



## Ghana

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I got to know about Slavery and Human Trafficking in my history class in High School some forty years ago, how slavery was started in Ghana, then Gold Coast when it was colonized. When Ghana attained Independence from the British in 1957, I thought that was the end of slavery and human trafficking, or at least that is what I believed. It was therefore surprising to me when, in 2004, about five Judges, including myself, who were in the United States of America at the invitation of the State Department in the course of a round table discussion, were asked what Ghana was doing about Human Trafficking, especially Child Trafficking, which was on the increase in the country. My first reaction was, this cannot be true, but I was not bold enough to voice it out.

Back home from the US I started monitoring the news and it was then that I heard that some Non-Governmental Organizations, in conjunction with the Ministry of Gender, Children and Social Protection, had rescued some children in the fishing communities on the Volta River at a place called Yeji. The children rescued were between the ages of 10 to 18 years. They were mainly from the Southern part or the coastal part of Ghana. These children were given out by their parents to the fishermen. The latter were to train them in the vocation of fishing. The parents were given virtually nothing, if anything at all, peanuts

Sadly, with a lot of these children taken to these fishing communities, that is the end of the matter. Most of them are forgotten. The parents do not go for them, neither do they return to their parents. One may ask, what can a young boy of 10 years do, can he fish?

The information from these NGOs was that the young boys were taken on fishing expeditions and when the nets were cast, some got entangled beneath the canoes, and these young boys were the ones who dived into the river and cut the entangled nets to release them. This was really heartbreaking for me. Not only was the job the children made to do hazardous, but these children were not going to school. When some of these children were rescued and reunited with their parents, a lot of them were traumatized. It was at this stage that the real problems unfolded. Most of the parents are so poor that they can barely feed their children. That explained their readiness to give their children out and forget about them. The Government then had to find a way out by providing the parents monies with which to engage in some income-generating activities, and also to put some of the children in school and others into other vocations.

In 2005 the Human Trafficking Act, Act 694 was passed. The preamble of the Act provides that *"It is an Act for the prevention, reduction and punishment of human trafficking and for the rehabilitation and reintegration of trafficked persons and for related matters"*.

It is a comprehensive piece of legislation. The Act makes provision for or prohibited Human Trafficking. There are provisions on:

*Trafficked persons and the use of trafficked persons prohibited*  
*The duty to inform*  
*Complaints and arrest*  
*Police assistance*  
*Arrest by the police*  
*Arrest by private person without warrant*  
*Rescue, rehabilitation and reintegration*  
*Temporary care of trafficked person*  
*Counselling of trafficked person and tracing of family of trafficked person among others.*

There is also a provision for the establishment of a Human Trafficking Fund.

Again, the Act defines Human Trafficking to mean *"The recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by:*

*The use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability or;*  
*Giving or receiving payments and benefits to achieve consent;*  
*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 and most importantly;*  
*Where children are trafficked, the consent of the child, parent or guardian of the child cannot be used as a defence in prosecution under the Act, regardless of whether or not there is evidence of abuse, etc.*

The offences created under this Act:

*“That is any person who contravenes Section (1) of this Act commits an offence and is liable on summary conviction to imprisonment for a term of not less than five (5) years”.*

*Also, “A person who fails to inform the police commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty (250) penalty units or a term of imprisonment not less than twelve (12) months or both”.*

This Act was amended in 2009. In spite of the comprehensive nature of the Act, young men and women are still trafficked to Europe with the promise to get them jobs. Owing to the promises made to these young women and men, some of them and their parents pay traffickers to get them abroad with the view of seeking greener pastures. Most of the victims are school dropouts who are not working. It is difficult on their own to secure visas to these countries, i.e. Europe, Asia, the Americas, etc. They make the journey by road through the North African countries, and eventually across the Mediterranean Sea to Europe, to countries like Spain, Italy, France, you name them, under hazardous conditions.

Sometimes the boats in which they are travelling capsize. The incident that happened in Lampedusa I am sure is still fresh in your minds. A lot of them don't make it to Europe as they die either walking across the desert or crossing the sea by boats.

### **Gulf States**

The new trend in Ghana is young ladies who travel to the Gulf States and Middle Eastern countries like Qatar, Dubai, etc to be engaged as house helps. Here too, a lot of the victims pay traffickers who are agents who take them to these countries. Some of them have returned home and recounted horrifying stories about their experiences. For instance, as soon as they get to these countries, their employers take their passports and even phones. They are made to work long hours each day under harsh conditions.

Our immigration officers, in conjunction with the Ministry of Interior, have rescued some of them and a lot more needs to be done. The situation is so serious that when an envoy from one of the Gulf States presented his credentials to the President of Ghana, the latter had course to tell the Ambassador to tell his Government to treat Ghanaian Nationals working in that country well.

