

**HUMAN TRAFFICKING PROHIBITION (PROTECTION AND
REINTEGRATION OF TRAFFICKED PERSONS)
REGULATIONS, 2015**

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IN exercise of the power conferred on the Minister responsible for Women and Children's Affairs by section 41 of the Human Trafficking Act, 2005 (Act 694), and on the recommendation of the Management Board, these Regulations are made this 22nd day of June, 2015.

Scope

Scope of application

1. (1) These Regulations shall be read together with applicable enactments, including the Children's Act, 1998 (Act 560), the Criminal Offences Act, 1960 (Act 29) and the Criminal Procedure Act 1960, (Act 30).

(2) These Regulations apply in the following circumstances:

- (a) where Ghana is the country of destination or where the purpose of exploitation takes place in Ghana; or
- (b) where the receiving country is a foreign country but the trafficking process starts in Ghana or transits in Ghana.

(3) For the purposes of subregulation (2), "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.

Trafficking in persons and use of services of trafficked persons

Prohibition of trafficking in persons

2. (1) A person or an organised criminal group shall not recruit, transport, transfer, harbour or receive a person for the purpose of exploitation by

- (a) threat;
- (b) use of force or other forms of coercion;
- (c) abduction;
- (d) fraud;
- (e) deception;

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- (f) abuse of power;
- (g) trading in persons;
- (h) taking advantage of the vulnerability of the person to further an act of trafficking in persons; or
- (i) the giving or receiving of payments or benefits or gifts to obtain the consent of a person having control over the person intended to be trafficked.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than twenty-five years.

(3) A person who aids or abets an activity of an organised criminal group which contravenes subregulation (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than twenty-five years.

(4) A person or an organised criminal group shall not facilitate the continued presence of a trafficked person in a receiving country in order to obtain a financial, material or other benefit.

(5) A person who contravenes subregulation (4) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years, whether or not Ghana is the receiving country.

(6) A person who aids and abets in an activity of an organised criminal group which contravenes subregulation (4) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than twenty-five years.

(7) For the purposes of subregulation (4), "facilitate" includes the production, provision or procurement of false travel or identity documents in respect of the trafficked person or any other conduct that secures the presence of the trafficked person in unlawful custody.

(8) Where the trafficking results in the death or grievous bodily harm of a victim, the offender is liable on conviction to the penalty stipulated in Chapter 2 of the Criminal Offences Act, 1960 (Act 29).

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(9) A parent, guardian or any other person who has parental responsibilities and rights in respect of a child shall not traffic or permit or facilitate the trafficking of the child.

(10) A person who contravenes subregulation (9) commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

(11) A parent or guardian who has previously been convicted of child trafficking and who aids or abets the trafficking of a child is liable on summary conviction to a term of imprisonment of not less than seven years and not more than ten years.

(12) A guardian or any other person with legal responsibilities and rights in respect of a person with a disability or a mental disorder shall not traffic or permit the trafficking of the person with the disability or mental disorder.

(13) A person who contravenes subregulation (12) commits an offence and is liable on summary conviction to a term of imprisonment of not less than seven years and not more than ten years.

(14) A public officer shall not use the office or authority of that public officer in furtherance of an offence under these Regulations.

(15) A public officer who contravenes subregulation (14) commits an offence and is liable on summary conviction to a term of imprisonment of not less than seven years and not more than ten years.

(16) A person shall not manage an institution or premises used for accommodation, including a hostel or hotel for the purpose of trafficking in persons on behalf of an organised criminal group.

(17) A person who contravenes subregulation (16) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.

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(18) In order to establish for the purposes of subregulation (1), the liability of an employer or principal, the conduct of an employee or agent or any other person acting on behalf of the employer or principal may be attributed to the employer or principal if that employee, agent or other person is acting

- (a) within the scope of employment of that employee, agent or other person;
- (b) within the scope of actual or apparent authority of that employee, agent or other person; or
- (c) with the express or implied consent of a director, member or partner of the employer or principal.

(19) Subregulation (18) does not exclude the liability of an employee or agent of, or a person acting on behalf of the employer or principal for committing the offence of trafficking.

(20) A finding by a court that an employer or principal has contravened sub-regulation (1) shall constitute a ground for the revocation of the licence or registration of that employer or principal to operate as an employer or principal in addition to any other civil or penal consequences for which that employer or principal may be liable.

