

Cocoa Supplier Training on Forced Labour

Lesson 3: Ghana and Côte d'Ivoire's Legal and Policy Frameworks Related to Forced Labour and Human Trafficking



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To provide an overview of Ghana and Côte d'Ivoire's legal and policy frameworks as they relate to forced labour and human trafficking

What practices are prohibited in Ghana?

How is forced labour defined under Ghanaian law?



Ghanaian law says:

‘No person shall be held in slavery or servitude’

‘No person shall be required to perform forced labour’

The Constitution of Ghana, Chapter 5, Section 16

How is forced labour defined in Ghana?



*Forced labour is ‘Work or service that is exacted from a person under **threat of a penalty** and for which that person has not offered himself or herself **voluntarily**’.*

The Labour Act of Ghana (2003), Part XIV, Section 117

Note: The Labour Act’s definition of forced labour does not include labour required under certain conditions, including: 1) from a court sentence of order; 2) as part of a service member’s duties; 3) during a war, emergency, or calamity in which the required labour is reasonably justifiable given the circumstances; or 4) labour reasonably required as part of normal communal or other civic obligations.

Because the definition of forced labour in the Labour Act of Ghana aligns with the definition in ILO Convention 29, the ILO indicators of forced labour are applicable in a Ghanaian legal context.



How does Ghana define human trafficking?

*‘The recruitment, transportation, transfer, harbouring, trading, or receipt of persons within and across national borders **for the purpose of exploitation** by: a) the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or b) giving or receiving payments and benefits to achieve consent.’*

Ghana’s Human Trafficking Act Amendment (2009)



What does for the purpose of exploitation mean?



‘Purpose of exploitation’ means: ‘the use of a trafficked person for prostitution, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs.’

Legislative Instrument 2219

‘Trafficking for forced labour’ or ‘trafficking for labour exploitation’ is a type of human trafficking.

Ghanaian and international law note that human trafficking can include forced labour and that individuals can be trafficked for the purpose of forced labour.

Other mechanisms to combat forced labour in Ghana

- ▶ **The National Plan of Action for the Elimination of Human Trafficking in Ghana (2017-2021)**

Aims to:

- ▶ reduce the scale of trafficking
- ▶ address the underlying social challenges that make people vulnerable to being trafficked

- ▶ **The Human Trafficking Secretariat**

Responsible for:

- ▶ monitoring and evaluation
- ▶ data collection
- ▶ research related to trafficking
- ▶ implementation of the National Plan of Action for the Elimination of Human Trafficking in Ghana



Other mechanisms to combat forced labour in Ghana

▶ Human Trafficking Management Board (HTMB)

An inter-ministerial committee mandated to meet quarterly to:

- ▶ administer the Human Trafficking Fund
- ▶ advise the Ministry of Gender Children and Social Protection (MOGCSP) on anti-trafficking policy
- ▶ promote prevention efforts and facilitate the protection and reintegration of trafficking victims

▶ The Labour (Domestic Workers') Regulations, 2020 (L.I. 2408)

- ▶ establishes a governance framework for the regulation of domestic work
- ▶ extends labour protections for domestic workers
- ▶ requires written contracts of employment that stipulate the conditions of service, which will help to avoid situations that can lead to forced labour of domestic help



How is forced labour defined under Ivoirian law?



Ivoirian law says:

‘Slavery, human trafficking, forced labour, physical or moral torture, inhuman, cruel, degrading and humiliating treatment, physical violence, female genital mutilation and all other forms of human degradation are forbidden.’

The Constitution of the Republic of Côte d'Ivoire (2016), Article 5

How is forced labour defined in Côte d'Ivoire?



*Forced labour is 'Work or service that is exacted from a person under **threat of a penalty** and for which that person has not offered himself or herself **voluntarily.**'*

The Labour Code of Côte d'Ivoire (2015), Article 3

Note: The definition of forced labour in ILO Convention 29 does not include labour required under certain conditions, including: 1) from a court sentence of order; 2) as part of a service member's duties; 3) during a war, emergency, or calamity in which the required labour is reasonably justifiable given the circumstances; or 4) labour reasonably required as part of normal communal or other civic obligations.

