

# GHANA 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Ghana is a constitutional democracy with a strong presidency and a unicameral 275-seat parliament. In 2008 the National Democratic Congress (NDC) won both the presidency and a small majority in parliament in an election that domestic and international observers deemed generally free and fair. Having acceded to the presidency upon the death of his predecessor in 2012, President John Dramani Mahama won election to the office in his own right as the NDC's candidate later that year. The opposition New Patriotic Party (NPP) alleged massive voting irregularities and filed suit in the Supreme Court contesting the outcome of the election, but the Supreme Court dismissed the case in 2013 and upheld the results. Civilian authorities at times did not maintain effective control over the security forces.

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

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

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

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings. For example, in February security personnel killed an amputee in the Ashanti region for allegedly running a police checkpoint (reportedly because

he feared arrest under a law prohibiting persons with disabilities from driving). The security personnel followed the victim to his house, entered the premises, dragged him out from under his bed and, unable to restrain him with handcuffs because of his amputation, beat him until one of the security personnel shot him. At year's end the Attorney General's Department was determining whether to prosecute the case.

Use of excessive force by security forces in the line of duty resulted in the deaths of several armed criminal suspects and other persons during the year.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

### **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 suspects, prisoners, and other citizens. Beatings of suspects and other citizens occurred throughout the country but were generally unreported in official channels because victims were reluctant to file formal complaints. Police generally denied allegations or claimed the level of force used was justified. Military officials also reportedly mistreated persons. Two years after his initial visit in 2013, Juan E. Mendez, the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, conducted a follow-up assessment in October and stated that torture at the point of apprehension, which mostly takes the form of coercive methods used by police officers, remained pervasive throughout the law enforcement community even though it was not systematic or generalized.

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

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

Physical Conditions: Ghana Prisons Service statistics available in October indicated 14,061 prisoners (13,870 men and 191 women) were held in prisons designed to hold approximately one-third that number. Authorities neither housed juvenile detainees separately from adults nor pretrial detainees separately from

convicted prisoners, but women were held separately. No staff specifically focused on mental health, and prisoners with mental disabilities were not routinely identified or offered treatment or other appropriate supports.

In his 2013 visit, the UN special rapporteur characterized prison overcrowding as “alarming.” The male section of Nsawam Prison, designed to hold 717 prisoners, held 3,773. Kumasi Prison, with a capacity of 800, held 1,981 prisoners. Cellblocks there 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) that 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 October, the UN special rapporteur observed no improvements in these prison conditions.

In 2012, the latest year for which data was available, the government reported 94 deaths in custody, all from natural causes such as malaria, tuberculosis, or HIV.

Both guards and other prisoners physically abused prisoners. Prison guards sometimes used caning as punishment, carried out usually by “black coats,” a term referring to model prisoners. While the government acknowledged the existence of “black coats,” it denied they were given special powers or allowed to exercise disciplinary functions.

While prisoners had access to potable water, food was inadequate. Meals routinely lacked fruit, vegetables, or meat, thus forcing prisoners to rely on their families to supplement their diet. Officials held much of the prison population in buildings that were originally colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, substandard construction, and limited space and light. 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 services were not provided by doctors but by medical assistants who were overstretched and lacked basic equipment and medicine. Hospitalization and treatment were routinely denied to prisoners requiring urgent care. All prison infirmaries had a severely limited supply of medicine. Prisons did not provide dental care. A separate prison in Ankaful holds up to 84 prisoners with the most serious contagious diseases and was not at capacity.

Administration: Inadequate recordkeeping contributed to prisoners being held in excessive pretrial detention. There was no prison ombudsperson or comparable authority to respond to complaints. Few cases were investigated because there was a general reluctance to complain even when there were allegations of police brutality or use of excessive force. There was a lack of information resulting in 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. Local news agencies also reported on prison conditions, with one investigative journalist producing a lengthy documentary on life inside multiple prison facilities throughout the country.

