AN ASSESSMENT OF GHANA’S IMPLEMENTATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD IN ADDRESSING THE PHENOMENON OF CHILD TRAFFICKING

BY

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LEGON JULY 2018
DECLARATION

I hereby declare that except for references to other publications which have been duly acknowledged herein, this work is the result of an original research conducted by me under the supervision of the undersigned.

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(SUPERVISOR)

DATE..........................   DATE..........................
DEDICATION

This dissertation is dedicated to God and to country.
ACKNOWLEDGEMENTS

Thanks to Dr. Boni Yao Gebe, who, time without number, has proven himself a nonpareil lecturer, demonstrated throughout my time in LECIAD and especially during the thesis writing process. My heartfelt gratitude to my parents and siblings for their matchless support. God bless you! To my friends Richmond and Selom, thanks for always being there. Much appreciation also goes to the colleagues who were beside me to encourage me during this journey, thanks for your help. Richard, Alice, Ahmed and Elikem: your contribution to my life will not go unrewarded. My final appreciation goes to all my respondents and interviewees who made time to speak to me. Thanks for making this a reality.
### LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ACRWC</td>
<td>African Charter on the Rights and Welfare of the Child</td>
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<td>ADR</td>
<td>Alternative Dispute Resolution</td>
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<td>AHTU</td>
<td>Anti-Human Trafficking Unit</td>
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<td>AU</td>
<td>African Union</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<td>CHRAJ</td>
<td>Commission for Human Rights and Administrative Justice</td>
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<td>Das</td>
<td>District Assembly</td>
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<td>DOC</td>
<td>Department of Children</td>
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<tr>
<td>DCEs</td>
<td>District Chief Executive</td>
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<td>DSW</td>
<td>Department of Social Welfare</td>
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<td>FCUBE</td>
<td>Free Compulsory Universal Basic Education</td>
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<td>FGD</td>
<td>Focus Group Discussion</td>
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<td>GACA</td>
<td>Ghanaians against Child Abuse</td>
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<td>GIS</td>
<td>Ghana Immigration Service</td>
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<td>GNCC</td>
<td>Ghana National Commission on Children</td>
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<td>HT</td>
<td>Human Trafficking</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>LI</td>
<td>Legal Instrument</td>
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<td>MELR</td>
<td>Ministry of Employment and Labour Relations</td>
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<td>MOGCSP</td>
<td>Ministry of Gender, Children and Social Protection</td>
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<td>NCCE</td>
<td>National Commission on Civic Education</td>
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<td>NGOs</td>
<td>Non-Governmental Organizations</td>
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<td>Abbreviation</td>
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<tr>
<td>NPA</td>
<td>National Plan of Action</td>
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<td>SDGs</td>
<td>Sustainable Development Goals</td>
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<td>TIP</td>
<td>Trafficking In Persons</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNCRC</td>
<td>United Nations Convention on the Rights of the Child</td>
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<td>UNGA</td>
<td>United Nations General Assembly</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children Fund</td>
</tr>
<tr>
<td>WFCL</td>
<td>Worst Forms of Child Labour</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

DECLARATION ....................................................................................................................... i

ACKNOWLEDGEMENTS .......................................................................................................... iii

LIST OF ABBREVIATIONS ........................................................................................................ iv

LIST OF FIGURES ..................................................................................................................... ix

LIST OF PHOTOS ....................................................................................................................... ix

Photo 1 Picture taken by researcher during Focus Group Discussion ........................................ ix

ABSTRACT ................................................................................................................................. x

CHAPTER ONE .............................................................................................................................. 1

INTRODUCTION ......................................................................................................................... 1

1.0 Background to the Research Problem .................................................................................. 1

1.1 Statement of the Research Problem ..................................................................................... 2

1.2 Research Questions ............................................................................................................. 3

1.3 Research Objectives .......................................................................................................... 3

1.4 Scope of the Study .............................................................................................................. 4

1.5 Central Argument .............................................................................................................. 4

1.6 Justification of the Study ................................................................................................... 4

1.7 Conceptual Framework ....................................................................................................... 4

1.8 Literature Review ............................................................................................................. 10

1.9 Clarification of Key Concepts ........................................................................................... 18

1.10 Sources of Data ............................................................................................................... 19

1.11 Research Methodology ................................................................................................... 19

1.12 Ethical Consideration ..................................................................................................... 20

1.13 Organization of the Study ............................................................................................... 21

Endnotes .................................................................................................................................... 22

CHAPTER TWO ........................................................................................................................... 24

A SYNOPSIS OF LEGAL INSTRUMENTS SAFEGUARDING AGAINST CHILD
EXPLOITATION .......................................................................................................................... 24

2.0 Introduction ...................................................................................................................... 24

2.2 Legal Framework for Combatting Child Trafficking in Ghana .......................................... 26

2.2.1 1998 Children’s Act (Act 560) ......................................................................................... 26

2.2.2 2005 Human Trafficking Act (Act 694) .......................................................................... 28

2.2.3 2015 Human Trafficking Legislation Instrument (L.I.2219) ........................................... 30

2.3 International Legal Instruments ......................................................................................... 30
SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS ....................... 71
4.0 Introduction ......................................................................................................................... 71
4.1 Summary of Findings ........................................................................................................... 71
4.2 Conclusions .......................................................................................................................... 73
4.3 Recommendations ............................................................................................................... 74
  4.3.1 Impact of Cultural Influences ............................................................................... 74
  4.3.2 Exacerbating Factors .............................................................................................. 75
BIBLIOGRAPHY ....................................................................................................................... 78
APPENDIX I ............................................................................................................................. 84
APPENDIX II ........................................................................................................................... 86
APPENDIX III ......................................................................................................................... 88
LIST OF FIGURES