### **The role of Ghana Immigration in combating Human Trafficking in Ghana**

The Ghana Immigration Service (GIS) is one of the security agencies mandated by the Human Trafficking Act, 2005 (Act 694) to help combat the transnational crime of trafficking in Ghana. The GIS saw the need to intensify its operations in the area of trafficking. Therefore, in 2011, with support from the European Union through the Aeneas II project, the Service set up the Anti-Human Smuggling and Trafficking in Person Units (AHSTIP). The Unit has operational powers to disrupt the complex networks of organized human trafficking syndicates thereby preventing, suppressing and punishing offenders of trafficking.

One of GIS's mandates is the patrolling of Ghana's borders and in the fight against trafficking GIS efforts are geared at cross-border trafficking and all other forms. GIS employs intelligence-based methodology in fighting this menace of trafficking in the country. The AHSTIP Unit is embedded in the Intelligence Unit of GIS.

The AHSTIP Unit also has satellite offices in Aflao, Kotoka International Airport, Kulungungu and Elubo. They perform the initial identification and screening of potential cases of trafficking intercepted at the various posts.

### **Statistics**

According to the Ghana Immigration Service (GIS), the majority of victims that the GIS encounter are women and children and a few males. Victims are rescued and often victims are found outside the country or intercepted and rescued at our entry points.

In 2016 a total of twenty trafficking cases were recorded. Thirteen were rescued in nature, seven were interceptions which were investigated. A total of forty-two victims were involved. This comprised forty females and two males. The nationality breakdown was six Nigerians, one Togolese and thirty-five Ghanaians. The ages ranged from 10 to 40 years old. Their destination countries were Saudi Arabia, Kuwait, Ivory Coast and Cameroon.

In 2017 a total of twenty-four cases were recorded. Sixteen were rescued in nature, and four were interceptions which were investigated. A total of two hundred and fifteen victims were involved. They were all females. The nationality breakdown is nine Togolese, eleven Nigerians and one hundred and ninety-five Ghanaians. The ages ranged from 11 to 39 years old. Their destination countries were Nigeria and the Gulf countries.

In the first half of 2018, a total of five cases were recorded. One was rescued in nature, four were interceptions which were investigated and two were sent to court for prosecution, out of which a conviction was gained. A

total of twenty victims were involved. They were all females. The nationality breakdown was ten Nigerians and ten Ghanaians. The age ranged from 17 to 21 years old. Their destination was the Gulf countries.

### **Partnerships and Collaboration**

In the area of international cooperation, GIS maintains close collaboration with the National Agency for Prohibition of Trafficking in Persons (NAPTIP) of Nigeria for management of Nigerian cases. GIS collaborates with International Organizations and Embassies such as the United Nations, International Organization for Migration, United States Embassy, and British High Commission, among others.

Locally, GIS works with all stakeholders engaged in combating trafficking in Ghana. The Ministry of the Interior, Ministry of Gender, Child and Social Protection, Ministry of Employment and Labour Relations. The Ministry of Justice and Attorney General, The Police and all Law Enforcement Agencies are mandated by the Human Trafficking Act to combat trafficking in the country. Various Non-Governmental Organizations, both locally and internationally, have also collaborated with GIS to combat trafficking.

When the former President of the International Association of Women Judges (IAWJ), Susana Medina, invited me to this Summit, I indicated to her in an email that I am not an expert on Human Trafficking, but that I was prepared to be a discussant and share with the other participants the Ghanaian perspective so as to know the way forward to curtail, if not completely eliminate, this organized crime in Ghana. To know what other countries are doing to combat these crimes. We have the laws and we know there are big cartels out there who engage in these crimes. Since some of the victims are told what to say when arrested, it is difficult to go after the cartel behind these organized crimes.

For instance, I have been on the Appellate Court in Ghana for twelve years now but I have not handled any Human Trafficking cases at the appellate level. I joined the Ghanaian Judiciary as a Magistrate in 1990 and from that time to date, I have not tried any Human Trafficking case. This tells you that to get people to report cases of Human Trafficking which will lead to a successful prosecution is a very huge task.

There are also other Laws like the Labour Act of 2003, Act 651 which prohibits forced labour and exposure to imminent hazards. The Criminal Offences Act of 1960, as amended, all have provisions that can be used for the successful prosecution of traffickers, so as to promote the well being and prevent abuses of trafficked persons.

The Children's Act of 1998 (Act 560) also has a provision that, in dealing with children, the best interest of the child should be paramount.

Since it is becoming increasingly difficult to report and prosecute traffickers, education is key. The target should be directed at the public. We need to provide appropriate information on abuses, the signs to look out for and also provide essential services for trafficked persons. This is because all human beings must enjoy fundamental human rights.

Last year, in July 2017, IAWJ-Ghana, during our General Meeting, invited an Officer from the Ghana Immigration Service to have a conversation about the signs to look out for in Human Trafficking. The sad thing is that traffickers are closer than we think. I hope to take home some ideas from this Summit and share them with our Chapter.

I thank the organizers for the invitation to participate in this Summit and the opportunity to share with you the Ghanaian experience.