Conduct facilitating trafficking of persons

3. (1) A person shall not

- (a) transport or facilitate the transport of another person for the purpose of that other person being the trafficked person;
- (b) be in charge of a conveyance that facilitates the commission of an offence under the Act or these Regulations;
- (c) lease or sublet or allow a room, house, building or premises to be used for the purpose of harbouring a trafficked person;
- (d) harbour, conceal, or provide a safe haven to a person who commits an offence under the Act or these Regulations;
- (e) counsel, procure, incite or solicit the commission of an offence under the Act or these Regulations;

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- (f) advertise, publish, print, broadcast, distribute, or cause the advertisement, publication, printing, broadcast or distribution of information that suggests or alludes to trafficking by any means, including the use of the internet or other information technology;
- (g) introduce another person to a marriage for the purpose of acquiring, buying, offering for sale or trading that person to be engaged in prostitution, pornography, sexual exploitation, forced labour, slavery, trafficking in human parts, servitude or debt bondage in furtherance of human trafficking;
- (h) offer or contract a marriage, real or simulated, for the purpose of acquiring, buying, offering for sale or trading another person in order for that other person to be engaged in prostitution, pornography, sexual exploitation, forced labour, slavery, trafficking in human parts, servitude or debt bondage in furtherance of human trafficking; or
- (i) assist in the conduct of misrepresentation or fraud for the purpose of procuring or facilitating the acquisition of clearances and necessary exit documents from government agencies for the purpose of trafficking in persons.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to the same penalties as if the person has been convicted of the offence of trafficking.

Use of services of trafficked person

4. (1) A person shall not

- (a) seek to benefit, financially or otherwise, from the services of a trafficked person, or
- (b) use or facilitate the usage of the services of a trafficked person by any other person.

(2) A person who contravenes subregulation (1) commits an offence and is liable, on summary conviction, to a term of imprisonment of not less than five years and not more than ten years.

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(3) The past sexual behaviour of a trafficked person is irrelevant and inadmissible for the purpose of proving that the trafficked person was engaged in other sexual behaviour or to prove the sexual predisposition of the trafficked person.

Prohibition and special mitigating factors

Prohibition of destruction, confiscation, possession and concealment of documents

5. (1) A person shall not

- (a) destroy,
- (b) confiscate,
- (c) possess,
- (d) conceal, or
- (e) tamper with

an actual or purported identification document, passport or other travel document of a trafficked person in furtherance of the offence of trafficking in persons.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.

Special mitigating factors

6. Where a Court in sentencing a person convicted under section 3 or 4 of the Act finds that there are special circumstances that relate to the offence or the accused including

- (a) the accused being a first-time offender;
- (b) the social history and circumstances in terms of the number of children, living conditions, economic status and other similar circumstances of the accused;
- (c) remorse or conduct of the accused following the arrest of the accused;
- (d) the fact that the accused has also been a trafficked person;
- (e) the age of the accused;
- (f) the degree of involvement of the accused; or

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(g) the relationship of the accused to the trafficked person, and that the imposition of the minimum sentence will be harsh, the Court may sentence the accused to a lesser term of imprisonment in addition to a fine of not less than five hundred penalty units and not more than one thousand penalty units.

Report of trafficking and determination of trafficked persons

Duty to report trafficking

7. A person who

- (a) is in charge of a bus terminal, lorry station, ship or other vessel; or
- (b) drives a vehicle or operates an airline;
- (c) is a member or executive of a transport union

shall take reasonable steps to obtain the travel details of a passenger who boards the vehicle at a bus terminal, lorry station or any other place or other carrier in order to ascertain the identity of the passenger, and notify the police where there is reasonable suspicion of the occurrence of human trafficking.

Guiding principle for determination of trafficked persons

8. When deciding the question as to whether a person is a trafficked person, a person shall have regard to all the circumstances of the particular case, including any of the following guiding principles that may be relevant in a particular case:

- (a) whether the person is in an exploitative situation through one or more of the following means:
 - (i) violence, force, coercion, intimidation or threats;
 - (ii) threats of violence against the family members or friends of the person;
 - (iii) threats of witchcraft or superstitious repercussions to prevent the person from escaping or to keep control over that person;
 - (iv) forcing the person to use drugs or causing the person to be addicted to drugs as a means of controlling that person or to make that person dependent on the person trafficking;

