



# OPERATIONAL GUIDANCE NOTE

## GHANA

### CONTENTS

<b>1. Introduction</b>	<b>1.1 – 1.5</b>
<b>2. Country assessment</b>	<b>2.1 – 2.8</b>
<b>3. Main categories of claims</b>	<b>3.1 – 3.5</b>
Inter-ethnic clashes and tribal disputes	3.6
Christians or converts to Christianity	3.7
Trokosi system and idol worship	3.8
Victims of witchcraft	3.9
Chieftain or high priest succession disputes	3.10
Prison conditions	3.11
<b>4. Discretionary Leave</b>	<b>4.1 – 4.2</b>
Minors claiming in their own right	4.3
Medical treatment	4.4
<b>5. Returns</b>	<b>5.1 – 5.2</b>
<b>6. List of source documents</b>	

#### 1. Introduction

- 1.1** This document evaluates the general, political and human rights situation in Ghana and provides guidance on the nature and handling of the most common types of claims received from nationals/residents of that country, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Case owners must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** This guidance must also be read in conjunction with any COI Service Ghana Country of Origin Information at: [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)
- 1.3** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. In considering claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the Asylum Instructions on Article 8 ECHR. If, following consideration, a claim is to be refused, case owners should consider whether it can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.
- 1.4** With effect from 2 December 2005, Ghana is a country listed in section 94 of the Nationality Immigration and Asylum Act 2002 in respect of men only. Asylum and human rights claims must be considered on their individual merits. If, following consideration, a claim made on or after 2 December 2005 by a male who is entitled to reside in Ghana is refused, case owners must certify it as clearly unfounded unless satisfied that it is not. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail. Ghana is not

listed in section 94 in respect of women, however if a claim from a woman is refused, case owners may certify it as clearly unfounded on a case-by-case basis if they are satisfied that it is so clearly without substance that it is bound to fail. Guidance on whether certain types of claim are likely to be clearly unfounded is set out below.

### **Source documents**

**1.5** A full list of source documents cited in footnotes is at the end of this note.

## **2. Country assessment**

- 2.1** From the early 1950s, self-government was introduced with elections in 1951, 1954 and 1956 to the legislative assembly. Kwame Nkrumah's party, the Convention Peoples Party (CPP), won all three elections and led the country to independence, as Ghana, in March 1957. Ghana was the first sub-Saharan country in colonial Africa to gain its independence. Nkrumah was the first Prime Minister, and in 1960 became President with the change of Ghana's status to a Republic within the Commonwealth.<sup>1</sup>
- 2.2** President Nkrumah was overthrown in Ghana's first military coup in 1966. For the next 26 years until 1992, Ghana had only short periods of civilian rule (1969-71, 1979-81) interrupted by longer periods of military rule (1966-69, 1972-79, 1981-1991). During the last period of military rule Flt Lt Jerry Rawlings brought in populist policies, however, under pressure internally and from the international community, in 1991 he conceded a return to constitutional rule and multi-party politics. A new constitution was approved in a referendum in April 1992.<sup>2</sup>
- 2.3** The 1992 constitution introduced an executive presidential system, a two-term limit to presidential tenure and a 200-member unicameral legislature (since increased to 230 in 2004). Rawlings created his own party, the National Democratic Congress (NDC), and won the presidential election of November 1992 with 58% of the vote. Four years later, in 1996, Rawlings again won the Presidency with 57% of the vote but the NDC was reduced to 133 seats.<sup>3</sup>
- 2.4** Rawlings stepped down in 2000 and John Kufuor, of the opposition New Patriotic Party (NPP), was elected President, first in December 2000 (with 57% of second round votes) and again in December 2004 (with 53% of second round votes). In both legislative elections, the NPP won a majority of the seats leaving the NDC with a greatly reduced presence in Parliament.<sup>4</sup>
- 2.5** The most recent presidential and parliamentary elections were held in December 2008. After a tight presidential run-off, John Atta Mills of the NDC won with 50.23% of the votes against 49.77% for Nana Akufo-Addo of the ruling NPP. Claims of vote-rigging were made by both sides, but the electoral commission has stated it did not find the evidence provided sufficient to invalidate the result. John Atta Mills was sworn in as President on 7 January 2009.<sup>5</sup>
- 2.6** The human rights situation in Ghana has been transformed for the better since the return to constitutional rule. Ghana has a Commission on Human Rights and Administrative Justice (CHRAJ), established through the last constitution. Its independence is guaranteed and it is