Fig. 1 Research results in 20 communities studied for trafficking

LIST OF PHOTOS

Photo 1 Picture taken by researcher during Focus Group Discussion
ABSTRACT

Cognizant of the fact that children are vulnerable and need protection, the United Nations Convention on Rights of the Child was enacted in 1989 to safeguard the welfare of children. This development spurred the child rights agenda in most countries across the globe, and Ghana was no exception. Indeed, Ghana set the pace by being the first country to ratify the Convention. Thereafter, the 1992 Constitution and the 1998 Children’s Act were promulgated, and these became the linchpins for the promotion of the well-being of children in Ghana. Almost three decades after this landmark Convention and its domestication, the research, using primary as well as secondary sources, makes an assessment of its implementation, particularly in the area of child trafficking. The study relies on data obtained qualitatively through purposive sampling of expert opinions, using semi-structured interviews. The county has come under international scrutiny in recent years due to the prevalence of the threat in Ghana. For this reason, the study focuses its lenses on Article 35 of the Convention as it pertains to child trafficking. It throws light on the fact that despite the adoption of the Convention, and the efforts made so far in its implementation, a lacuna exists between what is prescribed on paper and what is practiced. An examination is made of the policy, legal and institutional structures put in place to guarantee the realization of the UNCRC in Ghana. Cultural abuses, lack of awareness and strong institutions to serve as a deterrent, poverty, are among the factors that exacerbate the trafficking of children in Ghana. These children are trafficked into labour in key sectors of the economy such as mining and agriculture, and sometimes for sex. Despite the progress made in building partnerships, major challenges persist in other areas of the fight against trafficking such as prosecution of offenders and the protection of victims. It therefore behoves on Ghana, as the main stakeholder to put in place appropriate measures that will fulfill the stipulations of Article 35. The study therefore makes recommendations in this regard, in order that, the incidence of child trafficking will not only be significantly reduced in the short run, but ultimately eliminated in the long run.
CHAPTER ONE

INTRODUCTION

1.0 Background to the Research Problem

When the United Nations Convention on the Rights of the Child was promulgated in 1989, Ghana became the first member state to ratify it. In recognition of the fact that children are among the most vulnerable section of society, this treaty, comprised of 54 articles, was formulated to ensure child protection, with a scope that covers every aspect of their wellbeing. The provisions, inter alia, seek to guarantee their right to freedom of expression (Article 13), a full and decent life whether able bodied or disabled (Article 23), health care services (Article 24), education (Article 28 & 29), protection from economic exploitation (Article 32), as well as protection from trafficking in all its forms (Article 35) all in a bid to ensure that “in all actions concerning children,…the best interests of the child shall be of primary consideration.”

In Ghana, implementation of the provisions has chalked various degrees of success across the country, with the promulgation of the 1998 Children’s Act (Act 560), the advent of the Free Compulsory Universal Basic Education (FCUBE), among others, aimed at promoting the welfare of children. However, one area that continues to pose a grave threat is the issue of child exploitation through trafficking. As countries gravitate towards the attainment of Sustainable Development Goals (SDGs), it can be estimated that the prevalence of child exploitation will affect Ghana’s capacity to achieve the set goals, especially in reference to Goal 3 which seeks to ensure healthy lives and promote the well-being of all sections of the population, Goal 4 which advocates an inclusive quality education and learning opportunities for all throughout their lifetime as well as Goal 8 which seeks to promote decent work for all. Trafficked children are exploited on farms,
brothels and river beds or fishing canoes, which makes them miss out on educational opportunities. This threat has continued to plague the Ghanaian community even with the intervention of Non-Governmental Organizations (NGOs) and the rescue efforts of other stakeholders. This is because, measures provided in addressing the challenge are more curative than preventive. Even when attempts are made to investigate the root causes, high prevalence is usually attributed to poverty and low levels of education.

However, the problem transcends the lack of social amenities or economic deprivation. According to a United Nations Office on Drugs and Crime (UNODC) report, “the driving forces behind child trafficking extend beyond fish scarcity. Deep-rooted traditions can also help explain the prevalence of this crime. For example, it is common in Ghana for children to participate in apprentice work with a relative or family friend. Many kids, and their parents, believe that going away to work is a route to a better life”. Hence, the issue goes well beyond the crust of social redistribution or governmental budgetary allocations. A deeper insight is therefore needed to address the intricate issues surrounding child trafficking, and its various manifestations such as child prostitution and child labour, which are heavily rooted in cultural patterns in order to have a holistic and effective approach to curbing this threat.

1.1 Statement of the Research Problem

According to Malcom Shaw, “the United Nations system has successfully generated a wide-ranging series of international instruments dealing with the establishment of standard norms in the human rights field”. However, discrepancies exist between what is prescribed and what is practiced as far as the issue of child trafficking in Ghana is concerned. According to the 2016 Human Development Index, Ghana ranked 139th out of 176 countries and has 22% of children between the ages of 5 and 14 years, engaged in child labour between 2009 and 2015. In Ghana,
people aged below 18 are considered as children, and therefore the percentage will increase if the net is widened to cover the entire age bracket (children below 18 years).

This research therefore seeks to assess the progress made in the anti-trafficking campaign and to explore in detail the reasons why child trafficking continues to thrive in Ghana despite the country’s ratification and adoption of the UNCRC.

1.2 Research Questions

- What is the current state of child trafficking in Ghana?
- What has been achieved in terms of the implementation of article 35 of the UNCRC?
- How does culture affect the implementation of international laws and conventions on child exploitation?
- What factors account for the prevalence of child trafficking in Ghana?

