



GHANA

Legal System	Constitution	Bill of Rights	Country Structure	Form of Government
Common Law Statutory Law	Written	Yes	Federation	Republic

1. INTRODUCTION

1.1. Modern Slavery and Human Trafficking

Ghana’s current Constitution (adopted in 1992) provides for fundamental human rights and freedoms. Those rights and freedoms include that no person shall be held in slavery or servitude; no person shall be required to perform forced labour; every person has the right to work under satisfactory, safe, and healthy conditions; and every child (a person under the age of 18 years) has the right to be protected from work that threatens the child’s health, education, or development.¹ Ghana passed legislation targeting human trafficking in 2005 and implementation regulations in 2015.² Ghana is implementing its National Plan of Action for the Elimination of Human Trafficking in Ghana for 2022-2026.³

The U.S. Department of State ranks Ghana as a Tier 2 country, which means that the Ghanaian Government does not fully meet the minimum standards for the elimination of slavery and human trafficking.⁴ The U.S. State Department Report explains, however, that the Ghana government is increasing trafficking investigations, providing anti-trafficking training. It also adopted a new national action plan and communication strategy.⁵

Both domestic and international human trafficking occurs in Ghana. Traffickers subject boys and girls to forced labour for coastal fishing activity, domestic work, street hawking, artisan gold mining, portering, quarrying, herding, and agriculture.⁶ The trafficking activities greatly vary. For example, “[t]raffickers, including middlemen and relatives, recruit girls from other communities and subsequently exploit them in domestic servitude in the Lake Volta region, sometimes with parents’ knowledge.”⁷ “Women and girls who migrate to southern Ghana also reportedly do so to escape GBV – including female genital mutilation/cutting – and child, early, and forced marriages, increasing vulnerability to trafficking.”⁸

¹ *Constitution of the Republic of Ghana*, 1992 (as Amended to 1996), art. 28(2), available at: <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>.

² *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf; *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>.

³ National Plan of Action for the Elimination of Human Trafficking in Ghana, available at: [file:///C:/Users/JP022275/Downloads/Human%20Trafficking%20National%20Plan%20of%20Action%20\(1\).pdf](file:///C:/Users/JP022275/Downloads/Human%20Trafficking%20National%20Plan%20of%20Action%20(1).pdf).

⁴ U.S. Dep’t of State, *Trafficking in Persons Report 85* (2023), available at: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.state.gov/wp-content/uploads/2023/09/Trafficking-in-Persons-Report-2023-Introduction-V3e.pdf>. The U.S. Department of State rankings are based on the minimum standards specified in the U.S. Trafficking Victims Protection Act of 2000, “which are generally consistent with the [UN] Palermo Protocol.” *Id.* at 69.

⁵ U.S. Dep’t of State, *2023 Trafficking in Persons Report; Ghana*, available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/ghana/>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

Ghana is a source, transit, and destination country for international trafficking. Ghanaian women children are recruited and sent to the Middle East, other parts of Africa, and Europe for forced labour and sex trafficking.⁹ “Traffickers fraudulently recruit and exploit Ghanaian women in the Middle East in domestic servitude using predatory recruitment tactics and informal or fake contracts; upon arrival, traffickers seize their passports and sometimes physically or sexually abuse them.”¹⁰

Numerous government agencies within Ghana deal with human trafficking. These include the Commission on Human Rights and Administrative Justice; the Human Trafficking Management Board; the Ghana Police Service Anti-Human Trafficking Unit; the Anti-Human Smuggling and Trafficking in Persons Unit of the Ghana Immigration Service; the Ministry of Gender, Children and Social Protection; the Economic and Organised Crime Office within the Attorney General’s Department; and the Ministry of Employment and Labour Relations.¹¹

1.2. Ghana’s Policy and Legal Position

Ghana’s policy and legislative response to modern slavery and human trafficking has evolved. The 1992 Constitution was the first time that a supreme legal instrument expressly gave legal force to fundamental human rights and freedoms, including that no person shall be held in slavery or servitude.¹² Since then, the Human Trafficking Act 2005 and its implementing regulations give effect to these rights. Government agencies, however, have limited funding and resources to enforce these laws.¹³ In 2022, Ghana adopted the National Plan of Action for the Elimination of Human Trafficking in Ghana.¹⁴

The NPA is a five (5) year strategic plan which serves as an interface and a guideline for all stakeholders working in the field of human trafficking. The implementation of the NPA involves direct and indirect actions aimed at eliminating human trafficking, child labour, irregular migration and other related activities at the community, district, regional and national levels. It also serves as targeted global and national policy in the fight against human trafficking.¹⁵

Ghana has signed and ratified a number of international treaties prohibiting modern slavery, modern slavery-like conditions, and human trafficking.¹⁶ Ghana confirmed its commitment to the purpose and

⁹ *Id.*

¹⁰ *Id.*

¹¹ Ghana Police Service, *Anti Human Trafficking Unit (AHTU)*, available at: <https://police.gov.gh/en/index.php/anti-human-trafficking-unit-ahtu/>; Commission on Human Rights and Administrative Justice, *Human Rights Mandate*, available at: https://chraj.gov.gh/?page_id=2565; Ministry of Gender, Children and Social Protection, *Human Trafficking Secretariat (HT)*, available at: <https://www.mogcsp.gov.gh/human-trafficking-secretariat-ht/>; Office of the Attorney General and Ministry of Justice, *Economic and Organised Crime Office*, available at: <https://www.mojagd.gov.gh/economic-and-organised-crime-office>; Ghana Immigration Service, *Operations of Anti Human Smuggling and Trafficking in Persons Unit (AHSTIP)*, available at: <https://www.gis.gov.gh/Intelligence.html>; chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.melr.gov.gh/files/publications/Child_Labour_Free_Zone.pdf; see also *Human Trafficking Act, 2005 (Act 694)*, available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

¹² *Constitution of the Republic of Ghana*, 1992 (as Amended to 1996), art. 16, available at: <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>.

¹³ *Trafficking in Persons Report 20th Edition*, June 2020, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>, at 224–25.

¹⁴ National Plan of Action for the Elimination of Human Trafficking in Ghana, available at: [file:///C:/Users/JP022275/Downloads/Human%20Trafficking%20National%20Plan%20of%20Action%20\(1\).pdf](file:///C:/Users/JP022275/Downloads/Human%20Trafficking%20National%20Plan%20of%20Action%20(1).pdf).

¹⁵ *Id.* at p. iv.

¹⁶ See, e.g., United Nations, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, entered into force 30 April 1957, available at: <https://www.ohchr.org/en/professionalinterest/pages/supplementaryconventionabolitionofslavery.aspx>; United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, ratified 15 November 2000, available at: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>; International Labour Organization, *Worst Forms of Child Labour Convention*, ratified 1999, available at:

objectives of these international treaties through domestic criminal legislation, which proscribes modern slavery, modern slavery-like conditions, and human trafficking.¹⁷

Ghana's anti-trafficking efforts have included a focus on child labour conditions in the agricultural sector, especially cocoa. The Ghana Cocoa Board has collaborated with other organisations, including the International Cocoa Initiative, to prevent child labour in the cocoa sector.¹⁸ Also in 2020, as part of the National Action Plan, the Ministry of Employment and Labour Relations developed with stakeholders and launched Protocols and Guidelines for declaring Child Labour Free Zones in Ghana.¹⁹ The aim is “to ensure that Local Government Authorities (LGAs) and relevant stakeholders eliminate all forms of child labour in their areas of jurisdiction through accelerated and sustainable efforts.”²⁰

2. OVERVIEW OF GHANA'S LEGAL APPROACH TO COMBATING MODERN SLAVERY AND HUMAN TRAFFICKING

2.1. Ghana's Regional and International Law Obligations

2.1.1. Fundamental human rights

Ghana has enshrined fundamental human rights in its 1992 Constitution drawing heavily on the U.S. model.

Ghana is a party to the United Nations conventions recognizing fundamental human rights. It was one of the 48 countries that voted in favour of the Universal Declaration of Human Rights in 1948 and it has since ratified the International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of all Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1985); Convention on the Rights of the Child (1989); and Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).²¹ Ghana also

https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4001243; United Nations, *Convention against Transnational Organized Crime*, entered into force 29 September 2003, available at:

<https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>; United Nations, *Protocol against the Smuggling of Migrants by Land, Sea and Air*, ratified 15 November 2000, available at:

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/TransnationalOrganizedCrime.aspx>.

¹⁷ Under Article 75(2) of the Ghana Constitution, international treaties first must be ratified internationally and then must be ratified by an Act or Resolution of Parliament, for the treaty obligations to have domestic effect in Ghana and comply with international treaty obligations. United Nations, *Republic of Ghana Treaty Manual*, 2009, at 3, available at:

<https://legal.un.org/avl/documents/scans/GhanaTreatyManual2009.pdf?tel=II&j>. The Ghana Constitution also requires the State to enact appropriate human rights laws, guided by international human rights instruments. *Constitution of the Republic of Ghana*, 1992 (as amended 1996), arts. 37(2)-(3), available at: <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>. See also *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf; *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>; *Criminal Offences Act*, 1960 (Act 29), available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>; *The Children's Act*, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>.

