feeding. The Prisons Service received five tractors and accessories to further supplement farming activities and was preparing to establish additional farm prisons in the Ashanti Region. 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 inadequate space and light. The Prisons Service periodically fumigated and disinfected prisons, but sanitation remained poor. There were not enough toilets available for the number of prisoners, with as many as 100 prisoners sharing one toilet, and toilets often overflowed with excrement.

Medical assistants, not doctors, provided medical services, and they were overstretched and lacked basic equipment and medicine. All prison infirmaries had a severely limited supply of medicine. Prisons did not provide dental care. Prison officials referred prisoners to local hospitals to address conditions prison medical personnel could not treat on site. To facilitate treatment at local facilities, the Prisons Service continued to register inmates in the National Health Insurance Scheme. The Ankafu Disease Camp Prison held three prisoners with the most serious contagious diseases.

Religious organizations, charities, and private businesses and citizens often provided services and materials, such as medicine and food, to the prisons. Some organizations reported administrators at the prisons demanded bribes before permitting them to enter.

A study released in 2016 found that as of 2011, 1.6 percent of prisoners in Kumasi, Nsawam, and Sunyani prisons were persons with disabilities, although mental disabilities were likely underreported. Although persons with disabilities reported receiving medicine for chronic ailments and having access to recreational facilities and vocational education, the study found the design of the prisons disadvantaged persons with disabilities, as they had to compete with other prisoners for access to health care and recreational facilities.

Administration: There was no prison ombudsperson or comparable independent authority to respond to complaints; rather, each prison's officer-in-charge was designated to receive and respond to complaints. Authorities investigated few complaints, as there was a general reluctance to complain even when there were allegations of police brutality or use of excessive force. Authorities undertook few investigations of personnel who may be responsible for an offense under Section 25 of the Prisons Service Act, which prohibits the use of torture or harsh treatment.

Independent Monitoring: The government permitted independent monitoring of prison conditions. Local nongovernmental organizations (NGOs), which were independent of government influence, worked on behalf of prisoners and detainees to help alleviate overcrowding, monitor juvenile confinement, and improve pretrial

detention, bail, and recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for the charged offenses and beyond the 48 hours legally authorized for detention without charge. Local news agencies also reported on prison conditions.

d. Arbitrary Arrest or Detention

The constitution and law provide for protection against arbitrary arrest and detention, but the government frequently disregarded these protections. The law also provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, but lack of legal representation for detainees inhibited fulfillment of this right.

Role of the Police and Security Apparatus

The police, under the Ministry of the Interior, are responsible for maintaining law and order, but the military continued to participate in law enforcement activities in a support role, such as by protecting critical infrastructure. A separate entity, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the Ministry of National Security. Police maintained specialized units in Accra for homicide, forensics, domestic violence, visa fraud, narcotics, and cybercrimes. Such services were unavailable outside the capital due to lack of office space, vehicles, and other equipment. Police maintained specialized antihuman trafficking units in Accra and some regions.

Police brutality, corruption, negligence, and impunity were problems. While the constitution and law prohibit such practices, there were credible reports police beat, raped, and otherwise abused suspects and other citizens. There were delays in prosecuting suspects, reports of police collaboration with criminals, and a widespread public perception of police ineptitude. Police often failed to respond to reports of abuses and, in many instances, would not act unless complainants paid for police transportation and other operating expenses. There were credible reports 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. A study by the Ghana Integrity Initiative, conducted in 2016 and released in February, indicated 61 percent of respondents had paid a bribe to police. There were multiple reports police failed to prevent and respond to societal violence, in particular incidents of “mob justice.” For example, in February police failed to respond when a mob publicly stripped, beat, and sexually assaulted a woman for allegedly stealing a yam from a vendor in Kumasi.

The Inspector General of Police, Commission on Human Rights and Administrative Justice (CHRAJ), and PIPS investigate claims security forces used excessive force. PIPS also investigates human rights abuses and police misconduct. As of September PIPS received 642 complaints, of which 174 investigations were completed and 468 remained under investigation. Over this period PIPS investigated 131 reports of unprofessional handling of cases, 127 of misconduct, 93 of unfair treatment, 75 of undue delay of investigation, 39 of unlawful arrest and detention, 33 of police brutality, 19 of harassment, 19 of fraud, and 16 reports of extortion.

