

# GHANA 2020 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 on December 7 were generally peaceful, and domestic and international observers assessed them to be transparent, inclusive, and credible.

The Ghana Police Service, under the Ministry of the Interior, is responsible for maintaining law and order; however, the military, which reports to the Ministry of Defense, continued to participate in law enforcement activities in a support role, such as by protecting critical infrastructure and by enforcing measures to combat COVID-19. The National Intelligence Bureau handles cases considered critical to state security and answers directly to the Ministry of National Security. Civilian authorities generally maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included: arbitrary or unlawful killings by the government or its agents; cases of cruel, inhuman or degrading treatment or punishment by the government or its agents; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious restrictions on the press, including violence and threats of violence, or unjustified arrests or prosecutions against journalists; serious acts of corruption; lack of investigation of and accountability for violence against women; existence of laws criminalizing consensual same-sex sexual conduct between adults, although rarely enforced; and existence of the worst forms of child labor.

The government took some steps to address corruption and abuse by officials, whether in the security forces or elsewhere in the government. Impunity remained a problem, however.

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

## GHANA

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

There were a few reports that the government or its agents committed arbitrary or unlawful killings. Offices charged with investigating security force killings include the Special Investigations Branch of the Ghana Armed Forces and the Police Professional Standards Bureau.

In April a soldier enforcing the government's COVID-19 lockdown killed a man suspected of smuggling. The military issued a statement indicating the soldier accidentally discharged his firearm during a scuffle with the man; witnesses disputed the statement and stated the soldier intentionally killed the man. Military police removed the soldier from his post and placed him in custody. Authorities completed an investigation but did not make public the results.

During a voter registration exercise from June to August, two persons died in violent protests involving ruling and opposition party activists at several registration locations (see section 3, Recent Elections).

The Ghana Police Service reported five persons shot and killed in the December 7 national elections. Subsequently a sixth person died from gunshot wounds. Two of the deaths occurred in Techiman South (Bono East Region) and involved security forces. Media and opposition personalities accused police and military of using intimidation to overturn election results. The minister of defense denied the accusations, and the minister of interior announced the deaths would be investigated.

### **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 and otherwise abused detained suspects and other citizens. Victims

## GHANA

were often reluctant to file formal complaints. Police generally denied allegations or claimed the level of force used was justified.

In April there were multiple accusations of police aggressively enforcing the government's COVID-19 lockdown measures. In some instances witnesses filmed police beating civilians with horsewhips, canes, and similar implements.

According to the *Conduct in UN Field Missions* online portal, there were two open allegations of sexual exploitation and abuse by Ghanaian peacekeepers deployed to the UN Mission in South Sudan. The United Nations reported authorities had not provided information on actions taken against the alleged perpetrators. A 2019 case involved a staff officer's allegedly exploitative relationship with an adult. Authorities stated the military judge advocate general division was seeking to court martial the officer, and requested that the United Nations make witnesses available. A 2018 case involved 12 peacekeepers' alleged transactional sex with an adult. An adjudicating panel acquitted the peacekeepers and discharged the case for lack of evidence in December 2019, stating the United Nations had not made relevant witnesses available.

Impunity remained a significant problem in the Ghana Police Service. Corruption, brutality, poor training, lack of oversight, and an overburdened judicial system contributed to impunity. Police often failed to respond to reports of abuses and, in many instances, did not act unless complainants paid for police transportation and other operating expenses. The Office of the Inspector General of Police (IGP) and the Police Professional Standards Board investigated claims of excessive force by security force members.

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

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

**Physical Conditions:** The prisons public relations officer reported in September 2019 that prison overcrowding reached more than 55 percent, with a population of

## GHANA

15,461 inmates compared to a total prison capacity of 9,945 inmates. Although authorities sought to hold juveniles separately from adults, there were reports detainees younger than age 18 were held with adults. Authorities held pretrial detainees in the same facilities as convicts but generally in separate cells, although due to overcrowding in convict blocks, Nsawam Prison held some convicts in blocks designated for pretrial detainees. The Ghana Prisons Service held women separately from men.

While prisoners had access to potable water, food was inadequate. Meals routinely lacked fruit, vegetables, or meat, forcing prisoners to rely on charitable donations and their families to supplement their diet. The prisons public relations officer identified feeding of inmates as a key problem. The Ghana Prisons Service facilitated farming activities for inmates to supplement their feeding.

Officials held much of the prison population in buildings that were originally colonial forts or abandoned public or military buildings, which despite improvements had poor ventilation and sanitation, substandard construction, and inadequate space and light. The Ghana Prisons Service periodically fumigated and disinfected prisons. 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.