1.3 Research Objectives

- To assess the current rate of the prevalence of child trafficking in Ghana;
- To investigate the progress that has been made with respect to the implementation of Article 35 of the UNCRC;
- To understand how cultural influences affect the implementation of laws against child exploitation;
- To examine the factors that account for the prevalence of the phenomenon in Ghana.
1.4 Scope of the Study

Among the many provisions of the Convention which aim to promote the welfare of the child, this research focuses its lenses on Article 35 and its implementation in Ghana, since its ratification in 1989 and its entry into force in 1990. Emphasis is however laid on progress made within the past ten (10) years, from 2008-2017.

1.5 Central Argument

Cultural influences have stymied Ghana’s active implementation of Article 35 of the UNCRC in addressing child trafficking for economic exploitation.

1.6 Justification of the Study

The study will add to existing literature on Child Rights, most of which happens to be policy papers developed by international advocacy groups. It will provide scholarly research relevant to policy development that will advance the discussion on child exploitation. It will also serve as a basis for future research on the subject.

The study focuses on children because “human development requires recognizing that every life is equally valuable and that human development for everyone must start with those farthest behind”.

1.7 Conceptual Framework

The concept that underpins this study is Human Security. It advocates a people-centered approach to security issues, and goes beyond the traditional perception of security which was protection against external military aggression and the assurance of national security. It is an inclusive approach that embraces the participation of multiple actors including (but not limited to) states,
trans-national actors, civil society, local communities and development agencies, among others. It is intricately linked with tenets of good governance, development and human rights. The concept, however, moves beyond the legalistic approach of the latter and adopts issue-specific approaches to address issues of concern at various levels of engagement. As captured by the United Nations Development Program (UNDP) in its 2016 Human Development Report, “human rights cannot be realized universally without well-established domestic mechanisms”.

The term Human Security was first popularized by the UNDP in 1994. It emerged in the post-Cold War era as a way of linking various humanitarian, economic and social concerns in order to assuage human suffering and assure security.

The Commission on Human Security (CHS), in its last report titled *Human Security Now*, delineates the term human security as:

“…to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity.”

Despite advocating for a multi-sectoral approach, human security does not eliminate the responsibility of state actors. It urges states to create an enabling environment for other actors to be able to participate in assuring the totality of the welfare of citizens. Indeed, by ratifying the UNCRC, states parties consent to put in place all appropriate measures to protect the child from every form of physical violence (Article 19), from economic exploitation (Article 32), and from sale and abduction (Article 35). They further agree to work within the confines of international humanitarian law that is applicable to armed conflicts involving children (Article 38). According to Malcom Shaw, “this provision was one response to the use of children in the Iran–Iraq war.”
Safeguarding the right of children is therefore vital to the development of every state. It is thus within the ambit of providing these appropriate measures, that partnerships with non-state actors are formed in order to help attain the desired goals.

Elements of Human Security include:

2. Food Security: eradication of famine and hunger;
3. Health Security: prevention of deadly infectious diseases and improving access to basic health care;
4. Environmental Security: removal of threats such as resource depletion, degradation, and pollution;
5. Personal Security: prevention of physical violence, terrorism, domestic violence, crime, and child labour;
6. Community Security: reduction of religious, inter-ethnic and other identity-based tensions

The study focuses on the personal security of minors in relation to issues of economic exploitation. This concept proves useful in that the assurance of human rights fits rightly within the domain of human security. Human security is relevant to finding solutions to personal security challenges such as physical, domestic violence, child abuse and exploitation. Safeguarding human lives implicates institutions that intend to promote human security as well as institutions that unintentionally undermine it. The strategies that are associated with providing human security
identify the threats and then seek to prevent threats from occurring, mitigate harmful effects for those that occur, and help victims to deal with them.\textsuperscript{9}

However, the concept of human security is not without criticism. The earliest and most prominent of these relates to its conceptual ambiguity. According to Paris Roland, “everyone is for it but few people have a clear idea of what it means”.\textsuperscript{10} In the words of Krause, its broadly-defined form is “a loose synonym for bad things that can happen”.\textsuperscript{11} Barry Buzan also states that its seven components does little to distinguish it from human rights, thereby posing a practical dilemma for policy makers and resource allocation.\textsuperscript{12} According to Owen Taylor, “labeling all potential harms to the individual security threats makes prioritizing political action impossible. Krause, Buzan, MacFarlane, and Mack rightly point out that ‘security’ is the label given to the highest priority issues – again, making everything a security threat, in effect prioritizes nothing.”\textsuperscript{13}

It is seen as a threat to state sovereignty and responsibility as well as a rationale for unwanted external intervention. This is because the concept relies heavily on concerted efforts of a multiplicity of actors and not just the state.

Additionally, it is also perceived to over stretch the capacity of the UN and other stakeholders with its widespread scope and seemingly impossible mandate of ensuring a world “free from want”, with concerns that spans climate change to unemployment issues.

However, with the passage of time, newer perspectives have also surfaced, shifting the argument from the broad-narrow perspectives. “Narrow proponents have sacrificed nonviolent threats for policy utility, and broad proponents have sacrificed some analytic rigor and policy clarity for inclusiveness.”\textsuperscript{14}
To others also, human security is only useful if it can be utilized to address policy problems and these therefore do not concern themselves too much with theoretical emphasis. There is a call for the concept to have a threshold-based definition. It is advocated that by categorizing threats by their severity rather than their cause, necessary attention can be given to the causes, while limiting those at the top of the list with the ‘security’ label. In this context, issues such as the lack of education, would most likely not be regarded as threats to human security.\(^\text{15}\)

However, some human rights abuses, environmental, health and economic issues would cross the threshold and become human security threats, based on the severity of the threat posed.\(^\text{16}\) These criticisms notwithstanding, it is apparent that human security remains relevant for addressing child exploitation issues as it adopts a people-centered, multi-sectoral and comprehensive approach. Indeed, states must not be the only guarantors of the protection of their citizens, given the fact that there have been cases where state actors happen to be the very cause of the insecurities faced by nationals.