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

The constitution and law provide for protection against arbitrary arrest and detention, but the government frequently disregarded these protections.

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

The police, under the Ministry of Interior, are responsible for maintaining law and order, but the military continued to participate in law enforcement activities. 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, trafficking in persons, visa fraud, narcotics, and cybercrimes. Such services were unavailable outside the capital due to the lack of office space, vehicles, and other equipment.

Police brutality, corruption, negligence, and impunity were problems. There were delays in prosecuting suspects, rumors of police collaboration with criminals, and a widespread public perception of police ineptitude. There were credible reports that police extorted money by acting as private debt collectors, setting up illegal

checkpoints, and arresting citizens in exchange for bribes from disgruntled business associates of those detained.

The Inspector General of Police, the Commission on Human Rights and Administrative Justice (CHRAJ), and the Police Intelligence and Professional Standards Unit (PIPS) investigate claims security forces used excessive force. The PIPS also investigates human rights abuses and police misconduct. In 2014, the latest year for which data was available, the PIPS received 1,092 complaint cases, of which 280 were completed; 203 were closed through settlement, withdrawal, or lack of merit; and 609 remained under investigation. The top six complaint categories, accounting for 81 percent of the total cases, were: 221 cases of misconduct, 195 cases of unprofessional handling of a case, 190 cases of undue delay of an investigation, 98 cases of unfair treatment, 96 cases of unlawful arrest and detention, and 83 cases of police brutality.

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

The law requires judicial warrants for arrest and provides for arraignment within 48 hours, but police made frequent arrests without warrants and detained individuals without charge for periods longer than 48 hours. Officials detained some prisoners for indefinite periods by renewing warrants or 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. There were only 20 full-time legal aid lawyers in the country, all of whom were employed by the government and primarily handled civil matters. Defendants in criminal cases who could not afford a lawyer typically represented themselves. The law requires that a detainee who has not been tried within a “reasonable time,” as determined by the court, be released either unconditionally or subject to conditions necessary to ensure the person’s appearance in court at a later date. This provision was rarely observed.

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

Arbitrary Arrest: There were continued reports of arbitrary arrests by police. Unlawful arrests and detentions accounted for 9 percent of all complaint cases received by the PIPS in 2014.

Pretrial Detention: Lengthy pretrial detention remained a serious problem. Prisons Service statistics available in October indicated that 2,479 prisoners, 18 percent of all prisoners, were in pretrial status. There were numerous instances in which the length of the pretrial detention exceeded the maximum sentence for the alleged crime.

### **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, or to “lose” records.

In September an investigative journalist announced he possessed 500 hours of video taken during the last two years depicting 180 judicial officials, including 34 judges, allegedly soliciting and negotiating bribes to influence their decisions on pending court matters. The country’s chief justice constituted a five-member committee headed by a Supreme Court judge to investigate the allegations, and its deliberations continued at year’s end. Twelve High Court judges were under investigation and 22 circuit and magistrate judges were suspended pending an assessment of their culpability. Several state’s attorneys and prosecutors were also implicated. Three hours of the video recordings were publicly presented as a documentary film at the Accra International Conference Center to thousands of attendees during four showings.

Despite alternate 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. From January through August, the complaints unit received 235 complaints with an additional 28 still pending from 2014. It completed and disposed of 236 cases; 27 remained pending at year's end.

### **Trial Procedures**

Defendants are presumed innocent and have the right to be informed promptly and in detail of charges against them, with free interpretation as necessary. Defendants have the right to a fair and public trial without undue delay, but trials were often delayed. Juries are required in murder and rape trials. Other cases are tried summarily by a judge. Defendants have a right to be present at their trials, to be represented by an attorney, to cross-examine witnesses, to have adequate time and facilities to prepare their defense, to present witnesses and evidence, and to 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. Additional automated courts were established across the country, and their randomly selected judges helped curb judicial corruption.