¹⁸ International Labour Organisation, *Worst Forms of Child Labour Convention 1999 – Ghana – Direct Request and Observation (CEACR)*, adopted 2019, published 109th ILC session (2021), available at:

https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4001243.

¹⁹ Ghana Web, *Guidelines for establishing child labour free zones launched*, 12 Mar. 2020, available at:

<https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Guidelines-for-establishing-child-labour-free-zones-launched-892150>.

²⁰ Establishing Child Labour Free Zones (CLFZs) in Ghana, p. ix, available at:

https://www.melr.gov.gh/files/publications/Child_Labour_Free_Zone.pdf.

²¹ United Nations Treaty Collection, *Participant Search*, available at: <https://treaties.un.org/Pages/TreatyParticipantSearch.aspx?clang=en>; UN Treaty Body Database, *View the ratification status by country or by treaty*, available at:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=67&Lang=EN.

participates in international human rights initiatives through a number of voluntary pledges and commitments, including its membership on the UN Human Rights Council. Ghana was among the first members of the African Union to subscribe to the African Peer Review Mechanism.²²

2.1.2. Modern slavery and trafficking

Ghana is a party to several treaties relevant to the fight against human trafficking and smuggling, the most significant of which is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (**Protocol**).²³ A resolution adopted the Protocol at the 55th session of the UN General Assembly in November 2000. Ghana acknowledged the Protocol through accession in August 2012.²⁴ Ghana's Human Trafficking Act (2005), which prohibits all forms of trade in humans, is based on the UN Protocol.²⁵ Several other international conventions also forbid various forms of modern slavery, including the ILO Convention on the Worst Forms of Child Labour Convention (1999), the U.N. Convention against Transnational Organized Crime (2000), and the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000).²⁶

2.1.3. Effect under Ghana's law

Article 75 of the Ghana Constitution provides that a treaty, agreement, or convention executed by or under the President's authority shall be subject to ratification by (a) Act of Parliament or (b) a resolution of Parliament supported by the votes of more than one half of all members of Parliament.²⁷ As a result, Ghana's obligations under international instruments have the force of law only after ratification.

Ghana has ratified the key international instruments that touch on modern slavery and human trafficking, including: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on the Rights of the Child (1989); the United Nations Convention against Transnational Organized Crime (2000); the International Covenant on Civil and Political Rights (1966); the International Covenant on Economic, Social and Cultural Rights (1966); and the United Nations Convention against Corruption (2005).²⁸

2.2. Human Rights Protections Under Ghana's Law

Chapter Five of the Ghana Constitution of 1992 provides for fundamental human rights and freedoms. Those rights and freedoms include no person shall be held in slavery or servitude; no person shall be required to perform forced labour; every person has the right to work under satisfactory, safe, and healthy

²² African Peer Review Mechanism, *Country Review Report of the Republic of Ghana*, at iii, available at: <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/00798283-EN-APRM-GHANA-REVIEW-REPORT-JUNE-2005.PDF>.

²³ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, entered into force 25 December 2003, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons> <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

²⁴ United Nations Treaty Collection, 12. *a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtmsg_no=XVIII-12-a&chapter=18&clang=en.

²⁵ *Human Trafficking Act, 2005 (Act 694)*, available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

²⁶ International Labour Organization, *Ratifications of C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)*, available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312327; United Nations Treaty Collection, *Participant Search*, available at: <https://treaties.un.org/Pages/TreatyParticipantSearch.aspx?clang=en>.

²⁷ *Constitution of the Republic of Ghana, 1992 (as Amended to 1996)*, art. 75, available at: <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>.

²⁸ United Nations Treaty Collection, *Participant Search*, available at: <https://treaties.un.org/Pages/TreatyParticipantSearch.aspx?clang=en>.

conditions; and every child has the right to be protected from work that threatens a child’s health, education, or development.²⁹ All customary practices that dehumanize or injure the physical or mental well-being of a person are prohibited.³⁰

Ghana’s legal framework with respect to human rights is thus derived from its Constitution and supplemented by domestic legislation including the Children’s Act 1960.³¹

In particular, Ghana’s Constitution provides that the State shall cultivate among all Ghanaians respect for fundamental human rights and freedoms and the dignity of the human person.³² It further provides that the State shall enact appropriate laws to assure the protection and promotion of basic human rights and freedoms,³³ and, in the discharge of that obligation, the State shall be guided by international human rights instruments that recognize and apply particular categories of basic human rights to development processes.³⁴ Lastly, the Constitution provides that in its dealings with other nations, the Government shall promote respect for international law and treaty obligations.³⁵

2.3. Criminalization of Modern Slavery

The Human Trafficking Act 2005, as amended, (**HTA**)³⁶ the Legislative Instrument 2219 titled Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons Regulation 2015) (**LI 2219**),³⁷ the Criminal Code 1960,³⁸ and the Children’s Act 1960 set out criminal offences against various forms of modern slavery.³⁹

2.4. Supply Chain Reporting

No legislation or policies require reporting of human trafficking in supply chains or obliges private businesses to control their supply chains to hinder human trafficking. Refer to Section 4.

²⁹ Refer to Section 1.1.; *Constitution of the Republic of Ghana*, 1992 (as Amended to 1996), available at: <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>.

³⁰ See *id.*, art. 26(2).

³¹ *The Children’s Act*, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>.

³² *Constitution of the Republic of Ghana*, 1992 (as Amended to 1996), art. 35(4), available at: <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>.

³³ *Id.*, art. 37(2).

³⁴ *Id.*, art. 37(3).

³⁵ *Id.*, art. 40(c).

³⁶ *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

³⁷ *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, available at: <https://www.warpathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>.

³⁸ *Criminal Code*, 1960 (Act 29), available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>.

³⁹ *The Children’s Act*, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>.

2.5. Investigation, Prosecution, and Enforcement

2.5.1. Investigation and prosecution of criminal offenses

The Ghana Police Service, the Ghana Immigration Service, and the Attorney General’s Department share responsibility for investigating human trafficking offences.⁴⁰ However, the prosecutors within the Attorney General’s Department, on the authority of the Attorney General, decide whether to prosecute offences.⁴¹

2.5.2. Mutual assistance/international cooperation

In October 2017, Ghana signed a strategic partnership agreement with Cote d’Ivoire under which the countries agreed to strengthen their exchange of information and intelligence to effectively fight terrorism, cybercrime, human trafficking, and other serious crime.⁴² They also agreed to adopt common policies on the marketing, storage, and processing of cocoa.⁴³

Ghana is party to African conventions and treaties and UN conventions that promote international cooperation against trafficking in human beings, essentially through the exchange of information. The African conventions and treaties are the African Charter on Human and Peoples’ Rights (1981) and the African Charter on the Rights and Welfare of the Child (1990).⁴⁴

3. GHANA’S FEDERAL CRIMINAL OFFENSES RELATING TO MODERN SLAVERY, MODERN SLAVERY-LIKE CONDITIONS, AND HUMAN TRAFFICKING

3.1. Overview of Criminal Offenses

Ghana has several laws and regulations providing addressing offences and penalties against modern slavery, modern slavery-like conditions, and human trafficking⁴⁵ including The Human Trafficking Act, 2005 (Act 694) (HTA); the Human Trafficking Prohibition Regulations, 2015 (LI 2219); the Criminal Code 1960 (Act 29); Criminal Offences (Amendment) Act, 2012 (Act 849); and the Children’s Act 1960 (Act 560).⁴⁶ Ghana is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime.⁴⁷ This Protocol seeks

⁴⁰ See *Trafficking in Persons Report 20th edition*, June 2020, at 223–24, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

⁴¹ Manda Sertich & Marijn Heemskerck, *Ghana’s Human Trafficking Act: Successes and Shortcomings in Six Years of Implementation*, at 6, available at: <https://www.corteidh.or.cr/tablas/r27682.pdf>.

⁴² The Presidency of Republic of Ghana, *Ghana, Cote d’Ivoire Sign Strategic Partnership Agreement*, 17 Oct. 2017, available at: <http://www.presidency.gov.gh/index.php/briefing-room/news-style-2/415-ghana-cote-divoire-sign-strategic-partnership-agreement>.

⁴³ *Id.*

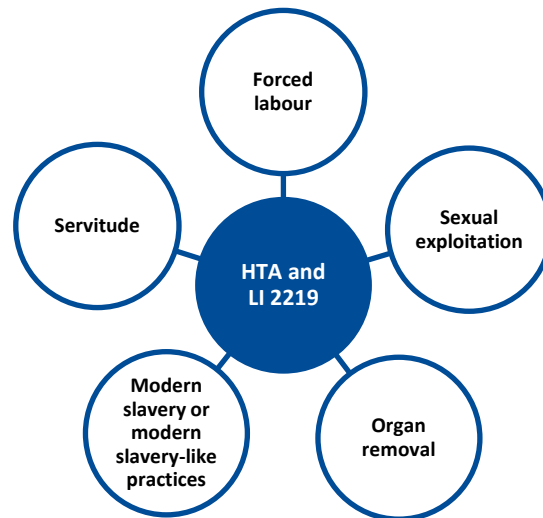
⁴⁴ African Commission on Human and Peoples’ Rights, *African Charter on Human and Peoples’ Rights*, available at: <https://www.achpr.org/legalinstruments/detail?id=49>; African Union, *African Charter on the Rights and Welfare of the Child*, available at: <https://au.int/en/treaties/african-charter-rights-and-welfare-child>.