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<sup>1</sup> Home Office Country of Origin Information (COI) Service Country of Origin Information Key Documents August 2008: Ghana & Foreign and Commonwealth Office (FCO) Country Profile 2008

<sup>2</sup> COI Key Documents August 2008: Ghana & FCO Country Profile 2008

<sup>3</sup> COI Key Documents August 2008: Ghana & FCO Country Profile 2008

<sup>4</sup> COI Key Documents August 2008: Ghana & FCO Country Profile 2008

<sup>5</sup> British Broadcasting Corporation (BBC) News 'Ghana election to go to a run-off' dated 10 December 2008, BBC News 'Opposition leader wins Ghana poll' dated 3 January 2009, BBC News 'Wind of change for Ghana' dated 4 January 2009, BBC News 'UN chief commends Ghana on vote' dated 5 January 2009 & BBC News 'Ghana's new leader takes office' dated 7 January 2009

not subject to the control of any government department or person. According to the Foreign and Commonwealth Office (FCO), Ghana's record on human rights is good. There is an independent judiciary and free and active press. There remain problems in several areas, however, including incidents of vigilante justice; ethnic discrimination and politically and ethnically motivated violence; deaths resulting from the excessive use of force by police; police corruption and impunity; forcible dispersal of demonstrations; corruption in all branches of government; and violence against women and children.<sup>6</sup>

**2.7** The law prohibits Female Genital Mutilation (FGM), but it reportedly remained a serious problem in the northern regions of the country during 2007. Type II FGM was more commonly performed than any other type. The typical age at which a girl is excised is fifteen, although in 2007 it was often performed on younger girls. According to a 2005 study conducted by the Ministry of Health, approximately 15% of women between twelve and nineteen in the three northern regions had undergone FGM, although some observers believed that non-governmental organisation (NGO) and government-sponsored awareness campaigns regarding the illegality of FGM had driven the practice underground and that the real rate in these regions was as high as 30%. Such intervention programmes have been successful in reducing the prevalence, although it is difficult to estimate their effectiveness precisely. Officials at all levels, including traditional chiefs, continued to speak out against the practice during 2007, and local NGOs continued their educational campaigns to encourage abandonment of FGM and to train practitioners in new skills so they could seek alternate sources of income. There were no prosecutions of practitioners during the year.<sup>7</sup>

**2.8** Ghana is a source, transit, and destination country for children and women trafficked for forced labour and sexual exploitation. Children are trafficked within the country as domestic servants, street vendors, porters, for work in the fishing industry, and for use in sexual exploitation. Children and women are also trafficked for sexual exploitation from Ghana to Europe. The law prohibits trafficking in persons and provides for a minimum prison sentence of five years for convicted traffickers. There were three arrests under this law in 2007, one of which was successfully prosecuted by the end of the year.<sup>8</sup>

### **3. Main categories of claims**

**3.1** This Section sets out the main types of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in Ghana. It also contains any common claims that may raise issues covered by the Asylum Instructions on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the guidance below.

**3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the applicant would, if returned, face persecution for a Convention reason - i.e. due to their race, religion, nationality, membership of a particular social group or political opinion. The approach set out in *Karanakaran* should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Instruction on Considering the Asylum Claim).