Arrest Procedures and Treatment of Detainees

The law requires detainees be brought before a court within 48 hours of arrest in the absence of a judicial warrant, but authorities frequently detained individuals without charge or a valid arrest warrant for periods longer than 48 hours. Officials detained some prisoners for indefinite periods by renewing warrants or simply allowing them to lapse while an investigation took place. 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. Most detainees, however, could not afford a lawyer, and the government is not required to provide legal counsel. As of August the government employed only 20 full-time legal aid lawyers, who handled criminal and civil cases, and 45 paralegals, who handled civil matters. Defendants in criminal cases who could not afford a lawyer typically represented themselves. The government generally provided defense lawyers to those charged with first degree felonies. 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 at a later court date. Officials rarely observed this provision. The government sought to reduce the population of prisoners in pretrial detention by placing paralegals in some prisons to monitor and advise on the cases of pretrial detainees, and by directing judges to visit prisons to review and take action on pretrial detainee cases.

The law provides for bail, but courts often used their unlimited discretion to set bail prohibitively high. In 2016 the Supreme Court struck down a portion of the law that denied bail to those accused of specific serious crimes, including murder, rape, and violations of the Narcotic Drugs Law.

Arbitrary Arrest: There were continued reports of arbitrary arrests by police. Unlawful arrests and detentions accounted for 6 percent of all complaint cases PIPS received through September.

Pretrial Detention: Lengthy pretrial detention remained a serious problem. Prisons Service statistics available in September indicated that 1,792 prisoners, 13.2 percent of all prisoners, were in pretrial status. The government kept prisoners in extended pretrial detention due to police failing to investigate or follow up on cases, slow trial proceedings marked by frequent adjournments, detainees' inability to meet bail conditions that were often set extremely high even for minor offenses, and inadequate legal representation of criminal defendants. The length of pretrial detention exceeded the maximum sentence for the alleged crime in numerous instances. Inadequate record keeping contributed to prisoners being held in egregiously excessive pretrial detention, some for up to 10 years. For example, after prisoners destroyed records during a 2015 riot in Kumasi Prison, judicial officials issued new warrants but did not backdate them to the initial date of incarceration.

e. Denial of Fair Public Trial

While the constitution and law provide for an independent judiciary, it was subject to unlawful influence and corruption. Judicial officials reportedly accepted bribes to expedite or postpone cases, "lose" records, or issue favorable rulings for the payee.

Following the 2015 report by an investigative journalist into corruption in the judiciary, the chief justice constituted a five-member committee headed by a Supreme Court judge to investigate the allegations, resulting in the dismissal of 12 High Court judges, 22 lower court judges, and 19 judicial service staff. No charges or criminal proceedings were initiated against the judges involved.

Despite alternative dispute resolution (ADR) procedures to decongest the courts and improve 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 commonly went on for years.

Military personnel are tried separately under the criminal code in a military court. Military courts, which provide the same rights as civilian courts, are not permitted to try civilians.

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 continued to erode, however, because of the growing power of civil institutions, including courts and district assemblies.

A judicial complaints unit within the Ministry of Justice 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.

Trial Procedures

The constitution and law provide for the right to a fair hearing, and an independent judiciary generally enforced this right. Criminal hearings must be public unless the court orders them closed in the interest of public morality, public safety, public order, defense, welfare of persons under the age of 18, protection of the private lives of persons concerned in the proceedings, and as necessary or expedient where publicity would prejudice the interests of justice.

Defendants are presumed innocent and have the right to be informed promptly and in detail of charges against them, with free assistance of an interpreter as necessary. Defendants have the right to a fair and public trial without undue delay, but trials were often delayed. Defendants have the right to be present at their trials, be represented by an attorney, have adequate time and facilities to prepare their defense, present witnesses and evidence, and confront prosecution or plaintiff witnesses. Defendants have the right not to be compelled to testify or confess guilt, although generally defendants are expected to testify if the government makes a sufficient case. Defendants have the right to appeal. Authorities generally respected these safeguards, and the law extends these rights to all citizens.

