

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** GHA31814  
**Country:** Ghana  
**Date:** 31 May 2007

Keywords: Ghana – Female genital mutilation – People trafficking – Women – Sexual exploitation

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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#### Questions

1. Please provide information on Female Genital Mutilation in Ghana.
2. Please provide information on the trafficking of young women in Ghana.
3. Please provide information on the exploitation of young women by employers in Ghana.

#### RESPONSE

1. Please provide information on Female Genital Mutilation in Ghana.

Questions 2 and 3 of Research Response GHA31640 provides in depth material on Female Genital Mutilation in Ghana (RRT Country Research 2007, *Research Response GHA31640*, 3 May – Attachment 1). The other questions, in particular 7, 8 and 9 may also be of relevance.

2. Please provide information on the trafficking of young women in Ghana.

The US Department of State's Trafficking in Persons report provides a limited description:

Ghana is a source, transit, and destination country for children and women trafficked for forced labor and sexual exploitation. Children are trafficked within the country as domestic servants, cocoa plantation laborers, street vendors, porters, for work in the fishing industry, and for use in sexual exploitation. IOM estimates that the number of trafficked children working in fishing villages along the Volta Lake is in the thousands. Children are also trafficked to and from Cote d'Ivoire, Togo, Nigeria, and The Gambia as domestic servants, laborers, and in the fishing industry. Children and women are trafficked for sexual exploitation from Ghana to Europe, from Nigeria through Ghana to Europe, and from Burkina Faso through Ghana to Cote d'Ivoire.

The Government of Ghana does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. To strengthen its anti-trafficking efforts, Ghana should enforce its new anti-trafficking statute and increase

protection and prosecution efforts (US Department of State 2006 *Trafficking in Persons Report*, June – Attachment 2).

Ghana has introduced a law to criminalise trafficking of persons:

Ghana now has a Human Trafficking 2005 (Act 694). The challenge now is the enforcement of the Law. The Ministry with the oversight responsibility for rescue and rehabilitation of victims does not have the infrastructure to undertake that assignment. The effort to rescue and rehabilitate is still NGO-led. It does not have both the hardware and software for meeting its obligation under the law. Thus, the Ministry has no designated places where victims can avail themselves of trauma counseling or the human resources – psychosocial counselors and psychologist – to meet the psychosocial and emotional needs of victims (Women in Law and Development in Africa, Ghana 2006, *Shadow Report to Ghana's Third, Fourth & Fifth Reports on the Implementation of the CEDAW in Ghana*, June, International Women's Rights Action Watch, Asia Pacific website, [http://www.iwraw-ap.org/resources/pdf/Ghana\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Ghana_SR.pdf) – Accessed 18 April 2007 – Attachment 3).

The Committee's response to Ghana's report to CEDAW raised concerns about women's ability to access the law:

15. The Committee is concerned that, although women's access to justice is provided for by the law, women's ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as limited information on their rights, lack of assistance in pursuing these rights, and legal costs (UN Committee on the Elimination of Discrimination against Women 2006, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana*, 25 August <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Ghana/0648072E.pdf> – Accessed 28 April 2007 – Attachment 4).

This report also provides a profile of those who are being trafficked:

In Ghana, women who are trafficked, or in some instances offer themselves for trafficking are no longer predominantly from the cities. The focus has shifted to the rural areas where many uneducated and semi-educated unemployed young girls are lured with the promise of lucrative job offers abroad. Once they unwittingly accept the services of migrant traffickers, they are firmly trapped within an illegal migration environment within which they are exposed to many forms of abuse ranging in the extreme to bonded labour and forced prostitution against their will and dignity. The sex industry is a particular target for traffickers since it offers them great profits at the expense of trafficked migrant women, who often suffer serious violations of their basic human rights.

Victims of trafficking are often sold or placed in brothels and made to engage in the sex trade either willingly or against their will in order to recover the cost incurred in transporting them to the destination area. Trafficking in women and girls is currently being vigorously exposed in Ghana. There are vigorous activities in trafficking of women and girls within and across Ghanaian borders cloaked in seeming legitimacy. However, there is also trafficking of boys, especially within the country for different forms of labour exploitation including engagement in sexual activities in the tourist industry. Research estimates that there are 1000 children sold into dangerous slave labour on fishing boats in the country and many more women trafficked to different countries for various deeds (Women in Law and Development in Africa, Ghana 2006, *Shadow Report to Ghana's Third, Fourth & Fifth Reports on the Implementation of the CEDAW in Ghana*, June, International Women's Rights Action Watch, Asia Pacific website, [http://www.iwraw-ap.org/resources/pdf/Ghana\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Ghana_SR.pdf) – Accessed 18 April 2007 – Attachment 3).