As a supporting concept for this essay on child trafficking, it is necessary to take a look at cultural relativism versus universalism within the broader discussion on human rights. This is because the assessment of the implementation of the UNCRC in Ghana essentially evaluates the level of compliance within the Ghanaian context to an international convention.

Cultural relativism contends that there are no objective, universal moral rules and that though moral rules exist within each society, they are culture-bound. An action might therefore be morally acceptable within one society while another finds it abominable. Cultural relativism is concomitant with a general tolerance and respect for difference, and refers to the idea that cultural context is critical to an understanding of people’s values, beliefs and practices. It helps to guard against the assumption that all of our moral beliefs are rationally justified and apply to all cultures. It also
serves as an antidote to cultural prejudice. Cultural relativism encourages us to consider how situational differences may impact what is in fact morally permissible. While this concept is appreciated by postmodernists and post-structuralists, it is condemned by moral conservatives, who regard it as a demise of moral obligation. The assurance of rights then becomes a series of subjective decisions and choices. \(^{17}\)

There are several criticisms of this concept. Cultural relativism is not a claim for cultural tolerance. Rather, it denies that there are objective moral principles. International law seeks to become more responsive to the demands for individual freedom. This quest brings into question, the validity of certain state practices subject to geographical and cultural particularities. The tension between state sovereignty and the enforcement of international human rights standards is emphasized when governments point to national cultural traditions to justify failures to conform to the dictates of international law.

Conversely, the concept of universalism holds that, if there is a possibility of meaningful moral discourse about rights, then it is universal in nature and it relates to all human beings despite cultural variations. \(^{18}\) According to the UNDP’s Human Development Report (HDR), “the real foundation of human development is universalism in acknowledging the life claims of everyone.”\(^{19}\)

Children, who should enjoy maximum protection in any society, are subject to many abuses. Development must therefore empower all individuals - from the least to the greatest - to enlarge their human capabilities to the fullest and to put those capabilities to the best use in all fields of endeavour, be it economic, social, cultural or political. This is termed as the “universalism of life claims”, which is the linchpin for the concept of human security.\(^{20}\)

Essentially, nothing in the human rights conventions suggests that the respect for human rights hinges on upon, or can be amended by, local cultural conditions. Neither the U.N. Covenant, the
American Convention, nor the African Charter recognize any right of governments to be defiant on the basis of priority of local traditions. This is highlighted by article 1(3) of the U.N. Charter which states that a major purpose of the organization is to achieve international cooperation in encouraging and promoting "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language and religion.”21

Some researchers, however, argue that it is possible to adopt a cultural relativist stance without abandoning a commitment to the idea of universal standards, or to the concept of human rights. Therefore, a more reasonable approach would prescribe that the principle of independent cultural development, which forms a key part of self-determination, be synchronized with human rights law.

1.8 Literature Review

Against the background of the large volume of existing literature on child rights in general, this section focuses its lenses on reviewing scholarly works related to the phenomenon of child trafficking.

In her article, “Cultural Perspectives on Child Trafficking, Human Rights and Social Justice: A Model for Psychologists”, Rita Chi-Ying Chung asserts that though human trafficking is not a recent phenomenon, it has gained increased media attention which has uncovered the illicit nature of this type of illegal migration. Globalization has therefore given the threat more visibility.22 Despite this attention, the threat continues to persist and is even on the ascendancy in many countries. Her work is insightful in urging a renewed commitment to addressing the pervasive threat of child exploitation and calls for the urgent attention of all, including those in academia as
well as policymakers. This, once again, emphasizes the need for the involvement of a multiplicity of actors.

Julia O’Connell Davidson in her work “Moving Children? Child Trafficking, Child Migration, and Child Rights”, observes that there is a gap between “the almost universal spoken commitment to children’s rights and the lived experience of migrant children in the contemporary world.”

Harrowing tales are told of the ordeals of children the world over in the hands of traffickers, causing several organizations and celebrities to rally behind anti-trafficking campaigns.

“Campaigning materials lend credence to claims about the vast size of the problem by listing the many different settings in which ‘trafficked’ children are found: labour exploitation, domestic servitude, enforced criminal activity, illegal adoption, underage, servile or forced marriage, benefit fraud…child prostitution”. The manifestations are many and varied, linked only by a common purpose, ‘exploitation’, which itself is interpreted very subjectively in different environments.

She asserts that though some of these activities have received widespread condemnation and are criminalized world-wide, others are socially tolerated and even socially valued. In most countries, including those in the affluent world, it is legally and socially acceptable for a minor to enter many age-inappropriate labour markets. Some multi-national companies have even been embattled over child labour allegations. Poverty and ignorance can therefore not be wholly blamed for the rising incidence of child trafficking.

Davidson argues that to condemn every engagement of children in labour as ‘exploitation’ would be to penalize a channel through which many children access skills for a future means of livelihood. Yet, if there is no neutral, standard measure of ‘exploitation’, drawing clear lines
between what is acceptable and what is considered as being overboard becomes difficult, as far as the welfare of children is concerned.