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-track 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. Authorities established additional automated courts across the country, and selecting their judges randomly helped curb judicial corruption.

The constitution states the Supreme Court is the final court of appeal. Defendants, however, may seek remedies for allegations of human rights violations at the Economic Community of West African States Court of Justice.

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

The constitution prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right.

Violence and Harassment: Government authorities and security officials sometimes assaulted and harassed journalists. In March a freelance journalist reported being assaulted by soldiers after he allegedly videotaped them beating someone. Although the government stated it was investigating the incident, there were no reports of any follow-up action. In August a police officer assaulted a reporter in Sekondi after the reporter questioned the officer. The reporter withdrew his complaint against the officer after receiving an apology from police, although there was no indication the government took disciplinary action against the officer involved. In March the Media Foundation for West Africa reported a newspaper journalist was fined 5,000 cedis (\$1,100) for publishing an interview expressing concern about a High Court decision to grant bail to two drug suspects.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

The internet was accessible in Accra and other large cities. There was limited but growing internet access in other areas. According to the International Telecommunication Union, approximately 34 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. 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, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Gender-based violence remained a problem. According to UNHCR, as of June 30, there were 22 incidents of sexual or gender-based violence reported from refugee camps, including three sexual assaults of children. UNHCR worked with Department of Social Welfare personnel and Ghana Health Service psychosocial counselors to provide medical, psychosocial, security, and legal assistance where necessary to all the cases

reported. As of September the court adjudicating a case involving a physical assault on a refugee reported by UNHCR in 2016 had not issued a verdict. Challenges to holding perpetrators of sexual or gender-based violence accountable for acts conducted in the camps included ineffective access to civil and criminal legal counseling and poor coordination between the Department of Social Welfare, the Legal Aid Scheme, and police, and lack of representation for the alleged perpetrator and presumed victims. According to the Ghana Refugee Board, reports of sexual and gender-based violence rose from 17 in 2015 to 41 in 2016.

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 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 the interior, is responsible for adjudicating the appeals, but the process continued to be subject to delays. As of June the government had a backlog of 1,376 asylum seekers whose petitions were pending adjudication. Although the government reconstituted the Ghana Refugee Board on July 10, as of September it had yet to adjudicate any petitions.

Employment: Refugees could apply for work permits through the same process as other foreigners; however, work permits generally were issued only for employment in the formal sector, while the majority of refugees worked in the informal sector.

Durable Solutions: In 2011 nearly 18,000 residents of Cote d'Ivoire fled to Ghana because of political instability following Cote d'Ivoire's disputed 2010 presidential election. As of September UNHCR assisted in the voluntary repatriation of 12 Ivoirian refugees. Although Ivoirian refugees were granted prima facie refugee status during the initial stages of the emergency, by the end of 2012 the government had transitioned to individual refugee status determination for all Ivoirians entering thereafter.

In 2012 UNHCR and the International Organization for Migration assisted with the voluntary repatriation of more than 4,700 Liberians from Ghana. Approximately 3,700 Liberians opted for local integration. UNHCR and the Ghana Refugee Board continued to work with the Liberian government to issue them passports enabling them to subsequently be issued a Ghanaian residence and work permit. As of September the Liberian government had not issued any passports to this

population during the year. At year's end fewer than 1,000 individuals were still awaiting Liberian passports. 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.

As of August 31, the country hosted 12,052 refugees and 1,323 asylum seekers, totaling 13,375 persons of concern. This figure included refugees and asylum seekers from Cote d'Ivoire (6,691 refugees; 390 asylum seekers), Togo (3,310 refugees; 93 asylum seekers), Liberia (1,218 refugees; one asylum seeker), Sudan (308 refugees, 296 asylum seekers), and other countries (525 refugees; 543 asylum seekers).