#### **f. Arbitrary 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 Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. There were occasional reports that security force members assaulted and harassed journalists.

Violence and Harassment: Government authorities and security officials sometimes assaulted and harassed journalists throughout the country.

For example, in February, two police officers reportedly shoved a reporter and struck a cameraman when they attempted to film an altercation between the police and a truck driver on the Senchi Ferry in the Eastern region of the country. The inspector general of police promised a full investigation into the incident; no report had been issued by year’s end, however.

In August the media widely reported that a presidential staffer had accused a journalist from the Ghanaian Broadcasting Corporation of eavesdropping on a private conversation with the minister of communications at a hospital, following a fatal accident involving the presidential press corps. The staffer then reportedly followed the journalist, seized his recorder, and destroyed it. The government did not publicly acknowledge the incident and no disciplinary action was taken.

#### **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 judicial authority. The internet was



accessible in Accra and other large cities. There was limited but growing internet access in other parts of the country. According to the International Telecommunication Union, nearly 19 percent of the population used the internet in 2014.

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

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

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

The constitution and law provide for 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/](http://www.state.gov/religiousfreedomreport/).

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

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.

### **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 interior, is responsible for adjudicating the appeals, but the process was often subject to delays.

Refugee Abuse: Sexual and gender-based violence remained problems. According to UNHCR, during the year six incidents were reported from refugee

camp. Three of the reported cases involved the sexual abuse of girls under 18, two involved physical assault, and the last involved domestic violence. One of the reported sexual abuse cases was prosecuted in court, and the perpetrator was sentenced to prison for defilement. The other sexual abuse cases were not taken to court, mainly because the alleged perpetrators could not be found.

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. UNHCR assisted in the repatriation of 12 Ivoirian refugees between January and September, bringing the total number of repatriations since the final quarter of 2011 to 160. As of July, 11,452 Ivoirian refugees remained in the country, an increase from the 10,803 reported in July 2014. 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. As of September approximately 3,700 of an estimated 4,000 Liberians who opted for local integration had completed the entire local integration processes. UNHCR and the Ghana Refugee Board continued to work with the Liberian government to issue passports for the regularization of their immigration status in Ghana. The Ghana Immigration Service also supported the process by issuing reduced-cost residency permits, including work permits for adults, to locally integrating former Liberian refugees.

UNHCR estimated that as of July, 21,331 refugees and asylum seekers remained in Ghana. This figure included refugees and asylum seekers from Cote d'Ivoire (11,452), Liberia (5,271), Togo (3,218), and other countries.

### **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 based on universal and equal suffrage, and citizens generally exercised that right.

## **Elections and Political Participation**

Recent Elections: Domestic and international election observers deemed the December 2012 presidential and parliamentary elections to be generally free and fair, despite logistical and other problems. The elections were the first in which voters presented biometric identification cards to vote, an initiative intended to eliminate multiple voting. Due to biometric voter verification machine failures and late openings of polling stations, particularly in Accra, authorities extended voting an extra day. The independent Electoral Commission declared President Mahama the winner of the presidential election. The opposition NPP candidate, Nana Akufo-Addo, and that party's leadership alleged voting irregularities, however, and filed suit before the Supreme Court in December 2012. In August 2013 the Supreme Court dismissed the NPP's case and declared Mahama had been legitimately elected president in the 2012 election. A low voter turnout marked the District Assembly elections held in September 2015, but neutral observers again deemed the vote to be free and fair with few problems.

Participation of Women and Minorities: There are no laws preventing women from voting, running for office, serving as electoral monitors, or otherwise participating in political life on the same basis as men or nonminority citizens. Women traditionally and culturally, however, held fewer leadership positions than men.

## **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. 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 highlighted the prevalence of corruption in the country.