The Ghana Prisons Service largely avoided outbreaks of COVID-19 and other infectious diseases by conducting regular health checks on prisoners and relying on donations of personal protective equipment. Medical assistants provided medical services, but they were overstretched and lacked basic equipment and medicine. At Nsawam Prison a medical officer operated the health clinic. All prison infirmaries had a severely limited supply of medicine. All prisons were supplied with malaria test kits. Prisons did not provide dental care. Doctors visited prisons when required, and prison officials referred prisoners to local hospitals to address conditions prison medical personnel could not treat on site, but the prisons often lacked ambulances to transport inmates off site properly. To facilitate treatment at local facilities, the Ghana Prisons Service continued to register inmates in the National Health Insurance Scheme. The Ankaful Disease Camp Prison held prisoners with the most serious contagious diseases. Religious organizations,

## GHANA

charities, private businesses, and citizens often provided services and materials, such as medicine and food, to the prisons.

Although persons with disabilities reported receiving medicine for chronic ailments and having access to recreational facilities and vocational education, a study released in 2016 found that prison facilities disadvantaged persons with disabilities, since they faced problems accessing health care and recreational facilities. 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.

**Administration:** There was no prison ombudsperson or comparable independent authority to respond to complaints; rather, each prison designated an officer-in-charge to receive and respond to complaints. These officers investigated complaints.

**Independent Monitoring:** The government permitted independent monitoring of prison conditions by local nongovernmental organizations (NGOs), which were independent of government influence. They monitored juvenile confinement and pretrial detention, bail, and recordkeeping procedures. Local news agencies also reported on prison conditions.

**Improvements:** The NGO-led Justice for All program with the support of government expedited judicial review for many pretrial (remand) prisoners, reducing their numbers significantly. Paralegals and civil society were heavily involved in the program.

In July, President Akufo-Addo granted clemency to 794 prisoners to curb the spread of COVID-19.

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

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

## GHANA

### **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. While the constitution grants the right to legal aid, the government often did not provide it. The government has a Legal Aid Commission that provides defense attorneys to those in need, but it was often unable to do so. Defendants in criminal cases who could not afford a lawyer typically represented themselves. The law requires that any detainee not tried within a “reasonable time,” as determined by the court, must be released either unconditionally or subject to conditions necessary to compel the person’s appearance at a later court date. The definition of “reasonable time,” however, has never been legally determined or challenged in the courts. As a result, 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, assist with the drafting of appeals, and by directing judges to visit prisons to review and take action on pretrial detainee cases.

A December 2019 Supreme Court unanimous decision that police could not detain individuals for more than 48 hours without charging them or granting bail had little or no effect on authorities’ behavior.

The law provides for bail, including those accused of serious crimes, but courts often used their unlimited discretion to set bail at prohibitively high levels.

**Arbitrary Arrest:** There were no specific reports of arbitrary arrests by police, although the general practice of holding detainees without proper warrant or charge continued (see Arrest Procedures and Treatment of Detainees).

**Pretrial Detention:** Lengthy pretrial detention remained a serious problem.

## GHANA

Ghana Prisons Service statistics available in July 2019 indicated 1,848 prisoners, approximately 12 percent of all prisoners, were in pretrial status. The government kept prisoners in extended pretrial detention due to police failure to investigate or follow up on cases, case files lost when police prosecutors rotated to other duties every three years, 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 for criminal defendants. The length of pretrial detention exceeded the maximum sentence for the alleged crime in numerous instances.

Inadequate recordkeeping contributed to prisoners being held in egregiously excessive pretrial detention, a few for up to 10 years. Judicial authorities, however, were implementing a case tracking system on a trial basis in seven different regions. The system is designed to track a case from initial arrest to remand custody in the prisons, to prosecution in the courts to incarceration or dismissal. The system is envisioned to be used by all judicial and law enforcement participants, including police, public defenders, prosecutors, courts, prisons, the Legal Aid Commission, the Economic and Organized Crimes Office, and NGOs, with the intention of increasing transparency and accountability. Some commentators believed the tracking system could be used to press for release of remand prisoners held for lengthy periods.

**Detainee's Ability to Challenge Lawfulness of Detention before a Court:** The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but lack of legal representation for detainees inhibited this right.

### **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 payer of the bribe.

A judicial complaints unit within the Ministry of Justice headed by a retired Supreme Court justice addressed complaints from the public, such as unfair

## GHANA

treatment by a court or judge, unlawful arrest or detention, missing trial dockets, delayed trials and rendering of judgments, and bribery of judges. The government generally respected court orders.

### **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 younger than age 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 presents sufficient preliminary evidence of guilt. Defendants have the right to appeal. Authorities generally respected these safeguards.

In his statement following his visit in 2018, UN Special Rapporteur on Extreme Poverty and Human Rights Philip Alston reported that the constitutional right to legal aid was meaningless in the great majority of cases because of a lack of institutional will to introduce needed far-reaching reforms.

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.

Village and other traditional chiefs can mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. Their authority continued to erode, however, because of the

## GHANA

growing power of civil institutions, including courts and district assemblies.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights abuses.

The constitution states the Supreme Court is the final court of appeal. Defendants, however, may seek remedies for allegations of human rights abuses 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.

**Freedom of Press and Media, Including Online Media:** Independent media were active and expressed a wide variety of views without restriction.