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Parties and independent candidates campaigned openly and without undue restrictions in the period preceding the most recent elections in 2016. The Electoral Commission took steps to ensure the elections were free and fair, including a voter registration verification exercise. The campaigns were largely peaceful, although there were reports of isolated instances of violence. For example, attackers ransacked Electoral Commission offices in Suhum and Asunafo South. There were also reports of violence between NPP and NDC supporters and party-affiliated vigilante groups. Presidential and parliamentary elections conducted in December 2016 were peaceful. Domestic and international observers, such as the European Union Election Observation Mission and the Coalition of Domestic Election Observers, assessed the election to be transparent, inclusive, and credible. Seven candidates vied for the presidency, including one independent candidate. NPP candidate Nana Akufo-Addo secured more than 53 percent of votes cast, defeating NDC candidate and incumbent President John Mahama by more than 9 percent. NPP candidates won 169 parliamentary seats, with the NDC securing the remaining 106 seats. The Ghana Integrity Initiative, Ghana Center for Democratic Development, Ghana Anti-Corruption Coalition, Citizen's Movement against Corruption, and European Union Election Observation Mission noted concerns over the misuse of incumbency and unequal access granted to state-owned media during the campaign. Reports also noted a regional bias in

elections coverage, with Greater Accra and Ashanti Regions receiving significantly more attention than other regions. There were reports of postelection violence, including takeovers of government institutions by vigilante groups associated with the victorious NPP.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Women, however, held fewer leadership positions than men, and female political figures faced sexism, harassment, and threats of violence. Cultural and traditional factors limited women's participation in political life. For example, the government-recognized National and Regional Houses of Chiefs inducted no women as members, although some regional chieftaincy bodies recognized affiliated queen mothers. Women's participation in the 275-member parliament increased by 2.5 percent in 2016, with 37 women winning parliamentary seats. Presidential candidates included one woman and one person with a disability. Reports indicated female candidates received substantially less media coverage than their male counterparts.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. Corruption was present in all branches of government, according to media and NGOs, and various reputable national and international surveys, such as the World Bank's Worldwide Governance Indicators and Afrobarometer, highlighted the prevalence of corruption in the country. More than 91 percent of respondents to a 2015 survey by the Institute of Economic Affairs said overall corruption was high or very high.

Corruption: In June the Youth Employment Agency announced that an internal audit discovered payroll fraud of approximately 50 million cedis (\$11.1 million). At year's end there was no indication the government held anyone accountable for the fraud. Although the government dismissed 23 judges as a result of the 2015 investigation into widespread corruption in the judiciary, it did not pursue any criminal prosecutions. In June the Supreme Court ordered the auditor general to recover misappropriated government funds from the responsible officials. In November the government established the Office of the Special Prosecutor to investigate and prosecute corruption-related crimes.

Financial Disclosure: The constitution's code of conduct for public officers establishes an income and asset declaration requirement for the head of state, ministers, cabinet members, members of parliament, and civil servants. All elected and some appointed public officials are required to make these declarations every four years and before leaving office. The commissioner for human rights and administrative justice is provided authority to investigate allegations of noncompliance with the law regarding asset declaration and take "such action as he considers appropriate." Financial disclosures remain confidential unless requested through court order. Observers criticized the financial disclosure scheme, noting that infrequent filing requirements, exclusion of filing requirements for family members of public officials, lack of public transparency, or absence of consequences for noncompliance undermined its effectiveness.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 often cooperative and responsive to their views. The government actively engaged civil society and the United Nations in preparation for Ghana's third Universal Periodic Review in November.

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, since it is itself a government institution, some critics questioned its ability independently to 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 organizations and NGOs. Public confidence in the CHRAJ was high, resulting in an increased workload for its staff. CHRAJ reported, however, that some community members threatened CHRAJ staff on several occasions during investigations into witchcraft accusations in the Northern Region.

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

Women

Rape and Domestic Violence: The law criminalizes rape of women but not spousal rape. Sexual assault on a male can be charged as indecent assault. Convicted

rapists may be punished with prison sentences ranging from five to 25 years, while indecent assault is a misdemeanor subject to a minimum term of imprisonment of six months.

Rape and domestic violence remained serious problems. Survey data released in 2016 suggested 27.7 percent of women and 20 percent of men had experienced at least one type of domestic violence in the 12 months prior to the study.

