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DANISH IMMIGRATION SERVICE



Protection of victims of trafficking in Ghana

Report from Danish Immigration Service's fact-finding mission to Accra, Ghana

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Introduction

The Danish Immigration Service undertook a fact-finding mission to Accra, Ghana from February 25 to March 6 2008 in order to gather information on protection and support facilities to returning adult victims of human trafficking who have witnessed abroad against human traffickers.

The mission received support from the Royal Danish Embassy in Accra. The Embassy facilitated a number of the delegation's meetings in Accra, especially meetings with Ghanaian authorities.

During the mission to Accra the delegation arranged a number of additional meetings, especially meetings with Non-Governmental Organisations (NGOs), Civil Society Organisations (CSOs) and international organisations.

In addition to the information given by the interlocutors this report also contains information from already published material.

All sources consulted during the mission to Accra were advised that the delegation's report is public and all sources were informed of the purpose of the mission. The sources were also informed that their statements would be presented in an accurate and transparent way in the report. All sources consulted, except for one western ministry of foreign affairs and two embassies in Accra, agreed to have their identity disclosed and their statements attributed to them in the report. Only one source – the Ministry of Women and Children's Affairs (MOWAC) – requested to have the meeting notes approved by it.

The report is available on the website of the Danish Immigration Service: www.newtodenmark.dk

A list of organisations, authorities and individuals consulted in Accra is attached at the end of this report.

The delegation to Accra comprised Jens Weise Olesen, Chief Adviser – Africa, and Jan Olsen, Regional Adviser – Africa, both from the Documentation and Project Division, Danish Immigration Service, Copenhagen.

It should be noted that this report on protection of adult victims of trafficking only embraces such topics that are related to protection in Ghana of returning victims who have given evidence in courts abroad or have cooperated with the police in order to facilitate prosecution of traffickers.

Background

Davide Terzi, Chief of Mission; Eric Boakye Peasah, Counter-Trafficking Field Manager, Technical Cooperation Department; and Joseph Rispoli, Head, Technical Cooperation Department, International Organisation for Migration (IOM), explained that it is difficult to quantify irregular migration including trafficking from Ghana. However, it is clear that the social and economic conditions in Ghana are not different from many other developing countries and Ghana has the same type of trafficking problems as countries like Nigeria though on a much smaller scale. It is fairly easy for ordinary people as well as smugglers to move between the countries of the Economic Community of West African Countries (ECOWAS), as the borders are porous. Ghana is both a recipient and contributor to the trafficking business, and in general it is not difficult to recruit people including young women into trafficking, because there is a widespread perception that a stay abroad in a European country is the only way to make money. Furthermore, there are limited options for Ghanaians to migrate legally to most European countries, and illegal migration is very often the only option for those who are looking for a better standard of living.

Wilbert Tengey, Executive Director, Africa Center for Human Development (ACHD), explained that trafficking in adult persons in Ghana is not as widespread as child trafficking. Trafficking of women from Ghana is still on a fairly low scale. Tengey added that the Scandinavian countries are not the focus of human traffickers in Ghana. The traffickers are much more interested in countries like Belgium, The Netherlands and Germany. Trafficking to these countries is presently on the increase.

Dr. Raymond A. Atuguba, Faculty of Law, University of Ghana (UoG)/Board Co-Chairman, Legal Resources Centre (LRC), considered that trafficking from Ghana is much more of a problem in the Scandinavian countries and the Netherlands than in many other European countries.

The delegation met with a number of representatives of the Ministry of Women and Children's Affairs (MOWAC). Hon. Daniel Christian Dugan, Deputy Minister, MOWAC, explained that trafficking of adult women is less widespread in Ghana than in for example Nigeria, which in part can be explained by the fact that there has been an increase of awareness campaigns and sensitisation efforts on television and among religious leaders and others. This has raised awareness of trafficking issues in general among the governmental agencies, NGOs/CSOs and the population, and it is now generally accepted that those trafficked are not criminals but victims. In addition this has helped to limit the extent of trafficking in Ghana.

On the recommendation of Dr. A. Atuguba the delegation met with Anas Aremeyaro Anas, Editor/Head of Investigations, *The Crusading Guide*.¹ Aremeyaro Anas explained that within the last two to three years Nigerian traffickers have shifted their focus from Nigeria to Ghana as they are under pressure from the Nigerian authorities, especially from the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) and the Nigerian Immigration Service, who are investigating and prosecuting traffickers in Nigeria with some success. It can therefore be expected that trafficking from Ghana will increase unless something is done to contain this.

¹ A Ghanaian newspaper. Aremeyaro Anas has undertaken research of traffickers' network in Ghana and participated in raids of traffickers' houses in 2007.

Matthew Dally, National Programme Coordinator, Combating Child Trafficking in West Africa and Central Africa (Lutrena), International Labour Organization (ILO)/International Programme on the Elimination of Child Labour (IPEC), considered that Nigeria has come much further than Ghana in terms of institutional framework to combat trafficking, primarily because only one agency, namely NAPTIP, is in charge of all aspects regarding human trafficking in Nigeria. Dally found that NAPTIP is a well-established and well-functioning agency.

Also Eric Appiah Okrah, Child Protection Specialist, United Nations Children's Fund (UNICEF), considered that Ghana is far from having achieved the same level of capacity and resources as Nigeria. NAPTIP in Nigeria is fully operational and it has established all the sections and offices that are needed in order to combat trafficking and assist victims of trafficking. UNICEF has promised to sponsor MOWAC to undertake a study tour to NAPTIP in Nigeria on the precondition that a national plan of action had been drafted in Ghana.

Elizabeth Adjei, Director, and Judith Dzokoto, Comptroller of Immigration, Migration Management, both GIS, added that a national plan of action against trafficking was adopted at the end of 2007.

Appiah Okrah, UNICEF, added that internal and transit trafficking is much more common in Ghana than external trafficking, i.e. trafficking of Ghanaians to Europe. In contrast to Ghana, external trafficking from Nigeria is much more common, and trafficking from Nigeria is far better organised than from Ghana.

According to Sylvia Hinson-Ekong, Executive Director, Rescue Foundation, trafficking of women from Ghana into sexual commercial exploitation in Europe is not as widespread as trafficking of Ghanaian children for labour to other West African countries. However, there are examples of trafficking to Europe, in particular to the Netherlands.

Ken Yeboah, Assistant Commissioner of Police, Deputy Director General; Frank S. Kwofie, Superintendent, Head of National Central Bureau; Patience Quaye, Deputy Superintendent of Police; and Peter Abbillah, Deputy Superintendent of Police, all Criminal Investigation Department (CID) Headquarters, Interpol-Ghana, explained that the legal foundation to combat trafficking in Ghana is fairly new, and the institutions that are in charge with implementing the Human Trafficking Act (Act 694)² are still in the process of improving their capacity to do this. In addition, Interpol-Ghana explained that it is difficult to investigate cases of trafficking because of a widespread hostile attitude against the police among many people. Many people feel insecure when approaching law enforcement agencies. Furthermore, there are many women who are victims of trafficking but who do not consider themselves as victims. Many victims have the belief that they have entered into a voluntary arrangement in order to go abroad in their pursuit of "greener pastures".

According to a study from 2005 by Dr. A. Atuguba³ the main agency in charge of immigration in Ghana is the Ghana Immigration Service (GIS). Accordingly, GIS officers are usually the first security officers one comes into contact with at the point of exit or entry to Ghana. In view of this

² Hereinafter Act 694.

³ Dr. A. Atuguba stated to the delegation that the main content and points made in his 2005-study are still valid.

strategic position, the GIS is indispensable in the fight against human trafficking. Over the years, officers at the GIS have had to confront individuals and groups using different *modus operandi* for human trafficking. According to statistics available at GIS an estimate of over 3,582 women were trafficked to and from Ghana from 1998 to 2000. Out of this figure, 535 trafficked women were returned to Ghana between 1999 and 2000. These women were trafficked to countries such as Nigeria, Cote d'Ivoire, Lebanon, Libya, the United States, Italy, Belgium and the Netherlands.⁴

Dr. A. Atuguba explains that victims of trafficking in Ghana are mostly from the Northern, Upper East, Upper West and Brong Ahafo Regions. Almost all the victims of trafficking in the cases reported so far (by 2005) had little or no formal education, and come from poor families. As a result of their low level of education, victims are usually unemployed or are engaged in occupations which are poorly paid. The consequence of this is that many victims usually live below the poverty line and as such they are vulnerable to the machinations of traffickers.⁵

A Western embassy (B) added that the main centre for recruitment of victims into trafficking is the Sunyani and Techiman Districts of Brong Ahafo Region, but trafficking is also prevalent in Kumasi and some coastal cities.

Lilian Ayete-Nyampong, Deputy Director, Public Education: Research and Monitoring, Commission on Human Rights and Administrative Justice (CHRAJ), explained that during the last few years CHRAJ has not been occupied much with trafficking issues. Only a very few trafficking related cases have been filed at CHRAJ. However, this does not necessarily mean that trafficking is not a common phenomenon, and various NGOs and CHRAJ have undertaken a number of awareness campaigns in the country. CHRAJ is collaborating with the ILO on anti-trafficking issues, especially related to child labour.

Tuinese Edward Amuzu, Executive Director, LRC, did not consider that awareness raising campaigns or sensitisation projects in Ghana in general were being met with much hostility as most people throughout the country are perceptive to such campaigns. In fact there is a general awareness in Ghana about the problem of trafficking and its dehumanising effects.

Ayete-Nyampong, CHRAJ, emphasized that awareness campaigns make people understand that trafficking and child labour is a criminal act, and it makes them step forward and file complaints. However, only a few of these complaints relate to trafficking. It was added that Ghana has adopted and domesticated a number of international conventions. However there is still a problem of implementation of these conventions. On the other hand, Ayete-Nyampong considered that Act 694 is quite comprehensive. According to Act 694 victims of trafficking are provided with a whole range of rights including protection of witnesses. It was explained that it is not the mandate of CHRAJ to provide physical or social protection to victims of trafficking, but CHRAJ cooperates with a number of governmental agencies and NGOs/CSOs such as International Federation of

⁴ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 31.

⁵ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 31.

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Women Lawyers (FIDA), African Women Lawyers Association (AWLA) and ARK Foundation. However, this cooperation is mostly focussed on issues related to domestic violence and child labour. In this respect CHRAJ works closely with a special police unit called Domestic Violence Victim's Support Unit (DVVSU).

1 Agencies and organisations engaged in support and protection of victims of trafficking

According to Hinson-Ekong, Rescue Foundation, the institutions to properly address the trafficking problem in Ghana are not yet in place. Rescue Foundation is primarily occupied with training of government officials of the Ghana Police Service (GPS), the Department of Social Welfare (DSW) and the judiciary. Hinson-Ekong explained that employees of governmental agencies, who have received training, would record and take proper action when they encounter cases of trafficking. It was stressed that trafficked persons are not considered as criminals but as victims of a crime, and they are being treated with more compassion by law enforcement agencies and other government institutions.

Dally, ILO, on the other hand considered that the question is not whether the structures and institutions in Ghana are in place or not, but that these are not functioning. It was added that social reintegration of victims of trafficking is a major challenge for anybody who is involved in counselling and assistance to victims of trafficking.

Edward Amuzu, LRC, considered that the overall situation regarding trafficking in Ghana is improving, but there still needs to be more done in the field of improving the structures to protect victims who have given evidence against traffickers either abroad or in Ghana.