She also points out the notion of the child as property, thus the idea that children are not independent beings but are rather always bound to someone. According to her, parental possession and control may sometimes even go against promoting the child’s welfare as some are often found incapable of ensuring child welfare. Family units may therefore not always be the safest agencies to protect children, contrary to popular belief.

Her work is useful in lending credence to the fact that cultural contexts must be considered when addressing the origins of the phenomenon. It argues for the adoption of context-specific approaches instead of universal, one-size-fits-all solutions to the threat.

Silvia Scarpa in her work “Child Trafficking: International Instruments to Protect the Most Vulnerable Victims” posits that despite the abolishment of slavery in its traditional sense, the 21st Century has witnessed “new forms” of the practice with increasing magnitudes. In addition to the traditional manifestations of labour and prostitution, data shows the existence of trafficking of children via the internet for the purpose of international adoption or in the guise of marriage brokering services. Thus newer, more sophisticated trends are being used to proliferate the crime with the turn of the century.

Scarpa also argues that in addition to the widely accepted causes of trafficking, other contributing factors such as profitability of the trade and globalization, associated with increasing obstacles to legal migration, compel people in search of greener pastures to turn to traffickers who deceive and promise to get them to their desired destinations. Solutions to the threat are not easy to come by, and certainly cannot be achieved without paying special attention to the demand factor which
drives child trafficking. Furthermore, Scarpa makes mention of a critical, but sometimes overlooked aspect of the problem, i.e. the corruption of police, security agencies and other social protection agencies who corroborate with traffickers and make victims shy away from reporting their exploiters.29

This is a crucial aspect which, if ignored, makes the fight against child exploitation counter-productive. Like many others, she bemoans the unavailability of reliable data and how that does not augur well for curbing the threat.

Coming from the perspective of trafficking as a modern form of slavery, Scarpa finally walks readers through various international instruments that have been established to address the phenomenon. She begins from the 19th Century (these were largely ineffective) to the 1926 Slave Convention and through to the 1949 UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (women, children, boys etc.). More recent developments occurred in 1990, when the CRC entered into force. It is the international instrument with the highest number of ratifications.30 In 2000, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was adopted, which directly address the phenomenon of trafficking, supplementing the UN Convention against Transnational Organized Crime. These, among other special mechanisms, all seek to promote the protection of the rights of trafficked children, raise awareness on the issue and put pressure on states to act, in order to eliminate this abusive form of exploitation of minors as well as assist those affected by it.31

Her work gives a historical overview of efforts made at child protection within the scope of the United Nations and narrows down to modern-day trends of child trafficking. It also highlights some often overlooked but critical components that are vital in addressing child exploitation.
In focusing the lenses on the situation in Ghana, Ame, Agbenyiga and Apt, in their book “Child rights in Ghana: Reality or Rhetoric?” reflected on the prospects and challenges associated with a developing country seeking to find a point of convergence between its national laws and the stipulations of the UNCRC. They assert that although laws have been enacted to support the convention, its day to day implementation remains a daunting task. Certainly, Ghana’s ratification of the Convention signifies her willingness and commitment to provide and protect these rights. However, the question they seek to answer is: in reality are children’s human rights being protected in Ghana? 

To them, despite the fact that children are distinct social assets of the family, community and nation as a whole, issues concerning their wellbeing have not received adequate attention, especially within the family and community levels. Younger children, particularly from low-income families, are socialized at an early stage into work on the streets and in households, depriving them of education and skills training opportunities. 

Herein lies the real challenge for Ghana: where children, thought to be family property become the workforce or breadwinners. The communal nature of our societies, as well as instilling values of hard work in the young are key features of Ghanaian tradition. A child called upon to assist his or her parents on the farm after close of school or help with errands at home cannot be said to be engaged in child labour as his/her welfare is not endangered. There is no condemnation levelled against parents who engage their wards in house chores as part of their socialization, so far as it is an acceptable level of engagement that does not interfere with their education or hamper their development.

According to them, forms of child exploitation are widespread in the Ashanti Region for gold mining, in Greater Accra for stone quarrying, in the Volta Region for fishing, ritual and domestic servitude and commercial sex in the capital city and regional capitals. This is, therefore, a
pervasive, country-wide trend. Their work makes clear the distinction between child work and child labour, a concept that must be understood in order to effectively address child exploitation within the Ghanaian context.

In the article *From Child Labor "Problem" to Human Trafficking "Crisis": Child Advocacy and Anti-Trafficking Legislation in Ghana*, Lawrance, decries the state of retrogression over the years. According to him, despite being touted in earlier years of the 21st Century (2002-2003) as a “fully compliant” state with regards to anti-trafficking initiatives and given a Tier One ranking by the United States Department of State Office to Monitor and Combat Trafficking in Persons (OMCTP), six years down the line in 2009, the same office labelled Ghana as “a source, transit and destination country for women and children trafficked for the purposes of labour and sexual exploitation.” He further notes that majority of victims happen to be children. He describes the situation as seemingly “paradoxical”, given the fact that as the years go by, the phenomenon has rather received increased attention from advocacy groups and donor developmental partners. Ghana’s case is so deplorable that at the time of writing his article, the country had slipped into the Tier two ranking for the organization. His work provides a useful insight on the deteriorating Ghanaian context, serving as a wake-up call to which Ghana must heed if the state is not to slip further into worsening conditions of child-trafficking.

According to Jonathan Todres in his work “Taking Prevention Seriously: Developing a Comprehensive Response to Child Trafficking and Sexual Exploitation”, it is evident that the problem is hard to eradicate from the Ghanaian society, and as such, special attention should be given to preventive efforts, rather than the over-emphasizing “solutions” to the threat. This is because despite the importance of the latter, much has not been achieved in decreasing the
incidence of child exploitation over the years. Governments have also not oriented their approaches properly towards making prevention an ultimate goal.