⁴⁵ In Ghana, laws are made only at the federal level. Offences relating to modern slavery and sexual servitude are in Ghana federal legislation.

⁴⁶ Refer to Section 2.3.

⁴⁷ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, entered into force 25 December 2003, available at: https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18.

to make human trafficking a crime, including attempting to traffic or directing other persons to commit that offence.⁴⁸ The punishment or penalties depend on the nature of the offence committed.⁴⁹



3.2. Modern Slavery Offenses under the Criminal Code

3.2.1. General

In 2005, Ghana adopted the HTA to target human trafficking. LI 2219 expanded the human trafficking provisions in 2015. Various sections of the Criminal Code also penalize modern slavery-related activity.

The HTA defines human trafficking as:

- “[T]he recruitment, transportation, transfer, harboring, trading or receipt of persons within and across national borders by (a) the use of threats, force, or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or (b) giving or receiving payments and benefits to achieve consent.”⁵⁰
- “Exploitation shall include at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”⁵¹
- “Placement for sale, bonded placement, temporary placement, placement as service where exploitation by someone else is the motivating factor shall also constitute trafficking.”⁵²
- “Where children are trafficked, the consent of the child, parent or guardian of the child cannot be used as a defense in prosecution under [the HTA], regardless of whether or not there is evidence of abuse

⁴⁸ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, adopted and opened for signature 15 November 2000, available at: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.

⁴⁹ *Id.*

⁵⁰ *Human Trafficking Act, 2005 (Act 694)*, Section 1(1), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

⁵¹ *Id.*, Section 1(2).

⁵² *Id.*, Section 1(3).

of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of.”⁵³

Violations of the HTA include:

- Trafficking a person or acting as an intermediary for the trafficking of a person (this offence can also include family members of the trafficked person);⁵⁴
- sending, taking, or consenting to the taking or receiving of any person for the purpose of trafficking;⁵⁵
- entering into an agreement, whether written or oral, to subject any other person to trafficking;⁵⁶
- providing another person for the purposes of trafficking even where the person is a parent;⁵⁷ and
- using a trafficked person.⁵⁸

A conviction imposes a minimum imprisonment term for each offence.⁵⁹

The HTA also imposes a duty to inform officials about trafficking. A person with information about trafficking must inform the police, Commission of Human Right and Administrative Justice, the Department of Social Welfare, the Legal Aid Board, or a reputable Civil Society Organisation. Noncompliance can result in a fine, imprisonment for not less than 12 months, or both.⁶⁰

LI 2219 complements and expands the HTA, providing criminal offences for a wide range of trafficking offences. LI 2219 also extends HTA offences to cover organized criminal groups. LI 2219 defines an organized criminal group as a “structured group (two or more persons formed for the commission of a crime) acting in concert with the aim of committing a serious offence.”⁶¹ The Criminal Offences (Amendment) Act, 2012, Act 849 also extended the list of offences by an organized criminal group to include racketeering, which includes bribery, prostitution, and human trafficking.⁶²

Under LI 2219, it is an offence for a person or an organized criminal group to:

- recruit, transport, transfer, harbour, or receive a person through use of coercion, fraud, and deception (punishable by imprisonment for five to 25 years for both offenders and a person who aids or abets);⁶³

⁵³ *Id.*, Section 1(4).

⁵⁴ *Id.*, Section 2(1).

⁵⁵ *Id.*, Section 2(4)(a).

⁵⁶ *Id.*, Section 2(4)(b).

⁵⁷ *Id.*, Section 3.

⁵⁸ *Id.*, Section 4.

⁵⁹ *Id.*, Sections 3–4.

⁶⁰ *Id.*, Section 6.

⁶¹ *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>. A serious offence is defined as any offence that carries a minimum penalty of imprisonment of five years and a maximum penalty of death. *Criminal Offences (Amendment) Act*, 2012, Act 849, Section 200A, available at: <https://www.refworld.org/pdfid/44bf823a4.pdf>.

⁶² *Criminal Offences (Amendment) Act*, 2012 (Act 849), Section 200B, available at: <https://www.refworld.org/pdfid/44bf823a4.pdf>.

⁶³ *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, Regulation 2, available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>.

- facilitate the continued presence of a trafficked person , to obtain a financial, material, or other benefit (punishable by a imprisonment for five to 10 years, and a person who aids and abets with a maximum of 25 years);⁶⁴
- engage in trafficking resulting in death or grievous bodily harm of a victim⁶⁵ (punishable on conviction to the penalty stipulated in Chapter 2 of the Criminal Offences Act, 1960 (Act 29), which is death);⁶⁶
- facilitate the trafficking of a child as their parent, guardian, or a person who has parental responsibilities and rights in respect of a child (punishable with a fine of 250 to 5000 penalty units or by imprisonment for five to 10 years or to both);⁶⁷
- aid and abet a person who has previously been convicted of child trafficking in the trafficking of a child (punishable by imprisonment for seven to 10 years);⁶⁸
- trafficking a person with a disability or mental disorder by a guardian or any other person with legal responsibilities and rights over that person (punishable by imprisonment for seven to 10 years);⁶⁹
- to further an offence by a public officer by use of the public officer’s office or authority (punishable by imprisonment for seven to 10 years);⁷⁰
- manage premises (like a hotel) used for trafficking (punishable by imprisonment for five to 10 years);⁷¹

This regulation extends liability for the conduct of employees acting on behalf of an employer to both the employee and employer (punishable by revocation of license to operate as employer).⁷²

LI 2219 expands the definition of “facilitation” to encompass a broad range of activities that carry the same punishment as convictions for the offence of trafficking.⁷³

Further, it is an offence for a person to use the services of a trafficked person,⁷⁴ as well as to destroy, confiscate, possess, conceal, or tamper with the documents of a trafficked person.⁷⁵ This is an important offence because perpetrators frequently confiscate identity documents of trafficked victims.

The Criminal Code also addresses some aspects of modern slavery-related conduct. It provides offences for exercising control over a person to compel prostitution⁷⁶ and managing a brothel.⁷⁷ The Criminal Code also

⁶⁴ *Id.*, Regulation 2(4–5).

⁶⁵ *Id.*, Regulation 2(8).

⁶⁶ *Criminal Offences Act*, 1960 (Act 29), Chapter 2—Criminal Homicide and Similar Offences, at 42, available at <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>.

⁶⁷ *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, Regulation 2(9–10), available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>.

⁶⁸ *Id.*, Regulation 2(11).

⁶⁹ *Id.*, Regulation 2(12–13).

⁷⁰ *Id.*, Regulation 2(14–15).

⁷¹ *Id.*, Regulation 2(16–17).

⁷² *Id.*, Regulation 2(18–20).

⁷³ *Id.*, Regulation 3.

⁷⁴ *Id.*, Regulation 4.

⁷⁵ *Id.*, Regulation 5.

⁷⁶ *Criminal Code*, 1960 (Act 29), Chapter 7, Section 274, available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>.

⁷⁷ *Id.*, Chapter 7, Section 277.

makes it an offence to deal or trade in any slave.⁷⁸ This provision covers a wide range of acts taken to place a person in servitude as a pledge or security for debt or to become a slave.⁷⁹ It also prohibits sending or receiving a person for the purposes of any ritual, customary activity, or forced labour, with a punishment of imprisonment for a minimum of three years.⁸⁰

The Criminal Offences (Amendment) Act, 2012 further includes offences penalizing female genital mutilation⁸¹ and the unauthorized removal or possession of a distinct internal or external bodily organ or blood.⁸²

According to the U.S. Department of State, Ghana’s Government reported initiating 133 investigations into suspected human trafficking during calendar year 2022, compared to 113 investigations in 2017. The Government reported initiating 28 prosecutions, including 14 labour trafficking cases and seven sex trafficking cases in 2022.⁸³

3.2.2. Extraterritorial application

For HTA offences, LI 2219 provides that the regulations apply where Ghana is the country of destination, the purpose of exploitation takes place in Ghana, or the receiving country is a foreign country but the trafficking process starts in Ghana or transits in Ghana. Purpose of exploitation is defined in LI 2219 as “the use of a trafficked person for prostitution, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs.”⁸⁴

3.3. Modern Slavery-Like Offenses in Ghana’s Legal Order

3.3.1. Servitude

The HTA’s definition of human trafficking includes servitude so it is a criminal punishable by imprisonment for five years or more.⁸⁵ The HTA defines servitude as involuntary bondage.⁸⁶

3.3.2. Forced labor

Similarly, the HTA’s definition of human trafficking includes forced labour punishable under the same framework.⁸⁷ The Labour Act also prohibits forced labour.⁸⁸

⁷⁸ *Id.*, Chapter 10, Section 314.