On the basis of a visit to NAPTIP's headquarters in Abuja, Nigeria, Edward Amuzu found that a Nigerian victim of trafficking would be in a far better position upon return to Nigeria when it comes to both protection and counselling than a Ghanaian victim returning to Ghana would. The implementation of the trafficking laws in Nigeria has come much further, and NAPTIP is far better equipped when it comes to protection as NAPTIP can offer protection in several shelters of its own. In addition NAPTIP provides reintegration of victims into society and reconciliation with their family. It was emphasized that the institutional framework is much stronger in Nigeria than in Ghana.

Hon. Kwame Osei Prempeh, Member of Parliament, Deputy Attorney-General & Deputy Minister for Justice; Valerie Aduseipoku, Chief State Attorney (Prosecutions Division); Estelle M. Appiah, Director, Legislative Drafting Division; and Amma A. Gaisip, Solicitor-General, all Attorney-General's Department, explained that the department is employing government lawyers who are responsible for the drafting of laws and the preparation of prosecutions. Regarding Act 694 it was explained that it was under way for a relatively long time and that the preparing of subsidiary laws regarding the implementation of the trafficking law is still ongoing. This relates to the rescue, reintegration, rehabilitation and protection of victims of trafficking.

Adjei and Dzokoto, GIS, informed that a Human Trafficking Board⁶ was inaugurated in 2007. The Board includes representatives of all government agencies and NGOs/CSOs involved in trafficking issues. Among the NGOs represented on the Board are the following NGOs: NGO Coalition for the Rights of the Child, Association of Gods Relief and Development Service (AGREDS), Catholic Street Children and Parentage and Child Coalition.

⁶ Hereinafter the Board.

1.1 Legal framework: The Human Trafficking Act, 2005 (Act 694)

IOM considered that the legal framework in Ghana to combat trafficking is very strong since the enactment of Act 694 on 9 December 2005, but there is still a need for subsidiary laws in order for Act 694 to be fully implemented.

Edward Amuzu, LRC, explained that social welfare structures in Ghana were established some years ago, and at that time the main concern was issues such as domestic violence against women and the welfare of children. Trafficking was not a serious concern then and even today the focus is primarily on children who are victims of trafficking and to a much lesser degree on adult victims. However, trafficking of Ghanaian women into the commercial sex industry abroad is not new to Ghana, and various NGOs and CSOs have conducted media and awareness raising campaigns throughout the years. It was added that pressure from foreign governments, mainly the United States helped in promulgating the Act.

The Attorney-General's Department explained that the Department is tasked with the prosecution of all criminal cases in Ghana. Regarding human trafficking the Criminal Code, 1960 (Act 29) made no provisions for human trafficking though it creates offences related to such crimes as abduction, kidnapping, child stealing, procurement and slave dealing. However, Act 29 made provisions for prosecuting traffickers in Ghana.

The role of the Attorney-General in relation to protection of victims of trafficking in Ghana includes prosecution of offenders and providing the appropriate legal framework for the protection of victims of trafficking. In this regard the Attorney-General's Department prepared the Bill on Human Trafficking. The Attorney-General's Department explained that during the passage of Act 694 the words "for the purpose of exploitation" were mistakenly left out. The effect of this omission was that the definition of human trafficking was not in accord with the internationally agreed definition of human trafficking in the Palermo Protocol. Act 694 is now being amended.

This problem was already recognized by LRC in 2006, and LRC recommended amending the definition of trafficking so that it reflected that the overall motivation for trafficking is exploitation.⁷

Accordingly, a Human Trafficking (Amendment) Bill was presented to Parliament in September 2007 in order to redefine human trafficking, and according to the Memorandum of the Amendment there are three core elements in the definition: The act of recruitment, transportation and transfer of the victim; the means of trafficking by use of threats, use of force, coercion, abduction, fraud and deception; and finally the purposes of human trafficking, which is exploitation.⁸

However, the Attorney-General's Department explained that the Human Trafficking (Amendment) Bill has not yet been passed by the Parliament. In spite of this the existing Act 694 seems to raise awareness of the problem of trafficking in Ghana, but the protection aspect is not sufficiently covered by the act. It was added that Ghana is on its way to strengthening witness protection.

⁷ Legal Resources Centre (LRC), *What Does Human Trafficking Mean In Ghana?, A Concept Paper Written Under An ILO Sponsored Project on Fighting Child Trafficking Through Nation-wide Sensitization on the Human Trafficking Act, Act 694*, by Tuinese Edward Amusu, Esq. With the assistance of Cynthia D. Gakpleazi, LRC/ILO Concept Paper no. 1 on the Human Trafficking Act – September 2006.

⁸ Human Trafficking (Amendment) Bill, Government Printer, Assembly Press, Accra 2007 (GPC/A464/350/9/2007).

According to Edward Amuzu, LRC, Act 694 was formulated from a purely criminal point of view and it lacks a holistic approach. Act 694 contains little information about important issues such as rehabilitation and reintegration, and it is clear that the drafters of Act 694 did not put enough emphasis on the human rights of the victims. There is also a need for additional work regarding protection of victims who are ready to give evidence in court against traffickers. This could include amendments to the criminal procedures by allowing for victims to have their testimony recorded on video and thus protecting them from intimidation by not requesting the victims to appear in person in court. It was added that according to Act 694 only government officials are allowed to rescue victims, and there is no mention of NGOs in this regard. The proposed Trafficking (Amendment) Bill has not yet been passed by Parliament.

The Attorney-General's Department explained that Act 694 prohibits one person from trafficking another person and makes such trafficking an offence triable summarily. The offence attracts a penalty of not less than a term of five years imprisonment. Act 694 also prohibits one person from providing another person for trafficking. The prohibition covers parents. The use of a trafficked person is also prohibited. In both cases it is an offence to contravene the prohibition. The offence is triable summarily and carries a penalty of a term of imprisonment of not less than five years, according to the Act, Sections 2, 3 and 4.

In order to make it easy to report an offence, Act 694 provides for any person with information to report to the police, the CHRAJ or the DSW. Thus, according to the Act, Section 6, a person does not need to have an interest in a trafficking case in order to report the case.

MOWAC reported in 2005 that any person can report a case of trafficking to the Legal Aid Board or a reputable NGO or CSO. According to MOWAC, "It is a civic responsibility to report information on trafficking. Any person who fails to inform the police commits an offence and is liable on summary conviction to a fine not less than two hundred and fifty penalty units or term of imprisonment not less than twelve months or to both."⁹

Regarding reporting to the police, the Attorney-General's Department explained that, according to the Act, Section 9, such reports can be made to the police where the victim or the offender resides, where the trafficking occurred or is occurring or where the victim temporarily resides. The police are required to offer assistance to persons affected by trafficking who request their assistance and to offer protection to such persons even if they are not the victims. Thus, the Act, Section 10, not only provides police protection for victims but also goes further to extend the protection to persons who report the offence. According to the Act, Section 11, the police are also required to assist the victims to obtain medical treatment where necessary and to assist them to a place of safety if the victims express concern about safety.

The Act, Section 14, provides for the rescue, rehabilitation and reintegration of victims of trafficking. In relation to rescue, provision is made for an authorised officer in collaboration with an organisation or any government agency to rescue a trafficked person. This is therefore a role for CSOs and NGOs in matters of human trafficking.

⁹ Ministry of Women and Children's Affairs (MOWAC), *FACTSHEET: The Human Trafficking Act (Act 694)*, 2005, Compiled by Sylvester Kyei-Gyamfi, Department of Children (DOC), Accra n.d.

The Attorney-General's Department added that it is the primary responsibility of MOWAC to provide temporary basic material support for the care and protection of rescued victims of trafficking. However, according to the Act, Section 15, District Assemblies are required to be resourced from a Human Trafficking Fund¹⁰ set up under Act 694 to protect the welfare of trafficked persons within their areas of authority. The District Assemblies are to act in consultation with relevant government agencies and CSOs/NGOs within their districts. Again CSOs and NGOs are involved. Act 694 not only provides protection to victims but also takes the protection to the very doorsteps of the victim. Also a multi-sectoral approach is adopted in the provision of protection.

1.1.1 The Human Trafficking Board

The Attorney-General's Department explained that Act 694 sets up a Board to assist in the implementation of the Act. The Board is a multi-sectoral body and the Attorney-General's Department is represented on it.

Dally, ILO, confirmed that the Board has been established and it is currently reviewing the National Action Plan that has been drafted by MOWAC. The Board is tasked with implementing the National Action Plan.

Appiah Okrah, UNICEF, considered that the central vehicle for the implementation of Act 694 is the Board and its secretariat. MOWAC has been empowered to undertake the coordination of all anti-trafficking matters and MOWAC chairs the Board. Appiah Okrah, UNICEF, added that the establishment of the Board was long under way and it has only recently become operational. The Board has now drafted a National Plan of Action, and according to Act 694 the National Plan of Action shall guide the implementation of the Act. A major problem presently is that the Board's Secretariat lacks manpower and its office is just an office within the MOWAC. The secretariat is only manned by one person, who is also responsible for other matters, i.e. Director of the International Desk of MOWAC.

MOWAC informed that it is coordinating the Board, which includes all stakeholders in the anti-trafficking work in Ghana. ECOWAS has trained the Board; and ILO, UNICEF and IOM support it.

1.1.2 The Human Trafficking Fund

Appiah Okrah, UNICEF, explained that a major problem in the implementation of Act 694 is lack of human capacity/manpower in Ghana. According to Act 694 a Fund is to be established. The Fund is supposed to provide the means for the rehabilitation and reintegration of victims of trafficking. The Fund has not yet been established, but UNICEF has been requested to provide assistance for its establishment. Appiah Okrah, UNICEF, considered it to be important to get the Fund established as soon as possible.

According to Hon. Dugan, MOWAC, the Fund has now been established. The purpose of the Fund is to finance the reception and protection – if needed – of victims of trafficking in Ghana or returning victims of trafficking from abroad. Money from the Fund is planned be used for the accommodation of victims in shelters of NGOs. However, the Fund has not yet been fully

¹⁰ Hereinafter the Fund.

inaugurated. MOWAC has committed seed money for the Fund and requests foreign authorities to assist it.

The Attorney-General's Department explained that for the purpose of providing the financial resources needed for the implementation of the Act, Section 20, of the Act sets up a Fund. The money of the Fund is to be used among other things to provide basic material support for victims, the skills training for victims and to construct reception centres for victims.

Dally, ILO, did not have information about the present status of the Fund, but he believed that its funds are still very limited.

1.2 Governmental agencies

The Attorney-General's Department explained that according to Act 694, Section 17, MOWAC is primarily responsible for tracing the families of trafficked persons but the police are obliged to assist MOWAC. In re-unification of a trafficked person with her or his family the views of the trafficked person is to be taken into consideration, and any person who has information can help in tracing the family of the trafficked person by passing on the information to the DSW, the police or an NGO/CSO.

The Attorney-General's Department emphasized that the primary implementation body of Act 694 is MOWAC. MOWAC is the head Ministry responsible for all matters regarding trafficking, protection of victims and providing support. However, there are other agencies and institutions supporting MOWAC to achieve its objectives. The Attorney-General's Department mentioned DSW, GPS and GIS. In addition the United Nations (UN) agencies (in particular UNICEF and IOM), some embassies as well as NGOs and CSOs are also supporting MOWAC.

According to Act 694, Section 16, MOWAC is required to ensure that counselling services are provided to victims of trafficking to assist with their rehabilitation and reintegration. In addition MOWAC is required to assist in providing rescued victims of trafficking with employable skills and employment opportunities. It also has a responsibility to assist victims with start-up capital. Provision is made for victims to receive financial assistance from the Fund set up under the Act.