The Domestic Violence and Victim Support Unit (DOVVSU) of the Police Service worked closely with the Department of Social Welfare, Domestic Violence Secretariat, CHRAJ, the Legal Aid Board, Ark Foundation, UNICEF, UN Population Fund (UNFPA), the national chapter of the International Federation of Women Lawyers, and several other human rights NGOs to address rape and domestic violence. Inadequate resources and logistical capacity in the DOVVSU and other agencies, however, hindered the full application of the law.

Unless specifically called upon by the 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 cases where police identified and arrested suspects for rape or domestic abuse, few of the cases reached court or resulted in conviction due to witness unavailability, inadequate resources and training on investigatory techniques and police prosecutor case management, and, according to DOVVSU, lack of resources on the part of victims and their families to pursue cases.

The DOVVSU addressed rape through public education efforts on radio and in communities, participation in efforts to prevent child marriage and sexual and gender based violence, expanding the implementation of its online data management system to select police divisional headquarters, and data management training.

Female Genital Mutilation/Cutting (FGM/C): Several laws include provisions prohibiting FGM/C. It was rarely performed on adult women, but the practice remained a serious problem for girls under 18 years of age. Intervention programs were partially successful in reducing the prevalence of FGM/C, particularly in the northern regions.

For more information, see:

<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>

Other Harmful Traditional Practices: The constitution prohibits practices that dehumanize or are injurious to the physical and mental well-being of a person. Media reported several killings and attempted killings for ritual purposes. For example, in April a man from Western Region confessed to killing and decapitating his six-year-old son in order to gain spiritual power. In the Northern, Upper East, and Upper West Regions, rural women and men suspected of “witchcraft” were banished by their families or traditional village authorities to “witch camps.” Such camps were distinct from “prayer camps,” to which persons with mental illness were sometimes sent by their families to seek spiritual healing. Some persons suspected of witchcraft were also killed. The Ministry of Gender, Children, and Social Protection monitored witch camps.

The law criminalizes harmful mourning rites, but such rites continued, and authorities did not prosecute any perpetrators. In the north, especially in the Upper West and Upper East Regions, widows are required to undergo certain indigenous rites to mourn or show devotion for the deceased spouse. The most prevalent widowhood rites included a one-year period of mourning, tying ropes and padlocks around the widow’s waist or neck, forced sitting by the deceased spouse until burial, solitary confinement, forced starvation, shaving the widow’s hair, and smearing clay on the widow’s body. In the Northern and Volta Regions along the border with Togo, wife inheritance, the practice of forcing a widow to marry a male relative of her deceased husband, continued.

Sexual Harassment: No law specifically prohibits sexual harassment, although authorities prosecuted some sexual harassment cases under provisions of the criminal code.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The constitution and law provide for the same legal status and rights for women as for men under family, labor, property, nationality, and inheritance laws. Predominantly male tribal leaders and chiefs are empowered to regulate land access and usage within their tribal areas. Within these areas women were less likely than men to receive access rights to large plots of fertile land. Widows often faced expulsion from their homes by their deceased husband’s

relatives, and they often lacked the awareness or means to defend property rights in court.

Children

Birth Registration: Citizenship is derived by birth in the country or outside if either of the child's parents or one grandparent is a citizen. Children unregistered at birth or without identification documents may be excluded from accessing education, health care, and social security. Some children were reportedly denied education because their births were not registered, although having a birth certificate is not a legal precondition to attend school. The country launched an automated birth registration system in 2016 aimed at enhancing the ease and reliability of registration. For additional information, see Appendix C.

Education: The constitution provides for tuition-free, compulsory, and universal basic education for all children from kindergarten through junior high school. In September the government began phasing in a program to provide tuition-free enrollment in senior high school, beginning with first-year students. Girls in rural and the northern regions were less likely to continue and complete their education due to the weak quality of education service delivery, inability to pay expenses related to schooling, prioritization of boys' education over girls', security problems related to distance between home and school, lack of dormitory facilities, and inadequate sanitation and hygiene.

Child Abuse: The law prohibits defilement (sex with a child younger than 16 years with or without consent), incest, and sexual abuse of minors. There continued to be reports of male teachers sexually assaulting and harassing both female and male students. There were no reports that a teacher suspected of sexually assaulting a student faced prosecution or job termination as a result of the allegation. Physical abuse and corporal punishment of children were concerns. Local social workers rarely had sufficient resources, such as transportation and equipment, to effectively respond to and monitor cases of child abuse and neglect.