⁷⁹ *Id.*

⁸⁰ *Id.*, Chapter 10, Section 314A.

⁸¹ *Id.*, Chapter 3, Section 69A.

⁸² *Criminal Offences (Amendment) Act, 2012 (Act 849)*, Section 69B, available at: <https://www.refworld.org/pdfid/44bf823a4.pdf>.

⁸³ U.S. Dep’t of State, *Trafficking in Persons Report: Ghana (2023)*, available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/ghana/>.

⁸⁴ *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations, 2015*, LI 2219, Regulation 1, available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>.

⁸⁵ *Human Trafficking Act, 2005 (Act 694)*, available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Section 1. Refer to Section 3.2.1., *supra*.

⁸⁶ *Id.*, Section 42.

⁸⁷ *Id.*

⁸⁸ Section 6.2, *infra*; the *Criminal Code 1960 (Act 29)*, Chapter 10, Section 314 (g) also criminalizes “any species of coercion or restraint” for the purpose of compelling service other than those in “accordance with the Labour Decree.” *Criminal Code, 1960 (Act 29)*, available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>.

Ghana’s Children’s Act of 1998 (Act 560) sets forth the rights of children and outlines various offences penalizing forced child labour. In Ghana, any person under the age of 18 qualifies as a “child.”⁸⁹ The Children’s Act makes it an offence to:

- deprive a child of access to education or medical treatment,⁹⁰
- prevent a child from participating in social activities,⁹¹
- subject a child to exploitative labour,⁹² or
- subject a child to torture and degrading treatment,⁹³

A person convicted of any of these offences is punishable by a fine not exceeding GHS 5 million, maximum imprisonment for one year, or both.⁹⁴

The Children’s Act further prohibits child labour at night between the hours of 8:00 pm and 6:00 am;⁹⁵ sets the minimum age for child employment generally at age 15, with “light work” allowed at age 13, and hazardous work disallowed for children altogether.⁹⁶

A person who commits the offence of exploitative child labour and child labour at night faces a maximum fine of GHS 10 million, maximum imprisonment for two years, or both.⁹⁷

3.3.3. *Deceptive recruiting for labor or services*

The HTA’s definition of recruitment by means of deception or coercion, punishable by imprisonment for five years or more.⁹⁸

3.3.4. *Early and forced marriage*

In addition to addressing child labour, the Children’s Act also provides that no person shall force a child to be betrothed, to be the subject of a dowry transaction, or to be married.⁹⁹ The minimum age for marriage of whatever kind in Ghana is 18 years old. Like the child labour provisions in the Children’s Act, violation of

⁸⁹ *The Children’s Act, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>, Section 1.*

⁹⁰ *Id.*, Section 8.

⁹¹ *Id.*, Section 9.

⁹² *Id.*, Section 12; Section 87 of the Act defines labour as being exploitative “if it deprives the child of its health, education or development.”

⁹³ *Id.*, Section 13.

⁹⁴ *Id.*, Section 15.

⁹⁵ *Id.*, Section 88.

⁹⁶ *Id.*, Section 89–91. Light work is “work which is not likely to be harmful to the health or development of the child and does not affect the child’s attendance at school or the capacity of the child to benefit from school work.” Hazardous work “poses a danger to the health, safety or morals of a person.” This includes going to sea, working in places using machines, and working in places where a person may be exposed to immoral behaviour.

⁹⁷ *Id.*, Section 94.

⁹⁸ *Human Trafficking Act, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Section 1. Refer to Section 3.2.1.*

⁹⁹ *The Children’s Act, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>, Section 14.*

these prohibitions subject the offender to a fine not exceeding GHS 5 million, imprisonment not exceeding one year, or both.¹⁰⁰

The Criminal Code also prohibits compulsory marriage as a misdemeanour regardless the age of the victim.¹⁰¹

3.3.5. Debt bondage

The HTA includes “bonded placement” as a form of prohibited trafficking.¹⁰² Bonded placement or debt bondage is defined as “placement by a trafficker of a person for exploitative purposes with a promise of subsequent payment to the trafficker for the placement of the trafficked person by the use of the trafficked person and the placement of a trafficked person to offset a debt already owed by the trafficker or another person.”¹⁰³

The Criminal Code also makes “slave-dealing” a second-degree felony. Slave-dealing includes one who “places or receives any person in servitude as a pledge or security for debt”¹⁰⁴

3.3.6. Any other relevant offenses

Ghana has no other relevant modernslavery-like offences.

3.3.7. Extraterritorial application of the offences

Refer to Section 3.2.2.

3.4. Human Trafficking/Smuggling-Related Criminal Offenses

3.4.1. International and domestic trafficking/smuggling of people

The HTA defines human trafficking to include the transportation, transfer, harbouring, trading, or receipt of persons within and across national borders and prohibits the provision of a trafficked person and acting as an intermediary in trafficking conduct.¹⁰⁵

The Criminal Code’s prohibition on “slave-dealing” covers any person who “conveys any person ... to [or out of] Ghana in order that such person may ... become a slave, or be placed in servitude as a pledge or

¹⁰⁰ *Id.*, Section 15.

¹⁰¹ *Criminal Code*, 1960 (Act 29), available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>, Chapter 10, Section 109.

¹⁰² *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Section 1; see also *Criminal Code*, 1960 (Act 29), available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>, Chapter 10, Section 314.

¹⁰³ *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Section 42.

¹⁰⁴ *Criminal Code*, 1960 (Act 29), available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>, Chapter 10, Section 314 (c).

¹⁰⁵ *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Sections 1–3.

security for debt.”¹⁰⁶ The previously discussed criminal penalties discussed above (second-degree felony) apply to these offences.¹⁰⁷

3.4.2. *International and domestic trafficking in children*

The HTA and Criminal Code apply to all persons including children.¹⁰⁸ Under the HTA, the consent of the child, parents, or guardian of the child is not a defence in a prosecution for child trafficking, regardless of whether there is evidence of the trafficker’s abuse of power, fraud, or deception or the child’s vulnerability.¹⁰⁹

The Children’s Act also prohibits trafficking involving children and provides an independent legal basis for criminal liability.

3.4.3. *Victim harboring*

The HTA’s definition of human trafficking includes the harbouring of trafficked persons.¹¹⁰

3.4.4. *Extraterritorial application of human trafficking and smuggling offenses*

Refer to Section 3.2.2.

3.4.5. *International and Domestic Organ Trafficking*

The HTA’s definition of human trafficking prohibits the exploitative use of trafficked persons for the removal of their organs.¹¹¹ The same criminal penalties for other HTA offences apply to organ trafficking.

The Criminal Code also prohibits the “unlawful use of human parts,” and imposes a minimum prison sentence of five years and a maximum prison sentence of 25 years.¹¹²

3.5. Online Exploitation of Children Offenses Under the Criminal Code

There is no specific offence for online exploitation of children. However Section 87 of the Children’s Act 1998 (Act 560) prohibits exploitative child labour could apply where children are exploited on line for purposes of child labour. Refer to Sections 3.2.1., 3.3.2., and 3.6.

3.6. Child Sex Tourism Offenses Under the Criminal Code

Child sex tourism is a form of “sexual exploitation,” which the HTA’s definition of human trafficking includes and thus prohibits.¹¹³

¹⁰⁶ *Criminal Code*, 1960 (Act 29), available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>, Chapter 10, Section 314 (d) & (e).

¹⁰⁷ See *supra* Section 3.2.1.

¹⁰⁸ See *supra* Section 3.4.1.

¹⁰⁹ *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Section 1(4).

¹¹⁰ *Id.*; see *supra* Sections 3.2.1, 3.4.1.

¹¹¹ *Id.*, Section 1.

¹¹² *Criminal Offences (Amendment) Act*, 2012 (Act 849), Section 69B, available at: <https://www.refworld.org/pdfid/44bf823a4.pdf>.

¹¹³ *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Section 1.

The Criminal Code also prohibits the “defilement” (*i.e.*, carnal knowledge) of a child under 16 years of age, which carries a minimum sentence of imprisonment for seven years.¹¹⁴ The same penalty applies to those who facilitate or encourage the “defilement” of a child under 16.¹¹⁵

Child sex tourism also is a form of exploitative child labour under the Children’s Act 1998 (Act 560). Sexual exploitation is defined as including “the participation of a person in prostitution or other sexual acts, or the production of pornographic material as a result of being subjected to threat, force, intimidation or other forms of coercion or any other practice in terms of which that person’s participation is not voluntary.”¹¹⁶

The Children’s Act 1998 (Act 560) also makes it a crime to subject a child to exploitative labour, to deprive a child of health, education, or development, or to subject person under the age of 18 to hazardous employment that “poses a danger to the health, safety or morals of a person.”¹¹⁷ Persons under 18 years old who are involved in commercial sex, are considered to be a victim of sex trafficking.¹¹⁸

4. GHANA’S SUPPLY CHAIN REPORTING LEGISLATION

No legislation obligates private businesses to monitor or control their supply chains to hinder human trafficking. Nonetheless, some initiatives may encourage companies to protect human rights through their management of supply chains.