The Attorney-General's Department added that in matters relating to the trial of cases of trafficking the special need of children as regards their care, welfare and rights are taken care of, according to Section 37 of the Act. In addition, according to Section 38, reports of trafficking cases which reveal the identity of the victims are not to be published without first obtaining the leave of the Court.

Adjei and Dzokoto, GIS, explained that in 2006 the GIS on the recommendation of ECOWAS established a Trafficking Desk. Among other things the Trafficking Desk is responsible for the training of field officers, especially those addressing the problem of cross border trafficking. This training had already taken place and it is continuing. It was emphasized that the Trafficking Desk is not engaged in the prosecution of traffickers or the protection and rehabilitation of victims of trafficking. The Trafficking Desk is only involved in training of law enforcement officers and profiling of traffickers. GIS officers are aware of the fact that victims of trafficking must not be considered as criminals but as victims of a crime. It is Interpol-Ghana that is responsible for the prosecution of traffickers. Once the GIS detect a victim of trafficking the DSW is informed and the victim is handed over to Interpol-Ghana who will investigate the case. The victim is then referred to DSW.

Adjei and Dzokoto, GIS, explained that a whole range of governmental agencies and NGOs/CSOs are involved in the issue of trafficking in Ghana. MOWAC is the leading agency on anti-trafficking in Ghana. Besides this the Ministry of Health, the Ministry of Education, Attorney-General's Department, the Department of Social Welfare, the Ministry of Culture & Chieftaincy and the Ghanaian customs service are all engaged in trafficking related matters.

The Attorney-General's Department stated that victims of trafficking that have given evidence in courts or to the police abroad, and who are ready to cooperate with Ghanaian authorities may be assisted upon return to Ghana. It was emphasized that MOWAC is responsible for the overall provision of protection and support to victims of trafficking.

According to Dr. A. Atuguba's study from 2005 the key institutions that deal with cases of human trafficking in Ghana are the GPS (particularly Interpol-Ghana), and the Women and Juvenile Unit (WAJU) of the GPS, the GIS, the Ministry of Manpower Development, Youth and Employment (especially its DSW), and MOWAC.¹¹ Edward Amuzu, LRC, explained that WAJU was replaced in 2006 with the DVVSU. DVVSU is also part of the GPS.

Dr. A. Atuguba emphasizes that a key issue which must be addressed is the problem of jurisdiction of state agencies over trafficking. Act 694 has assigned ministerial responsibility for matters under the Act to the Minister responsible for Women and Children. Yet, it is clear that the ministry will have to draw heavily on the resources of other ministries (Interior, Manpower, Youth and Employment etc.) if it is to be effective in executing its mandate under that Act.¹²

In addition, Dr. A. Atuguba emphasizes that the problem of trafficking can only be properly addressed by first of all educating the people to appreciate the fact that it is a menace which must be addressed. If the people themselves do not see anything wrong with it, it will be very difficult to deal with the problem.¹³

Hon. D. C. Dugan, MOWAC, found that to a large extent the anti-trafficking agencies in Ghana are in place to implement the Act.

Ayete-Nyampong, CHRAJ, mentioned that the DSW has a huge responsibility in regard to the implementation of Act 694. In this connection Ayete-Nyampong mentioned that the police have established DVVSUs in the majority of Ghana's districts. However, she would not say that DVVSUs are found in all districts of Ghana, but they are found throughout the country. Any victim of trafficking would be referred to a DVVSU or a local NGO should CHRAJ become aware of a case of trafficking in a certain area.

¹¹ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 25.

¹² Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 38.

¹³ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 38.

1.2.1 Prosecution of traffickers

Interpol-Ghana explained that it is in charge of investigations into cases of human trafficking and the bureau undertakes rescue operations and arrests traffickers together with the GPS in order to facilitate prosecution and to get the offenders convicted according to the judicial system. Interpol-Ghana bases its operations on information from the public, the media and from the victims themselves.

The Attorney-General's Department stated that since Act 694 was passed in December 2005 a maximum of five traffickers have been convicted and imprisoned.

Edward Amuzu, LRC, stated that so far only one person has been convicted under Act 694, and in this case the convicted person pleaded guilty so Act 694 has not really been tested in the courts. Another case is still pending at the court. It was added that the lack of witnesses is a major problem and a major reason why so few cases are being prosecuted. Many victims decline to give evidence either because they were trafficked by family members or more distant relatives, or because they fear from reprisals from traffickers.

Adjei and Dzokoto, GIS, explained that only one person has been prosecuted and convicted for trafficking since Act 694 was passed in December 2005. However, a number of other cases have been filed but because of lack of evidence these cases have been taken out. Adjei and Dzokoto added that cultural as well as family related barriers often make it very difficult to get victims of trafficking to testify in their cases. Lack of witnesses is the major legal challenge in the prosecution of trafficking cases.

Interpol-Ghana was aware of one case in which a trafficker has been convicted in a court. This took place in 2007, and the trafficker was convicted to six years imprisonment. Several other cases are pending in the judicial system. Interpol-Ghana explained that the success of court cases depends on victims' willingness to testify against traffickers, and this is very difficult. Most victims do not consider themselves victims of a crime, and many will even try to return to Europe.

According to Interpol-Ghana the police would definitely take complaints from victims very seriously and they would investigate the case should a victim choose to go the police.

Interpol-Ghana explained that if a victim or someone else reports a case in which a trafficker is claiming illegal debt from a victim, a special police unit called Visa Fraud Unit would arrest the trafficker and prosecute the offender. In such cases the victims are registered and referred to DSW if they need protection.

According to Edward Amuzu, LRC, the Visa Fraud Unit is investigating trafficking cases from the perspective of fraudulent documents; as falsified documents are often found in those cases.

Dr. A. Atuguba refers to a case from 2002 in which the victims were four Ghanaian girls who were lured to Nigeria and made to work as prostitutes. The victims were aged between 14 and 18 years. The victims were later escorted to Ghana by Nigerian police and handed over to GIS, who subsequently handed them over to WAJU in September 2002. Some of the victims were sheltered by the DSW. In the same month the lead suspect was arraigned before court in Ghana and the suspect was charged with the offence of procurement contrary to Section 107 (1) (d) of the Criminal Code, 1960 (Act 29). However, the victims made only two court appearances and since then failed to turn up in court to testify. According to the police investigator in charge of the case, the main

problems encountered in prosecuting the case related to resource constraints, especially logistics for transporting the victims to the court in another town to testify, and non-cooperation from the victims. According to him, he suspected from the conduct of the victims that they were disinterested in the case because they saw no value in securing the conviction and punishment of the lead suspect who “trafficked” them to Nigeria. As a result of the failure of the police to procure the presence of the victims to testify in court, the case was struck out for want of prosecution. The suspect was asked to report to the police on a regular basis.¹⁴

According to Dr. A. Atuguba’s study Interpol-Ghana started to work on trafficking in the last quarter of 2002. According to Interpol-Ghana’s records, in the year 2003, eight cases of trafficking, involving eight victims aged between three and 22 years were reported to Interpol-Ghana. In 2004, another eight cases were reported to Interpol-Ghana, involving 27 victims aged between two and 21. All of these cases were cross-border trafficking cases involving the taking of Ghanaians outside the country or the bringing of foreigners into the country for purposes as diverse as prostitution, ritual sacrifice, domestic servitude or as house helps. In all the cases involving Ghanaian nationals, Interpol-Ghana succeeded in securing the repatriation of the victims from the destination countries to Ghana and handed them over to the DSW. The DSW took care of the victims until their families were traced.¹⁵

Dr. A. Atuguba refers to a number of trafficking cases in which Interpol-Ghana has been involved and charged traffickers for luring their victims into work as sex slaves abroad. In these cases either the DSW have taken care of the victims or the families of the victims have been traced and the victims have been handed over to their families. However, in some cases Interpol-Ghana has not been able to get the victims to testify against the accused because of resource constraints.¹⁶

Regarding reporting incidents of trafficking Dr. A. Atuguba stated in 2005 that cases of human trafficking are usually reported by individuals, NGOs/CSOs and foreign missions or embassies in and outside the country. Cross border trafficking is usually reported to Interpol-Ghana or the GIS.¹⁷

Dr. A. Atuguba added that currently [in 2005] when a report of trafficking is being made, the first move of the police is to trace the victim and the alleged trafficker. Where the trafficker and the victims are successfully traced and arrested, the perpetrator is usually kept in police custody whilst the victims are taken to shelter homes provided by the DSW pending the completion of investigations. In most cases of cross-border trafficking involving the taking of Ghanaians abroad,

¹⁴ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 26.

¹⁵ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 28.

¹⁶ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, pp. 28-30.

¹⁷ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 36.

the approach of Interpol-Ghana is to negotiate for the release of the victims from the country of destination so that they are brought back to Ghana. Arrangements are normally made to produce the victim(s) to give evidence during the prosecution of the trafficker in the country of arrest.¹⁸

Aremeyaro Anas, *The Crusading Guide*, explained that in 2007 he investigated the trafficking business in Accra where he found 12 locations where young women were kept until they could be trafficked to Europe. He reported his findings to Interpol-Ghana, and he led CID-officers to two locations in Accra on 24 and 25 October 2007. As a result of the raids 17 Nigerian victims of trafficking between the ages of 19 to 27 years were rescued and two Ghanaian traffickers were arrested. Initially there was no place to shelter the 17 victims, and they were held in police custody for about one week before they could be referred to DSW for accommodation. However, the victims were not cooperative, they were completely silent, and they never revealed anything to the GPS.

According to Aremeyaro Anas the 17 victims were not treated by the police as criminals but as victims of trafficking. However, it was added that much more training of the police is needed because some police officers may not be aware of the fact that such women are in fact victims of a crime. In the beginning of November 2007 the victims were brought back to Nigeria by NAPTIP, and they are now receiving counselling and assistance from NAPTIP in Nigeria.

Angela Dwamena-Aboagye, Executive Director, ARK Foundation, considered that *The Crusading Guide* is a reliable newspaper and it is well respected, and that its editor, Aremeyaro Anas, did a professional job when he did his research and participated in the two raids. However, the raids also created some problems because it became clear that it was difficult to find accommodation for the rescued victims and to offer them proper psychosocial counselling.

Ayete-Nyampong, CHRAJ, was not aware if anyone has ever filed a complaint at CHRAJ related to trafficking.

1.2.2 Constraints in the prosecution of traffickers

Dr. A. Atuguba reports that before December 2005 trafficking in persons was not directly criminalized in Ghana. As a result Interpol-Ghana had never charged traffickers for the offence of “trafficking”; apparently due to the absence of a law criminalizing trafficking in Ghana. However, before December 2005 the police have in some cases charged the culprits with ‘offences’ such as illicit human trafficking, which was not an offence before December 2005. This created a situation where the charges were dismissed as irregular and unconstitutional. In other cases, perpetrators were charged with offences such as procurement, abduction, kidnapping, or child stealing, which are recognised offences in Ghana. The components of these offences are different and may not be present in a typical trafficking case. As a result it was difficult to convict traffickers for such offences and in cases where they were convicted the sentences imposed were usually not punitive enough to deter others from engaging in such acts. More so, in collating data, such offences are

¹⁸ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 36.

treated as separate offences and not as trafficking cases. All these result from the fact that until December 2005, trafficking in persons was not directly criminalized in Ghana.¹⁹

Stephen Adongo, Deputy Director, DSW, stated that most victims will not expose their trafficker by turning to the police or other government institution, because it is often the victim's own family that initiated the trafficking arrangement, and the trafficker is often a distant relative or a member of the extended family. In many cases confrontations between the victim and the trafficker will create confusion between the family of the victim, and the family of the trafficker. Furthermore, many victims have a strong fear for their trafficker because the victims have sworn an oath of secrecy, which is conceived in the minds of the victims as a very real thing. Adongo added that awareness raising in this context is very complicated, not to say impossible.