The official Government report to CEDAW states:

56. There has been growing concern about Trafficking in Persons because Ghana is believed to serve as a supplier, receiver and transit point for trafficking in persons, especially children. It is estimated that there are about 1000 children trafficked into dangerous, slave labour on fishing boats in the country.

57. Trafficking in Persons for purposes of prostitution is dealt with under Section 107 of the Criminal Code as amended. This section makes it an offence for any person to procure another person, under 21 years of age, to become a prostitute in Ghana or elsewhere through threats or intimidation, false pretences or false representations. Unfortunately, the offence of procuration is deemed a misdemeanour which attracts a minimum fine and imprisonment not exceeding 3 years.

58. In fulfilment of its obligations under the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children supplementing the United Nation Convention against Transnational Organised Crime (2000) the Government has come out with the Trafficking in Persons Prevention Bill. The draft bill deals with prohibition offences relating to trafficking in persons (part 1). Part 2 deals with complaints and arrests and part 3 deals with rescue, rehabilitation and reintegration. A Trafficking Rehabilitation Fund is also to be established under the bill. A national stakeholders' workshop was held on the draft bill in April 2004 and it is being finalised for presentation to Parliament (UN Committee on the Elimination of Discrimination against Women 2005, *Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women – Combined third, fourth and fifth periodic reports of State parties: Ghana*, 18 April, CEDAW/C/GHA/3-5 <http://www.un.org/womenwatch/daw/cedaw/36sess.htm> – Accessed 26 April 2007 – Attachment 5).

The US State Department's Human Rights Practices Report for 2006 states:

There was no reliable estimate of the number of internally or externally trafficked victims, although both NGOs and IOM thought this number to be in the thousands. From January to September, four cases of child trafficking and seven cases of child labor exploitation were reported to DOVVSU.

Trafficking was both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involved boys from the Northern Region going to work in the fishing communities along the Volta Lake or in small mines in the west, and girls from the north and east going to Accra and Kumasi to work as domestic helpers, porters paid to transport various items, and assistants to local traders (see section 6.d.). Local NGOs reported these children were often subjected to dangerous working conditions and were sometimes injured or killed as a result of the labor they performed. Local authorities supported projects sponsored by IOM and other organizations to decrease the incidence of such trafficking. IOM and various NGOs offered micro-credit assistance and education to families who agreed not to provide their children to traffickers and to those whose children had been trafficked.

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Women also were trafficked to Western Europe, mostly to Italy, Germany, and the Netherlands. International traffickers promised the women legitimate jobs; however, the women often were forced into prostitution once they reached their destination. The women were sometimes sent directly to Europe while others were trafficked through third countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There also was a trade in Nigerian women

transiting the country on their way to Western Europe or the Middle East to work in the commercial sex industry. Traffickers from other countries reportedly used Accra as a transit point to Europe and the Middle East. Reportedly, there was some trafficking in persons from Burkina Faso, mostly transiting through the country on the way to Cote d'Ivoire (US State Department 2007, *Country Reports on Human Rights Practices - 2006 – Ghana*, 6 March – Attachment 6).

The Minister for Women's and Children's Affairs provided information on the profile of those trafficked:

THE MINISTER for Women and Children's Affairs (MOWAC), Hajia Alima Mahama, has expressed worry over the increase in human trafficking, also known as trade in persons (TIP) in the past three decades in West Africa and particularly in Ghana.

According to her, this crime is pervasive and fast growing in the regions due to the involvement of organised crime.

"The movement of trafficked people within, through and from the sub-region is complex", she stressed and added that the victims were usually most vulnerable, poor and least educated such as women and children. (Osabutey, P. 'Human Trafficking Growing in Africa - Mowac Minister' 2007, *Ghanian Chronicle*, 7 February – Attachment 7).

### **3. Please provide information on the exploitation of young women by employers in Ghana.**

The Government of Ghana in its report to CEDAW stated:

138. Employment, one of the indicators of human development, is the activity, which makes it possible for people to acquire means of subsistence, property and have decent living conditions. This is one of the most elementary and fundamental rights of mankind. Article 6 (1) of the International Covenant on Economic Social and Political Rights (ICESPR) requires state parties to take appropriate steps to safeguard their citizen's rights to work. Article 11 of CEDAW and articles 15 of the Universal Declaration of Human Rights protects the right of women to work. States are required to ensure free choice of profession, employment, promotion, job security and all benefits and conditions of services. Governments are also required to ensure that women are provided scientific and technological, vocational and other forms of training so that they have equal access to employment as men. They are also required to provide adequate health facilities at work places for women including the safeguarding of the functions of reproduction.