Corruption: In addition to the corruption case involving judicial officials (see section 1.e.), another major corruption case came to light in December 2014, when the EU withheld more than 775 million Ghanaian cedis (\$205 million) in budget support to the country due to alleged payroll corruption it was investigating. Audits revealed that several million dollars of EU aid were being paid to ghost workers (i.e., deceased individuals, duplicates, or fake names) on the government official payroll. United Kingdom-based media outlets noted that "more than 1

percent of Ghana's GDP--several hundred million pounds--was spent on ghost workers last year." In March the government began enacting its Payroll Action Plan, which reviewed the government's payrolls to identify and remove irregularities. As a result of these efforts, the EU resumed its assistance in June. While some perpetrators of the fraud were dismissed from their positions and others made to repay stolen funds in accordance with the law, no one was prosecuted in connection with the scandal.

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. Financial disclosures can also be requested through court order, but only the auditor general is allowed to review documents so obtained. Financial information typically was not disclosed to the public.

Public Access to Information: The constitution provides for public access to government information, but obtaining such access was difficult. Government offices kept poor records, many official records were missing, and requests for information often received no reply. Ghana is a party to the Open Government Partnership--an international initiative signed in 2011 to enhance transparency, citizen participation, accountability, and technology and innovation within government--but implementation of its commitments under this initiative was uneven. Right to information legislation has been pending in parliament since 2002.

## **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 often were cooperative and responsive to their views.

Government Human Rights Bodies: The CHRAJ, which mediated and settled cases brought by individuals against government agencies or private companies, operated with no overt interference from the government; however, some critics questioned its ability 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.

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

The constitution and law prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, and language; however, government enforcement was generally inadequate. Limited financial resources and a generally permissive societal attitude toward such discrimination contributed to its perpetuation. Courts were empowered to order specific enforcement of these prohibitions.

### **Women**

Rape and Domestic Violence: The law criminalizes rape but not spousal rape. Convicted rapists may be punished with prison sentences ranging from five to 25 years. Rape was significantly underreported and remained a serious problem. The Domestic Violence and Victim Support Unit (DOVVSU) of the Police Service 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 address domestic violence. In 2013, the latest year for which data was available, the DOVVSU received 312 reports of rape and reported 106 arrests and 78 prosecutions, resulting in six convictions; 231 cases remained under investigation at year's end.

Although the law prohibits domestic violence, it continued to be a problem. The law stipulates that a person in a domestic relationship who engages in misdemeanor domestic violence is liable on summary conviction to a fine, a term of imprisonment not to exceed two years, or both. The court also may order the offender to pay compensation directly to the victim. 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 many cases victims were discouraged from reporting abuse and from cooperating with prosecutors because they were aware of long delays in bringing such cases to trial. Victims frequently did not complete their formal complaints due to fees associated with physicians' documentation for police medical forms. Victims also did not report domestic violence or rape because of fear of retaliation. According to the

DOVVSU, of the 255 rape and domestic assault cases sent to court in 2013, only 16 resulted in convictions.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. It was rarely performed on adult women, but the practice remained a serious problem for girls under 18 years of age. According to the 2011 Multiple Indicator Cluster Survey (MICS), 4.2 percent of women and girls were victims of some form of FGM/C. FGM/C was most prevalent in the Upper West and Upper East regions, where 41 percent and 28 percent, respectively, of girls and women between the ages of 15 and 49 had undergone the procedure. Type II FGM, defined by the World Health Organization (WHO) as the excision of the clitoris with partial or total excision of the labia minora, was most commonly practiced. According to the 2011 MICS, the vast majority of girls face this procedure prior to age five. Intervention programs were partially successful in reducing the prevalence of FGM/C, particularly in the northern regions. Local NGOs continued educational campaigns to encourage abandonment of FGM/C and to train practitioners for alternative employment.