According to the author, efforts to date have been primarily concerned with dealing with the aftermath of such exploitation of children either by seeking to criminalize and prosecute trafficking or develop victim assistance programs. Countries have made significant progress in the former and a limited one in the latter. He, however, argues that this has not adequately addressed the challenge as prosecutions, when compared to the incentives for traffickers, offer minimal deterrence, whereas assistance to victims is usually short-lived and fails to address systemic issues, leaving those ‘assisted’ children vulnerable to repeated exploitation after being released into their communities of origin. This is as a result of the absence of certain fundamental prerequisites which must be put in place before enacted legislatures become effective. These include engaging stakeholders and also the development of reliable research. These measure will go a long way in facilitating prevention, but are sadly ignored in most cases. The root causes must necessarily be dealt with first, i.e. “addressing the reasons behind both the demand that drives the exploitation of children and the supply of vulnerable children ripe for exploitation in the sex industry and various labor settings and industries. Thus, basic, systemic supply and demand issues must be addressed.” A comprehensive local approach will create the right environment for the adoption and implementation of international conventions such as the UNCRC, without which Ghana will continue to face severe challenges in addressing the growing threat. His work places useful emphasis on precautionary measures and gives adequate attention to the often ignored demand side factors that perpetrate child exploitation. This proves useful in finding answers to factors responsible for the pervasive trend.
Siobahn Laird’s work ‘The 1998 Children’s Act: Problems of Enforcement in Ghana’ throws light on the major domestic legal instrument enacted to domesticate the CRC in Ghana. She points out that the fact that the discourse on social policy is dominated by Western norms leads to a situation whereby there is a lack of domestic ownership as well as an “entrenchment in Ghana of a welfare system modelled on that of the UK.” The 1998 Act, modelled after the 1989 British Act, is thus a reflection of this assertion. Many of its provisions are based on the British blueprint, however a number of them are also formulated to cater for demands of the domestic context in Ghana. To illustrate this dilemma, she points out that:

“The illegality of 'exploitive' child labour referred to under the 1998 Children's Act is easily determined in a British context. However, in Ghana pervasive food insecurity and the daily struggle to meet basic survival needs in many families, raise complex dilemmas for social workers over the definition.”

She posits that there is definitely a disparity especially among urban and rural dwellers which accounts for child labour and low school enrolment indices, however the high prevalence is greatly influenced by cultural attitudes, especially concerning the girl-child. This can explain why even in the more affluent sections of society, the services of under-aged children, especially that of girls, are usually engaged in domestic servitude. It also accounts for the fact that girls are the first to be withdrawn from school in case of economic hardship, as their education is seen as much less important.

Her work makes a useful contribution in pointing out that cultural practices cannot just be outlawed and expected to be effective if economic factors are ignored. Certainly, the principles enshrined in the UN Convention on the Rights of the Child should remain at the heart of child protection in all societies. In addition to this, she however advocates increased interventions to
address the structural challenges. In addressing dysfunctional economic systems, rural dwellers, especially women will become empowered and gain more of a say with regards to conditions their children are subjected to. ⁴⁰

Furthermore, she points out that if legislations are to be implemented effectively, and not remain mere rhetorical legal statements, then social workers in Ghana will have to widen their repertoire of skills beyond that of their Western counterparts. Therefore, Ghanaian practitioners must modify their methods in order to intervene at the structural level of causation with regards to child welfare, and adequately respond to the domestic climate as far as child protection is concerned.⁴¹

### 1.9 Clarification of Key Concepts

**Human Trafficking:** This refers to the recruitment and physical transportation of men, women and children to an alternate location and using them for various forms of exploitation, forced labour, and commercial sex. This is done through various channels such as the use of force, coercion or deception.

**Exploitation:** According to the Human Trafficking Act (2005), this includes “at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, salary or practices similar to slavery, servitude or removal of organs.”⁴²

**Cultural Relativism:** this refers to the situation where certain practices and belief systems are understood within their own context, as culture differs from one setting to the other.

“Thus, relativists claim that substantive human rights standards vary among different cultures and necessarily reflect national idiosyncracies.”⁴³

**Child Labour:** “any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”⁴⁴
1.10 Sources of Data

The study makes use of both primary and secondary sources of data. The primary sources of data were gathered by conducting Key Persons Interview using a semi-structured interview guide. Major stakeholders, including personnel from international advocacy organizations and government machinery were interviewed in order to obtain information from both state and non-state actors on Ghana’s effort’s in addressing child trafficking. Among them are personnel from the ILO, Compact Ghana, Ministry of Gender, Children and Social Protection, Department of Social Welfare, International Needs Ghana, International Justice Mission and Don Bosco Child Protection Centre. Focus group discussions were also held with twenty two school children in coastal fishing areas in the Central region because that is one of the highest areas of prevalence. Eight other children within the Kuntu and Mumford coastal villages were also interviewed. The primary sources are complimented with legally acquired secondary data sourced from materials including books, UN Committee on the Rights of the Child and Trafficking in Persons reports, newspaper publications and journal articles, among other documents from Libraries of Legon Centre for International Affairs and Diplomacy (LECIAD) and Balme Library of University of Ghana. Secondary information is also sourced from credible internet sources relevant to the subject. Reports and official publications of the aforementioned state and non-state actors are also sourced from their credible websites.