Because the definition of forced labour in the Labour Code (2015) aligns with the definition in ILO Convention 29, the ILO indicators of forced labour are applicable in an Ivorian legal context.



How does Côte d'Ivoire define human trafficking?

'The recruitment, transportation, transfer, harbouring, or reception of a person with the purpose of exploitation in one of the following circumstances:

- 1) with the use of menace, coercion, violence or deceitful acts aimed at the victim, their family, or a person in habitual relationship with the victim;*
- 2) by a superior or by someone who has authority over the person or abuses the authority conferred on them by their functions;*
- 3) by abuse of a situation of vulnerability due to age, illness, physical or psychological impairment, by a state of pregnancy apparent or known, or by abduction;*
- 4) in exchange for or by the granting of remuneration or any other advantage, or of a promise of remuneration or advantage.'*



Côte d'Ivoire's Law no. 2016-1111 pertaining to the fight against human trafficking
(2016), Chapter 3, Article 4

What does for the purpose of exploitation mean?



***‘Purpose of exploitation’** means: ‘the act of putting the victim at one's disposal or at the disposal of a third party, even unidentified, in order to either allow against the victim the commission of acts of procuring, aggression or sexual assault, sexual exploitation, enslavement, submission to **forced labour or services**, removal of organ(s), organized exploitation of begging, exploitation of working or living conditions that undermine dignity, illegal trafficking of migrants, or forcing the victim to commit any crime or offense*

Law no. 2016-1111

‘Trafficking for forced labour’ or ‘trafficking for labour exploitation’ is a type of human trafficking.

Ivoirian and international law note that human trafficking can include forced labour and that individuals can be trafficked for the purpose of forced labour.

Other mechanisms to combat forced labour in Côte d'Ivoire

- ▶ **The Anti-Trafficking Committee**
(Comité national de lutte contre la traite des personnes, CNLTP)
 - ▶ Oversees anti-trafficking efforts
 - ▶ Implemented the 2016-2020 anti-trafficking national action plan
- ▶ **System for Observation and Monitoring of Child Labour**
(Système d'observation et de suivi du travail des enfants, SOSTECI)
 - A national system responsible for:
 - ▶ monitoring
 - ▶ intervention
 - ▶ raising awareness
 - ▶ implementation of the National Plan of Action for the Elimination of Human Trafficking in Ghana



Other mechanisms to combat forced labour in Côte d'Ivoire

- ▶ **The Sub-Directorate for Observation and Monitoring of Child Labour (Sous-direction de la lutte contre le trafic d'enfants et la délinquance juvénile, SDLTEDJ)**
 - ▶ enforces anti-trafficking laws
 - ▶ investigates cases of child trafficking and child labour
 - ▶ provides social services for victims

- ▶ **The Oversight Committee to Combat Child Trafficking and the Worst Forms of Child Labor (Comité national de surveillance des actions de lutte contre la traite, l'exploitation et le travail des enfants, CNS)**
 - ▶ conducts monitoring and evaluation
 - ▶ contributes to the academic and professional reintegration of child workers.
 - ▶ oversees the Inter-Ministerial Committee in the Fight Against Child Trafficking, Child Exploitation, and Child Labor (Comité Interministériel de lutte contre la traite, l'exploitation, et le travail des Enfants, CIM), which coordinates efforts to combat child labour and child trafficking.



Questions for consideration

What are some of the challenges in enforcing Ghana and/or Côte d'Ivoire's laws on forced labour and human trafficking?



What are the key governance gaps in Ghana and/or Côte d'Ivoire that facilitate the business of forced labour?

References

- The Constitution of Ghana, Chapter 5, Section 16
- The Labour Act of Ghana (2003), Part XIV, Section 117
- National Plan of Action for the Elimination of Human Trafficking in Ghana, 2017-2021, Ministry of Gender Children and Social Protection.
www.unicef.org/ghana/media/1851/file/National%20Plan%20of%20Action%20for%20the%20Elimination%20of%20Human%20Trafficking%20in%20Ghana.pdf
- Labour (Domestic Workers') Regulations, 2020 (L.I. 2408)