The Ghana Business Code (2006) was developed under the auspices of Ghana Employers Association, Association of Ghana Industries, Ghana National Chamber of Commerce and Industries and the Danish International Development Agency (**DANIDA**). The Business Code, which applies to all segments of the national business community¹¹⁹ sets forth 10 Principles promoting human rights, labour standards, environmental protection, and anti-corruption.¹²⁰

Principles 1 and 2 state that businesses should support and respect the protection of internationally proclaimed human rights and make certain they are not complicit in human rights violations.¹²¹ These principles focus on work contracts, holidays, paid time off, education, fair wages, benefits, health and safety at work, and privacy. Businesses should ensure that they are not participating directly or indirectly in human rights abuses.

Principles 4 and 5 declare that businesses should support the elimination of all forms of forced and compulsory labour, including child labour.¹²² Workers should have the freedom to resign and be free from any bondage caused by debt to their employer. Businesses should not exploit child labour that deprives the child of health, education, or development, and should only hire apprentices or employees above the age

¹¹⁴ *Criminal Code*, 1960 (Act 29), available at: <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>, Chapter 10, Section 101.

¹¹⁵ *Id.*, Section 106.

¹¹⁶ *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>, Regulation 25.

¹¹⁷ *The Children’s Act*, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>, Section 12, 91.

¹¹⁸ International Organization for Migration Ghana, *Standard Operating Procedures to Combat Human Trafficking in Ghana*, October 2017, available at: https://publications.iom.int/system/files/pdf/sop_ghana.pdf, Page xiv.

¹¹⁹ Masahudu Ankiilu Kunateh, *Ghana business code develops implementation manual*, Modern Ghana (Dec. 2, 2009), available at: <https://www.modernghana.com/news/202342/ghana-business-code-develops-implementation-manual.html>.

¹²⁰ *Id.*

¹²¹ Ghana Business Code, available at: http://westafricanfish.com/?page_id=207.

¹²² *Id.*

of 15. Additionally, businesses should not expose young adults, below the age of 21, to any physical or moral hazards.

The Government developed its National Plan of Action for the Elimination of Human Trafficking in Ghana (2017–2021) in conjunction with the United Nations Children’s Fund (**UNICEF**), an international organization committed to the protection of children from violence, exploitation, and abuse.¹²³ Ghanaian boys and girls face the risk of forced labour, such as in fishing, domestic service, street hawking, begging, portering, artisanal gold mining, quarrying, herding, and agriculture. Ghanaian girls, and to a lesser extent boys, are also subjected to sex trafficking. One objective of the National Plan of Action was to eliminate child trafficking by, among other factors, providing increased oversight to the country’s foster care and domestic servitude systems, both formal and informal.¹²⁴ Another Plan of Action objective is to enhance intelligence and oversight for businesses and services used by trafficking networks, such as advertising (print, broadcast, online), transportation providers, travel agencies (road, rail, water, and air), financial and hospitality services providers, and employment and recruitment agencies.¹²⁵

Additionally, the Ghana Cocoa Board is seeking to eliminate child labour directly in the cocoa sector.¹²⁶

5. FORCED LABOR: OVERVIEW OF GHANA’S APPLICABLE EMPLOYMENT AND MIGRATION LAWS

5.1. Employment Law Rights for Victims of Human Trafficking and Forced Labor

The National Labour Commission, which the Ghana Labour Act 2003 established, has the power to investigate complaints about forced labour and to order an employer to pay remuneration to the victim of forced labour.

5.2. Applicability of Employment Legislation in the Context of Forced Labor or Trafficking

The Ghana Labour Act 2003, Section 116 (**Labour Act**), prohibits forced labour.¹²⁷ The Labour Act specifies that it “is an offence for an employer to exact or cause to be exacted or permit to be exacted, for his or her benefit, forced labour from any worker.”¹²⁸ The penalty for violations is not to exceed 250 penalty units,¹²⁹ and a penalty unit is defined as GHS 12.¹³⁰ Every director of a corporate entity also is deemed to have committed the offence unless they can prove that the offence was committed without their knowledge or that they exercised due diligence to prevent the offence.¹³¹

¹²³ *National Plan of Action for the Elimination of Human Trafficking in Ghana 2017–2021*, available at: <https://www.unicef.org/ghana/media/1851/file/National%20Plan%20of%20Action%20for%20the%20Elimination%20of%20Human%20Trafficking%20in%20Ghana.pdf>.

¹²⁴ *Id.* at 14 (Objective 4).

¹²⁵ *Id.* at 16 (Objective 5).

¹²⁶ Refer to Section 1.2.

¹²⁷ *Ghana Labour Act* (2003), Section 116, available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Criminal Bench Book*, The Judiciary of Ghana, at p. 6.

¹³¹ *Ghana Labour Act* (2003), Section 173, available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>.

Section 117 defines forced labour as work or service required of a person under threat of a penalty rather than performed voluntarily or for fair remuneration, but it does not include:

- labour required as a result of a sentence or order of a court;
- labour required of members of the disciplined force or service as their duties;
- labour required during a period when the country is at war or in the event of an emergency or calamity that threatens life and well-being of the community, to the extent that the required labour is reasonably justifiable in the circumstances; or
- labour reasonably required as part of normal communal or other civic obligations.¹³²

These Labour Act provisions also are reflected in the Ghana Constitution, Article 16(2) and (3).¹³³

5.3. Statutory Rights

Employees have statutory rights derived from Article 24 of the Ghana Constitution and restated in the Labour Act.¹³⁴

5.3.1. *Rights to minimum wages, entitlements, and other applicable minimum standards*

Under Section 9 of the Labour Act, employers must pay workers the agreed-upon remuneration at the time and place set forth in any mutual agreement, employment contract, or collective bargaining agreement or as required by law.¹³⁵

5.3.2. *Claims available in relation to misrepresentations and “sham” arrangements*

Ghana’s employment laws do not address misrepresentations and “sham” arrangements.¹³⁶

5.3.3. *Claims available in relation to unlawful deductions, loans, and debt bondage*

The Ghana Labour Act distinguishes between prohibited deductions and permitted deductions.

Section 69 prohibits an employer from exacting financial penalties from employees and from making deductions from wages for discounts, interest, or similar charges unless the deduction is to repay a wage advance or is otherwise permitted by law.¹³⁷

Section 70 allows an employer to make certain deductions, with the employee’s consent:¹³⁸

- Employee contributions to a pension or other fund;
- A financial facility advanced by the employer to the employee or guaranteed by the employer;

¹³² *Id.*, Section 117.

¹³³ *Constitution of the Republic of Ghana*, 1992 (as Amended to 1996), art. 16(2-3), available at: <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>.

¹³⁴ *Ghana Labour Act* (2003), available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>.

¹³⁵ *Id.*, Section 9(b).

¹³⁶ *Ghana Labour Act* (2003), available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>.

¹³⁷ *Id.*, Section 69.

¹³⁸ *Id.*, Section 70.

- Payment made in error to the employee in excess of the employee’s legitimate entitlement;
- Membership fees or contribution to an organization of which the employee is a member, as the employee authorized in writing;
- Payments for any loss suffered by the employer as a result of damage to its property under the worker’s control; or
- Any deduction in compliance with an order made by the Commission.¹³⁹

Some deductions are also permissible where the employee clearly is responsible for a loss or damage,¹⁴⁰ and the employer has given the employee a “reasonable opportunity” to show why the deduction should not be made.¹⁴¹ Further, the deduction must be fair and cannot exceed the actual value or fair estimate of the loss or damage, and in an amount “so as to avoid hardship to the worker.”¹⁴²

The law also sets forth a complaint and investigatory process to examine arbitrary or excessive deductions.¹⁴³

5.3.4. Remedies

Victims of trafficking who have not been paid minimum wages may initiate actions to seek payment of any outstanding wages owed.¹⁴⁴

5.3.5. The well-being of workers: Preventing work-related psychosocial risks

Employers are required to take all practicable steps to ensure that workers are free from the risk of personal injury or damage to their health during their employment or while lawfully on the employer’s premises.¹⁴⁵

Victims of human trafficking and smuggling can benefit from this legislation as it applies to all employers in Ghana.

5.3.6. The well-being of workers: Promotion of workers’ health

Refer to Section 5.3.5.

5.3.7. The well-being of workers: Rest time

Section 20 of the Labour Act dictates that every worker is entitled to 15 working days leave with full pay in any calendar year of continuous service, except in family-owned and operated businesses (Section 32 of the Labour Act). The Labour Act voids any private contract that attempts to bypass this provision.¹⁴⁶

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*, Section 70(2)(b), (d).

¹⁴³ *Id.*, Section 70(3)–(4).