1.11 Research Methodology

The study is designed using qualitative methods. The usage of qualitative technique is informed by the fact that the study of child exploitation is a complex social phenomenon which cannot be easily captured in quantitative terms. As a research strategy, qualitative methods are inductive,
constructive, and interpretive. The study employed purposive sampling. Purposive sampling technique, or judgment sampling, refers to the deliberate selection of an informant due to the qualities he or she possesses. In other words, the selection of participants is done based on their ability to deliver the necessary information by virtue of knowledge of the subject matter or experience regarding child trafficking.

The purposive sampling was further reinforced by the usage of the snowball sampling method. During interviews, respondents also indicated other informants with varying insights on the issue area. The participants therefore reflect the diverse views on various aspects of the anti-child trafficking agenda.

1.12 Ethical Consideration

Good practice and the Helsinki Declaration on biomedical research stipulates that once children are in the position to understand, their informed consent must be sought. Therefore, ethical considerations were taken into account first by seeking the consent of interviewees as well as the children who participated in the focus group discussions before recording their views and opinions on the subject matter. The aim of the research was clearly communicated to the children who were in turn assured of confidentiality. The interview guide and questions contained were structured in such a way that there was no mention of the names of victims. A statement as to the strict confidentiality with which data will be held was expressly stated in the questionnaire. The data so obtained was organised by manually transcribing the recordings of interviewees.
1.13 Organization of the Study

The study is structured in four (4) chapters. Chapter one (1) constitutes the introduction and comprises of an insight into the research objectives, scope, methodology and data collection among others which form the basis of analysis of the research.

Chapter two (2) provides a historical background of the current phenomenon of child trafficking in Ghana and the legal frameworks geared at combatting the threat.

Chapter three (3) assesses the implementation of the UNCRC in Ghana, highlighting the achievements and shortfalls, particularly in the implementation of Article 35.

Chapter four (4) summarizes the findings of the research, draws conclusions and gives recommendations for addressing current trends in child trafficking in Ghana.
Endnotes

1 UN CRC, Article 3
5 Ibid. p. 318
7 Shaw, Malcom op. cit.
14 Ibid. p. 381
15 Ibid. P. 381
16 Ibid. p. 383
20 Ibid., p. 13
21 Teson, Op. Cit
24 Ibid., p. 459
26 O’Connell Davidson, Op. cit., p. 468
28 Ibid., p. 430
29 Ibid., p. 430
30 Ibid., p. 439
31 Ibid., p. 442
33 Ibid., p. 4
34 Ibid., p. 82
35 Ibid., p. 83
39 Ibid., p. 898
40 Ibid., p. 899
41 Ibid., p. 904
42 Republic of Ghana Human Trafficking Act of 2005, Article 1, Subsection 2
44 Article 32, Convention on the Rights of the Child, adopted on 20 November 1989
45 Tongco, Ma Dolores C. "Purposive Sampling as a Tool for Informant Selection." *Ethnobotany Research and applications*, vol. 5, 2007, pp. 147-158.
CHAPTER TWO

A SYNOPSIS OF LEGAL INSTRUMENTS SAFEGUARDING AGAINST CHILD EXPLOITATION

2.0 Introduction
Child trafficking is an age-old canker of the Ghanaian society and that of the world at large; it is not a new threat. In order to better appreciate the progress made, light must be thrown on the Ghanaian trajectory so far. This chapter therefore takes a look at trends and evolutions of the practice as well as the adoption of various national and international legal instruments which have shaped the course thus far.

2.1 Historical Overview of Child Trafficking In Ghana

Over the course of several decades, Ghana has gained the reputation of engaging children heavily in production activities. This is especially true because Ghana is a largely agrarian country, with a large section of its population earning a livelihood from farming as well as from the extraction of natural resources. Mechanized farming has not always been the norm, and even now, many rural areas are yet to move away from labour-intensive agricultural practices. It is therefore not uncommon to find a whole family unit in stone-quarries or on cocoa and rubber plantations, with the children forming a major proportion of the active workforce. This fact, coupled with the view held by some sections of the Ghanaian populace that children are property of parents with no recourse to rights of their own, has helped to entrench child-trafficking. According to George Clerk, “the exploitation of children in child labour, however, is reinforced by cultural practices that emphasize duties, reciprocity, and rigorously enforced obedience, particularly from children.” It takes place under often-precarious circumstances, with no structures such as working hour regulations or wage negotiations. Some progress has been made with reducing the threat in
some fishing and farming communities, with the implementation of programmes such as the institution of scholarship schemes for children of cocoa farmers. This notwithstanding, child exploitation is on the rise in other emerging areas. In more recent times, the trend has gained popularity in artisanal gold-mining areas. This concern was echoed by the Ghana Association of Teachers who have lamented about falling enrolment levels in mining areas.\(^2\)

Another area that is gaining grounds with regards to the exploitative use of children is that of hawking and street-begging. Children are engaged as head-porters and sent to hawk products from dusk to dawn, at the peril of their lives and at the expense of education, in busy streets and highways. In cases of the latter (street-begging), one often finds that principal streets of the capital are flooded with able-bodied children who have been tasked to solicit public sympathy due to their perceived vulnerability, in order to rake in cash for their ‘employers’.

Quite a number of legal texts have been formulated and/or adopted in Ghana in order to provide a framework within which child trafficking can be adequately addressed. Some are of national relevance while others are of international relevance. Some have a more general scope, with others relating specifically to child trafficking. Hand in hand they work towards drawing the line with regards to the acceptable treatment of minors. The right-based approach is thus necessary because to Clerk, claims can only be made based on what one is entitled to.\(^3\)

These legislations spell out the entitlements of children. Responsibility for ensuring this is placed at the threshold of state machinery, parents and guardians with oversight responsibility of children. Some go beyond these to stipulate the responsibilities of employers, vis-à-vis the engagement of children in productive work. Hence, the next section of the paper takes a critical look at these instruments and the various contributions they have made in ameliorating the fight against child-exploitation.
2.2 Legal Framework for Combatting Child Trafficking in Ghana

In the quest to promote the welfare of children in Ghana, a myriad of legal apparatus have been developed including legislative instruments and laws. Some are more general in scope while others like the Human Trafficking Act are targeted at suppressing the crime of trafficking.