Under the Constitution women are to receive equal pay as men, but that:

women in the public sector doing the same type of work as men receive equal pay. In the private sector, however, this is not always the case women often earn much lower salaries.

...

Also the new labour law, which was given Presidential accent in March 2004, Ghana Labour Act 2003, Act 651, provides for paid holidays, sick leave and maternity leave, section 57 (1). The 1992 constitution also provides that; workers be assured of rest, leisure and reasonable limitation of working hours and periods of holidays with pay, as well as remuneration for public holidays,

The report comments on the fundamental lack of empowerment of women economically:

...only 4% and 6% of women can be found in the private and public sector respectively. These low participation rates notwithstanding, given the limited avenues for employment,

many women are only too happy to have a job and would therefore not complain about lower salaries and poor conditions of service. Hence women are less economically empowered than men (UN Committee on the Elimination of Discrimination against Women 2005, *Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women – Combined third, fourth and fifth periodic reports of State parties: Ghana*, 18 April, CEDAW/C/GHA/3-5 <http://www.un.org/womenwatch/daw/cedaw/36sess.htm> – Accessed 26 April 2007 – Attachment 5).

The US State Department also comments on the lack of enforcement of the legal minimum standards:

A National Tripartite Committee composed of representatives of the government, labor, and employers set daily minimum wages. In February, after lobbying by trade unions, the Tripartite Committee raised the daily minimum wage to \$1.74 (16,000 cedis), which did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law in the formal sector, and the growing informal labor force remained unprotected. In most cases households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities. The Ministry of Manpower, Development and Employment was unable to credibly enforce this law (US State Department 2007, *Country Reports on Human Rights Practices – 2006 – Ghana*, 6 March – Attachment 6).

The Committee's response to Ghana's report to CEDAW raised concerns about discrimination faced by women:

29. The Committee expresses concern about the discrimination faced by women in employment, as reflected in the hiring process, the wage gap and occupational segregation. The Committee is concerned that 86 per cent of working women are employed in the informal sector of the economy, and only 4 per cent of women are employed in the formal public sector and 6 per cent in the formal private sector of the economy. It is also concerned about the apparent lack of monitoring mechanisms and enforcement of existing legislation (UN Committee on the Elimination of Discrimination against Women 2006, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana*, 25 August <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Ghana/0648072E.pdf> – Accessed 28 April 2007 – Attachment 5).

## List of Sources Consulted

### Internet Sources:

#### **Government Information & Reports**

Immigration & Refugee Board of Canada <http://www.irb-cisr.gc.ca/index.htm>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

#### **Non-Government Organisations**

International Crisis Group <http://www.crisisweb.org/>

BBC News <http://news.bbc.co.uk>

IRIN <http://www.irinnews.org/>

#### **Search Engines**

Google <http://www.google.com.au/>

Copernic <http://www.copernic.com/>

### Databases:

FACTIVA (news database)

CISNET (Department of Immigration Country Information database)  
ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

### List of Attachments

1. RRT Country Research 2007, *Research Response GHA31640*, 3 May.
2. US Department of State 2006 *Trafficking in Persons Report*, June.
3. Women in Law and Development in Africa, Ghana 2006, *Shadow Report to Ghana's Third, Fourth & Fifth Reports on the Implementation of the CEDAW in Ghana*, June, International Women's Rights Action Watch, Asia Pacific website, [http://www.iwraw-ap.org/resources/pdf/Ghana\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Ghana_SR.pdf) – Accessed 18 April 2007.
4. UN Committee on the Elimination of Discrimination against Women 2006, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana*, 25 August <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Ghana/0648072E.pdf> – Accessed 28 April 2007.
5. UN Committee on the Elimination of Discrimination against Women 2006, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana*, 25 August <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/Ghana/0648072E.pdf> – Accessed 28 April 2007.
6. US State Department 2007, *Country Reports on Human Rights Practices – 2006 – Ghana*, 6 March.
7. Osabutey, P. 'Human Trafficking Growing in Africa - Mowac Minister' 2007, *Ghanian Chronicle*, 7 February. (FACTIVA)