**3.3** If the applicant does not qualify for asylum, consideration should be given as to whether a

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<sup>6</sup> COI Key Documents August 2008: Ghana & U.S. Department of State report on Human Rights Practices (USSD) 2007: Ghana (Introduction)

<sup>7</sup> COI Key Documents August 2008: Ghana & USSD 2007: Ghana (Section 5)

<sup>8</sup> COI Key Documents August 2008: Ghana & USSD 2007: Ghana (Section 5)

grant of Humanitarian Protection is appropriate. If the applicant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in Section 4 or on the individual circumstances.

**3.4** This guidance is **not** designed to cover issues of credibility. Case owners will need to consider credibility issues based on all the information available to them. For guidance on credibility see the Asylum Instructions on 'Considering the Asylum Claim' and 'Assessing Credibility in Asylum and Human Rights Claims'.

**3.5** All Asylum Instructions can be accessed via the Horizon intranet site. The instructions are also published externally on the Home Office internet site at:  
<http://www.ukba.homeoffice.gov.uk/documents/asylumpolicyinstructions/>

### **3.6 Inter-ethnic clashes and tribal disputes**

**3.6.1** Applicants may make an asylum and/or human rights claim based on ill-treatment amounting to persecution at the hands of rival ethnic groups or tribes on account of their ethnicity.

**3.6.2 *Treatment.*** There are numerous small-scale conflicts within ethnic groups, most of which are related to chieftaincy and land use issues. Efforts by NGOs to encourage reconciliation continue. There were several violent clashes between Kusasi and Mamprusi tribesmen in northern Ghana in 2008.<sup>9</sup>

**3.6.3 *Sufficiency of protection.*** Though the police service came under criticism following incidents of brutality, corruption, and negligence in 2007, complaints of police abuse and misconduct lodged by the public are investigated through the 33-person Police Intelligence and Professional Standards Unit (PIPS). Individuals with allegations of human rights violations, or grievances against government agencies or public officials can also seek redress through the CHRAJ.<sup>10</sup> There is therefore no evidence that ethnic group/tribal members would not be able to seek and receive adequate protection from the state authorities were they to face ill-treatment at the hands of rival ethnic groups or tribes.

**3.6.4 *Internal relocation.*** The Constitution provides for freedom of movement within the country and the Government generally respects this right in practice.<sup>11</sup> As rival ethnic group or tribe disputes are sporadic and regionalised, safe relocation to a different area of the country to escape this threat is generally feasible.

**3.6.5 *Conclusion.*** Sporadic inter-ethnic clashes are reported, but they are usually short-lived or quickly subdued by the state authorities. Applicants citing conflict between or within any rival groups; the Ewes in the north, Fantes in central regions, the Mamprusis and Kusasis or the Andani and Abudu clans in the Dagbon kingdom are able to receive adequate state protection and are able to internally relocate to another part of the country. Such claims would not engage the UK's obligations under the 1951 Convention. The grant of asylum will not therefore be appropriate and any such claims are likely to be clearly unfounded (see paragraph 1.4).

### **3.7 Christians or converts to Christianity**

**3.7.1** Some applicants may make an asylum and/or human rights claim based on societal discrimination amounting to persecution at the hands of Muslims due to them being Christians or converts to Christianity.

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<sup>9</sup> USSD 2007: Ghana (Section 5) & British Broadcasting Corporation (BBC) News 'Four killed in Ghana tribal clash' dated 6 May 2008

<sup>10</sup> USSD 2007: Ghana (Sections 1 & 4)

<sup>11</sup> USSD 2007: Ghana (Section 2)