**Violence and Harassment:** There were occasional attacks on journalists by members of security forces as well as by unknown assailants. The NGO Committee to Protect Journalists reported two attacks by security forces on journalists related to reporting on COVID-19. On August 12, a soldier kicked and beat Stanley Nii Blewu, a reporter for the privately owned TV3, as he and a colleague were reporting on a sanitation project in Accra. The soldier also confiscated cell phones and a camera from Blewu and his colleague Joseph Gold-

## GHANA

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In January a court issued a warrant for the arrest of social media commentator Kelvin Taylor, who had made public allegations that a Court of Appeals judge was favoring the government. On October 7, police arrested David Tamakloe, editor in chief of the *Whatsup News* website, for allegedly publishing false news. Tamakloe had published a report alleging pre-election irregularities in the Ashanti Region. Authorities released Tamakloe on bail October 8; his case remained pending. On December 14, authorities arrested Power FM presenter Oheneba Boamah, after inviting him a police station for questioning over allegedly threatening and insulting the president. He was held just less than 48 hours before being released on bail.

In late 2019 the Ministry of Information launched the Framework for Journalist Safety and Responsible Journalism in partnership with civil society organizations and law enforcement authorities. The National Media Commission, an independent governmental body in charge of setting, monitoring, and enforcing standards for media practitioners and overseeing state-owned media, was charged with the framework's implementation in January.

**National Security:** In February the National Communications Authority (NCA) suspended the operation of Radio Tongu in the Volta Region on the grounds of national security, following complaints that the radio station was being used to promote the Western Togoland separatist movement. The Media Foundation for West Africa raised concerns that the NCA had overreached its mandate by sanctioning the station for its content rather than technical infractions.

### **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.

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

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

## GHANA

### **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.

#### **Freedom of Peaceful Assembly**

Police used tear gas, water cannons, and rubber bullets on opposition demonstrators protesting the December election results; the demonstrators had not provided police the required five days' notice ahead of the demonstrations. Police secured a restraining order against the opposition National Democratic Congress (NDC), prohibiting protests between December 20 and January 10, 2021.

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

See the Department of State's *International Religious Freedom Report* at <https://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. In a stated effort to curb human trafficking, however, the government continued its ban on labor recruitment to Gulf countries after continuing reports of abuse endured by migrant workers. Media investigations revealed some recruitment agencies continued their operations despite the ban.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian offices in providing protection and assistance to refugees and asylum seekers.

**Abuse of Migrants, Refugees, and Stateless Persons:** Gender-based violence

## GHANA

remained a problem. According to UNHCR, there were continuing incidents of sexual and gender-based violence reported from refugee camps. UNHCR worked with Department of Social Welfare personnel and Ghana Health Service psychosocial counselors to provide medical, psychosocial, security, and legal assistance where necessary in all the cases reported. Obstacles to holding perpetrators of sexual and gender-based violence accountable for acts conducted in the camps included ineffective access to civil and criminal legal counseling for victims; poor coordination among the Department of Social Welfare, the Legal Aid Commission, and police; and lack of representation for the alleged perpetrators and presumed survivors.

**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.

There were reports of residents of Burkina Faso (called Burkinabe), who fled insecurity, continuing to settle in the Upper West Region and registering as asylum seekers. The government continued security checks of the Burkinabe before commencing the registration process.

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

**Durable Solutions:** UNHCR assisted in the voluntary repatriation of Ivoirian refugees who originally came due to political instability at home.

UNHCR and the Ghana Refugee Board continued to work with the Liberian government to issue passports to Liberians who seek residency in the country, enabling them to receive residence and work permits. UNHCR Ghana coordinated with the UNHCR office in Liberia to expedite the process. The Ghana Immigration Service also supported the process by issuing reduced-cost residency

## GHANA

permits, including work permits for adults, to locally integrating former Liberian refugees.

### **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:** The law stipulates 10- to 15-year sentences for soliciting or engaging in political vigilante activity. The government and the two main political parties took steps to rein in political vigilante groups, and vigilantism was not a problem in the elections. For example, in June the opposition NDC agreed to a Roadmap and Code of Conduct designed to eliminate political vigilante activities to which the ruling New Patriotic Party (NPP) had already agreed.

Some opposition parties and civil society organizations reported the Electoral Commission (EC) had politicized a voter registration exercise that took place June 30 to August 8, particularly in view of the president's earlier placing of allegedly biased members on that body. The exercise rolled out a new biometric voter registration system built for national elections in December. Critics expressed concerns that the exercise was hastily organized, confusing, costly, and unnecessary. In violent protests involving ruling and opposition party activists at several registration locations, two persons died.

Parties and independent candidates campaigned openly and without undue restrictions in the period preceding the national elections in December for the executive and legislative branches. Participants ran largely peaceful campaigns, although there were reports of isolated instances of violence such as a clash between political party supporters on October 25 in Accra. Just prior to the election in December, the two candidates from the largest parties, President Akufo-Addo (NPP) and John Mahama (NDC) agreed to a civil society-sponsored "peace pact" for the electoral cycle.