¹⁴⁴ U.S. Dept. of State, *2019 Trafficking in Persons Report: Ghana*, available at: https://www.state.gov/reports/2019-trafficking-in-persons-report-2/ghana_trashed/.

¹⁴⁵ *Ghana Labour Act (2003)*, Section 9(c), available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>.

¹⁴⁶ *Id.*, Section 31.

The law also establishes statutory rest periods of at least 30 minutes per day (Section 40)¹⁴⁷ and daily continuous rest of at least 12 hours between two consecutive working days (Section 41) and 48 consecutive hours in every seven days of normal working hours (Section 42).¹⁴⁸ The rest periods do not apply to task workers or domestic workers in private homes (Section 44).¹⁴⁹

Section 33 states that employees may work no more than eight hours per day or 40 hours per week, with three exceptions:

- Where shorter hours of work are fixed, the hours of work on the other days of the week may be proportionately longer than eight hours but cannot exceed nine hours per day or 40 hours per week;
- Where longer hours are fixed, the average number of hours of work reckoned over a period of four weeks or less cannot exceed eight hours per day or 40 hours per week; or
- Where the work is seasonal and where longer hours are fixed, workers can work up to 10 hours per day as long as the average number of hours of work over the period of one year does not exceed eight hours per day.¹⁵⁰

5.3.8. *The well-being of workers: Freedom to change jobs and right to leave*

The Labour Act, Section 17, also allows employees to terminate their employment by providing the required written notice.¹⁵¹ For an employment period of three years or more, the notice period is one month. For a weekly contract, the notice period is seven days.¹⁵² At-will employees may terminate the contract at the close of any day without notice.¹⁵³

5.4. Rights to a Safe Workplace and Compensation Associated with Injuries or Illness

Like the Ghanaian Constitution, the Labour Act mandates that employers ensure that every worker works under satisfactory, safe, and healthy conditions.¹⁵⁴

The Workmen's Compensation Act requires employers to compensate employee who are injured by accident during employment.¹⁵⁵ The compensation varies depending on the nature of the employee's injury or death.¹⁵⁶ Some employees do not have the benefit of this Act, such as transient employees, outworkers,

¹⁴⁷ *Id.*, Section 40.

¹⁴⁸ *Id.*, Sections 41–42.

¹⁴⁹ *Id.*, Section 44.

¹⁵⁰ *Ghana Labour Act* (2003), available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>, Section 34; see also Globetrotters Legal Africa, *Employment and Labour Law in Ghana* (2019), Lexology, available at: <https://www.lexology.com/library/detail.aspx?g=fed577b0-4e8a-4d71-b3b4-74fc89702f46> (referring to “casual work”).

¹⁵¹ *Ghana Labour Act* (2003), Section 17, available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>.

¹⁵² *Id.*, Section 17(1).

¹⁵³ *Id.*, Section 17(2).

¹⁵⁴ *Id.*, Section 118.

¹⁵⁵ *Workmen's Compensation Act* (1987), Section 2, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/3823/101276/F972535555/GHA3823.pdf>.

¹⁵⁶ *Id.*

family members, or employees doing agricultural or handicraft work where the employer normally employs less than five employees.¹⁵⁷

While victims of forced labour and trafficking in Ghana may have claims under the Labour Act, the vast majority of such victims have little knowledge about this law. Greater education is needed to inform trafficking victims of the Labour Act's rights and protections, as well as any compensation they may be owed.

5.5. Access to Justice and Practical Issues Associated with Enforcing Social Legislation

Access to justice for human trafficking victims in Ghana is hindered by under-resourced law enforcement agencies.¹⁵⁸ Law enforcement lacks the funding to conduct comprehensive trafficking investigations sufficient to result in successful prosecutions.¹⁵⁹ The 2020 U.S. State Department reported a lack of shelter facilities for victims, which delayed investigations, operations to remove victims, and prosecutions. Government officials in Ghana also reported that law enforcement is collecting evidence inadequately, hampering their ability to prosecute offenders.¹⁶⁰ Ghanaians surveyed cite a scarcity of lawyers, perceived corruption, high costs, and lengthy delays as barriers to accessing justice in the country.¹⁶¹ In his report on extreme poverty and human rights in Ghana, U.N. Special Rapporteur Philip Alston stated, "The constitutional right to legal aid is meaningless in the great majority of cases because of a lack of resources and the institutional will to introduce the necessary far-reaching reforms. The legal aid scheme reportedly has 23 lawyers for the entire country, a ratio of less than one lawyer per one million of the population."¹⁶²

5.6. Interaction Between Employment Law and Migration

5.6.1. *Employment rights affected where employment is unlawful under migration law*

When the victims of forced labour are undocumented migrants, there is *per se* a breach of the Immigration Act 2000.¹⁶³ That Act prohibits migrants from working without a permit.¹⁶⁴ Convictions for breach of the Immigration Act may exact a fine not to exceed GHS 10 million, imprisonment for up to two years, or both.¹⁶⁵

5.6.2. *Rights/remedies available under applicable migration law and regulations*

Section 34 of the Human Trafficking Act allows a victim who is unlawfully staying in Ghana to remain in the country throughout the legal investigation and prosecution of the trafficker. Upon completion of the legal

¹⁵⁷ *Id.*, Section 38(2).

¹⁵⁸ *Trafficking in Persons Report 20th Edition*, June 2020, at 224, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>.

¹⁵⁹ Manda Sertich and Marijn Heemskerk, *Ghana's Human Trafficking Act: Successes and Shortcomings in Six Years of Implementation*, Human Rights Brief 19, No. 1, available at: <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1779&context=hrbrief>.

¹⁶⁰ *Supra* note 165.

¹⁶¹ Lionel Osse and Gildfred Boateng Asiamah, *Ghanaians cite high cost, bias, and long delays as barriers to using formal justice system*, Afrobarometer Dispatch No. 347 (28 Feb. 2020), available at: https://afrobarometer.org/sites/default/files/publications/D%C3%A9p%C3%A4ches/ab_r8_dispatchno347_high_cost_bias_delays_prevent_ghanaians_from_using_justice_system.pdf.

¹⁶² Philip Alston, Report of the Special Rapporteur on Extreme Poverty and Human Rights on his mission to Ghana, A/HRC/38/33/Add.2 (10 Oct. 2018), paragraph 47, available at: <https://digitallibrary.un.org/record/1655109?ln=en>.

¹⁶³ *Immigration Act*, 2000 (Act 573), Section 24, available at: <http://images.mofcom.gov.cn/gh/accessory/201212/1354895458072.pdf>.

¹⁶⁴ *Id.* Refer to Section 5.6.2.

¹⁶⁵ *Immigration Act*, 2000 (Act 573), Section 8(2), available at: <http://images.mofcom.gov.cn/gh/accessory/201212/1354895458072.pdf>.

process, the Management Board will arrange for the victim’s repatriation.¹⁶⁶ However, this section also allows victims to remain in Ghana after the conclusion of the legal process if it is in the victim’s best interests.¹⁶⁷ If the Minister of Interior approves the victim to remain in Ghana, the Ministry will provide shelter for the victim as well as basic material support until the victim is resettled in the country.¹⁶⁸ If the victim must return to their country of origin, the Ministry will arrange for the victim to receive basic material support until repatriation.¹⁶⁹

Support for protection services includes “shelter, medical screening and care, needs assessment, psychosocial care, education and skills training, interpretation for foreign national victims, assistance obtaining identity documents, registration with the National Health Service and assistance during legal proceedings.”¹⁷⁰ However, trafficking victims in Ghana may face a shortage of available shelters. Child trafficking victims also may lack adequate shelter because the Ghanaian Government relies primarily on private facilities operated by non-profit and religious organizations to provide for these victims.¹⁷¹

5.7. Employment Laws and Child Labor

The Labour Act regulates employment of young persons, defined as “person[s] of or above 18 years of age but below 21 years.”¹⁷² Section 58 prohibits young persons from engaging in dangerous work, which it defines as work that is “likely to expose the person to physical or moral hazard.”¹⁷³ The Labour Act prohibits young persons from working in underground mines.¹⁷⁴ Through legislative instrument, the Ministry of Labour can further define the specific types of work that would be considered dangerous work.¹⁷⁵ Anyone who violates this section is liable to a maximum fine of 100 penalty units.¹⁷⁶

The Labour Act further requires that a medical practitioner certify a young person to be in good health and medically fit for the work for which they will be employed.¹⁷⁷ The Act also requires that individuals be ordered to participate in the medical examination, if not done voluntarily.¹⁷⁸

¹⁶⁶ *Human Trafficking Act*, 2005 (Act 694), Section 34, available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

¹⁶⁷ International Organization for Migration Ghana, *Standard Operating Procedures to Combat Human Trafficking in Ghana*, October 2017, available at: https://publications.iom.int/system/files/pdf/sop_ghana.pdf, at 104; see *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Section 34(2); see also *Trafficking in Persons Report 20th edition*, June 2020, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf> (“Foreign victims could seek temporary residency during the investigation and prosecution of their cases and, with the interior minister’s approval, permanent residency if deemed to be in the victim’s best interest.”).