- 3.7.2 Treatment.** According to the 2000 government census, approximately 69% of the population is Christian, 16% is Muslim, and 15% adheres to traditional indigenous religious beliefs or other religious groups. The Muslim community has disputed these figures, asserting that the Muslim population is closer to 30%.<sup>12</sup>
- 3.7.3** The Constitution provides for freedom of religion and President Kufuor's Government generally respected this right in practice. According to the U.S. Department of State, there were no reports between July 2007 and June 2008 of societal abuses or discrimination based on religious affiliation, belief, or practice. Kufuor's Government reportedly also took steps to promote interfaith understanding during this period.<sup>13</sup> John Atta Mills was sworn in as President on 7 January 2009. There is no evidence to suggest that the new regime will not respect freedom of religion.
- 3.7.4 Sufficiency of protection.** Though the police service came under criticism following incidents of brutality, corruption, and negligence in 2007, complaints of police abuse and misconduct lodged by the public are investigated through the PIPS. Individuals with allegations of human rights violations, or grievances against government agencies or public officials can also seek redress through the CHRAJ.<sup>14</sup> There is therefore no evidence that Christians or converts to Christianity would not be able to seek and receive adequate protection from the state authorities were they to face societal discrimination or ill-treatment at the hands of Muslims or members of other religious groups.
- 3.7.5 Internal relocation.** The Constitution provides for freedom of movement within the country and the Government generally respects this right in practice.<sup>15</sup> Safe relocation for Christians and converts to Christianity to a different area of the country to escape this threat is generally feasible.
- 3.7.6 Conclusion.** Religious differences within the country are generally respected. The availability of adequate state protection and a viable internal relocation option for Christians and converts to Christianity also mean that claims will not engage the UK's obligations under the 1951 Convention. The grant of asylum will therefore not be appropriate and any such claims are likely to be clearly unfounded (see paragraph 1.4).
- 3.8 Trokosi system and idol worship**
- 3.8.1** Some applicants may make an asylum and/or human rights claim based on them having been victims of, or otherwise involved in, the Trokosi system (a practice involving a period of enforced domestic servitude lasting up to three years). More generally, female applicants may also allege that tribal leaders or fetish priests of their ethnic group will subject them to idol worship.
- 3.8.2 Treatment.** Trokosi, a practice indigenous to the southern Volta region, involves pledging family members, most commonly teenagers but sometimes children under the age of ten, to extended service at a shrine to atone for another family member's sins. Trokosis (the pledged family member) help with the upkeep of these shrines and pour libations during prayers. Trokosis sometimes live near shrines, often with extended family members, during their period of service, which lasts from a few months to three years.<sup>16</sup>
- 3.8.3** Government agencies, such as the CHRAJ, have at times actively campaigned against Trokosi, although local officials portray it as a traditional practice that is not abusive. Some NGOs maintain that Trokosis are subject to sexual exploitation and forced labour, while supporters of traditional African religions, such as the Afrikania Renaissance Mission, have

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<sup>12</sup> U.S. Department of State International Religious Freedom Report (USIRFR) 2008: Ghana (Section I)

<sup>13</sup> USIRFR 2008: Ghana (Introduction, Section II & Section III)

<sup>14</sup> USSD 2007: Ghana (Sections 1 & 4)

<sup>15</sup> USSD 2007: Ghana (Section 2)

<sup>16</sup> USSD 2007: Ghana (Section 2)

said these NGOs misrepresent their beliefs and regard their campaigns against Trokosi as religious persecution.<sup>17</sup>