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- (v) photographing or video recording of the person while participating in sexual activities or other illegal activities for the purpose of threatening the person with exposure to friends, family members or the authorities if the person fails to submit to the demands of the person trafficking;
 - (vi) forcing the person to witness the beating, rape or murder of any other person as a demonstration of what will happen to the person if the person fails to obey the person trafficking; or
 - (vii) threatening the person with arrest by the police for being in the country illegally or for an offence committed as a direct result of the situation of the person as a trafficked person;
- (b) whether the movement of the person is restricted or confined through one or more of the following means:
- (i) keeping the person under surveillance when taken to a doctor or hospital for treatment;
 - (ii) not allowing a person working in a brothel or other similar establishment within the country to leave the premises unless the person is accompanied by the person trafficking or an associate of the person trafficking;
 - (iii) transporting the person under the surveillance of a guard, between the place of employment and residence of the person; or
 - (iv) keeping the person behind closed doors, under guard or electronic surveillance;
- (c) whether the person suffers from one or more of the following health conditions:
- (i) signs of rape or other forms of sexual exploitation;
 - (ii) emotional distress or psychological manifestations of trauma like depression, anxiety, post traumatic stress or self-inflicted injuries;

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- (iii) bruises, burns, broken limbs or other signs of physical abuse;
- (iv) forced abortion;
- (v) untreated illness or infection; or
- (vi) malnutrition or poor personal hygiene;
- (d) whether the passport, identity document or other travel document of the person has been destroyed by or is in the possession of another person;
- (e) whether the person is in possession of a fraudulent passport, identity document or other travel document;
- (f) whether evidence exists that the person has been forced to lie to the family or friends of the person about the person's safety, welfare and whereabouts;
- (g) whether the person has been subjected to debt bondage;
- (h) whether the person has been forced to work whilst earning a small amount or no income; or
- (i) whether the person has been forced to do work that is different from that which was originally promised to that person.

Reporting and referral of trafficked persons and forfeiture of proceeds from trafficking

Reporting and referral of trafficked persons

9. (1) A labour inspector, social welfare officer, medical practitioner, nurse, or any other public officer or personnel of the security services other than a police officer, who has reasonable grounds to believe that a person is a victim of trafficking shall make a report to a police officer.

(2) A person other than a person specified in subregulation (1), who has reasonable grounds to believe that another person is a trafficked person shall report that belief to a police officer.

(3) A person who fails to comply with subregulation (1) commits an offence and is liable, on summary conviction to a fine of not less than five hundred penalty units and not more than eight hundred penalty units or to a term of imprisonment of not less than six months and not more than three years or to both.

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(4) The identity of a person who makes a report under this regulation shall be kept confidential.

(5) In any civil or criminal proceedings, a witness is not obliged or permitted to disclose the name or address of an informant, or state any matter which may lead to the discovery of the identity of the informant.

(6) Where a book, document, or paper whether electronic or otherwise which is in evidence or is to be inspected in any civil or criminal proceedings contains an entry in which an informant is named or described or which might lead to the discovery of the identity of the informant, the court before which the proceedings is being heard shall cause the entries to be concealed from view or obliterated to protect the identity of the informant.

(7) A person shall not give information referred to in this regulation, knowing that the information is false.

(8) A person who contravenes subregulation (7) commits an offence and is liable on summary conviction to a term of imprisonment of not more than three years.

Forfeiture of proceeds from trafficking

10. (1) The Attorney-General may apply to the High Court by motion ex parte for a provisional order temporarily suspending a transaction that relates to money or property due, owing, belonging to or held on behalf of

- (a) an accused person or a person under investigation in relation to an offence under these Regulations; or
- (b) an organisation involved in human trafficking;
- (c) a person suspected of being a member of an organisation involved in human trafficking; or
- (d) any other person specified in the application.

(2) An order made under this regulation may

- (a) prohibit a person from making money or property available to or for the benefit of the person or organisation referred to in subregulation (1);

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- (b) provide for the grant of authority to make money or other property available to any person and on conditions specified in the order;
- (c) require a person to provide information or produce documents and records required for the investigation of an offence under these Regulations; or
- (d) impose any other conditions that the court considers necessary.

(3) The Court may appoint a person to manage the assets of an organisation or suspect during the subsistence of the order made under this regulation.