## GHANA

Domestic and international observers assessed the elections to be transparent, inclusive, credible, and reflecting the will of the people. Some observers noted concerns over the misuse of incumbency, the lack of enforcement of regulations on campaign financing, and unequal access granted to state-owned media during the campaign. There were reports of six deaths (see section 1.a.) and some reports of postelection violence.

The opposition NDC rejected the EC's December 9 announced results and claimed fraud by both the NPP and the EC in the presidential election and at least five parliamentary seats. Media and civil society groups generally did not give these claims credence.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate, although not in the same numbers as men. Three women ran for president, and there was one woman vice presidential candidate from one of the two largest parties. Women 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. Research organizations found that insults, concerns regarding physical safety, and overall negative societal attitudes toward female politicians hindered women from entering politics.

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

The law provides criminal penalties for corruption by government officials, 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. Corruption was present in all branches of government, according to media and NGOs.

The government took steps to implement laws intended to foster more transparency and accountability in public affairs. Authorities commissioned the Right to Information (RTI) secretariat in July to provide support to RTI personnel in the

## GHANA

public sector; however, some civil society organizations stated the government had not made sufficient progress implementing the law.

The country continued use of the national anticorruption online reporting dashboard, for the coordination of all anticorruption efforts of various governmental bodies.

**Corruption:** In June, President Akufo-Addo directed Auditor General Daniel Yao Domelevo to take accumulated leave and hand over control of the office to his deputy. Domelevo, an outspoken critic of corruption, had clashed with officials and pursued prominent corruption cases. After Domelevo challenged the constitutionality of the order, the president extended the leave. In October a group of nine civil society organizations sued the president to safeguard the independence of the auditor general office. The Audit Service Board investigated Domelevo and in November forwarded a report to the Audit Committee alleging irregularities in Domelevo's foreign travel.

In October, President Akufo-Addo fired the CEO of the Public Procurement Authority, who had been shown on videotape in 2019 as having conflicts of interest in the award of government contracts.

In November, Special Prosecutor Martin Amidu resigned, alleging the government did not provide adequate resources for his office to execute its mandate and complaining that public officials did not cooperate with his work, particularly suspected corruption in the Akufo-Addo administration connection to Agyapa Limited Royalties. Prior to Amidu's resignation, civil society criticized the structure and positioning of the Office of the Special Prosecutor (OSP) under the attorney general, suggesting the OSP's reporting structure meant it could not be fully independent. In November the OSP released a report on the Agyapa case, its sole report during Amidu's tenure. Observers expressed frustration that the OSP did not investigate more cases.

According to the government's Economic and Organized Crime Office as well as Corruption Watch, a campaign steered by the Ghana Center for Democratic Development, the country lost 9.7 billion cedis (\$1.9 billion) to corruption between 2016 and 2018 in five controversial government contracts with private entities. In

## GHANA

October 2019 the deputy commissioner of the Commission on Human Rights and Administrative Justice (CHRAJ) stated that 20 percent of the national budget and 30 percent of all government procurement were lost to corruption annually.

**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 CHRAJ commissioner has 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 a court order. Observers criticized the financial disclosure regulation, noting that infrequent filing requirements, exclusion of filing requirements for family members of public officials, lack of public transparency, and 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 the views of such groups.

**Government Human Rights Bodies:** The CHRAJ, which had offices across the country, and 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 obstacles were 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.

## GHANA

The Police Professional Standards Board also investigated human rights abuses and police misconduct.

### **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 man may be charged as indecent assault. Prison sentences for those convicted of rape range from five to 25 years, while indecent assault is a misdemeanor subject to a minimum term of imprisonment of six months. Domestic violence is punishable by a fine or a sentence of up to two years imprisonment. Rape and domestic violence remained serious problems. Authorities did not enforce the law effectively.

In November the parent-teacher association of a school in the Volta Region reported to the police and petitioned the Ghana Education Service to investigate allegations of rape and sexual assault against the head teacher. The teacher allegedly tried to convince a pregnant student to have sex with him and threatened and raped her. Media reported the man made sexual advances on six other girls.

The Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Service worked closely with the Department of Social Welfare, the Domestic Violence Secretariat, the CHRAJ, the Legal Aid Commission, the Ark Foundation, UNICEF, the UN Population Fund, the national chapter of the International Federation of Women Lawyers, and several other human rights NGOs to address rape and domestic violence. Inadequate logistical capacity in the DOVVSU and other agencies, however, including the absence of private rooms to speak with victims, hindered the full application of the law. Pervasive cultural beliefs in female roles, as well as sociocultural norms and stereotypes, posed additional challenges to combatting domestic violence. For example, media reported that the central regional coordinator for DOVVSU stated that “denying your spouse sex amounted to emotional abuse” and suggested that men whose wives denied them sex could report them to the DOVVSU.