- 3.8.4 Sufficiency of protection.** Though the police service came under criticism following incidents of brutality, corruption, and negligence in 2007, complaints of police abuse and misconduct lodged by the public are investigated through the PIPS. Individuals with allegations of human rights violations, or grievances against government agencies or public officials can also seek redress through the CHRAJ.<sup>18</sup> There is therefore no evidence that those subjected to the Trokosi system or idol worship are not able to seek and receive adequate protection from the state authorities.
- 3.8.5 Internal relocation.** The Constitution provides for freedom of movement within the country and the Government generally respects this right in practice.<sup>19</sup> The Ewes and other ethnic groups who prescribe to such practices are regionalised, usually based in the north of the country. Safe relocation for those subjected to the Trokosi system or idol worship to a different area of the country to escape this threat is therefore feasible.
- 3.8.8 Conclusion.** The availability of adequate state protection and a safe internal relocation option to escape such practices means that claims will not engage the UK's obligations under the 1951 Convention. The grant of asylum will not be appropriate and any such claims are likely to be clearly unfounded (see paragraph 1.4).
- 3.9 Victims of witchcraft**
- 3.9.1** Some applicants may make an asylum and/or human rights claim based on ill-treatment amounting to persecution due to them having been attacked by witches or the subject of a witches' curse or hex.
- 3.9.2 Treatment.** Belief in witchcraft remained strong in many parts of Ghana in 2007. In a practice prevalent mainly in the Northern, Upper East, and Upper West regions of the country, rural women continued to be banished by traditional village authorities or their families for suspected witchcraft. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. The banished women went to live in 'witch camps' villages in the north of the country populated by suspected witches. Government officials and the regional office of the CHRAJ have claimed that the number of women in the witch camps in the Northern Region has decreased slowly in recent years. The Government has refrained from pursuing charges based solely on allegations of witchcraft.<sup>20</sup>
- 3.9.3 Sufficiency of protection.** Although a strong belief in witchcraft continues in many parts of Ghana, there is no evidence that witches are responsible for inflicting treatment amounting to persecution or which would breach Article 3, therefore the availability of adequate state protection is not relevant.
- 3.9.4 Internal relocation.** Although a strong belief in witchcraft continues in many parts of Ghana, there is no evidence that witches are responsible for inflicting treatment amounting to persecution or which would breach Article 3, therefore the availability of an internal relocation option is not relevant.
- 3.9.5 Conclusion.** There remains a strong belief in witchcraft in some parts of the country but there is no evidence that witches are responsible for inflicting treatment that would engage the UK's obligations under the Refugee Convention or ECHR. Sufficiency of protection and internal relocation are not therefore relevant considerations. The grant of asylum will not be appropriate and any such claims are likely to be clearly unfounded (see paragraph 1.4).

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<sup>17</sup> USSD 2007: Ghana (Section 2) & USIRFR 2008: Ghana (Section III)

<sup>18</sup> USSD 2007: Ghana (Sections 1 & 4)

<sup>19</sup> USSD 2007: Ghana (Section 2)

<sup>20</sup> USSD 2007: Ghana (Section 5)

### 3.10 Chieftain or high priest succession

- 3.10.1** Some applicants may apply for asylum or make a human rights claim based on ill-treatment amounting to persecution at the hands of family or senior community/tribal members due to them being unwilling to succeed to chieftain or high priest of their particular ethnic group or tribe.
- 3.10.2 *Treatment.*** During 2007, chieftaincy disputes continued to result in deaths, injuries, and destruction of property. 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. However, the authority of traditional rulers has steadily eroded because of a commensurate increase in the power of civil institutions, such as courts and district assemblies. In 2007, NGOs continued to encourage reconciliation in chieftaincy disputes.<sup>21</sup>
- 3.10.3** Apart from the general tribal or chieftaincy issues and incidents of conflict mentioned above, there is no specific evidence that individuals who claim they are pursued by family, community or tribal leaders to become the next chieftain or high priest in fact encounter mistreatment.
- 3.10.4 *Sufficiency of protection.*** Though the police service came under criticism following incidents of brutality, corruption, and negligence in 2007, complaints of police abuse and misconduct lodged by the public are investigated through the PIPS. Individuals with allegations of human rights violations, or grievances against government agencies or public officials can also seek redress through the CHRAJ.<sup>22</sup> There is therefore no evidence that those in fear of being targeted as their community's next chieftain or high priest are not able to seek and receive adequate protection from the state authorities.
- 3.10.5 *Internal relocation.*** The Constitution provides for freedom of movement within the country and the Government generally respects this right in practice.<sup>23</sup> Safe relocation for those in fear of being targeted as their community's next chieftain or high priest to a different area of the country to escape this threat is therefore feasible.
- 3.10.6 *Conclusion.*** Certain communities, tribes and ethnic groups maintain a hierarchical culture in which the leading roles, such as the chieftain and/or high priest, are subject to a successionist process. There is, however, no reported evidence to the effect that mistreatment occurs. Moreover the availability of adequate state protection and a viable internal relocation alternative means that those within a particular community who are unwilling to succeed to one of these roles are unlikely to encounter mistreatment in breach of the 1951 Convention or the ECHR. A grant of asylum or Humanitarian Protection is therefore not likely to be appropriate and such cases should be certified as clearly unfounded (see paragraph 1.4).