- (4) The Court shall give notice of the order to
- (a) a bank or financial institution; or
 - (b) any other person

that the Court knows or suspects may hold or be vested with property belonging to or held on behalf of the organisation or suspect.

Training and enforcement

Training for security service personnel to combat trafficking

11. The Ministry, in collaboration with the Ministry of Education, Ministry of Defence, the Ministry of the Interior and the Department of Social Welfare shall include a syllabus on human trafficking in the training curriculum for security services and schools of Social Work with a view to equipping security service personnel and social services personnel with the skills and capacity to combat human trafficking.

Enforcement officers

12. (1) For the purposes of these Regulations, the personnel of the security services are enforcement officers and may exercise the powers of enforcement in accordance with law.

(2) Personnel of the security services, other than an officer of the Ghana Police Service who arrests a person suspected of trafficking shall, without delay, send that person to the nearest police station.

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- (3) Personnel of the security services shall
- (a) assist the trafficked person to obtain medical treatment where necessary;
 - (b) assist the trafficked person to a place of safety or victim centre; and
 - (c) inform the trafficked person of his or her rights and any basic material support which may be available to assist the trafficked person.

Rescue, rehabilitation and establishment of centres

Rescue of trafficked persons

13. An authorised officer is responsible for the facilitation of the provision of temporary basic material support for the care and protection of a trafficked person who has been rescued.

Rehabilitation of trafficked persons

14. (1) For the purposes of the rehabilitation of a trafficked person who has been rescued, the Ministry shall,

- (a) take action through the Department of Social Welfare, or
- (b) in the case of other bodies, exercise oversight responsibility, to restore the trafficked person to a normal way of life.

(2) The Ministry shall provide mechanisms, programmes and guidelines for the rehabilitation of trafficked persons.

Establishment of centres for trafficked persons

15. (1) The Minister shall

- (a) establish centres for trafficked persons from money appropriated from the Human Trafficking Fund; and
- (b) ensure an appropriate distribution of the centres throughout the country.

(2) The Minister shall ensure that a centre for trafficked persons who are children has facilities to

- (a) secure the physical safety of a trafficked person who is a child;
- (b) provide temporary basic material support for the care of a trafficked person who is a child;

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- (c) offer a programme for
 - (i) the provision of counselling to a trafficked person who is a child;
 - (ii) the provision of rehabilitation services to a trafficked person who is a child; and
 - (iii) reintegration of the trafficked person who is a child, including fostering or adoption where applicable; and
 - (d) provide a programme aimed at the formal education of a trafficked person who is a child, in co-operation with the Ministry responsible for Education.
- (3) The Minister shall ensure that a centre for trafficked persons who are adults has facilities to
- (a) secure the safety of a trafficked person who is an adult;
 - (b) offer a programme aimed at
 - (i) the provision of counselling to a trafficked person who is an adult;
 - (ii) the provision of rehabilitation services to a trafficked person who is an adult; and
 - (iii) the reintegration of a trafficked person who is an adult into the family and community of that person;
 - (c) offer, in co-operation with the Ministry responsible for Education, an adult literacy programme for a trafficked person who is an adult; and
 - (d) offer, in co-operation with the Ministry responsible for Labour, a programme aimed at skills development training of a trafficked person who is an adult.
- (4) The Minister may issue guidelines on the norms and standards to be complied with by a centre for trafficked persons.
- (5) Where a trafficked person who is an adult has a child in the care of that trafficked person, the centre shall offer a programme aimed at the reception, care and development of the child.
- (6) A person in charge of a centre for trafficked persons who are children shall refer a child to a designated Social Welfare Officer for investigation to determine whether that child is in need of care and protection.

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(7) Subject to subregulation (6), a child referred to in subregulation (5) may be cared for at any other premises only with the express consent of the trafficked person who is an adult.

(8) A Social Welfare Officer shall, on the admission of a trafficked person to a centre, make an assessment to determine

- (a) the risks to the safety and life of the trafficked person;
- (b) the immediate needs of the trafficked person; and
- (c) the long-term needs of the trafficked person.

(9) The best interest and welfare of a child or a person with disability shall be paramount in the determination of the assistance to be given to rescue, rehabilitate, counsel or reintegrate the child or the person with disability who is a trafficked person.

Human Trafficking Fund

Accessibility of Human Trafficking Fund

16. (1) A person is eligible to access services and benefits financed from the Human Trafficking Fund established under section 20 of the Act if that person is a victim of human trafficking.