## GHANA

Unless specifically called upon by the DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills and shelter facilities to assist victims. Few of the cases in which police identified and arrested suspects for rape or domestic abuse reached court or resulted in conviction due to witness unavailability, inadequate training on investigatory techniques, police prosecutor case mismanagement, and, according to the DOVVSU, lack of resources on the part of victims and their families to pursue cases. Police could refer victims to one NGO-operated designated shelter. In cases deemed less severe, victims were returned to their homes; otherwise, the DOVVSU contacted NGOs to identify temporary shelters. Authorities reported officers occasionally had no alternative but to shelter victims in the officers' own residences until other arrangements could be made.

The DOVVSU continued to teach a course on domestic violence case management for police officers assigned to the unit. It had one clinical psychologist to assist domestic violence victims. The DOVVSU tried to reach the public through various social media accounts. The DOVVSU also addressed rape through public education efforts on radio and in communities, participation in efforts to prevent child marriage and sexual and gender-based violence, expansion 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. Although rarely performed on adult women, the practice remained a serious problem for girls younger than age 18 in some regions. According to the Ministry of Gender, Children, and Social Protection, FGM/C was significantly higher in the Upper East Region with a prevalence rate of 27.8 percent, compared with the national rate of 3.8 percent. According to the 2017 to 2018 Multiple Indicator Cluster Survey (MICS), women in rural areas were subjected to FGM/C three times more often than women in urban areas (3.6 percent compared with 1.2 percent). Intervention programs were partially successful in reducing the prevalence of FGM/C, particularly in the northern regions.

**Other Harmful Traditional Practices:** The constitution prohibits practices that

## GHANA

dehumanize or are injurious to the physical and mental well-being of a person. Media reported several killings and attempted killings for ritual purposes. In the Northern, North East, Upper East, and Upper West Regions, families or traditional authorities banished rural women and men suspected of “witchcraft” to “witch camps.” According to a local group, there were six witch camps throughout the country, holding approximately 2,000 to 2,500 adult women and 1,000 to 1,200 children. One camp saw its numbers go down significantly due to education, support, and reintegration services provided by the Presbyterian Church. The Ministry of Gender, Children, and Social Protection has the mandate to monitor witch camps but did not do so effectively.

Most of those accused of witchcraft were older women, often widows. Some persons suspected to be witches were killed. In July several individuals beat to death a woman age 90 suspected of witchcraft in Kafaba, in Savannah Region. Government officials denounced the killing, and police arrested and charged five individuals for murder.

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, some widows were required to undergo certain 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 head, 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.

**Reproductive Rights:** Couples and individuals have the right to decide freely the number, spacing, and timing of their children. All individuals have the right to manage their reproductive health, free from discrimination, coercion, or violence, but often lacked the information to do so. Some religious groups opposed what

## GHANA

they termed “artificial” contraception. The government provided for sexual and reproductive health services for survivors of sexual violence through the National Health Insurance Scheme.

In 2017 the maternal mortality rate was 308 per 100,000 live births, according to the UN *Trends in Maternal Mortality* report. A lack of skilled birth attendance, especially in rural areas, was a major contributing factor. According to the UN Population Fund, the contraceptive prevalence rate was 27 percent for women ages 15 to 49.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government officials.

**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. While the government generally made efforts to enforce the law, 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. Although having a birth certificate is required to enroll in school, authorities indicated children would not be denied access to education on the basis of documentation. According to the MICS, birth registration increased with levels of education and wealth and was more prevalent in urban centers than in rural areas. Authorities adjudicated birth registrations in a nondiscriminatory manner.

**Education:** The constitution provides for tuition-free, compulsory, and universal basic education for all children from kindergarten through junior high school. The

## GHANA

government continued to implement its plan to provide tuition-free enrollment in senior high school, including by rolling out a “double-track” system that helped increase enrollment from 800,000 in the 2016-17 school year to 1.2 million in the 2019-20 school year.

Girls in the northern regions and rural areas throughout the country were less likely to continue and complete their education due to the weak quality of educational services, 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 facilities. In March the government shut down all schools due to the COVID-19 pandemic and reopened some school grades in September.

**Child Abuse:** The law prohibits sex with a child younger than age 16 with or without consent and sexual abuse of minors. There continued to be reports of male teachers sexually assaulting and harassing both female and male students. Physical abuse and corporal punishment of children were concerns. Local social workers rarely were able to respond effectively to and monitor cases of child abuse and neglect. Media reported several cases of child abuse.

**Child, Early, and Forced Marriage:** The minimum legal age for marriage for both sexes is 18. 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, with 34 percent of girls living in the five northern regions of the country marrying before the age of 18. According to the MICS, child marriage was highest in the Northern, North East, Upper East, Savannah, and Volta Regions; it was lowest in the Greater Accra, Ashanti, and Ahafo Regions.