### 3.11 Prison Conditions

- 3.11.1** Applicants may claim that they cannot return to Ghana due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in Ghana are so poor as to amount to torture or inhuman treatment or punishment.
- 3.11.2** The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason, or in cases where for a Convention reason a prison sentence is extended above the norm, the claim should be considered as a whole but it is not necessary for prison conditions to breach Article 3 in

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<sup>21</sup> USSD 2007: Ghana (Section 1)

<sup>22</sup> USSD 2007: Ghana (Sections 1 & 4)

<sup>23</sup> USSD 2007: Ghana (Section 2)

order to justify a grant of asylum.

- 3.11.3 Consideration.** According to the U.S. Department of State, prison conditions in most cases were harsh and sometimes life threatening in 2007, despite government efforts to improve them. Much of the prison population was reportedly held in buildings that were originally old colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, dilapidated construction, and limited space. According to the 2006 Prisons Service Annual Report, 12,847 prisoners were held in prisons designed to hold approximately one-third of that number.<sup>24</sup>
- 3.11.4** In 2007, it was reportedly common for as many as 55 inmates to share a cell meant for 12 people. Overcrowding contributed to a prevalence of communicable diseases, medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organisations for additional food, medicine, and other necessities. Shortages of food, bedding, and clothing for prisoners persisted.<sup>25</sup>
- 3.11.5** During 2007, female prisoners in the Accra Central Police cells were kept in a small vestibule, separated from men by only a gate. In 2006, the Minister for Women and Children's Affairs called on judges to avoid giving custodial sentences to pregnant women and proposed alternative sentences such as community work, suspended sentences, probation, and fines. Nevertheless, judges continued to impose custodial sentences for pregnant women in 2007, especially those not known to be pregnant at the time of sentencing. This was in part because officials did not consistently carry out pregnancy tests as required by law. In 2007, some juveniles inflated their ages to avoid lengthy rehabilitation sentences in the Borstal Institute, a juvenile detention centre that the Government operated like a prison. In response, the Department of Social Welfare and Prison Service collaborated to transfer any known juveniles in adult cells to juvenile correction centres.<sup>26</sup>
- 3.11.6 Conclusion.** Whilst prison conditions in Ghana are poor with overcrowding, unsanitary conditions and a lack of health and medical care throughout the prison system being particular problems, conditions are unlikely to reach the minimum level of severity required to reach the Article 3 threshold. Therefore, even where applicants can demonstrate a real risk of imprisonment on return to Ghana, a grant of Humanitarian Protection will not generally be appropriate. However, the individual factors of each case should be considered to determine whether detention will cause a particular individual in his or her particular circumstances to suffer treatment contrary to Article 3, relevant factors being the likely length of detention, the likely type of detention facility, and the individual's age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate.

#### **4. Discretionary Leave**

- 4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See Asylum Instructions on Discretionary Leave) Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the Asylum Instructions on Article 8 ECHR.
- 4.2** With particular reference to Ghana the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the Asylum Instructions

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<sup>24</sup> USSD 2007: Ghana (Section 1)

<sup>25</sup> USSD 2007: Ghana (Section 1)

<sup>26</sup> USSD 2007: Ghana (Section 1)



on Discretionary Leave and the Asylum Instructions on Article 8 ECHR.