(2) In any criminal or civil proceedings under the Act or these Regulations, a determination by the Court that a person is a victim of trafficking shall suffice for the purposes of applying for resources from the Human Trafficking Fund.

(3) A Committee of three persons set up by the Management Board shall carry out a determination of the status of a trafficked person for the purposes of granting the trafficked person access to resources from the Human Trafficking Fund, where

- (a) a case is before a Court; or
- (b) the accused person is discharged or acquitted.

(4) The Committee consists of the following persons:

- (a) a clinical psychologist;
- (b) an officer from the Anti-Human Trafficking Unit of the Ghana Police Service; and
- (c) the Director of Social Welfare or equivalent designation.

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(5) The unwillingness or inability of a trafficked person to co-operate in legal proceedings is not a bar for the trafficked person to access the Human Trafficking Fund for basic material support.

Application to access Human Trafficking Fund

17. (1) For the purposes of accessing the Human Trafficking Fund for one or more of the objectives stated in the Act, a trafficked person or a person authorised to act on behalf of a trafficked person shall apply to the Management Board in the form set out in the Schedule.

(2) The application shall be accompanied with the following documents where applicable:

- (a) a signed statutory declaration of the applicant testifying that the facts alleged in the application are true to the best of the knowledge of the applicant, and that the money will be used only for the purposes specified in the application;
- (b) a medical report indicating the physical and psychological state of the trafficked person as a result of the exploitation claimed in the application;
- (c) proof of the current stage of the criminal or civil proceedings against the person trafficking;
- (d) proof of the confiscation of the property of the person trafficking that trafficked person, indicating the amount of the proceeds of the property confiscated; or
- (e) a signed report of the police officer or of the person responsible for the rescue of the trafficked person including the recommendation of the Head of the police department of the region or town endorsing the grant of access to the Fund.

(3) The head of the Police department shall ensure that the application form set out in the Schedule is endorsed within ten working days from the day it is submitted to the Police for endorsement.

(4) Where the trafficked person is a child, the application shall be made on behalf of the child by a parent, guardian, next friend or a civil society organisation.

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(5) A civil society organisation may apply on behalf of a trafficked person, where the trafficked person

- (a) is rescued by, or with the co-operation of, the civil society organisation working in the rescue, rehabilitation and reintegration of trafficked persons, and
- (b) is receiving assistance from, or is under the care of, that civil society organisation.

(6) The civil society organisation shall receive the funds on behalf of the trafficked person and transfer the funds to the trafficked person within five working days with the approval of the Ministry and the trafficked person.

(7) The Minister may grant authorisation, in writing, to a civil society organisation which is registered and working in the area of rescue, rehabilitation and reintegration of trafficked persons where the civil society organisation

- (a) has demonstrated commitment to assist trafficked persons, and
- (b) has been engaged in the assistance of trafficked persons for a minimum period of one year before the application to access the Fund.

(8) In the case of a trafficked person residing in an area that is remote or where the Ministry does not have an office, the trafficked person or a person authorised to act on behalf of the trafficked person may send the application with the necessary documents by post to the Ministry.

Consideration of application by Management Board

18. (1) The Management Board shall, within ten working days after receipt of an application under regulation 17, consider the application and make a decision to grant or reject the application.

(2) The Management Board shall, in considering an application, take into account the following factors to make a decision:

- (a) the age, sex and level of education of the trafficked person;
- (b) the duration and form of exploitation;

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- (c) the physical and psychological state of the trafficked person including whether the person has been re-victimised or can be re-victimised or re-trafficked;
- (d) the time frame for which a child who is a trafficked person may benefit from the Fund; or
- (e) the extenuating circumstances, when a child's health is restored.

(3) The Management Board shall determine each case on its own merit to allow the decision making process to be flexible and to develop unique solutions to peculiar problems.

Grant of application to access Human Trafficking Fund

19. (1) Where the Management Board is satisfied that the applicant has complied with the requirements, the Management Board may, within five working days after considering the application, grant the application and give notice of the grant to the applicant.

(2) The Management Board shall determine prior to communication of approval to the victim, the period over which the victim shall have access to the Fund, the amount of the benefit and together with the applicant draw up a plan to help the victim to use the money in a manner that will sustain the victim after the victim exits from the support of the Fund.

(3) The Management Board shall, within ten days after grant of the application make the funds available in Ghanaian currency to the trafficked person.