Early and Forced Marriage: The minimum legal age for marriage for both sexes is 18 years. The law makes forcing a child to marry punishable by a fine, one year's imprisonment, or both. Early and forced child marriage, while illegal, remained a problem. Child marriage rates continued to decrease, with one-fifth of women during the year married before the age of 18, compared with one-third in the early 1990s.

The Child Marriage Unit of the Domestic Violence Secretariat of the Ministry of Gender, Children, and Social Protection continued to lead governmental efforts to combat child marriage. The ministry launched the first National Strategic Framework on Ending Marriage in Ghana (2017-2026). The framework prioritizes interventions focused on strengthening government capacity to address issues of neglect and abuse of children, girls' education, adolescent health, and girls' empowerment through skills development. The National Advisory Committee to End Child Marriage and the National Stakeholders Forum, with participation from key government and civil society stakeholders, provided strategic guidance and supported information sharing and learning on child marriage among partners in the country. For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children. The minimum age for consensual sex is 16 years, and defilement is punishable by imprisonment for seven to 25 years. The law criminalizes the use of a computer to publish, produce, procure, or possess child pornography, punishable by imprisonment for up to 10 years, a fine of up to 5,000 penalty units (60,000 cedis or \$13,300), or both.

Infanticide or Infanticide of Children with Disabilities: The law bans infanticide, but several NGOs reported that communities in the Upper East Region kill “spirit children” born with physical disabilities who are suspected of being possessed by evil spirits. Local and traditional government entities cooperated with NGOs to raise public awareness about causes and treatments for disabilities and to rescue children at risk of ritual killing.

Displaced 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 child prostitution and the school dropout rate. Girls were among the most vulnerable to commercial sexual exploitation while living on the streets.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

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/rls/tiprpt/.

Persons with Disabilities

The law explicitly prohibits discrimination against persons with disabilities, but the government did not effectively enforce the law. The law provides that persons with disabilities have access to public spaces with “appropriate facilities that make the place accessible to and available for use by a person with disability,” but inaccessibility to schools and public buildings continued to be a problem. Children with disabilities attended specialized schools that focused on their needs, in particular schools for the deaf. In July the government hired 80 persons with disabilities to serve as tollbooth operators, but few adults with disabilities had employment opportunities.

Persons with both mental and physical disabilities, including children, were frequently subjected to abuse and intolerance. Children with disabilities who lived at home were sometimes tied to trees or under market stalls and caned regularly; families reportedly killed some of them. The Ghana Education Service, through its Special Education Unit, supported education for children who are deaf or hard of hearing or have vision disabilities through national schools for deaf and blind students.

Thousands of persons with mental disabilities, including children as young as seven, were sent to spiritual healing centers known as “prayer camps,” where mental disability was often considered a “demonic affliction.” Some residents were chained for weeks in these environments, denied food for seven consecutive days, and physically assaulted. While the country passed a Mental Health Act in 2012 that provides for monitoring of prayer camps and bars involuntary or forced treatment, officials took few steps to implement the legislation. In July officials from the Mental Health Authority rescued 16 persons with mental disabilities whom they found chained at a prayer camp in Central Region; the individuals were later taken to the Ankaful psychiatric hospital for treatment.

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

The law does not prohibit discrimination based on sexual orientation and gender identity. The law criminalizes the act of “unnatural carnal knowledge,” which is defined as “sexual intercourse with a person in an unnatural manner or with an animal.” The offense applies to persons engaged in same-sex male relationships and those in heterosexual relationships; there were reports of the law also being applied to individuals in same-sex female relationships. While there were reports of adults being prosecuted for consensual same-sex sexual conduct, no convictions were reported.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced widespread discrimination in education and employment. As of June CHRAJ reported receiving 41 reports of discrimination against LGBTI persons because of their sexual orientation or gender identity. They also faced police harassment and extortion attempts. There were reports police were reluctant to investigate claims of assault or violence against LGBTI persons. Gay men in prison were often subjected to sexual and other physical abuse.