Dr. A. Atuguba reported in 2005 that in many cases in Ghana, one major problem prosecutors face is getting victims to testify in court. This makes it very difficult for the prosecution to satisfy the standard of proof required to secure a conviction. Another issue arises from the voluntary decision of adults to travel with traffickers anywhere to secure jobs. In such cases it becomes extremely difficult to prosecute the perpetrator because of the element of volition and consent. This is especially so where the victim and the perpetrator are related by blood and also in situations of foster care.²⁰

Dr. A. Atuguba also refers to another major challenge to get victims of trafficking to testify against traffickers. Often, the cost implications of going to court and a general and pervasive attitude of the Ghanaian not to get mixed up with police and court affairs for fear of reprisals, ensures that victims are not very cooperative in assisting the police and the courts to investigate and prosecute persons charged with trafficking-related offences. The result is that most cases are left pending or are struck out for want of evidence. The problem is made worse by issues relating to the jurisdiction of various courts. In practical terms, this often creates a situation where the locations for investigating the case, for prosecuting the case and for securing witnesses may all be different. This is the main problem faced by officers of WAJU in prosecuting trafficking-related cases.²¹

According to Dr. A. Atuguba's study another constraint in the fight against trafficking is the context of the Ghanaian family system and family practices. Law enforcement authorities often have a difficult time identifying persons who are being trafficked because of the fluid nature of family

¹⁹ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, pp. 36-37.

²⁰ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 37.

²¹ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 37.

relations in the country. For example, children are often trafficked into the custody of someone referred to as a “cousin” or an “aunt” even if there is no blood relationship.²²

1.3 Corruption

A western embassy (A) stated that in general the GPS is suffering from corruption, and it cannot be ruled out that a police officer would let a trafficker go free for a few hundred US dollars. The GIS is in general far less corrupt, and the management of the service enjoys much more confidence. GIS has more than 3,000 employees and of course some individuals in the service are corrupt. The salary for lower ranking officers in the GIS is low and many have had to find additional work in order to supplement their salary from the service.

A Western embassy (B) confirmed that traffickers would not be able to operate the way they do unless individuals in the GIS were receptive of corruption.

Dr. A. Atuguba, UoG/LRC, confirmed that members of the GIS have been involved in cases of trafficking. A former student of Dr. A. Atuguba at the Faculty of Law, who is now editor of The Crusading Guide has investigated networks of traffickers, which resulted in the breaking up of a trafficking network within the GIS.

Adjei and Dzokoto, GIS, admitted that corruption exist even within the GIS. Some particular cases of trafficking could not have taken place without the involvement of staff members of the GIS. It was added that the GIS has carried out investigations into accusations of corruption.

Aremeyaro Anas, The Crusading Guide, explained that his investigation of the trafficking network revealed that 14 GIS officers in the Kotoka International Airport in Accra were cooperating with traffickers. Subsequently Aremeyaro Anas went to the airport pretending to be a trafficker and requested a GIS officer to assist him in bringing seven girls to Europe. The GIS officer demanded 1,500 US\$ for each victim to leave Ghana through the airport. On the basis of this Aremeyaro Anas considered that the GIS is deeply involved in trafficking.

According to Aremeyaro Anas no prosecution of the 14 immigration officers has taken place, but he was informed by the Director of the GIS that a team would investigate the case and include the testimony, video and audio evidence procured by Aremeyaro Anas. It was added that the GIS have not yet contacted him, and he had no further information about the investigation.

Aremeyaro Anas also mentioned that one of his informants who worked in the Narcotics Control Board of GIS at the airport observed cooperation between traffickers and GIS officers. When the informant reported this to his Director, the informant was dismissed. The informant went to court and won the case as unlawful dismissal. However, he did not get his job back, and the Director has never been charged or even corrected. Today the informant is very scared. Aremeyaro Anas added that he himself had received threats by telephone but he does not consider it as serious as he feels protected by being a known person.

²² Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 37.

1.4 Non-governmental organisations

Tengey, ACHD, explained that besides turning to the GPS or GIS a victim of trafficking who is in need of assistance has the option of approaching a church or an NGO/CSO. ACHD is part of a national network of NGOs and CSOs, and in addition ACHD is part of an anti-trafficking network that includes the DSW, churches and Parishes, local chiefs, GPS, GIS, Interpol and a number of NGOs and CSOs such as WISE, APPLE, AGREDS, ARK Foundation and Gender Centre. The anti-trafficking network meets on a regular basis i.e. three to four times annually. Tengey added that anyone who approaches any of the members of the anti-trafficking network would be assisted properly.

Adongo, DSW, mentioned that APPLE, Rescue Foundation and ACHD all address various aspects of human trafficking.

Adjei and Dzokoto, GIS, explained that in addition to the governmental agencies a number of NGOs are involved in the fight against trafficking and assistance to victims of trafficking. Among these NGOs are: Rescue Foundation, APPLE (in Northern Ghana), RAINS (in Northern Ghana) and ACHD.

According to Edward Amuzu, LRC, the NGO Rescue Foundation is primarily engaged in awareness raising and research.

The Attorney-General's Department informed that MOWAC would not have fully achieved its goal without the assistance of some NGOs and CSOs. Some of these are:

- ARK Foundation
- Rescue Foundation
- APPLE Foundation
- ACHD
- Christian Council of Ghana

Hon. D. C. Dugan, MOWAC, added that his Ministry works closely with a number of NGOs. Among these are AGREDS, African Enterprise, ARK Foundation and Women's Initiative and Self-Employment (WISE).

Appiah Okrah, UNICEF, listed a number of NGOs who can offer support to victims of trafficking in Ghana:

- WISE – has a shelter in Accra and is mostly engaged in counselling
- ARK Foundation – has a shelter in the Eastern Region.
- AGREDS – conducts skills training in the northern part of Ghana
- ACHD – has a shelter in Sogakopee in the northern part of Ghana

Dwamena-Aboagye, ARK Foundation, emphasized that there is a need for more NGOs and CSOs in Ghana to focus on the issue of trafficking. The only NGO that is specifically focused on victims of trafficking is ACHD, but ACHD is primarily concerned with minors. Some other NGOs and CSOs are addressing the issue but only marginally. FIDA provides legal assistance to women, while

WISE, WiLDAF and APPLE provide counselling and vocational training, and ARK Foundation assists victims of domestic violence and child abuse.

Dwamena-Aboagye considered that ACHD is a competent and reliable NGO and the most prominent organisation on matters related to human trafficking and assistance to victims of trafficking. Other NGOs such as ARK Foundation, WISE, AGREDS and APPLE are ready to assist victims of trafficking with whatever resources they may have. These NGOs would try to assist with counselling, legal assistance, file cases etc., but their resources and capacities are limited. However, Dwamena-Aboagye did not doubt that these NGOs would try all they can to provide shelter, counselling, tracing of family, medical treatment, vocational training and some capital support/micro credit.

2 Traffickers' network and recruitment procedures

Interpol-Ghana explained that the contract between the trafficker and the victim is often a matter solely involving the two families, i.e. the trafficker and the victim. This means that any dispute in connection with the trafficking arrangement is up to the two families to solve, and the dispute will never come to the knowledge of the police or other law enforcement agencies, and should these be involved they would find it extremely difficult get to the full truth about the dispute. Should the trafficker claim any remaining debt, because the victim was not able to pay this during her stay in Europe, this claim would normally be made to the family of the victim. It was emphasized that such debts and claims are illegal.

Interpol-Ghana considered that traffickers in Ghana are not organised in unified units or strong networks, and some traffickers may not know the identity of all the other traffickers in a certain network.

Regarding recruitment and victims' debt to traffickers the Attorney-General's Department explained that sometimes the parents of the victim give their children to the trafficker in return for money. Some of the victims are also lured by traffickers with petty gifts and money. The victims then have to serve long periods of time sometimes in perpetuity to defray these debts.

The Attorney-General's Department added that some relatives of the victims are of the view that these are better off when they are trafficked even though some oppose this.

According to Dr. A. Atuguba's study most traffickers are middle-aged women and they are sometimes victims of trafficking themselves. This information is based on the reported cases of trafficking and opinions of officers involved in the fight against trafficking. In many cases a middleman or -woman usually lies to convince parents to entrust their children to him or her to be taken to the city or abroad. Referring to a study by the ACHD in Accra Dr. A. Atuguba reports, that trafficked women and children are usually sold or delivered into servitude by their parents. About 70 % of trafficked women and children are handed over to traffickers by their parents and relatives. 17.7 % of the victims seek out the traffickers themselves, and only 0.3 % of victims are kidnapped by traffickers. Dr. A. Atuguba adds that in some cases Ghanaian expatriates return to Ghana under the guise of seeking to marry young girls, promising them good jobs in Europe. After the marriage the girls are taken to Europe where they are made to engage in prostitution.²³

In addition, Dr. A. Atuguba reports that socio-cultural factors such as the extended family system and its related and widely practiced system of intra-family foster care have also assisted traffickers in their trade. In Ghana, the placement of children in the care of other relatives is a common and acceptable practice. This system has, however, been exploited by traffickers and many children have become victims of trafficking through people they regard as their relatives.²⁴

²³ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, pp. 34-35.

²⁴ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 36.

Appiah Okrah, UNICEF, added that there is an almost mythological perception of life in Europe. Even persons who are aware that they may have to work as prostitutes in Europe are willing to be recruited. However, they do not reveal their real state of affairs to friends or relatives while in Europe, and very often not even when they return to Ghana. On the other hand women are also lured into trafficking by promises of marriage. Male Ghanaians abroad now and then return to Ghana and marry a woman whom they bring back to Europe. In some cases such women end up as prostitutes because they have no other choice or because their 'husband' has forced them to do so. The system is that these women – a few days after their arrival – are forced to accept that they are indebted to the 'husband' who demands money from them. The only option is to work as a sex worker and stay abroad as an illegal immigrant.

Appiah Okrah, UNICEF, also pointed to the problem that some traffickers abroad might pose a serious security risk to the countries in which they reside. Such traffickers are quite easily recruited into terrorist networks, as they are most often unknown to the authorities. They can earn easy money by planting bombs in foreign countries on behalf of international terror organisations. Appiah Okrah, UNICEF, emphasized that this is an authentic problem and it ought to be a concern in many countries.

A western embassy (A) stated that most traffickers in Ghana are organised in small independent units, and in most cases trafficking takes place on a private enterprise scale, and often the trafficking arrangement is undertaken within the families of the victims. More structured criminal gangs are primarily occupied with money schemes, development aid fraud, smuggling of narcotics and international fraud.

3 Risk and evidence of reprisals against victims of trafficking

Adongo explained that traffickers want to get their costs involved in the trafficking arrangement covered, and usually the victim is in need of protection of some sort if the trafficker is not content with the outcome of his investment in the victim.