Rejection of application to access Human Trafficking Fund

20. (1) The Management Board shall not grant an application if

- (a) the application is not made by a trafficked person or a person authorised to act on behalf of a trafficked person;
- (b) the purpose for which the funds are requested is not provided for under section 22 of the Act; or
- (c) the application is not made in the form prescribed in these Regulations.

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(2) Where the Management Board decides to reject an application, the Management Board shall, within ten working days after the decision

- (a) give notice in writing of the rejection to the applicant, stating the reasons; and
- (b) inform the applicant that the applicant has a right of appeal to the Minister if the applicant is dissatisfied with the decision of the Management Board.

Appeal

21. (1) An applicant may appeal to the Minister against a decision of the Management Board within thirty days of the decision.

(2) An applicant may file an appeal by electronic process in the manner determined by the Management Board.

(3) The Minister shall, on receipt of the application, consider the application within twenty-one working days and make a decision on the application.

(4) The Minister shall, within ten working days after consideration of the application, give notice of the decision to the applicant.

(5) An applicant who is dissatisfied with the decision of the Minister may apply for a review of the decision in the High Court.

Use of funds accessed

22. The Management Board shall inform a trafficked person of the possibility of accessing the Human Trafficking Fund and the services and benefits provided by the Fund for the attainment of one or more of the objectives set out in section 22 of the Act.

Monitoring and reporting mechanism for disbursement of funds

23. (1) The Minister shall assign a Social Welfare Officer or a relevant civil society organisation to monitor expenditure of funds accessed by an applicant.

(2) The officer assigned under subsection (1) shall possess a qualification in accounting or finance and shall

- (a) collect from the Board, a copy of the receipt of moneys granted to the trafficked person;

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- (b) ensure that the money is used for the purpose for which it was requested and granted;
- (c) keep a record of receipts and any additional documents pertaining to the victim to ensure proper use of funds; and
- (d) report cases of misappropriation of funds to the Ministry in writing.

(3) Where the funds are accessed by a civil society organisation on behalf of a trafficked person, the organisation shall submit an audited account on the expenditure to the Minister.

(4) Where there is a report alleging misappropriation of funds, the Minister shall communicate the report to the trafficked person and require the trafficked person to prove that the money was used for the purpose for which it was granted.

(5) The Minister shall, where the trafficked person fails to provide the requisite proof of expenditure,

- (a) discontinue periodic payments due the trafficked person;
- (b) institute court proceedings to recover the money; and
- (c) report the matter to the police to prosecute the applicant where there is gross or systematic misappropriation of funds by a person accessing the funds on behalf of a trafficked person.

Miscellaneous provisions

Duties of local authority in prevention of human trafficking

24. (1) A local authority shall assist in the prevention of human trafficking.

- (2) For the purposes of subregulation (1) a local authority shall
 - (a) collaborate with the Ministry, regional and district offices responsible for education and social welfare to initiate and conduct public awareness programmes and other measures to inform and educate members of the community at risk of becoming trafficked persons on issues relating to trafficking of persons including

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- (i) common recruitment techniques used by persons trafficking;
 - (ii) tactics used to keep a trafficked person in an exploitative situation;
 - (iii) the forms of abuse to which trafficked persons are subjected;
 - (iv) the rights of the trafficked persons;
 - (v) legal or other measures to ensure the safety and recovery of trafficked persons; and
 - (vi) organisations, institutions and law enforcement agencies that may be approached for assistance and information;
- (b) discourage the demand that fosters the exploitation of victims, especially women and children;
- (c) co-ordinate the activities of relevant institutions on matters connected to trafficking at their respective district levels;
- (d) propose and promote strategies to prevent and combat trafficking in persons;
- (e) liaise with government agencies and civil society organisations to promote the rehabilitation and re-integration of victims of human trafficking; and
- (f) issue by-laws for the detection and prevention of human trafficking and for matters connected with it.