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

HIV and AIDS Social Stigma

Discrimination against persons with HIV/AIDS remained 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. HIV-positive persons faced discrimination in employment and often were forced to leave their jobs or houses. 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 often made it difficult for the centers to respect confidentiality.

Parliament passed a revised Ghana AIDS Commission Bill in 2016 that sought to address gaps in the existing law. The law penalizes discrimination against a person infected with or affected by HIV or AIDS by a fine of 100 to 500 penalty units (1,200 cedi to 6,000 cedis, or \$265-\$1,300), imprisonment for 18 months to three years, or both. The law contains provisions that protect and promote the rights and

freedoms of persons with HIV/AIDS and those suspected of having HIV/AIDS, including the right to health, education, insurance benefits, employment/work, privacy and confidentiality, nondisclosure of their HIV/AIDS status without consent, and the right to hold a public or political office.

Other Societal Violence or Discrimination

Chieftaincy disputes, which frequently resulted from lack of a clear chain of succession, competing claims over land and other natural resources, and internal rivalries and feuds continued to result in deaths, injuries, and destruction of property. Throughout the year there continued to be disputes between Fulani herdsmen and landowners that at times led to violence. For example, in January violence between residents of Ho, Fulani herdsmen, and police resulted in injuries to at least two police officers.

In April a long-standing land dispute between the communities of Nkonya and Alavanyo in Volta Region led to violence, resulting in at least two deaths. To address the conflict, in June the government announced it was seizing the disputed land and turning it into a military training ground.

There were reports of ritual killings, including an herbalist arrested for allegedly murdering a teenage girl in August in Koforidua.

There were frequent reports of killings of suspected criminals through mob violence.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers--except for members of the armed forces, police, the Ghana Prisons Service, and other security and intelligence agency personnel--to form and join unions of their choice without previous authorization or excessive requirements. The law requires trade unions or employers' organizations to obtain a certificate of registration and be authorized by the chief labor officer, who is an appointed government official. Union leaders reported that fees for the annual renewal of trade union registration and collective bargaining certificates were exorbitant and possibly legally unenforceable.

The law provides for the right to conduct legal strikes 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 parties to any labor disputes are required to resolve their differences within 72 hours. The right to strike can also be restricted for workers in private enterprises whose services are 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. A union must obtain a collective bargaining certificate from the chief labor officer in order to engage in collective bargaining on behalf of a class of workers. In cases where there are multiple unions in an enterprise, the majority or plurality union will receive the certificate but must consult with or, where appropriate, invite other unions to participate in negotiations. The certificate holder generally includes representatives from the smaller unions. The armed forces, police, Ghana Prisons Service, and other security and intelligence personnel do not have the right to bargain collectively. Workers in decision-making or managerial roles are not provided the right to collective bargaining under the Labor Act, but they may join unions and enter into labor negotiations with their employers.

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.

The government generally protected the right to form and join independent unions and to conduct legal strikes and bargain collectively, and workers exercised these rights. Although the Labor Act makes specified parties liable for violations,

specific penalties are not set forth. An employer who resorts to an illegal lockout is liable to pay the unpaid wages of the workers. Some instances of subtle employer interference in union activities occurred. Many unions did not follow approved processes for dealing with disputes, reportedly due to the unfair and one-sided application of the law against the unions. The National Labor Commission faced challenges in enforcing applicable sanctions against both unions and employers, including inadequate resources, limited ability to enforce its mandate, and insufficient oversight.

Trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. No union completed the dispute resolution process involving arbitration, and there were numerous unsanctioned strikes during the year.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Provisions of various laws prescribe fines, imprisonment, and an obligation to perform prison labor as punishment for violations.

The government did not effectively enforce the law. Resources were insufficient to enforce legislation prohibiting forced labor. In January the government sentenced two individuals who pleaded guilty to human trafficking each to five years' imprisonment. The government added staff to and reconstituted defunct police antihuman trafficking units in some regions, allocated 1.5 million cedis (\$335,000) for antitrafficking activities, and finalized a national plan of action for the elimination of human trafficking.