It was added that returned victims of trafficking that have testified abroad against traffickers could be in need of protection in Ghana. Unless a victim has relocated in Ghana a trafficker may easily locate the victim, and it cannot be excluded that the trafficker might seek retaliation. In such cases it is essential that the victim cooperate with the authorities, as this would be a precondition for the victim to attain protection. However, out of fear from retaliation and because of intimidation the victim might be convinced that the authorities would not assist her or him. Because of this returning victims of trafficking might not even report their situation to the police when they arrive in Ghana.

Adongo emphasized that any debt to a trafficker is an illegal debt according to Ghanaian law, and no trafficker will publicly claim such a debt. But claims can be made clandestinely or through intimidation. However, Adongo stated that should the trafficker attempt to intimidate or persecute the victim and/or her family, and this is reported to the police, the police will definitely deal with the case.

Regarding persecution of victims of trafficking that have given evidence against their trafficker(s) abroad Dr. A. Atuguba, UoG/LRC, emphasized that traffickers in Ghana are not willing to expose themselves just for that reason. They simply do not wish to expose themselves for arrests and prosecution by resorting to acts of physical reprisals or the use of overt pressure against such victims. However, anyone cooperating with the police in order to facilitate prosecution in Ghana is at some risk of retaliation from the alleged perpetrator. This is a fact that transmits to all crimes.

Whether or not retaliation from traffickers against victims of trafficking, who have given evidence in courts or to the police, has taken place in Ghana it is not possible to document, according to the Attorney-General's Department. Cases of retaliation by traffickers are most likely very rare and there are no official records of such cases. Human trafficking is an underworld phenomenon and it is very difficult, if not impossible, to obtain any reliable data on the extent of trafficking into the commercial sex industry and other issues connected with trafficking.

Regarding the risk of retaliation in Ghana against victims of trafficking that have given evidence against their traffickers abroad, Tengey, ACHD, stated that there are no evidences of retaliation in Ghana. Tengey emphasized that if this had been the case he would have been aware of it. It was explained that there is a well functioning NGO network in Ghana. This network is present throughout the country, including rural areas. Retaliation against victims of trafficking could not take place without the knowledge of this NGO network. Tengey stated that it is beyond doubt that ACHD would know about any form of retaliation against victims of trafficking in Ghana.

On the other hand Tengey informed that psychologically a victim of trafficking might even have a strong fear of retaliation should she or he have given evidence against their trafficker. However, many victims of trafficking abroad will often attempt to create a motive of asylum, as this could be their only chance to get to stay in a foreign country. Many victims would deliberately misinform about their situation and the risk they might face if they are to return to Ghana. Tengey strongly rejected that any victim of trafficking from Ghana would be at risk of retaliation upon return. In

addition there are governmental agencies and NGOs/CSOs that would be in position to assist a victim that for some reason fears retaliation from traffickers.

Tengey, ACHD, was aware that many victims of trafficking in Europe are living under extremely bad conditions and that they are very often under extreme pressure from Madams and traffickers to work as sex workers in order for them to earn money, and that these victims are being severely exploited. However, Tengey emphasized that these victims would be better off if they return or were returned to Ghana. Especially if they could receive some support for the purpose of rehabilitation and reintegration. In addition these victims would need support in the form of counselling and some vocational training. Tengey did not consider that returning victims, even if they have given evidence in courts or assisted the police abroad in identifying traffickers, would be in need of protection. Such victims are only in need of counselling, rehabilitation and reintegration. Tengey stated that the only real concerns are the social and humanitarian aspects.

Tengey explained that the Italian Refugee Council on many occasions has requested ACHD for assistance. On such occasions ACHD has undertaken monitoring and verification of Ghanaian trafficking cases in Italy. Some of these cases related to the issue of risk assessments and the safety of returning victims of trafficking from Italy to Ghana. Tengey had never experienced that the risk of retaliation was an issue to be concerned about.

Dwamena-Aboagye, ARK Foundation, stated that she did not have any evidence of retaliation against victims of trafficking in Ghana, including victims who have testified against their traffickers or cooperated with the police in order to arrange for the prosecution of traffickers. When asked why Wilbert Tengey, Executive Director of ACHD would state that if retaliation had taken place in Ghana his organisation would know about it Dwamena-Aboagye, ARK Foundation, explained that ACHD is probably the NGO in Ghana that is most engaged in trafficking matters. Dwamena-Aboagye added that ACHD is a reliable NGO and it was added that Wilbert Tengey is very well informed on trafficking.

Regarding the traffickers' network in Ghana, Dwamena-Aboagye explained that traffickers can be quite dangerous and that they have some kind of a network. However, as trafficking is an underground business there is only a very limited knowledge about their network. On the other hand there is a lot more evidence and knowledge about domestic violence, rape and child abuse than of trafficking and retaliation against victims of trafficking. Dwamena-Aboagye explained that NGOs and CSOs, the authorities, the media and the public would often know about especially high profile violence against women and children.

However, Dwamena-Aboagye was certain that some traffickers in Ghana could carry out reprisals against victims of trafficking. But it is also likely that many traffickers would not resort to reprisals against victims because of fear of public exposure and the risk of being arrested and prosecuted. On the other hand, trafficking is an underground business and the silence is almost complete. It was added that trafficking is a multimillion-dollar business and Dwamena-Aboagye, ARK Foundation, found it rather unlikely if retaliation and persecution never takes place in connection with this underground business.

Regarding victims of trafficking returning from abroad Appiah Okrah, UNICEF, stated that there are no provisions for psychosocial assistance to such victims. This implies that these victims will only be registered upon return and then released to their own fate. However, Appiah Okrah also emphasized that returning victims would not be in any risk of persecution or retaliation from

traffickers but they may be vulnerable, and the risk of them being re-trafficked is high. In this connection the case could soon be a case of human smuggling. The victims would also be at risk of believing that their only option for making an income is prostitution.

When victims of trafficking are being arrested abroad they might do all they can to establish a case of asylum in order not to be forced to return to Ghana. Appiah Okrah explained that victims of trafficking are generally afraid of losing face and they also fear not being able to pay back the debt they may have. Appiah Okrah explained that some victims have entered a secret oath that they still fear, even when abroad. They often fear retaliation if they return to Ghana before they have paid their debt. Traffickers will often try to intimidate their victims not to give evidence to police and others in order for the traffickers to avoid being identified and risk prosecution.

Interpol-Ghana found it unlikely that the trafficker would expose her or himself and undertake reprisals in order to claim any remaining debt. Fear of being exposed, arrested and convicted would often deter a trafficker from doing this. Interpol-Ghana had no knowledge of reprisals against victims by traffickers or retaliation attacks against victims who have testified against traffickers. However, in one case an immigration officer in the Western Region received threats from a group of traffickers who considered him a hindrance to their trafficking business.

Dally, ILO, did not have any information about cases of traffickers carrying out reprisals against victims who have testified against traffickers abroad, as there are no established cases about this. It was added that cultural beliefs in Ghana deter victims from stepping forward and assisting authorities in prosecuting traffickers, as the victim might then be alienated from her family and community. Furthermore, many victims have no belief in the judicial system. Often victims have sworn an oath of secrecy never to reveal the identity of their traffickers and they feel a very strong fear of breaking this oath.

Regarding the risk of reprisals by traffickers against their victims Dally explained that it is very difficult to establish whether reprisals have occurred or not, as there have been only a few cases so far. In 2007 one person was convicted for trafficking of a minor, and he was sentenced to imprisonment for six years. However, a number of cases against traffickers are pending, and within the last three months the police have made 12 arrests of suspected traffickers. Because the law enforcement agencies in the country have received training about the issue of trafficking and the human rights of victims of trafficking Dally concluded that the situation is improving regarding prosecution of traffickers.

According to Hinson-Ekong, Rescue Foundation, most Ghanaian girls or women who are involved in international trafficking originate from remote villages in poor areas, and trafficking related reprisals could take place there without ever being recorded by any authority, NGO or others. There are from time to time examples of serious violations against women, and most of such cases concerns domestic violence. However, it is possible that some of these alleged domestic violence cases actually concerns retaliation against victims of trafficking.

Edward Amuzu, LRC, did not know of cases in Ghana of reprisals against victims by traffickers regardless of whether the victims have witnessed against the traffickers or not.

Hon.D. C. Dugan, MOWAC, had no knowledge on cases where victims have returned to Ghana after having given evidence in court cases abroad against traffickers. It was explained that most victims are recruited into trafficking by relatives. As a consequence of this most victims are not

willing to cooperate with foreign or Ghanaian authorities to identify their agents and testify against them in court. Furthermore, most victims do not wish to return to Ghana because they feel ashamed if they, for instance, have been infected by disease, and because they will be perceived as someone who has not succeeded abroad if they return to Ghana empty-handed.

Based on his research for the newspaper the *Crusading Guide*, Aremeyaro Anas considered that traffickers would try to deal with persons who are threatening their business. However, there have been no cases of reprisals from traffickers or acts of retaliation against witnesses or others in Ghana. It was added that so far only one or two cases of trafficking have been prosecuted.

Aremeyaro Anas, also, explained that there are links between traffickers abroad and traffickers in Ghana. If a person chooses to give evidence against traffickers either abroad or in Ghana this person's protection need depends on the strength and nature of the particular network. It is not possible to state anything sensible in general of protection needs for victims who have given evidence.

Aremeyaro Anas, went on to express serious doubt about both the will and capacity of governmental institutions to assist and protect victims of trafficking. However, it was emphasized that if victims who have testified against traffickers abroad return one-by-one to Ghana and only in small numbers, it is possible that such victims can receive some protection from Interpol-Ghana and be assisted to some extent.

Hinson-Ekong, Rescue Foundation, did not have knowledge about any cases of reprisals by traffickers against victims, and she repeated that she had no experience with victims who have been involved in prostitution in Europe. However, Hinson-Ekong found it very likely that traffickers would not risk exposing their business and being arrested and prosecuted for trafficking should they try to carry out reprisals against their victims. Traffickers are naturally frightened if victims agree to testify against them in the courts in Ghana, and security for such victims should be available in shelters.

IOM had no knowledge about cases where victims of trafficking have testified abroad against traffickers, neither had IOM knowledge about cases involving revenge attacks or reprisals against victims by traffickers in Ghana. However, trafficking is a lucrative business and in some cases even staff members of GIS have been involved in trafficking.

The Attorney-General's Department explained that law enforcements officers are always at risk of reprisals by traffickers. The Department was aware of one case in which traffickers threatened an immigration officer at Elubo.

4 Protection, support mechanisms and shelters

4.1 Governmental agencies' and non-governmental organisations' protection capacity and support mechanisms

With regard to the capacity to protect victims of trafficking that have given evidence in courts, or to the police in order to prosecute traffickers, Ayete-Nyampong, CHRAJ, considered that the institutional framework is in place in Ghana. CHRAJ is now in the process of establishing a referral system to various NGOs/CSOs and it will be in place very soon. On the basis of this she found it very likely that a victim of trafficking would be able to obtain protection if needed. It was added that any victim of trafficking who consult CHRAJ would be informed about her or his rights, and, if necessary, protection would be provided.

Ayete-Nyampong emphasized that she did not have any knowledge about any case regarding victims giving evidence in trafficking cases abroad. Such cases have not been filed at CHRAJ in Accra. On the other hand Ayete-Nyampong could not exclude that such cases have been filed at CHRAJ offices in other districts of Ghana or that such cases have been filed as cases of domestic violence or forced labour instead of being filed as trafficking cases. In addition it is possible that there are trafficking cases that will not be filed at all as the victims are also victims of intimidation, for instance through traditional rituals, oaths or other harmful practices. In this connection the authorities and NGOs/CSOs are working hard to raise awareness among the people. The vast majority of the people in the rural areas and communities are unaware of their rights and very often they do not even know that they have a right to file a complaint at the local police office.