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 Child Marriage in Ghana (2017-26)*. The framework prioritized interventions focused on strengthening government capacity to address 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

## GHANA

key government and civil society participants, provided strategic guidance and supported information sharing and learning on child marriage among partners in the country. The Child Marriage Unit also created a manual with fact sheets and frequently asked questions, and maintained social media accounts to reach wider audiences.

**Sexual Exploitation of Children:** The law prohibits commercial sexual exploitation of children, although it does not specifically mention sale or offering or procurement of children for prostitution. Authorities did not effectively enforce the law. The minimum age for consensual sex is 16, and participating in sexual activities with anyone younger than 16 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 substantial fine, 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 concerning causes and treatments for disabilities and to rescue children at risk of ritual killing. Authorities enforced governing prohibitions on infanticide.

**Displaced Children:** The migration of children to urban areas continued due to economic hardship in rural areas. Children often had to support themselves to survive, contributing to both child sexual exploitation 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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

## GHANA

The Jewish community has 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 <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law explicitly prohibits discrimination against persons with disabilities and protects the rights of persons with disabilities' access to health services, information, communications, transportation, the judicial system, and 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. Some children with disabilities attended specialized schools that focused on their needs. Few adults with disabilities had employment opportunities in the formal sector.

In January 2019 the Ghana Federation of Disability Organizations reported that women with disabilities faced multifaceted discrimination in areas of reproductive health care, and because of the mistreatment, they were unwilling in most cases to visit a health facility for medical care.

Persons with both mental and physical disabilities, including children, were frequently subjected to abuse and intolerance. Authorities did not regularly investigate and punish violence and abuses against persons with disabilities. Children with disabilities who lived at home were sometimes tied to trees or under market stalls and were 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 14 national schools for deaf and blind students, in addition to one private school for them.

## GHANA

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 days, and physically assaulted. Officials took few steps to implement the law that provides for monitoring of prayer camps and bars involuntary or forced treatment. International donor funding helped support office space and some operations of the Mental Health Authority.

### **Members of National/Racial/Ethnic Minority Groups**

Municipal authorities closed more than 100 shops owned or operated by Nigerian nationals in the Ashanti Region over several months, for violation of municipal or commercial regulations prohibiting noncitizens from operating certain types of shops. Various Nigerian commercial organizations and the Nigerian government complained of these closures as mistreatment of their members and citizens and abuse of their rights as participants in the Economic Community of West African States.

### **Acts of Violence, Criminalization, 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 covers only persons engaged in same-sex male relationships and those in heterosexual relationships. There were no reports of adults prosecuted or convicted for consensual same-sex sexual conduct.

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced widespread discrimination in education and employment. Following his visit to the country in 2018, UN Special Rapporteur Alston noted that stigma and discrimination against LGBTI persons made it difficult for them to find work and become productive members of the community. According to a 2018 survey, approximately 60 percent of citizens “strongly disagree” or “disagree” that LGBTI persons deserve equal treatment with heterosexuals.

## GHANA

LGBTI persons also faced police harassment and extortion attempts. There were reports police were reluctant to investigate claims of assault or violence against LGBTI persons. While there were no reported cases of police or government violence against LGBTI persons, stigma, intimidation, and the negative attitude of police toward LGBTI persons were factors in preventing victims from reporting incidents of abuse. Gay men in prison were vulnerable to sexual and other physical abuse.

Some activists reported that police attitudes were slowly changing, with community members feeling more comfortable with certain police officers to whom they could turn for assistance, such as the IGP-appointed uniformed liaison officers. Activists also cited improved CHRAJ-supported activities, such as awareness raising via social media. As one example, the CHRAJ published announcements on an LGBTI dating site regarding citizen rights and proper channels to report abuses. Activists also stated they noted fewer discriminatory statements from public figures.

A coalition of LGBTI-led organizations from throughout the country, officially registered in 2018, continued to hold meetings. Its objectives included building members' capacity, assisting with their access to resources and technical support, and fostering networking. Activists working to promote LGBTI rights noted great difficulty in engaging officials on LGBTI problems because of social and political sensitivity. Media coverage regarding homosexuality and related topics was almost always negative.

LGBTI activists reported that in June, one LGBTI individual was severely beaten in Kasoa in the Central Region. Although police arrested the perpetrator, they requested money from the victim to pursue prosecution, and the victim eventually dropped the case.

LGBTI activists also reported attempts to blackmail LGBTI individuals were widespread and that it remained difficult to attain prosecution due to discrimination. For example, in October a gay man reported to police his landlord's collaboration with a blackmailer. The police sided with the landlord, forced the victim to unlock his mobile phone, "outed" the victim to his family, and forced the victim's family to pay money to the landlord.

## GHANA

### **HIV and AIDS Social Stigma**

Discrimination against persons with HIV and AIDS remained a problem. Fear of stigma surrounding the disease, as well as a fear that men getting tested would immediately be labeled as gay, continued to discourage persons from getting tested for HIV infection, and many of 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 and treatment for citizens, although high patient volume and the physical layout of many clinics often made it difficult for the centers to respect confidentiality.