¹⁶⁸ *Id.*

¹⁶⁹ International Organization for Migration Ghana, *Standard Operating Procedures to Combat Human Trafficking in Ghana*, October 2017, available at: https://publications.iom.int/system/files/pdf/sop_ghana.pdf, at 104; see also *Human Trafficking Act*, 2005 (Act 694), available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf, Section 34(3).

¹⁷⁰ *Trafficking in Persons Report 20th edition*, June 2020, available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>, at 224.

¹⁷¹ *Id.*

¹⁷² *Ghana Labour Act* (2003), Section 175, available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>.

¹⁷³ *Ghana Labour Act* (2003), Section 58, available at: <https://www.ilo.org/legacy/english/inwork/cb-policy-guide/ghanalabouract2003section109.pdf>.

¹⁷⁴ *Id.*, Section 58(3).

¹⁷⁵ *Id.*, Section 58(2).

¹⁷⁶ *Id.*, Section 58(4).

¹⁷⁷ *Id.*, Section 59(1).

¹⁷⁸ *Id.*, Section 59(2).

Employers in an “industrial undertaking” must keep a log documenting the dates of birth or apparent ages of the young persons they employ.¹⁷⁹ Governing officials may order employers to comply.¹⁸⁰ An “industrial undertaking” includes:

- Mines, quarries, and other works extracting minerals from the earth;
- undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation, or transmission of electricity or motive power of any kind; and
- undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration, and demolition work.¹⁸¹

The Children’s Act, which was enacted to protect children and eliminate child labour,¹⁸² also regulates employment of children in all types of work.¹⁸³ The minimum age of employment is 15 years old,¹⁸⁴ which is the age by which a child is expected to complete mandatory basic education in Ghana.¹⁸⁵ Additionally, a child cannot work between the hours of eight in the evening and six in the morning,¹⁸⁶ and is prohibited from doing “exploitative labour.”¹⁸⁷ Work is “exploitative” if it deprives a child of health, education, or development.

There are also age restrictions with respect to light work and dangerous work. The minimum age for “light work” is 13 years old. “Light work” is defined as work that is “not likely to be harmful to the health or development of the child and does not affect the child’s attendance at school or the capacity of the child to benefit from school work.”¹⁸⁸

The minimum age for engaging in dangerous work is 18 years old. Dangerous work is defined as work that poses a danger to a person’s “health, safety or morals.” Specific examples of dangerous work include: (a) going to sea; (b) mining and quarrying; (c) portering of heavy loads; (d) manufacturing industries where chemicals are produced or used; (e) work in places where machines are used; and (f) work in places such as bars, hotels, and places of entertainment where a person may be exposed to immoral behaviour.¹⁸⁹

Like the Labour Act, the Children’s Act requires employers in “industrial undertaking[s]” to keep a registry recording the dates of birth or apparent ages of the children in their employ.¹⁹⁰ Similarly, an “industrial undertaking” under the Children’s Act is work other than “in commerce or agriculture,” including:

¹⁷⁹ *Id.*, Section 60(1).

¹⁸⁰ *Id.*, Section 60(2).

¹⁸¹ *Id.*, Section 61.

¹⁸² International Labour Organization, *The Effective Abolition of Child Labour*, 2001, available at: <https://hdl.handle.net/1813/98930>, at 277.

¹⁸³ *Id.* at 278; see also *The Children’s Act*, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>, Section 92.

¹⁸⁴ *The Children’s Act*, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>, Section 89.

¹⁸⁵ International Labour Organization, *The Effective Abolition of Child Labour*, 2001, available at: <https://hdl.handle.net/1813/98930>, at 277.

¹⁸⁶ *The Children’s Act*, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>, Section 88(1)– (2).

¹⁸⁷ *Id.*, Section 87(1).

¹⁸⁸ *Id.*, Section 90(1)– (2).

¹⁸⁹ *Id.*, Section 91(3).

¹⁹⁰ *Id.*, Section 93(1).

- mines, quarries, and other works for extracting minerals from the earth;
- undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adopted for sale, broken up, or demolished, or in which materials are transformed including undertakings engaged in ship building or in the generation, transformation or transmission, of electricity or motive power of any kind; and
- undertakings engaged in the transport of passengers or goods by road or rail including the handling of goods at docks, quays, wharves, warehouses, and airports.¹⁹¹

Violations of Part V of the Children’s Act may result in fines of between GHS 500,000 and GHS 10 million, a maximum prison term of two years, or both.¹⁹²

6. GOVERNMENT PROCUREMENT RULES

The Public Procurement Act 2003 regulates government procurement of goods, works and services.¹⁹³

That Act establishes general procurement rules and practices.¹⁹⁴ The Public Procurement Board established by that Act has published a manual setting out the standards and procedures for the public sector to follow in the procurement of goods, works and services.¹⁹⁵ The overall objective is to provide value for money by ensuring that public funds are spent in a transparent, efficient, and fair manner.¹⁹⁶ Those standards do not address the UN Guiding Principles on Business and Human Rights.¹⁹⁷

Ghana is yet to develop and adopt a National Action Plan on Business and Human Rights or to integrate the Guiding Principles into its policies, laws, and regulations.¹⁹⁸

The private sector has adopted the Ghana business code, which requires business dealings to respect human rights.¹⁹⁹

7. RESTITUTION AND VICTIM COMPENSATION

7.1. Judicial Process

Section 19 of the HTA directs courts to order persons convicted of the offence of trafficking to pay compensation to the trafficking victim and to order persons who cause injury to another person in

¹⁹¹ *Id.*, Section 93(2)(a)–(c).

¹⁹² International Labour Organization, *The Effective Abolition of Child Labour*, 2001, available at: <https://hdl.handle.net/1813/98930>, at 279; see also The Children’s Act, 1998 (Act 560), available at: <http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>, Section 94.

¹⁹³ *Public Procurement Act*, 2003 (Act 663), available at: <chrome-extension://efaidnbnmnibpcapcglclefindmkaj/https://ppa.gov.gh/wp-content/uploads/2019/01/Public-Procurement-Act-2003-Act-663.pdf>.

¹⁹⁴ *Id.*

¹⁹⁵ *Manuals - Public Procurement Act*, 2003 (Act 663), available at: https://www.ppaghana.org/documents/FINALMANUAL_PPB.pdf?story_id=23.

¹⁹⁶ *Public Procurement Act*, 2003, (Act 663), Section 2, available at: <https://www.ppaghana.org/documents/Public%20Procurement%20Act%202003%20Act%20663.pdf>.

¹⁹⁷ United Nations, *Guiding Principles on Business and Human Rights*, 2011, available at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

¹⁹⁸ United Nations, *State national action plans on Business and Human Rights*, available at: <https://www.ohchr.org/en/issues/business/pages/nationalactionplans.aspx>.

¹⁹⁹ Refer to Section 4.

connection with trafficking to compensate the injured person.²⁰⁰ The payment of compensation shall be in addition to any other punishment.²⁰¹

Section 39 of the HTA provides that a criminal charge arising from acts of trafficking is in addition to and does not affect the victim's rights to pursue a civil claim for damages.²⁰²

Section 40 of the HTA allows the courts to confiscate any property that the trafficker acquired as a result of human trafficking activity and the court may instruct how to deal with property, and may require the proceeds from the property be paid into the Human Trafficking Fund (HTF).²⁰³

The Ministry for Women and Children's Affairs manages the HTF. The HTF is used to provide victims with basic material support, skills training, tracing their families, support for their rescue, rehabilitation, and reintegration, and reception shelters.²⁰⁴

Regulation 10 of LI 2219 discusses the forfeiture of proceeds from human trafficking.²⁰⁵ Under this regulation, the Attorney General may request from the High Court an *ex parte* order suspending a transaction that relates to money or property due, owing, belonging to, or held on behalf of (1) an accused person, (2) an organization involved in human trafficking, (3) a person suspected of being a member of an organization involved in human trafficking, or (4) any other person specified in the application.²⁰⁶

An order under Regulation 10 of LI 2219 may:

- (1) grant or prohibit the availability of money available to certain individuals,
- (2) provide the Attorney General with the authority to require certain individuals to produce information or documents related to the investigation, and
- (3) impose any other condition the court deems necessary, including, the appointment of a person to manage the assets of an organization or suspect during the effective period of the order."²⁰⁷

The Court must provide notice of these provisions to any bank, financial institution, or person that the Court knows or suspects is holding or has been vested with property implicated in the investigation.²⁰⁸

7.2. The Fund for Financial Aid for Victims

The HTA established the Human Trafficking Fund (HTF). Money for the HTF comes from voluntary contributions, Parliament-approved funds, grants, proceeds from confiscated property, and other approved sources.

²⁰⁰ *Human Trafficking Act*, 2005 (Act 694), Section 19, available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

²⁰¹ *Id.*

²⁰² *Id.*, Section 39.

²⁰³ *Id.*, Section 40.

²⁰⁴ *Id.*, Section 22.

²⁰⁵ *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, Regulation 10, available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>.