Interpretation

25. In these Regulations, unless the context otherwise requires,
- “centre for victims” means a facility for the provision of temporary accommodation suited to the needs of victims admitted to the facility in accordance with a programme referred to in regulation 15;
- “civil society organisation” includes a non-governmental organisation and a faith based organisation;
- “debt bondage” means a situation where a person who is in debt facilitates the trafficking of another person to set off the debt, whether in part or full, or a situation where the debtor would render the victim without the victims reasonable consent to be at the service of the creditor or the creditor’s assigns or agents until the debt is paid;

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“faith based organisation” means a recognised non-governmental organisation whose objectives are founded on a religious belief;

“financial, material or other benefit” includes any type of financial or non-financial inducement, payment, bribe, reward, advantage or service;

“fraudulent travel or identity document” means a travel or identity document that

- (a) has been made, or altered in a material way, by a person other than a person or agency lawfully authorised to make or issue that travel or identity document on behalf of a country;
- (b) has been issued or obtained through misrepresentation, corruption, duress or in any other unlawful manner; or
- (c) is being improperly used by a person other than the owner;

“human part” includes a distinct internal or external organ of the human body or human blood”;

“local authority” includes a metropolitan, municipal and district assembly;

“non-governmental organisation” means a locally recognised company which is duly registered with the Registrar-General’s Department and with the Department of Social Welfare or its equivalent entity under the Ministry as a charitable organisation set up with the objective of rendering humanitarian services and that has been recognised in that regard for at least two years;

“organised criminal group” means a structured group acting in concert with the aim of committing a serious offence;

“premises” includes a house, building, factory, land, whether open or enclosed, built or not built, private or public and maintained or not maintained under any authority;

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“public officer” means a person who holds an office the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and an office in a public corporation established entirely out of public funds or moneys provided by Parliament;

“public service” includes service in a civil office of the Government, the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and service with a public corporation;

“receiving country” means a country into which a person who is trafficked is brought as part of an act of trafficking in persons;

“rehabilitation” includes legal assistance, material assistance, psychological, medical and professional treatment, employment and provision of dwelling place;

“School of Social Work” means an institution dedicated to the training of officers on social policy and social protection as established under the Ministry of Education and the Department of Social Welfare or any other Government institution;

“serious offence” means an offence for which the maximum penalty is death and the minimum penalty is imprisonment for a period of not less than five years;

“servitude” means involuntary bondage;

“sexual exploitation” includes the participation of a person in prostitution or other sexual acts, or the production of pornographic material as a result of being subjected to threat, force, intimidation or other forms of coercion or any other practice in terms of which that person’s participation is not voluntary;

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“slavery” means a condition whereby a person exercises actual or seeming right of ownership over another, giving rise to the control of that other person;

“structured group” consists of two or more persons, that is not randomly formed, for the commission of an offence, and in which the members may or may not have defined roles, continuity of membership or which may or may not have a developed structure;

“transportation” means the removal of a person from one location to another, through the use of vehicle or any other means; and

“vehicle” includes a bicycle, canoe, aircraft, motorbike, train or other medium used to move a person from one location to another.

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SCHEDULE
Regulation 17(1)

Application Form

APPLICATION TO ACCESS HUMAN TRAFFICKING FUND

Date of Application

Place of Application

Part One – Victim's Personal Information

1.1. Name (Block Letters)

First name

Middle name

Surname

Other names

1.2. Marital Status

1.3. Age

1.4. Sex (Female/male)

1.5. Level of education (Illiterate/Primary/ JHS/ SHS/ Tertiary/ Professional)

1.6. Nationality

1.7. Current address (Include District and Region)

Postal Address
.....
.....

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Residential Address

(Indicate any land marks for identification and where possible a map)

Name of Parent/Guardian:

Name of the Person Victim Lives With:

Part Two-Information on person applying on behalf of the victim
(Only for applicants by interested parties on behalf of the victim or on behalf of a child victim)

2.1. Name of person (Block letters)

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First name

Middle name

Surname

Other names

OR

Name of Organization

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2.2. Residential Address/Business Address

2.3. Registration Number (If applicant is a company or an NGO)

2.4. Telephone Number

2.5. Nature of relationship with victim

Guardian		Parent/relative		NGO assisting victim or victim under the care of NGO	
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Part Three-Ground and Purpose for Application

3.1. Nature of exploitation causing the need for rehabilitation – indicate one or more of the following

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Nature of Exploitation Comments

Induced Prostitution	
Other Forms of Prostitution	
Forced Labour or Services	
Slavery	
Practices Similar To Slavery	
Servitude	
Removal of organs	
Other, please specify:	

3.2. Purpose of the application – indicate by ticking one, two, or three of the following options as the purpose for which the Fund is sought and explain the details of such purpose in the box below.