According to IOM there is one government run shelter for victims of trafficking in Ghana. This shelter is located in Madina in Accra and is run by the DSW. The shelter primarily accommodates victims who are minors and not adult women who are victims of trafficking. The government is predisposed to the setting up a shelter for adult victims of trafficking, but no funds have been allocated so far. This means that assistance and support facilities offered by NGOs/CSOs are important and IOM cooperates with several of these. However, most NGOs do not have the resources and professional skills to provide protection to victims of trafficking. IOM added that there is no government agency in Ghana that can provide a victim with 100 % safety against retaliation from traffickers.

On the other hand, IOM considered that the government has shown tremendous efforts to combat trafficking within the last three years, but more protection and assistance structures are needed. The institutional framework to deal with internal trafficking of minors in Ghana is now in place, but IOM stated that this is not the case regarding adult victims of international trafficking. The situation in Ghana is still far from being as good as it is in Nigeria.

Regarding IOM's statement that the authorities in Ghana do not have the capacity to protect victims of trafficking in need of protection, Ayete-Nyampong, ARK Foundation, stated that this does not come as a surprise to her. For a long time focus has been on domestic violence and child labour and only recently have the authorities and the NGOs/CSOs turned their attention to the issue of human trafficking. There is still a lot to be done in this field.

Dr. A. Atuguba, UoG/LRC, considered that on paper protection looks very good for victims of trafficking that have given evidence in courts or cooperated with the police abroad for the purpose

of prosecuting traffickers. A certain amount of money has even been allocated to protection facilities in Ghana. However, this is far from enough, and in practical terms a victim of trafficking in alleged need of protection and who approaches the authorities in Ghana would most likely have to rely on assistance from a CSO or an NGO. In addition such a victim of trafficking would be under pressure to participate in the prosecution of her trafficker(s). Often the police would require the victim to cooperate, but the victim would also be entitled to assistance in the form of rehabilitation and reintegration.

Dr. A. Atuguba, UoG/LRC, considered that as the bottom line, any victim of trafficking that is in need of assistance and protection in Ghana, would be able to get this from either governmental agencies or from some NGOs/CSOs.

Dr. A. Atuguba added that the government since 2000 has shown serious commitment in combating trafficking.

Hon. D. C. Dugan, MOWAC, emphasized that as Act 694 is fairly new there is still a need to build up capacity within the Ministry itself as well as further strengthening the network of NGOs/CSOs. More counsellors need to be trained and employed by MOWAC.

A Western embassy (B) considered that in general the Ghanaian authorities have the will to protect victims of trafficking including those who have testified against traffickers abroad. However, it is difficult to establish if the protection capacity is in place in every region of the country.

Adjei and Dzokoto, GIS, explained that any victim of trafficking that may be in need of protection would normally be referred to the DSW for protection, and DSW can provide temporary shelter for such victims. Furthermore, MOWAC should be able to provide for accommodation to victims. However, it was explained that in Ghana the problem of international trafficking has not been as profound as in Nigeria although it is growing, and there is today a need for a larger institutional set up in Ghana, especially concerning shelters for adult victims of international trafficking.

Dally, ILO, considered that it would not be a realistic option for a victim who has testified against a trafficker abroad to approach the GIS or the GPS and eventually be referred to the DSW for shelter. Even though the procedure in theory is as described, the reality is that the DSW simply do not have the resources to cater for such a victim. Furthermore, the DSW has never had such a case, and at best the DSW could offer a victim counselling and/or the DSW might contact an NGO in order to assign the victim to a skills acquisition centre.

Dwamena-Aboagye, ARK Foundation, added that the majority of those victims who have been trafficked abroad and who have returned are in need of more protection than they can expect to find in Ghana today. The state is responsible for this kind of protection, but partly due to the lack of resources this is not done properly. However, lack of resources is not the only reason for this. The issue of trafficking is still rather marginal compared to other priorities, but there is a growing will among government agencies to assist victims of trafficking.

Dwamena-Aboagye found that in some foreign countries where sensitisation and prosecution of traffickers take place rather rapidly, the victims may be aware that they will be protected, and thus they may be more ready to give evidence and cooperate with the police. In this respect Ghana is lagging behind, for example, Nigeria. Nigeria has been actively combating trafficking for a number of years and the country has established a system that can shelter and protect the victims, investigate

trafficking cases and prosecute traffickers. In Ghana there is still a lack of shelter facilities and Act 694 still needs to be fully implemented.

Dwamena-Aboagye emphasized that she was absolutely certain that a victim of trafficking who approaches Interpol-Ghana would be assisted properly and that the victim's case would be recorded and handled correctly. Interpol-Ghana is doing what it is expected to do, and this unit is a reliable force in the combat against traffickers and assistance to victims of trafficking. On the other hand, due to lack of resources it may be difficult to deal with all the needs of victims of trafficking, including the need for shelter, accommodation, psychosocial counselling and other needs. In some cases a victim of trafficking will have to accept being sheltered temporarily in police custody, i.e. in detention, if she is in need of physical protection.

Ayete-Nyampong, CHRAJ, emphasized that CHRAJ would decline to assist a person that is a victim of trafficking. However, there is still a need to improve the capacity and allocate more resources to those agencies and NGOs that are addressing the problem of trafficking. Especially there is a crucial need for more resources to be allocated in the rural areas of the country. This need could even involve CHRAJ, DSW and many NGOs. In addition there is a serious need to undertake capacity building and to establish an appropriate referral system in order to assist victims of trafficking.

Tengey, ACHD, emphasized that law and order prevails in Ghana and any governmental agency receiving a complaint regarding trafficking would take this complaint seriously; not only if the case comprises a security concern but any case regarding trafficking. However, Tengey could not fully confirm that this would happen all the time and everywhere in Ghana. In the case where a complaint was filed in some "God forsaken place" in the countryside it could be that nothing further would happen.

Tengey explained that any victim of trafficking in need of assistance or any person who wishes to file a case against traffickers would be able to do so by approaching the GPS, GIS, a church or an NGO/CSO. ACHD is part of a national network of NGOs/CSOs, and in addition ACHD is part of an anti-trafficking network that includes the DSW, churches and Parishes, local chiefs, GPS, GIS, Interpol and a number of NGOs/CSOs such as WISE, APPLE, AGREDS, ARK Foundation and Gender Centre. This anti-trafficking network meets on a regular basis i.e. three to four times annually. Tengey added that anyone who approaches any of the members of the anti-trafficking network would be assisted properly.

Tengey repeated that he was 100 % confident that any victim of trafficking who has given evidence against her or his trafficker or Madam would be assisted and protected in Ghana if this is necessary. It was added that traffickers that have been prosecuted and punished abroad are part of a trafficking network. However, if the witness returns to Ghana she or he may approach the GPS for assistance, but that would not in itself guarantee that the case will be handled properly. It is important that such a victim approaches Interpol-Ghana, and that Interpol-Ghana has been informed about the case prior to the arrival of the victim in Ghana. This procedure would secure that investigation and eventually a prosecution will take place. In addition relevant authorities and agencies, not least the DSW, will assist the victim and offer protection if needed.

Tengey explained that law enforcement agencies are in fact interested in prosecuting traffickers and they are keen on receiving the information that could assist them in investigating and prosecuting

traffickers. The evidence from victims is crucial in this regard, and the law enforcement agencies are therefore ready to assist any victim who approaches them.

Tengey added that he considers GIS to be a competent and reliable institution, even though it may be in need of further resources.

Dally, ILO, did not consider that there are structures in Ghana to protect a victim who has testified against a trafficker abroad.

Appiah Okrah, UNICEF, emphasized that by all means the police would protect any Ghanaian –not only victims of trafficking – if they give evidence against an offender, and if the witness is considered to be in need of protection. Appiah Okrah added that a person giving evidence is cooperating with the police and such a person would be protected, and prosecution will take place.

Appiah Okrah explained that most adult victims of trafficking returning from abroad to Ghana are very fearful of the prospect of reintegration into society and their local community. The vast majority of the victims have been traumatized while living from prostitution and threats from Madams and traffickers. The victims are in need of psychosocial treatment, counselling, skills training etc., and they are very vulnerable. They strongly believe they will lose face if they return to their own community with no money and before they have paid their debt. Having returned without sending sufficient money back to their family or relatives is a major failure, and they are very vulnerable to re-trafficking. Many of them would do all they can to return to Europe as soon as they can, and they easily fall prey to traffickers.

Hon. D. C. Dugan, MOWAC, stated that the Ministry works closely with a number of NGOs. Among these are AGREDS, African Enterprise, ARK Foundation and Women's Initiative and Self-Employment (WISE).

He went on to say that he knew of only one case in which a victim has had the need of protection after she returned to Ghana. In this case a victim returned to Ghana from Russia with the assistance of IOM. The victim was accommodated in a hotel and she received police protection while the case against the trafficker was pending in the court system.

Hon. D. C. Dugan, MOWAC, emphasized that the first step in any case concerning a victim of trafficking is to offer counselling to both the victim and her family in order to rehabilitate the victim and reintegrate her into the family and society. He expressed the hope that the Governments Implementation Plan regarding Act 694 would lead to more victims being aware of their rights and their opportunities to seek assistance.

He also emphasized that any person who is willing to cooperate with the Ghanaian authorities will be adequately protected, and this included victims of trafficking who give evidence against their traffickers, and those who have testified abroad against traffickers. The Ministry conducts monitoring in cases involving abuse and violence against women, and this would also be the case if a victim of trafficking in need of assistance and protection, approaches any authority in Ghana, including Interpol-Ghana, GIS, GPS, DSW, Domestic Violence Support Unit (DVSU) or MOWAC.

According to Hon. D. C. Dugan, MOWAC, should a victim find herself in need of protection against traffickers she could approach the GPS or the GIS at arrival at the airport. The Police have the overall responsibility to provide safety and protection to any Ghanaian citizen in the country, including victims of trafficking. Special trained police units like the DVVSU can be found in most

police stations throughout the country. These units are specially trained to assist women who have been subjected to various forms of abuse including victims of trafficking. Therefore, the police will refer – via Interpol-Ghana’s trafficking desk – a victim of trafficking to MOWAC who refers the victim to DSW. DSW will then make use of its network of NGOs/CSOs and refer the victim to a relevant NGO/CSO who can support and assist the victim. It was mentioned that the NGO ARK Foundation runs a secure shelter in a secret location in Accra.

Edward Amuzu, LRC, explained that the first step concerning rescue of victims is to identify them and keep them away from the traffickers. This includes accommodation of victims and providing medical assistance and food. The second step is to protect the victims during the prosecution of the trafficker if witness protection is an issue. Edward Amuzu, considered that this type of protection of witnesses is practically non-existing in Ghana for the moment, and he added that it is his impression that shelters for adult victims are almost non-existing.

According to Edward Amuzu, the paradoxical situation could occur that a trafficker is granted bail and released while the victim, who is willing to give evidence against the trafficker, is only offered shelter in police detention.