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*

Regulation 16 of LI 2219 states that any victim of human trafficking (which can be documented by a criminal or civil court determination) can access services and benefits financed from the HTF. A Committee of three persons (consisting of (1) a clinical psychologist, (2) an officer from the Anti-Human Trafficking Unit of the Ghana police service, and (3) the director of social welfare, or equivalent) set up by the Management Board (**Board**) determines the eligibility of the trafficked person to access the HTF, whether or not they are willing and able to cooperate in legal proceedings.

To access the HTF, trafficked persons (or their agents) must complete an application and submit documents, including a declaration, a detailed medical report, status of the legal proceedings against the accused trafficker, proof of the property confiscated from the accused trafficker, a signed police report by the rescuing police officer, and a recommendation by the head of police (which should be endorsed within 10 working days of receipt) to the Board.²⁰⁹

Regulation 17 of LI 2219 also allows a civil society organization, if it has demonstrated a commitment to assist trafficked persons for at least a year and has assisted in rescuing or caring for the specific trafficked person, to apply on behalf of a trafficked person.

The Board has 10 working days after receipt of an application to grant or reject it. The factors that the Board must consider in making its decisions are age, gender, level of education, the duration and form of exploitation, the victim's physical and psychological state, the benefit the trafficked person could receive from the fund, and any other extenuating circumstances. Each case is evaluated independently.²¹⁰

The Board is permitted to grant the application within five working days after review and to make funds available 10 days after the grant. The Board must determine a plan prior to communicating the approval. The plan includes such considerations as the duration and amount of the grant as well as a plan to assist the victim in accessing and managing the funds.²¹¹ When the Board grants an application, the Board informs the trafficked person of how to access the HTF and the other services and benefits provided by the HTF.²¹² When the Board denies the application,²¹³ an appeals process allows for secondary review of the unfavourable decision.²¹⁴

For approved applications where remittances are disbursed, a social worker is assigned to monitor the expenditure of funds and ensure that the money is used appropriately. Procedures provide for ongoing oversight and auditing of all remunerations.²¹⁵

8. GHANA'S MULTIDISCIPLINARY/INTERAGENCY COOPERATION APPROACH

8.1. Overview

Government agencies within Ghana deal with human trafficking. These include the Commission on Human Rights and Administrative Justice; the Human Trafficking Management Board; the Ghana Police Service Anti-

²⁰⁹ *Id.*, Regulation 17.

²¹⁰ *Id.*, Regulation 18.

²¹¹ *Id.*, Regulation 19.

²¹² *Id.*, Regulation 22.

²¹³ *Id.*, Regulation 20.

²¹⁴ *Id.*, Regulation 21.

²¹⁵ *Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations*, 2015, LI 2219, Regulation 23, available at: <https://www.warnathgroup.com/wp-content/uploads/2017/01/2015-Human-Trafficking-Prohibition-Regulations-L.I.-2219.pdf>.

Human Trafficking Unit; the Anti-Human Smuggling and Trafficking in Persons Unit of the Ghana Immigration Service; The Ministry of Gender, Children and Social Protection; the Economic and Organised Crime Office within the Attorney General’s Department; the Bureau of National Investigation; and the Ministry of Employment and Labour Relations.

Section 6 of the HTA provides that every person with information about trafficking has a duty to inform the police about the trafficking.²¹⁶ A summary conviction for failure to inform carries a fine of not less than 250 penalty units, imprisonment for not less than 12 months, or both.²¹⁷

8.2. Responsible Agencies

8.2.1. Commission on Human Rights and Administrative Justice

This commission is established pursuant to chapter 18 of the Ghana Constitution by The Commission on Human Rights and Administrative Justice Act 1993.²¹⁸ The Commission investigates complaints of violations of fundamental rights and freedoms by public officers or other persons, and complaints regarding governmental entities’ failure to achieve a balanced structuring of services or to fairly administer those services.²¹⁹ The Commission may take appropriate actions to help remedy, correct, and reverse such instances.²²⁰ These actions may include negotiating between concerned parties, reporting complaints to an alleged offender’s superiors, and bringing proceedings in court.²²¹ The Commission’s also educates the public about human rights and freedoms and reports annually to Parliament about its activities.²²²

8.2.2. Human Trafficking Management Board

The HTA establishes the Human Trafficking Management Board. It makes recommendations for a national plan of action against human trafficking, to monitor and report on the progress of that plan through the Minister for Women and Children’s Affairs to the Economic Community of West African States Secretariat, to advise the Minister on policy matters under the Act, to provide assistance with the investigation and prosecution of trafficking cases, to serve as a liaison with other government agencies, and to assist with research and strategies to prevent and combat human trafficking.²²³

8.2.3. Ministry of Gender, Children and Social Protection, Human Trafficking Secretariat

This Ministry is responsible for the HTA and was the lead agency for the 2017–2021 National Plan of Action for the Elimination of Human Trafficking in Ghana. It works in collaboration with other Ghana agencies, NGOs, and faith-based organisations.²²⁴ The Ministry has responsibilities under the HTA to provide

²¹⁶ *Human Trafficking Act*, 2005 (Act 694), Section 6, available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

²¹⁷ *Id.*

²¹⁸ *Constitution of the Republic of Ghana*, 1992 (as Amended to 1996), Chapter 18, available at: <https://constitutionnet.org/sites/default/files/Ghana%20Constitution.pdf>; *Commission on Human Rights and Administrative Justice Act* 1993 (Act 456), available at: <https://www.refworld.org/docid/44bf7f804.html>.

²¹⁹ *Commission on Human Rights and Administrative Justice Act*, 1993 (Act 456), Section 7, available at: <https://www.refworld.org/docid/44bf7f804.html>.

²²⁰ *Id.*

²²¹ *Id.*

²²² *Id.*

²²³ *Human Trafficking Act*, 2005 (Act 694), Section 30, available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

²²⁴ Ministry of Gender, Children and Social Protection, *Human Trafficking Secretariat (HT)*, bottom of webpage, available at: <https://www.mogcsp.gov.gh/human-trafficking-secretariat-ht/>.

temporary basic material support for the care and protection of rescued trafficking victims, to provide counselling services, to assist with rehabilitation of victims, and to trace the families of victims in cooperation with the police and NGOs.²²⁵

8.2.4. Ghana Police Service Anti Human-Trafficking Unit

The Police Service investigates and prosecutes trafficking offences. Section 9 of the HTA specifies that the police are to receive complaints about trafficking.²²⁶ The HTA then requires the police to investigate the complaint and offer protection to the complainant.²²⁷

8.2.5. Ghana Immigration Service the Anti-Human Smuggling and Trafficking in Persons Unit

The HTA directs this service to help combat the transnational crime of trafficking in Ghana.²²⁸ It patrols the country's borders, and its efforts are directed at cross border trafficking. The unit has full investigative powers to handle trafficking cases.²²⁹

8.2.6. Economic and Organised Crime Office within the Attorney General's Department

This office, within the Attorney General's Department, investigates and on the authority of the Attorney General prosecutes human trafficking offences and other serious crimes, recovers the proceeds of crimes by confiscation of property to the State, takes reasonable measures to prevent the commission of crimes, to disseminate information gathered in the course of investigations to law enforcement agencies and other agencies, and cooperates with relevant international agencies.²³⁰

8.2.7. Bureau of National Investigation

This Bureau, which the Security and Intelligence Agencies Act 1996 established, is the internal intelligence agency of Ghana. It is part of the National Security Council.²³¹ This Bureau combats organized crime, including human trafficking offences by organized crime groups prohibited by LI 2219.²³²

8.2.8. Ministry of Employment and Labour Relations

This Ministry enforces the Labour Act and investigates labour trafficking cases under that Act.²³³ The Ministry consists of several agencies and departments, including the Fair Wages and Salaries Commission, Youth Employment Agency, National Labour Commission, Integrated Community Centres for Employable Skills, and Department of Factories Inspectorate.²³⁴ Part of their mission is to ensure that employers comply with labour standards and treat vulnerable persons fairly.

²²⁵ *Human Trafficking Act, 2005 (Act 694)*, Sections 15–18, available at: https://www.mint.gov.gh/wp-content/uploads/2017/06/Human_Trafficking_Act_2015-1.pdf.

²²⁶ *Id.*, Section 9.

²²⁷ *Id.*, Sections 10–11.

²²⁸ Ghana Immigration Service, available at: <https://www.gis.gov.gh/Intelligence.html>.

²²⁹ *Id.*

²³⁰ Economic and Organised Crime Office, available at: <https://www.mojagd.gov.gh/economic-and-organised-crime-office>.

²³¹ Bureau of National Investigations, Wikipedia, available at: https://en.wikipedia.org/wiki/Bureau_of_National_Investigations.

²³² *Id.*

²³³ Ministry of Employment and Labour Relations, *National Labour Commission*, available at: <http://www.melr.gov.gh/national-labour-commission/>.

²³⁴ Ministry of Employment and Labour Relations, available at: <http://www.melr.gov.gh/about/>.

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