The law penalizes discrimination against a person infected with or affected by HIV or AIDS by substantial fines, 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 or AIDS and those suspected of having HIV or AIDS, including the right to health, education, insurance benefits, employment, privacy and confidentiality, nondisclosure of their HIV/AIDS status without consent, and the right to hold a public or political office.

The Ghana AIDS Commission continued to raise concerns regarding how high levels of stigma and discrimination contributed to the spread of HIV/AIDS in the country.

### **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. According to the West Africa Center for Counter Extremism, chieftaincy disputes and ethnic violence were the largest sources of insecurity and instability in the country. The government generally sought to dampen down violence and encourage dialogue and peaceful resolution of disputes.

Disputes continued among Fulani herdsmen as well as between herdsmen and landowners that at times led to violence. In a conflict between herdsmen in July, a

## GHANA

man cut off the hand of a rival who intervened in a dispute.

There were frequent reports of killings of suspected criminals in mob violence. Community members often saw such vigilantism as justified in light of the difficulties and constraints facing judicial and police sectors. There were multiple reports police failed to prevent and respond to societal violence, in particular incidents of “mob justice.”

### **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.” Workers in export-processing zones are not subject to these restrictions. The minister of employment and labor relations designated a list of essential services, which included many sectors that fell outside of the essential services definition set by the International Labor Organization (ILO). The list included services carried out by utility companies (water, electricity, etc.), ports and harbors, medical centers, and the Bank of Ghana. These workers have the right to bargain collectively. 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.

## GHANA

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 would 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. Workers in decision-making or managerial roles are not provided the right to collective bargaining under the law, 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 requiring employers and unions to comply with labor law. It also serves as a forum for arbitration in labor disputes. The government effectively enforced applicable laws but penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination.

The law allows unions to conduct their activities without interference and provides reinstatement for workers dismissed under unfair pretenses. 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 law makes specified parties liable for violations, specific penalties are not set forth. An employer who resorts to an illegal lockout is required to pay the workers' wages. 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 perceived unfair and one-sided application of the law against the unions. The process was often long and cumbersome, with employers generally taking action when unions threatened to withdraw their services or declare a strike. The National Labor Commission faced obstacles in enforcing applicable sanctions against both unions and employers, including 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

## GHANA

numerous unsanctioned strikes.

Ghana Civil Aviation Authority (GCAA) workers went on strike in October, halting all domestic flights, to protest the damage of underground cables at the La wireless station in Accra that allegedly threatened flight safety. The union blamed the government's lease of an Air Navigation Service plot to a flight-training school and resultant construction, despite there being 27 years remaining on the GCAA lease.

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

The law prohibits all forms of forced or compulsory labor. The penalties were not commensurate with those for other analogous serious crimes, such as kidnapping. The government did not effectively enforce the law. The government increased the level of funding and staffing dedicated to combatting human trafficking but did not provide sufficient support to enforce the law fully. The government increased its direct support for protection services for victims of trafficking by training staff and opening and operating a shelter for adult female victims of human trafficking during 2019.

The government imposed strict prosecution provisions and penalties. In July authorities sentenced two individuals to 18- and 16-year prison terms for trafficking nine children to work in fishing in Lake Volta; police stated the sentences were the longest that had been issued. Forced labor and trafficking, however, persisted with insufficient investigation and prosecution. NGOs, civil society, and human rights activists reported corruption within police ranks, the justice system, and political authorities that impeded prosecution, with perpetrators accumulating significant wealth from trafficking and forced labor and senior police officers intimidating NGO staff to deter their investigations.

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

Investigations decreased significantly between 2018 and 2019, and suspects were prosecuted using laws with less stringent penalties. Legal counsel encountered

## GHANA

difficulties in investigating trafficking and gathering witnesses to testify, especially in cases perpetrated by a family member or involving victims from another country. Due to a lack of training on trafficking, officers did not classify cases as criminal, but issued warnings and freed perpetrators. Police officers who were trained were often sidelined for unknown reasons.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The government did not prohibit all of the worst forms of child labor. The law sets the minimum employment age at 15, or 13 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 younger than 18 and provides for fines and imprisonment for violators. The law allows for children age 15 and older 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 enforced child labor regulations. Labor inspectors conducted inspections specifically targeting child labor in the informal sector, but the inspections were insufficient to deter child labor, and penalties were not commensurate with those for other analogous serious crimes, such as kidnapping.

The ILO, government representatives, the 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 awareness raising, monitoring, and livelihood improvement.

In 2018 the government approved the *National Plan of Action Phase II on the Elimination of the Worst Forms of Child Labor (NPA2)*. The NPA2 aims to reduce

## GHANA

the prevalence of the worst forms of child labor to 10 percent by 2021, and specifically targets the cocoa, fishing, and mining sectors. The government continued to take action under the framework of the *NPA2*. The National Steering Committee on Child Labor, for example, carried out a monitoring exercise in seven districts to ascertain the impact of child labor. The Ministry of Employment and Social Welfare established guidelines for Child Labor Free Zones, and began pre-testing the Ghana Child Labor Monitoring System.