Dr. A. Atuguba, UoG/LRC, considers that the law enforcements agencies in Ghana do not have the necessary capacity to deal effectively with the problem of trafficking. Interpol-Ghana, the unit that is responsible for international crime in Ghana, does not have the necessary logistics to help them to do their work well. They often do not have resources to reach traffickers and mostly end up arresting only the victims with the hope that they might give evidence leading to the arrest of the perpetrators. Such devastated victims are usually taken to shelter homes that cannot feed them adequately. As a result when they are released to their families, they rarely turn up to assist the police in their investigations.²⁵

Finally, Dr. A. Atuguba emphasizes that the state is responsible for the reintegration of victims of trafficking in Ghana and praises the fact that the Fund has now been created under Act 694 for various purposes including the rehabilitation and settlements of victims of trafficking. However, it is added that it remains to fill and properly manage the Fund.²⁶

Dwamena-Aboagye, ARK Foundation, emphasized that there is a need for more NGOs/CSOs in Ghana to focus on the issue of trafficking. However, it was also emphasized that protection of victims of trafficking is the responsibility of the government. The only NGO that is specifically focused on victims of trafficking is ACHD, but ACHD is primarily concerned with minors. Some other NGOs/CSOs are addressing the issue but only marginally. FIDA provides legal assistance to women, WISE, WiLDAF and APPLE provides counselling and vocational training and ARK Foundation assist victims of domestic violence and child abuse. Dwamena-Aboagye considered that ACHD is a competent and reliable NGO and the most prominent organisation on matters related to

²⁵ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, pp. 37-38.

²⁶ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 38.

human trafficking and assistance to victims of trafficking. Other NGOs such as ARK Foundation, WISE, AGREDS and APPLE are ready to assist even victims of trafficking with whatever resources they may have. These NGOs would try to assist with counselling, legal assistance, file cases etc., but their resources and capacities are limited. However, Dwamena-Aboagye did not doubt that these NGOs would try all they can to provide shelter, counselling, tracing of family, medical treatment, vocational training and some capital support/micro credit.

4.1.1 Governmental shelters

According to Adongo, DSW, the Department runs two shelters in Ghana. Both shelters are primarily intended for minors, and they are inappropriate for adult victims of trafficking. In some cases the DSW has received adult victims of trafficking that were referred from GIS or GPS to DSW, and in these cases the DSW found alternative accommodation in hotels, private houses or in NGO shelters. However, DSW will only look for alternative accommodation when it is certain that the victim has a well-founded reason to fear reprisals from traffickers. During the last three years DSW has accommodated two victims of trafficking who were returned from Russia and Belgium respectively. Both victims had given evidence against their traffickers.

Adjei and Dzokoto, GIS, informed that there is one shelter in Greater Accra and one in Northern Ghana. Both shelters are run by DSW. In addition there is an NGO shelter in Accra for the rehabilitation of victims of domestic violence.

Ayete-Nyampong, CHRAJ, was unaware whether there were any shelters in Ghana directly supporting victims of trafficking, but she was aware of NGO shelters providing support and protection to victims of domestic violence.

Adongo stated that Interpol-Ghana would normally protect any victim of trafficking in need of protection. Interpol-Ghana is able to establish the victim's need for physical safety and monitors the victim if this is required. DSW is tasked with providing safe accommodation for victims of trafficking upon request from Interpol-Ghana. At this point DSW have the means to provide safe accommodation to victims of trafficking. The duration of each victim's accommodation varies, and DSW will have difficulties if accommodation is required for more than five victims at one time. Adongo pointed to the Trafficking Fund which is to be controlled by MOWAC when it is functioning, and he explained that the DSW will have to be allocated additional means from the MOWAC in order to expand the shelter or accommodation capacity in the future. Alternatively, Adongo saw a possible cooperation between DSW and foreign countries that could provide some funding on a case-by-case basis in order to facilitate the accommodation of a victim in need of protection. The returning foreign authority should also contact Interpol-Ghana before the return of the victim takes place. This will ensure that the victim will be temporarily protected, if needed.

Adongo explained that a victim's need for accommodation is often closely related to the time needed for counselling of the victim's family or relatives. DSW has offices in all regions and districts of Ghana, and once the victim's family or relatives have been traced social welfare officers will conduct counselling in order to reunite the victim with their family and reintegrate them into the local community. The time needed for this process varies according to the individual cases and circumstances.

According to Hon. D.C. Dugan, MOWAC, the GPS has no shelter facilities from the time of the police investigation and until the trafficker has been convicted to offer victims who accept to testify against traffickers in Ghana.

Interpol-Ghana explained that the shelters of DSW are primarily for minors, and adult victims would in most cases not wish to stay in a shelter. Most adult victims prefer to relocate to another place in Ghana, as they might not want to return to their family or home area out of shame.

Interpol-Ghana knew of one case where MOWAC temporarily accommodated an adult victim of trafficking in an apartment, and the MOWAC also assisted the victim in setting up a small business.

Appiah Okrah, UNICEF, emphasized that the major problem in Ghana is the lack of appropriate shelter facilities. As a consequence the authorities may have difficulties to assist rescued victims of trafficking. There are no government run shelters for victims of trafficking and this is a major challenge in regard to the implementation of the Act. The DSW runs two shelters, one in Madina in Accra and one in Pong-Tamale, Northern Region. These two shelters are the only governmental shelters in Ghana. The Madina shelter in Accra is reserved for minors who also receive psychosocial counselling before they are reunited with their families. Appiah Okrah, UNICEF, emphasized that the establishment of a functioning shelter for adult victims of trafficking is high priority and UNICEF is discussing this matter with the government.

The Attorney-General's Department considered that there is very limited shelter capacity for victims of trafficking in Ghana. Madina Social Welfare Centre is a government run shelter but it has virtually no resources, and has an inadequate infrastructure to shelter any victim of trafficking.

Hon. D. C. Dugan, MOWAC, explained that the two shelters of the DSW were mainly established to accommodate abused children and victims of domestic violence, and these shelters do not really suit the needs of adult victims of trafficking. However these shelters cannot be considered secure places for adult victims of trafficking in need of protection.

Dr. A. Atuguba reports that the only governmental shelter facility that was available in 2005 was the shelter provided by the DSW. This shelter was, however, specifically designed for children and inmates are mostly children. As a result of this, victims of trafficking who were above 18 years of age find it very difficult to stay there. In view of this, after spending two or three days at the shelter home, they often pressurize officers to release them to their families. This normally puts them out of touch with the police officers who are in the process of investigating the case. It is clear that there is a need to provide better shelter facilities to house victims of trafficking where they can be given some form of training to facilitate their integration into the job market.²⁷

Tengey, ACHD, explained that the DSW runs a shelter in Accra for adults. This shelter is a rehabilitation shelter for previously imprisoned women who are now undergoing some vocational training in order to be rehabilitated and reintegrated into society. Tengey, ACHD, did not find this shelter satisfactory for the purpose of rehabilitation of victims of trafficking. There is a need for a genuine shelter in Accra for victims of trafficking, including returning victims from abroad.

²⁷ Dr. Raymond A. Atuguba, *Human Trafficking in Ghana: A Review of Legislation*, Action Programme Against Forced Labour And Trafficking in West Africa, International Labour Office, International Labour Organization, Geneva 2005, p. 38.

Hon. D. C. Dugan, MOWAC, explained that the Ministry has no shelter of its own for rescued victims of trafficking, and the lack of proper shelter facilities to victims is the major problem. Recently the Ministry had to temporarily accommodate in police custody, 17 Nigerian women in Ghana that were victims of trafficking. However, the Nigerian victims were only sheltered for a few days before they were returned to NAPTIP in Nigeria. Thus, shelters are not readily available in Ghana. In this connection MOWAC strongly requested that foreign assistance be provided for the establishment of shelters in Ghana.

Regarding adult victims of trafficking Dally, ILO, did not consider that the police would take proper care of a victim who has given evidence, and the police may not even prosecute the case or provide protection to the witness, even if she is in need of this. There is not even an appropriate shelter for adult victims of trafficking.

Adjei and Dzokoto, GIS, admitted that a major problem in the prosecution process as well as the protection of victims that give evidence, is that the GIS do not have a functioning referral system for the protection of witnesses. It was added that especially during weekends and holidays it could be difficult to secure an immediate referral of a victims of trafficking in need of protection and assistance. This problem is directly linked to the lack of resources and capacity. As a result of this a victim of trafficking in need of protection may risk being accommodated in a detention cell, as this could be the only place for the victim to get immediate protection until a more permanent solution has been found. Even lack of transportation can be a problem. Some police stations in the rural areas do not even have vehicles to transport victims to a safe place.

Edward Amuzu, LRC, explained that the Board as stipulated by Act 694 has been established. The Board is entitled to manage the Fund and formulate the guidelines regarding how the Fund is intended to function. However, the purpose of the Fund is not yet clearly defined,, and it remains to be seen if the Fund can be used for capacity building and the establishment of shelters and other means of protection of victims. The Fund has no financial means yet and there is no available information regarding the budget of the Fund, and how to keep it running. The Fund has not been officially announced, and Edward Amuzu considered that as of today the Fund in reality does not yet exist.

Hinson-Ekong, Rescue Foundation, pointed to one case where a victim was taken to a police station accompanied by Rescue Foundation as well as a police officer in order to file a complaint. However, because this took place during a weekend, and because the special police unit who is trained in handling cases of abused women was not on duty, the officer on duty rejected the woman's complaint. Despite this Hinson-Ekong found that in general the GPS would take complaints from victims of trafficking seriously, and both the GPS and Interpol-Ghana refer such cases to the DSW. DSW has some shelters and other means of accommodation although their capacity might not be adequate.

Hinson-Ekong, Rescue Foundation, suspected that it could prove to be difficult to establish the kind of shelter that could satisfy the aspirations of many victims of trafficking. Many of those have been accustomed to a very different lifestyle during their stay in Europe.

Interpol-Ghana explained that the bureau is mandated to rescue victims of trafficking. However, it is a major concern that neither the bureau nor the GPS has a shelter for rescued victims, and the two shelters of DSW cannot accommodate more than 40 people at one time. Ideally rescued victims are

referred to the shelters of DSW where they are provided safety, but normally they can not stay in these shelters for more than three to four months.

Interpol-Ghana emphasized that victims of trafficking are not considered as criminals and the victims are not detained or held back by any law enforcement agency against their will.

4.1.2 Non-governmental shelters

Dr. A. Atuguba, UoG/LRC explained that there are only few shelters in Ghana. Some are run by NGOs and a few others by the DSW and a victim in need of protection might get shelter in one of these shelters.

Regarding shelters Appiah Okrah, UNICEF, stated that one or two NGOs are providing shelter for victims of domestic violence. But there are no shelters that specifically provide shelter for victims of trafficking. On the other hand Appiah Okrah was convinced that a number of NGOs in Ghana would be in a position to assist any woman in need of support and protection, including reintegration and rehabilitation. It was emphasized that rehabilitation and reintegration of a victim of trafficking is crucial if she is not to be re-trafficked.

Appiah Okrah, listed a number of NGOs who can offer support to victims of trafficking.

- WISE – has a shelter in Accra and is mostly engaged in counselling
- ARK Foundation – has a shelter in the Eastern Region.
- AGREDS – conducts skills training in the northern part of Ghana
- ACHD – has a shelter in Sogakopee in the northern part of Ghana

Edward Amuzu, LRC, explained that the NGO ACHD runs a shelter for children who are victims of trafficking. In addition to this shelter the NGO AGREDS runs a shelter for rescued child victims of trafficking.

Tengey, ACHD, explained that formerly ACHD had three shelters in Ghana. These shelters were located in Accra, Kapando and Sogakopee. However, the shelters in Accra and Kapando have been closed as the project, which had been financed by DANIDA, the Danish International Development Agency, came to an end in 2002. Thus, ACHD presently only runs the shelter in Sogakopee in Volta Region close to the border with Togo.