Other Harmful Traditional Practices: In the Northern, Upper East, and Upper West regions, where adherence to indigenous religious beliefs remained strong, rural women and men suspected of witchcraft were banished by their families or traditional village authorities to “witch camps.” At these villages in the north populated by suspected witches, some of those interned were accompanied by their families. Such camps were distinct from “prayer camps,” to which persons with mental illness were sometimes sent by their families. Most accused witches were older women, often widows, whom fellow villagers accused of being the cause of difficulties, such as illness, crop failure, or financial misfortune. Some persons suspected of witchcraft were also killed. NGOs provided food, medical care, and other support to residents of the camps. The Ministry of Gender, Children, and Social Protection monitored witch camps. The CHRAJ had an office in the Northern Region that also monitored four of the seven witch camps and supported efforts to protect the rights of those accused of being witches. According to a September survey by the Anti-Witchcraft Campaign Coalition, six of the seven camps were active and contained 580 female residents, 273 male residents, and 267 children.

The law criminalizes harmful mourning rites, but such rites continued, and no perpetrators were prosecuted. In the north, especially in the Upper West Region, 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, 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. If a widow engages in work or economic activity after the spouse's death, she may be regarded as adulterous, considered the cause of the spouse's death, or declared a witch. In these instances the widow may be forced to undergo purification rites or leave her home.

Sexual Harassment: No law specifically prohibits sexual harassment, although some sexual harassment cases were prosecuted under provisions of the criminal code. Women's advocacy groups, including the Ark Foundation, reported sexual harassment remained a widespread problem.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children. According to the 2014 Demographic and Health Survey (DHS), use of modern contraceptive methods by married and sexually active unmarried women rose from 17 percent in 2008 to 22 percent in 2014.

According to 2013 WHO estimates, there were between 210 and 720 maternal deaths per 100,000 live births. While more than 95 percent of women received some prenatal care, the quality of that care was widely perceived to be inadequate. The 2014 DHS found 74 percent of deliveries occurred with the assistance of a skilled health-care provider, likely due to free pregnancy, delivery, and postpartum care being included in benefits under the National Health Insurance Scheme. Postpartum care indicators showed that 78 percent of women had a postnatal checkup in the first two days after birth. Health organizations, however, reported nearly 60 percent of all pregnant women were anemic, and both women and their developing fetuses frequently experienced increased susceptibility to malaria.

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. Traditional practices and societal norms, however, often denied women their statutory entitlements to inheritance and property, a legally registered marriage with associated legal rights, and the right to adequate resources to maintain and exercise custody of children. Women typically did not have property or assets to use as collateral for loans, thus effectively preventing them from gaining access to credit. Rural families often focused on educating male children at the expense of female children since females typically married into other

families. Women also continued to experience discrimination in access to employment, pay, and housing (see section 7.d.).

## **Children**

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

Education: The constitution provides for free, compulsory, and universal basic education for all children from kindergarten through junior high school. There were enough secondary schools to accept only half of the existing number of students completing junior high school, however. Parents were required to purchase uniforms and writing materials. The government operated a school feeding program for more than 1.6 million children, which covered incidental costs as well as meals, and a nationwide capitation grant program that covered other school fees for all children attending public schools. Girls in the northern regions of the country were less likely to attend school.

Child Abuse: The law prohibits defilement (sex with a child younger than 16 years with or without consent), incest, and sexual abuse of minors. In 2013, the latest year for which data was available, the DOVVSU received 1,228 complaints of suspected child defilement and eight cases of attempted defilement; the true number of cases was believed to be much higher. There continued to be reports of male teachers sexually assaulting and harassing both female and male students. Female and male victims often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities.

Early and Forced Marriage: The minimum legal age for marriage for both sexes is 18 years. Forced child marriage, while illegal, remained a problem. Child marriage nationwide was 27 percent in 2011, the latest year for which data was available. Child marriage was most prevalent in Upper East Region (39 percent), Western Region (37 percent), and Upper West Region (36 percent). There were no government prevention or mitigation efforts, including through a national action plan or community-based programs.

Female Genital Mutilation/Cutting: See information on girls under 18 in Women section above.



Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children. The government generally enforced the law, but sexual exploitation occurred. No law specifically prohibits child pornography, but it can be prosecuted as an “offense against public morals.” The minimum age for consensual sex is 16 years, and defilement is punishable by imprisonment for seven to 25 years. There is no legislation specific to child pornography, but it can be prosecuted as an “offense against public morals” and is punishable by imprisonment for a period not to exceed three years and/or a fine ranging from 120 to 600 cedis (\$31-\$157). Local and international NGOs, including Rescue Foundation Ghana, Child Rights International, and Challenging Heights, worked with the government to promote children’s rights and were somewhat successful in sensitizing communities about protecting the welfare of children.

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 the incidence of 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. For information see the Department of State’s report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html) and country-specific information at [travel.state.gov/content/childabduction/english/country/ghana.html](http://travel.state.gov/content/childabduction/english/country/ghana.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/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law explicitly prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services, 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, but few adults with disabilities had employment opportunities (see section 7.d.).

Persons with both mental and physical disabilities, including children, were frequently subjected to abuse and intolerance. Psychiatric hospitals were overcrowded and unsanitary, and the country had a severe shortage of mental health professionals. Children with disabilities who lived at home were sometimes tied to trees or under market stalls and caned regularly; some reportedly were killed by their families. The Ghana Education Service, through its Special Education Unit, provided assistive technology devices such as Braille readers to blind and visually impaired 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 illness was often considered a “demonic affliction.” Residents are typically chained for weeks against their will in these environments with little challenge to their confinement, denied food and water often for seven consecutive days, and physically assaulted. While the country passed a Mental Health Act in 2012, few steps were taken to implement the legislation.

### **Acts of Violence, Discrimination, and Other Abuses 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.” It is a misdemeanor offense if the individuals involved are 16 years of age or older and a felony offense if one of the individuals is under the age of 16. The offense pertains to both persons engaged in same-sex male relationships and heterosexual relationships, but it does not apply to individuals in same-sex female relationships. The law does not prohibit discrimination based on sexual orientation and gender identity.

LGBTI persons faced widespread discrimination in education and employment (see section 7.d.). 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. The government took no known action to investigate or punish those complicit in the abuses.

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. In the 2008 Demographic and Health Survey for Ghana, 68 percent of women and 57 percent of men reported holding discriminatory attitudes towards persons with HIV. The 2014 national HIV Stigma Index Study also identified cases of stigma and discrimination towards persons with HIV. One-fifth of the respondents in this study reported the abuse of their rights as persons with HIV, yet three quarters of them did not seek redress. The study attributed this mainly to a general lack of knowledge on the part of persons with HIV concerning their rights and favorable policies.

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 (see section 7.d.). 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.

According to UNAIDS Ghana, continuing mandatory pre-employment HIV screening in security agencies impeded efforts to reduce stigma and discrimination. Security agencies, including the military and police service, used HIV status as a screening criterion in their recruitment processes and peacekeeping assignments.

The CHRAJ managed an online reporting platform to improve the reporting and tracking of cases of stigma and discrimination experienced by persons with

HIV/AIDS and key populations. As of September there were 40 cases reported during the year using the online platform.

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

Ritual killings continued to occur. 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.

## **Section 7. Worker Rights**

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

The law allows workers--except for members of the armed forces, police, 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.

The law provides for the right to strike but restricts that right for workers who provide "essential services." The minister of employment and labor relations designated a list of essential services, which included many sectors falling outside the International Labor Organization's (ILO) essential services definition. The list included services carried out by utility companies (water, electricity, etc.), ports and harbors, medical centers, and the Bank of Ghana. In these sectors the parties to any labor disputes are required to resolve their differences within 72 hours; the deadline is intended to put pressure on employers and employees to operate efficiently with limited interruptions. The right to strike can also be restricted for workers in private enterprises whose services 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. Only unions that represent the majority of workers in a given company, however, can obtain a

collective bargaining certificate, which is required to engage in collective bargaining. In cases where there are multiple unions in an enterprise, the majority union generally receives the certificate and conducts the bargaining. The certificate holder generally includes representatives from the smaller unions. The armed forces, police, Prisons Service, security and intelligence personnel, and workers with policy-making and managerial functions do not have the right to bargain collectively.