Authorities did not enforce child labor laws effectively or consistently. Law enforcement officials, including judges, police, and labor officials, were sometimes unfamiliar with the provisions of the law that protected children.

Employers subjected children as young as four to forced labor in the agriculture, fishing, and mining industries, including artisanal gold mines, and as domestic laborers, porters, hawkers, and quarry workers. NGOs estimated that almost one-half of trafficked children worked in the Volta Region. Starting in 2019 civil society organizations rescued more than 200 children subjected to forced labor and beatings and denied food, education, and safe living conditions at Lake Volta. In the fishing industry, they engaged in hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. The government did not legally recognize working underwater as a form of hazardous work. Officials from the Ministry of Fisheries and Aquaculture Development received training as part of a strategy to combat child labor and trafficking in the fisheries sector.

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.

Child labor occurred in cocoa harvesting. Children engaged in cocoa harvesting often used sharp tools to clear land and collect cocoa pods, carried heavy loads, and were exposed to agrochemicals, including toxic pesticides. The government did not legally recognize this type of work in agriculture, including in cocoa, as hazardous work for children.

## GHANA

Employers often poorly paid and physically abused child laborers, and the children received little or no health care. According to the MICS, one in every five children between the ages of five and 17 is engaged in hazardous working conditions, and there were no significant disparities between boys and girls.

Parents or guardians often facilitated child trafficking by selling their children to relatives or others due to poverty. This was especially prevalent with girls sold into domestic service. The mother of a 12-year-old victim paralyzed from injuries due to forced labor and human trafficking refused to report her daughter's perpetrators to police because the persons involved were her in-laws, and she suspected police would attempt to collect money from her rather than prosecute.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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

The government did not effectively enforce prohibitions on discrimination. The law stipulates that an employer cannot discriminate against a person on the basis of several categories, including gender, race, ethnic origin, religion, social or economic status, or disability, whether that person is already employed or seeking employment. Penalties were not commensurate with laws related to civil rights, such as election interference. 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 offered reasonable accommodation to employees with disabilities. 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. There were legal restrictions to women's employment in the same industries as men, including in factories.

There were not sufficient systems in place to protect women from sexual harassment and other violence in the workplace. Employers often terminated or

## GHANA

laid off women who resisted sexual harassment or violence under the guise of restructuring due to the COVID-19 pandemic.

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

A national tripartite committee composed of representatives of the government, labor, and employers set a minimum wage. The minimum wage exceeded the government's poverty line. Many companies did not comply with the law. 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. These provisions, however, did not apply to piece workers, domestic workers in private homes, or others working in the informal sector. The law does not prescribe overtime rates and does not prohibit excessive compulsory overtime. Penalties for violations of minimum wage laws were not commensurate with those for similar crimes, such as fraud.

The government sets industry-appropriate occupational safety and health regulations. By law workers can remove themselves from situations that endanger their health or safety without jeopardy to their employment. This legislation covers only workers in the formal sector, which employed approximately 10 percent of the labor force. Few workers felt free to exercise this right. Employers were fined in cases of negligence, and penalties for violations of occupational health and safety laws were not commensurate with those for crimes such as negligence.

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, which are set by a range of agencies in the various industries, including the Food and Drugs Authority, Ghana Roads Safety Commission, and Inspectorate Division of the Minerals Commission. 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. Authorities did not enforce the minimum wage law in the informal sector. Legislation governing working hours applies to both formal and informal sectors. Employers largely followed the law in the formal sector but widely

## GHANA

flouted it in the informal sector, and government did not enforce it.

Three teachers' unions engaged in nationwide strikes over nonpayment of legacy arrears in December 2019 and in January. The unions reported that the Ghana Education Service failed to respond to three letters demanding information on their payments from 2012 to 2016. The Fair Wages and Salaries Commission also failed to respond to the unions' request for a meeting to discuss a "collective agreement."

The government did not employ sufficient labor inspectors to enforce compliance. Inspectors were poorly trained and did not respond to violations effectively. Inspectors did have the authority to make unannounced inspections. Inspectors did not impose sanctions and were unable to provide data as to how many violations they addressed. In most cases inspectors gave advisory warnings to employers, with deadlines for taking corrective action. Penalties were insufficient to enforce compliance.

Approximately 90 percent of the working population was employed in the informal sector, according to the Ghana Statistical Service's *2015 Labor Force Report*, 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.

Accidents in the mining sector were common, often in illegal mining. In a January 2019 mine explosion 16 persons died, and in October, five persons died in the collapse of a pit. Civil society organizations stated that corruption and lax enforcement allowed unsafe illegal mining practices to continue.

In March 2019 the High Court in Accra ordered a mining company to pay more than nine million cedis (\$1.7 million) in damages in a case concerning the drowning of an employee in 2015. The court found gross negligence on the part of the company for failing to meet health and safety standards.