There were indications of forced labor affecting both children and adults in the fishing sector, as well as child labor in informal mining, agriculture, domestic labor, portage, and hawking (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

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 unlikely to be harmful to a child or to affect the child's attendance at school. The law prohibits night work and certain types of hazardous labor for those under age

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.

Inspectors from the Ministry of Employment and Labor Relations were responsible for enforcing child labor regulations. The government, however, did not provide sufficient resources to law enforcement and judicial authorities to carry out these efforts.

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

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.

Authorities did not enforce child labor laws 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.

Children as young as seven were subjected to forced labor in agriculture and mining, including informal gold mines, and as domestic laborers, porters, hawkers, and quarry workers. A study of the prevalence of child trafficking in selected communities in the Volta and Central Regions indicated that children from nearly one-third of the 1,621 households surveyed had been subjected to trafficking, primarily in fishing and domestic servitude. In the fishing industry in the regions surrounding Lake Volta, many children were subjected to forced labor; they engage in hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots.

Child labor continued to be prevalent in artisanal mining (particularly illegal small-scale mining), fetching firewood, bricklaying, food service and cooking, and collecting fares. Children in small-scale mining reportedly crushed rocks, dug in deep pits, carried heavy loads, operated heavy machinery, sieved stones, and amalgamated gold with mercury. A report released in 2016 by Understanding Children's Work found 1.9 million children ages five to 17 (approximately 22 percent of this age group) were involved in child labor. A report released by

Tulane University in 2016 that assessed data collected during the 2013-2014 harvest season estimated the cocoa sector employed approximately 918,500 child laborers, of which 95.7 percent were engaged in hazardous work in cocoa production.

Child laborers were often poorly paid, physically abused, and received little or no health care.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The government did not effectively enforce prohibitions on discrimination. Discrimination in employment and occupation occurred with respect to women, persons with disabilities, HIV-positive persons, and LGBTI persons (see section 6). For example, reports indicated few companies could accommodate the special needs of persons with disabilities in the workplace. Many companies ignored or turned down such individuals who applied for jobs. Women in urban centers and those with skills and training encountered little overt bias, but resistance persisted to women entering nontraditional fields and accessing education.

In June the government announced it would award 30 percent of government contracts for local companies to persons with disabilities and women, but the means of implementing and enforcing this provision remained uncertain.

e. Acceptable Conditions of Work

A National Tripartite Committee composed of representatives of the government, labor, and employers set a daily minimum wage. On July 11, the committee raised the minimum wage to 9.68 cedis (\$2.15), effective January 1, 2018. The Ghana Statistical Service determined the lower poverty line for an equivalent adult in 2013 based on prices of Greater Accra Region was 792.05 cedis (\$175) per year, or 2.17 cedis (\$0.48) per day. The study considered those earning less than this amount to be in extreme poverty. The maximum workweek is 40 hours, with a break of at least 48 consecutive hours every seven days. Workers are 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, did not apply to task workers or domestic workers in private

homes, or elsewhere in the informal sector. The law does not prescribe overtime rates and does not prohibit excessive compulsory overtime.

The government sets industry-appropriate occupational safety and health regulations. By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment. This legislation covered only workers in the formal sector, which employed less than 20 percent of the labor force.

The Ministry of Employment and Labor Relations was unable to enforce the wage law effectively. The government also did not effectively enforce health and safety regulations. The law reportedly provided inadequate coverage to workers due to its fragmentation and limited scope. 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.

The small number of labor inspectors was insufficient to enforce compliance. Inspectors were poorly trained and lacked the resources to respond to violations effectively. Inspectors did not impose sanctions or otherwise respond to violations during the year.

According to the 2014 Ghana Living Standards Survey, approximately 88 percent of the working population was employed in the informal sector, including small to medium-scale businesses such as producers, wholesale and retail traders, and service providers made up of contributing family workers, casual wageworkers, home-based workers, and street vendors. Most of these workers were self-employed persons.

Explosions of gas tankers continued to be a problem, with an accident in February in Ashaiman resulting in eight deaths and another in May in Takoradi resulting in more than 100 injuries. There were several reports of deaths at illegal small-scale mining sites. For example, a tunnel collapsed at an illegal mine site in Prestea, resulting in at least 22 deaths.