Basic material support	<input type="checkbox"/>	Construction of reception shelters for victims with amenities	<input type="checkbox"/>
Tracing families of victims	<input type="checkbox"/>	Training and capacity building to persons connected with the rescue, rehabilitation and reintegration	<input type="checkbox"/>
Skills training	<input type="checkbox"/>	Other matters connected with the rescue, rehabilitation and	<input type="checkbox"/>

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formal education			reintegration of victims in their best interest	
<p style="text-align: center;">Details of purpose</p>				

Part Four—Current State of the victim
(Indicate ailments or needs of the victim as a result of the exploitation indicated in Part Three)

4.1. Physical injuries or diseases

- (a) Nature of injury or disease _____
- (b) Treatment received for injury or disease _____
- (c) Treatment still needed for injury or disease _____
- (d) Attached medical proof from a health professional attesting to injury or disease _____
- _____

4.2. Psychological problems

- (a) Nature of problem _____
- (b) Treatment received _____

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(c) Treatment still needed _____

(d) Attached proof from a health professional or a counselor attesting to problem

4.3. Material needs

(a) Indicate the current financial needs of the victim necessary to provide for his/her basic material needs of shelter, primary health care, nutrition, education and clothing

(b) Other sources of funds from which the victim is receiving assistance _____

(c) Nature and extent of assistance from other sources (cash, goods, or both). Please be specific. _____

4.4. Other conditions and needs (indicate any additional needs of the victim). Be sure to list the names of any additional sources of support.

Part Five-Information on Trafficker

(Provide available details about the trafficker (And persons who were involved in the recruitment, transportation, transfer, harbouring, trading or receipt of the victim)

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5.1. Name _____

5.2. Address _____

5.3. Sex _____

5.4. Age _____

5.5. Nature of relationship with victim _____

5.6. Current stage of criminal case against trafficker. Indicate if trafficker is being investigated, arrested, at large, tried, acquitted, sentenced, awaiting sentence, serving or has completed a sentence) _____

5.7. Indicate whether civil proceedings have been instituted against the trafficker by, in the name or on behalf of the victim _____

5.8. Indicate amount of money, if any recovered and outcome of the proceedings _____

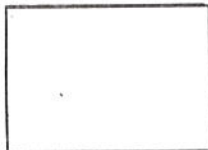
5.9. (a) Indicate the kind of proof attached to verify the current stage of criminal or civil proceedings against the trafficker (Such proof may be any documentary proof and may include a record of the proceedings, charge sheet, arrest warrant, writ from the court or court judgment) _____

5.9. (b) Indicate the kind of proof attached to verify the confiscation of the property of the trafficker/s of that victim and the amount of the proceeds of the property confiscated _____

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Part Six – Declaration of the Victim

Attach passport size photograph



I, _____, hereby verify that
I am a victim of human trafficking and that the information included in this application is
correct to the best of my knowledge.

Signature/Thumb print _____

Date _____

Witnessed by: _____

Date _____

For persons who are not literate in English: This form was read byto
the applicant in thelanguage and he understands and knows the
implications of signing this document.

The content and implications, terms and conditions were explained to who
appeared to understand fully when it was explained.

Name:

Signature:

Address:

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- 6.2. In the case of applications by interested parties on behalf of the victim:
- a. Proof of authorisation by the Ministry to lodge an application and receive funds on behalf of the victims, and transfer the funds to the victims
 - b. Proof of authorisation by victim to lodge an application and receive the funds on behalf of the victim, and transfer the funds to the victim
- 6.2. Medical report indicating the physical and psychological state of the victim resulting from the exploitation claimed in the application
- 6.3. Proof of the current stage of the criminal or civil proceedings against the trafficker
- 6.4. Proof of confiscation of the property of the trafficker/s indicating the amount of the proceeds of the property confiscated
- 6.5. Signed report of the police officer or other person that was responsible for the rescue of the victim including the recommendation of the Head of the Police Department of the Region/or town endorsing the grant of access to the Fund.

Part Seven — Endorsement by Police Officer

- 7.1 Name of Officer:
7.2 Police Station:
7.3 Region:
7.4 Contact Number:
7.5 Signature:

NANA OYE LITHUR (Mrs.)

Minister responsible for Gender, Children and Social Protection

Date of Gazette notification: 7th July, 2015.

Entry into force: 11th November, 2015.