

GHANA (2016-2017)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	YES.	
	Involvement of Employers' and Workers' organizations in the reporting process	2017 AR: YES. According to the Government: the Ghana Employers' Association (GEA) and the Ghana Trade Union Congress (GTUC) have been consulted through the process of the National Tripartite Committee consultation and they provided comments to the Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2017 AR: Observations by GEA	
	Workers' organizations	2016 - 2017 AR: Observations by GTUC	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Ghana has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2017 AR: The Government reported that the National Tripartite Committee expressed support to the ratification of Protocol of 2014 to the Forced Labour Convention, 1930; which is now pending before Cabinet for approval and onward submission to Parliament for Ratification. GEA and GTUC have expressed full support to this ratification. 2016 AR: GTUC supports the ratification of Protocol 029 to the Forced Labour Convention.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2017 AR: The Government specified that there are national policies and plans of action for preventing all forms of forced labour and combatting trafficking-in-persons for purposes of forced labour. Forced labour is prohibited under the 1992 Constitution of Ghana (Article 15), the Anti-Human Trafficking Act of 2005 (Act 694) (referred hereunder as HTA 2005), the Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations, 2015 (L. I. 2219) (referred hereunder as HTR 2015), the Labour Regulations, 2007 (L.I. 1833) (referred hereunder as LR 2007) Sections 21-29. These documents are available online, except for the Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations, 2005 (L. I. 2219), which if provided to the ILO along with the Government's report. The national action for combating trafficking in persons is provided for under the Human Trafficking Act, 2005, which is supplemented by the Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations, 2015 (L. I. 2219), and the Labour Regulations, 2007 (L.I. 1833) Sections 21-29.	
	Measures taken or envisaged for systematic and coordinated action	2017 AR: The Government stated that Article 14 of Ghana Constitution, 1992, protects human dignity and provides that no person shall be subject to inhuman or degrading treatment or punishment. The Human Trafficking Act, 2005, defines and prohibits human trafficking (sections 1 and 2) and also qualifies it as an offence and provides for sanctions which shall be no less than 5 years of imprisonment (Sections 3 and 4). The same Act further provides for the duty for the person with information	

		<p>about trafficking to inform the Police, or possibly the Human Rights Commission, the Legal Aid Board or a reputable Civil Society Organisation. Failure to do so is subject to fines and/or imprisonment not less than 12 months (Section 6). Moreover, this Act provides for the rescue, temporary care, counselling, family tracing and rehabilitation and compensation of trafficked persons (Sections 14-19). It also provides for the establishment of a Human Trafficking Fund (Sections 20-24) and a Human Trafficking Management Board (Sections 28-33). The Human Trafficking Act, 2005, is supplemented by the Human Trafficking Prohibition (Protection and Reintegration of Trafficked Persons) Regulations, 2015 (L. I. 2219), and the Labour Regulations, 2007 (L.I. 1833) Sections 21-29.</p>
	<p>Measures taken or envisaged to prevent all forms of forced labour</p>	<p>2017 AR: According to the Government, the measures taken or envisaged include: a) Information, education and awareness raising targeting especially people in vulnerable situation and employers (under HTA of 2005, HTR 2015 and LR 2007); b) Strengthening and broadening of the coverage of legislation, particularly labour law (through labour inspection); c) Regulation and supervision of the labour recruitment and placement process (supervision through Public Employment Centre and Private Employment Agencies); d) Addressing the root causes that perpetuate forced labour (advocacy, vocational guidance and school enrolment); e) Promotion of safe and regular migration (Ministry of Employment and Labour Relations, Labour Department, Ministry of Foreign Affairs etc.); f) Capacity building for the competent authorities (in cooperation with IOM); g) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; h) supporting due diligence (the Labour Department monitors the Employment functions in the Country); and i) Basic social security guarantees (National Pension Regulation Authority Bodies mandated to guarantee social Security).</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2017 AR: According to the Government, the following measures have been taken or envisaged: a) Training of relevant actors for identification of forced labour practices; b) Legal protection of victims; c) Material assistance for victims; d) Medical and psychological assistance for victims; e) Measures for the rehabilitation and social and professional reintegration of victims; f) Protection of privacy and identity; g) Appropriate accommodation; h) Specific measures for children; and i) Specific measures for migrants (in cooperation with IOM).</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2017 AR: According to the Government, the following measures have been taken or envisaged: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Cost-free proceedings; d) Development of forced labour indicators; e) Access to remedies and compensation; f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges; and g) Provision of penalties such as the confiscation of assets and criminal liability of legal persons.</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	<p>NO.</p>
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2017 AR: The Government indicated that it cooperates with IOM and ILO through stakeholder consultations, training and sensitization programmes.</p>
	<p>Promotional activities</p>	
	<p>Special initiatives/Progress</p>	

<p>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	
		<p>Workers' organizations</p>	<p>2016 AR: GTUC indicated that the following are the main challenges and obstacles as regards forced labour: a) unreliable and inadequate information and data on cases of forced labour; b) lack of choice for jobs force people into indecent jobs which are of forced nature; and c) the laws are there but serious punishments are lacking toward the practice of forced labour, and hence there is a need for strengthening the laws through legislative instruments and serious enforcement to deter others from using forced labour or creating a conducive environment for forced labour.</p>
	<p>According to the Government</p>	<p>2017 AR: According to the Government: the main challenges are: a) lack of awareness - the public is not adequately informed on human trafficking issues; b) Social and economic circumstances – poverty, social values and culture; c) lack of resources in the institutional framework – in particular lack of funding; d) lack of capacity of labour inspection and administration; e) inadequate budgetary allocation to the Employment Ministry; and f) lack of resources in employers' organizations.</p>	
<p>TECHNICAL COOPERATION NEEDS</p>	<p>Request</p>	<p>2017 AR: The Government indicated the need for technical cooperation with the ILO in the following areas: a) Awareness-raising and mobilization activities; b) Capacity building for the competent authorities; c) Capacity building for employers' and workers' organizations; d) Collection and analysis of data and information; e) Strengthening the legal framework; f) Basic social security guarantees; g) Guidance on supporting due diligence; h) Exchange of experiences between countries or regions; international cooperation; i) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; j) Guidance on the development of the national policy and plan of action; k) Promotion of fair recruitment and placement practices; l) Vocational training, job-creation and income-generation programmes for at-risk populations; m) inter-institutional coordination; n) Promotion of fair migration policies; and o) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations.</p> <p>2016 AR: According to GTUC: ILO technical assistance is required in the following areas: a) strengthening of the legal framework; b) collection and analysis of data and information; c) guidance on the development of the national policy and plan of action; d) awareness-raising and mobilization activities; e) promotion of fair recruitment and placement practices; f) vocational training, job-creation and income-generation programmes for at-risk populations; g) basic social security guarantees; h) promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organisations; and i) capacity building for the competent authorities, and employers' and workers' organisations.</p>	
	<p>Offer</p>	<p>NIL.</p>	