### **4.3 Minors claiming in their own right**

- 4.3.1** Minors claiming in their own right who have not been granted asylum or HP can only be returned where they have family to return to or there are adequate reception, care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate reception, care and support arrangements in place for minors with no family in Ghana.
- 4.3.2** Minors claiming in their own right without a family to return to, or where there are no adequate reception, care and support arrangements, should if they do not qualify for leave on any more favorable grounds be granted Discretionary Leave for a period as set out in the relevant Asylum Instructions.

### **4.4 Medical treatment**

- 4.4.1** Applicants may claim they cannot return to Ghana due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.
- 4.4.2** In March 2004, the Institute of Statistical Social and Economic Research (ISSER) at the University of Ghana noted that there were 215 hospitals and 1,758 health centres (1999 figures). The ISSER also reported that the new National Health Insurance Bill NHIS system had replaced the 'Cash and Carry' system introduced in 1985, whereby the Government levied user charges for health care services and the full cost recovery for drugs. The system, widely reported to have priced many out of receiving treatment, had increased the dependence of the poor on more traditional non-orthodox medicine and treatment. In 2004, it was also reported that there were 3,240 physicians and 19,707 nursing and midwifery personnel in Ghana.<sup>27</sup> In September 2006, however, it was reported that the overall provision of healthcare in Ghana remains in need of improving with over-expensive treatment, long waiting lists and unavailable drugs cited as particular criticisms.<sup>28</sup> In November 2006, IRIN reported further on the decaying state of Ghana's health infrastructure and the U.S. Department of State has since reported that medical facilities in Ghana are limited, particularly outside Accra.<sup>29</sup>
- 4.4.3** There are an estimated 260,000 people living with HIV/AIDS in Ghana and the HIV prevalence rate for adults aged 15 to 49 is estimated at 1.9%. According to estimates, 13,000 people are receiving antiretroviral therapy. In October 2006, an increase in the provision of HIV/AIDS treatment was announced after the Ghana's health service received a financial boost from the Global Fund, the World Bank, and other donor agencies to increase the number of treatment centres.<sup>30</sup>
- 4.4.4** Mental health is a part of the primary health care system and treatment of severe mental disorders is available at the primary level. Trained community psychiatric nurses have been posted to regions and most districts, and regular training of primary care professionals is taking place. There are community care facilities for patients with mental disorders, but there are a limited number of psychiatric beds available in hospitals. Therapeutic drugs are generally available.<sup>31</sup>

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<sup>27</sup> Institute of Statistical Social and Economic Research (ISSER) at University of Ghana: Health Care Provision and Self-Medication in Ghana dated March 2004 & World Health Organization (WHO) Country Profile: Ghana

<sup>28</sup> IRIN 'Ghana: Quality healthcare still a dream' dated 21 September 2006

<sup>29</sup> IRIN 'Ghana: Hospitals symbolic of the ill who visit' dated 16 November 2006 & U.S. Department of State International Travel Information: Ghana

<sup>30</sup> UNAIDS - Joint United Nations Programme on HIV/AIDS: Ghana & IRIN 'Ghana: Increase in HIV/AIDS treatment and care centres' dated 13 October 2006

<sup>31</sup> WHO Mental Health Atlas 2005: Ghana

**4.4.5** Where a case owner considers that the circumstances of the individual applicant and the situation in Ghana reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of Discretionary Leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

## **5. Returns**

**5.1** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules, in particular paragraph 395C requires the consideration of all relevant factors known to the Secretary of State, and with regard to family members refers also to the factors listed in paragraphs 365-368 of the Immigration Rules.

**5.2** Ghanaian nationals may return voluntarily to any region of Ghana at any time by way of the Voluntary Assisted Return and Reintegration Programme (VARRP) implemented on behalf of the UK Border Agency by the International Organization for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining travel documents and booking flights, as well as organising reintegration assistance in Ghana. The programme was established in 1999, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Those wishing to avail themselves of this opportunity for assisted return should be put in contact with the IOM offices in London on 0800 783 2332 or [www.iomlondon.org](http://www.iomlondon.org).

## **6. List of source documents**

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**Directorate of Central Operations and Performance**  
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