Dwamena-Aboagye, ARK Foundation, explained that the shelter run by ARK Foundation is mainly for victims of domestic violence, but on one occasion the ARK Foundation has provided temporary shelter for a 16 year old victim of trafficking from Togo while her family was traced in Togo and she could be reunited with her family who presumed that she was dead. However, Dwamena-Aboagye stated that should the ARK Foundation receive a request for accommodation of a small number (up to ten) of victims of trafficking it would be possible to accommodate such victims. The police protect the shelter 24 hours a day. In daytime one unarmed police officer is guarding the shelter while at night time the police officer is armed. The ARK Foundation's shelter is placed in the Eastern Region on a secret location and it can accommodate approximately 30 persons.

Dwamena-Aboagye explained that ARK Foundation is unable to refer victims of trafficking in need of protection to other shelters in Ghana, as there are none, which can accommodate such persons.

However, should it be necessary to find accommodations for victims in need the ARK Foundation would do all it can to find alternative protection, for instance in a private house.

Interpol-Ghana explained that the NGO ARK Foundation runs a secret shelter in the Eastern Region, which enjoys full police protection. It is hoped that the Fund can be used to pay for the accommodation of victims in this shelter.

Hinson-Ekong, Rescue Foundation, explained that the organisation does not have shelter of its own for victims of trafficking, but is considering establishing a shelter for rescued victims of trafficking. Minors who are victims of trafficking have so far been taken care of by the organisation in Osu District, Accra. Like most other NGOs who are fighting trafficking Rescue Foundation is conducting awareness raising and sensitisation projects. Hinson-Ekong emphasized that it is important that victims who return from abroad receive support. Otherwise they are at risk of being re-trafficked.

Dr. A. Atuguba, UoG/LRC, considered that the NGO Rescue Foundation is among the leading NGOs assisting victims of trafficking in Ghana. There are a few other NGOs in this field, but a general lack of resources makes it difficult for the NGOs to provide the assistance that is needed.

5 Internal relocation

5.1 Possibilities to escape retaliation by traffickers or relatives

Tengey, ACHD, explained that internal relocation in Ghana is an option for anyone who prefers to relocate because of fear of retaliation from traffickers. From a purely security point of view internal relocation is a viable option for any victim of trafficking, however, the person in question would be in need of some kind of assistance in order to resettle properly in her or his new location. A start up capital would be of great help in this matter.

Appiah Okrah, UNICEF, had never heard of internal relocation as a solution for anyone in trouble in Ghana. There is freedom of movement in the country and internal relocation is always an option for an adult. But Appiah Okrah, UNICEF, had never heard of retaliation against victims of trafficking that have given evidence against their traffickers.

The Attorney-General's Department explained that there are very few known examples of internal relocation by victims of trafficking in Ghana.

A western embassy (A) considered that a victim who does not wish to face relatives or family could take up residence somewhere else in Ghana. However, in that case the victim would need support from NGOs in order to secure a livelihood.

Dr. A. Atuguba, UoG/LRC stated that if victims of trafficking give evidence to the police or a court in their home area of Ghana against a trafficker who is also a relative they will most likely not be able to continue to reside in that area. However, they would have no security related problem if they relocated to another area of the country. Traffickers would not try to track them in order to seek retaliation. It was added that there is a functioning hot-line for victims of trafficking, and victims would be able to seek formal protection and get support if in need. The police would consider trafficking cases seriously but they may not always have the capacity to effectively monitor and protect the victims. Persons in the victim's home area might consider any person that has given evidence in court, or assisted the police in their investigations, as a social outcast that has betrayed their own relatives or community.

5.2 Social and humanitarian constraints

The Attorney-General's Department explained that the social and humanitarian constraints related to internal relocation are enormous because trafficking is accepted as a normal practice in most of the communities in Ghana.

Tengey, ACHD, stated that he found it very hard to believe that any victim of trafficking abroad would not have relatives left in Ghana, as this would make it nearly impossible for the victim to finance her or his travel to Europe. No one in Ghana is without relatives, and the existence of the extended family system in Ghana guarantees that any person – adult or child – is part of an extended family. However, Tengey, ACHD, explained that it is very common that Ghanaians would make reference to another person as an “aunt” or “uncle” even when there are no blood relations between these persons. On the other hand it is common that a child can be raised and taken care of by a genuine aunt or uncle or even someone else within the extended family. Parents and even other close relatives can be deceased but under normal circumstance someone in the extended family will take care of the children and youngsters.

6. Return of victims of trafficking

IOM emphasized that very often traffickers or Madams abroad recruit young women amongst their relatives back home in Ghana, and some parents of those who travel to Europe may not be fully aware of the purpose of the recruitment. Should a victim return to Ghana before they are expected, they would need to be reconciled with their family, because it is very often the family who sent them off in the first place. However, this could be a difficult and lengthy process, and IOM recommended that victims who are returned to Ghana should have access to some income-generating project to improve their chances of reintegration into their community and the larger society.

IOM considered that victims of trafficking from Ghana should be protected and granted asylum in Europe, as they would be very vulnerable to re-trafficking should they be forced to return to Ghana. No one should be returned against her or his own will but IOM admitted that the organisation did not have any test cases regarding return of victims of trafficking to Ghana. The overall problem of trafficking from Ghana should be addressed on a European level and not at a national level. IOM added that trafficking in and from Ghana is on the increase.

According to Andrew Fleming, 1st Secretary, Migration Policy (West Africa), British High Commission, Accra, the United Kingdom (UK) has received only a limited number of victims of trafficking from Ghana. Fleming was not aware of cases where Ghanaian victims have testified against traffickers in the UK. There have been very few, if any, cases involving African victims that have gone to court.

However, Fleming informed that victims, who have testified, may be returned to their country of origin depending on their individual circumstances, i.e. if they are applying for asylum or not. There are no automatic links between testifying against traffickers and being given leave to remain in the UK.

Fleming was not aware of any cases of return to Ghana from the UK of Ghanaian victims who have testified against traffickers.

Fleming added that in general victims of trafficking who voluntarily return to their respective country of origin are offered, via cooperation with organisations such as IOM, support to be safely reintegrated. This include reintegration assistance of up to £ 1,000 which can be used for business set up, training, counselling, medical care or accommodation.

A western embassy (A) explained that because the trafficking arrangement is often undertaken within the family of the victim it is very unlikely that the victim would approach any authority for support if the victim returns to Ghana. Furthermore, it is often difficult for the victim to face relatives because the victim normally would be perceived as someone who has not succeeded and who has let down the family.

A western embassy (A) stated that there are very few cases of victims of trafficking that have cooperated with foreign authorities and testified against traffickers in courts abroad. If such victims return to Ghana the GIS or GPS would refer them to DSW, who will establish whether the person is a victim of trafficking or not, and DSW would definitely follow-up in each case. However, as most returned victims have at least some earnings they are usually better off and they would not want to get in contact with DSW or other government institutions.

According to the above-mentioned embassy's Ministry of Foreign Affairs (A) there is a specific rule for persons who are victim of, and witnesses in cases of human trafficking. They are allowed to stay long enough for them to testify. In a number of cases they are, after that, granted asylum-status. There have been such cases of Ghanaians.

A western embassy (A) recommended that a liaison officer from the deporting country or a person from that country's embassy in Ghana should monitor each victim after she has returned to Ghana in order to be assured that the Ghanaian authorities are observant and that the woman is in fact supported and protected if this is needed. The source added that if a victim were in real need of protection any relevant institution in Ghana would take this seriously and provide the victim protection. It was added that the source did not know of any cases of reprisals from traffickers against victims, but it could not be ruled out completely that this has never happened.

A western embassy (A) recommended that returns of victims of trafficking should only take place on a small scale and not in case-loads. The embassy relies on a gentlemen's agreement with the GIS, and there had not been any need of an official agreement with the Ghanaian authorities regarding returns from that country.

Dwamena-Aboagye, ARK Foundation, strongly recommended any foreign authority deporting victims of trafficking that have given evidence in courts or cooperated with the police abroad to notify Interpol-Ghana before return of the victim take place.

Interpol-Ghana also recommended foreign authorities that are about to return victims of trafficking to inform the bureau in advance. This procedure will make it safe for any victim of trafficking to return to Ghana.

Hinson-Ekong, Rescue Foundation, expressed concern about the safety of returning victims of trafficking who have given evidence abroad. However, she emphasized that this was based on her general knowledge of trafficking and from studies in other countries than Ghana as there has not been any comprehensive study about this subject carried out in Ghana.

Hinson-Ekong, Rescue Foundation, stated that not all police officers are properly trained and some individual officers may even release suspected traffickers after their arrest. The ideal situation, according to Hinson-Ekong, Rescue Foundation, would be that victims are escorted back to Ghana and handed over to Interpol-Ghana or another agency, and that they are offered rehabilitation and vocational training to enable them to earn a livelihood. It is important that the return of victims is arranged well in advance and that the Ghanaian authorities are notified. Hinson-Ekong, Rescue Foundation, expressed hope that the Ghanaian and foreign authorities would enter bilateral agreements that could help improve the support of victims who return from abroad.

Dally, ILO, recommended that foreign countries who are to return victims who have given evidence abroad enter an agreement with the DSW or other institutions in Ghana as there are no formal structures in place to assist adult victims of trafficking. Adongo, DSW, explained that DSW cooperates closely with UNICEF as well as IOM.

Appiah Okrah, UNICEF, explained that a serious problem for many victims of trafficking that have been deported from Europe is that they did not have a chance to take their money along with them. Such victims of trafficking have a very strong incentive to return to Europe, and they will often be re-trafficked.

Protection of victims of trafficking in Ghana

Appiah Okrah, UNICEF explained that some relatives of victims of trafficking may have sold part of their property or borrowed money in order to get traffickers to bring a family member to Europe. A victim of trafficking that faces such a situation might never wish to go back to her family if she has not fulfilled the family's expectations of a return from the investment.

Adjei and Dzokoto, GIS, considered that any foreign authority that is about to return any Ghanaian citizen to Ghana should inform GIS in advance.

Organisations, authorities and individuals consulted

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Western embassy (B), Accra.

Western Ministry of Foreign Affairs (A).

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Yeboah, Ken, Assistant Commissioner of Police, Deputy Director General, Criminal Investigation Department (CID) Headquarters, Interpol-Ghana, Accra.

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Abbreviations

ACHD – African Centre for Human Development

AGREDS – Association of Gods Relief and Development Service

AWLA – African Women Lawyers Association

CHRAJ – Commission on Human Rights and Administrative Justice

CID – Criminal Investigation Department

CSO – Civil Society Organisation

DANIDA – Danish International Development Agency

DVVSU – Domestic Violence Victim’s Support Unit

DSW – Department of Social Welfare

ECOWAS – Economic Community of West African Countries

EU – European Union

FIDA - International Federation of Women Lawyers

GIS – Ghana Immigration Service

GPS – Ghana Police Service

ILO – International Labour Organisation

Interpol – International Police Organisation

IOM – International Organisation for Migration

IPEC – International Programme on the Elimination of Child Labour

LRC – Legal Resources Centre

MOWAC – Ministry of Women and Children’s Affairs

NAPTIP – National Agency for the Prohibition of Traffic in Persons and Other Related Matters.

NGO – Non-Governmental Organisation

UK – United Kingdom

UN – United Nations

UNICEF – United Nations Children’s Fund

UoG – University of Ghana

WAJU – Women and Juvenile Unit

WiLDAF – Women in Law and Development Africa

WISE – Women’s Initiative and Self-Employment