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

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

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

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

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

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

punishment for violations. For employers found guilty of using forced labor, the law provides for fines of no more than 250 penalty units (each unit is assigned a monetary value adjusted for the fluctuating inflation rate).

The government did not effectively enforce the law. Resources were insufficient to enforce legislation prohibiting forced labor. No fines were levied during the year, and no legal cases were brought that resulted in imprisonment. Data on the number of victims removed from forced labor were not available. Information also was not available regarding government efforts to bring its labor laws into conformity with the ILO convention on forced labor as recommended by the ILO in 1994.

There were indications of compulsory labor affecting both children and adults in the fishing sector, as well as child labor in informal mining and agriculture. During the year children were forced to work (see section 7.c.). Some children, unable to leave their employers, continued working without pay.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://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, and district labor officers and the social services subcommittees of district assemblies were responsible for assuring the relevant provisions of the law were observed through annual workplace visits and spot checks in response to allegations of violations. Inspectors were required to provide employers with information about child labor violations and effective means to comply with provisions of the law. The government, however, did not provide sufficient resources to law enforcement and judicial authorities to carry out these efforts.

The ILO, government representatives, Trade 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.

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

Children as young as seven were subject to forced labor in agriculture and mining, including informal gold mines, and as domestic laborers, porters, hawkers, quarry workers, beggars, and livestock herders. A report released by Tulane University in July that assessed data collected during the 2013-14 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. Children also engaged in fetching firewood, bricklaying, food service and cooking, and collecting fares. In the fishing industry in the Lake Volta region, child laborers engaged in hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots.

Children were also forced to work, sometimes after being sold, leased, or given away by their parents to work in fishing villages, shops, or homes. It was difficult to determine the extent of forced and bonded labor of children.

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/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment or occupation on grounds of gender, race, color, ethnic origin, religion, political opinion, social or economic status, or disability. The law does not prohibit discrimination on the grounds of

age, language, sexual orientation and/or gender identity, HIV-positive status, or having other communicable diseases.

The government did not effectively enforce prohibitions on discrimination, and penalties were not adequate to deter violations. Discrimination in employment and occupation occurred with respect to women, the disabled, HIV-positive persons, and LGBTI persons (see section 6). Women in urban centers and those with skills and training encountered little overt bias, but resistance persisted to women entering nontraditional fields.

#### **e. Acceptable Conditions of Work**

A National Tripartite Committee composed of representatives of the government, labor, and employers set a daily minimum wage, which was seven cedis (\$1.86). The maximum workweek is 40 hours, with a break of at least 48 consecutive hours every seven days. Workers were entitled to at least 15 working days of leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. Such provisions, however, did not apply to task workers or domestic workers in private homes, nor elsewhere in the informal sector. The law does not prescribe overtime rates and does not prohibit excessive compulsory overtime.

The government sets occupational safety and health regulations. The Factories Department within the Ministry of Employment and Labor Relations was responsible for imposing sanctions on violators of the standards. Employers who failed to comply were liable to a fine not exceeding 1,000 penalty units, imprisonment for a term not exceeding three years, or both. The law requires that employers report occupational accidents and diseases no later than seven days from the date of occurrence. By law workers can remove themselves from situations that endangered health or safety without jeopardy to their employment. Only workers in the formal sector, which employed less than 20 percent of the labor force, were covered by this legislation.

The Ministry of Employment and Labor Relations was unable to enforce the wage law effectively. 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 Ministry of Employment and Labor Relations employed 97 safety inspectors. 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. There were no reports of specific government action taken during the year to prevent violations or improve wages and working conditions.

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