2.2.1 1998 Children’s Act (Act 560)

Children are a vital part of the traditional household, and have always occupied a special place therein. A family unit without children was most often deemed as incomplete. The welfare of children was of utmost importance, and the maintenance of their wellbeing was a communal responsibility. People who were entrusted with the care of the children of other relatives were highly regarded in the traditional society. With the passage of time however, this level of communal responsibility has greatly reduced, primarily due to the effects of globalization.

In the immediate post-colonial era, Ghana embarked on an industrialization drive and witnessed a period of economic buoyancy. Rural-urban migration became the order of the day, in order for rural-dwellers to gain access to employment opportunities found in city-centers. Shortly after however, from the late 1960s to the 1980s, the country experienced changing economic fortunes. It is argued that women and children were the worst hit victims of the downturn. The country experienced a population increase, with several children of the children born being neglected, or improperly cared for. The government therefore passed the Children’s Maintenance Act (Act 297) in 1965 to regulate paternity and maintenance issues. Challenges of enforcement led to the promulgation of the Maintenance of Children Decree in 1977. Among other things, it set up family tribunal systems for the adjudication of child maintenance and paternity cases and also regulated payment schemes for ensuring parental responsibility.
Other noteworthy developments included the passing of the 1962 Adoption Act (Act 104), Registration of Births and Deaths Act 1965 (Act 301) and the establishment of the Ghana National Commission on Children (GNCC) in 1979. This was a very significant milestone because the GNCC was the first organization in Ghana established with the sole purpose of safeguarding the welfare and development of children. Its efficacy was however severely hampered by insufficient budgetary allocations, leading to increased participation in the sector by non-state actors. One major achievement however, was that the 1998 Children’s act was borne out of an advisory committee set up within the GNCC which was mandated to reform Ghana’s legislation on children. The Act was enacted in response to growing concerns over the welfare of children, especially after the UNCRC entered into force. In recognition of this, the government of Ghana enacted the Act to deal with a myriad of issues that children are faced with. The six-part text covers topics ranging from rights of the child, adoption regulations, parentage and custody, institutionalized care, employment of children and judicial child adjudication. It goes a step beyond the provisions of the CRC to make provision for certain contextual situations such as child betrothal, and prohibits ‘any cultural act that dehumanizes or is injurious to the physical and mental well-being of a child’ (sub-part 1, clause 13).

Since the advent of the Act, it has occasioned many significant developments in its wake. These include the regulation of childcare facilities, the passage of other child welfare legislations like the Juvenile Justice Act 2003 (Act 653), Child Rights Regulations 2002 (LI 1705), and Human Trafficking Act 2005 (Act 694). Regarding decentralization of authority, the Act empowered district assemblies, tasking them to liaise with other government agencies in order to safeguard the welfare and protection of children within their jurisdiction. With regards to child exploitation, Part I, (sub-part I) which lists the rights of children names among other things, Right to education.
and well-being, protection from torture and degrading treatment and protection from exploitative labour. The entire Part V is dedicated to regulations on employing children, with modalities on apprenticeship, duties of the apprentice as well as responsibilities of the craftsman towards a child under his tutelage.

A major challenge is that it was based on the blueprint of the British version, though certain provisions were made to cover the domestic context. Another challenge is that it fails to address the socio-economic factors that engender child exploitation in the first place.

Other relevant texts and protocols include the Standard Operating Procedures to Combat Human Trafficking in Ghana- with an Emphasis on Child Trafficking. This was developed as a guide for relevant stakeholders, by the IOM in conjunction with the government of Ghana and in alignment with all the aforementioned national legislations on trafficking.

2.2.2 2005 Human Trafficking Act (Act 694)

This Act was promulgated to cater for the “prevention, reduction and punishment of human trafficking, for the rehabilitation and reintegration of trafficked persons and for related matters.”

This was later amended in 2009 as the Human Trafficking-Amendment-Act (Act 784), in order to redefine human trafficking and provide for related purposes. This definition covers the act, the means and the purpose of trafficking. Sections 1, 35 and 41 of the principal enactment were amended to give clarity to the concept of trafficking.

Among other things, the Acts (principal and amendment) seek to create a domestic context for the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This was necessitated by the assertion that in Ghana, domestic trafficking is more prevalent than transnational trafficking, though the latter has seen increased activity in recent
times, notably with the trafficking of women as domestic workers in the Gulf countries. Most reported victims of domestic trafficking are children.\textsuperscript{13} Both Northern and South sectors of the country are not spared of the trafficking menace. Children from the North are frequently engaged in head porterage services in market areas especially in Accra, while the coastal belts in the South have a large number of their workforce being constituted by children.\textsuperscript{14}

Certain challenges have been identified in the Act. For example, concerns have been raised about definitional challenges. It also does not outline the types of trafficking most prevalent in Ghana, making it lack specificity. Therefore, some forms of human trafficking, such as the trafficking of girls as head porters locally known as \textit{kayayei}, have never been prosecuted. The example of Nigeria must be emulated, with context-specific laws which outline and criminalizes distinctive forms of trafficking centered on the types of exploitation historically prevalent there.\textsuperscript{15}

Despite the fact that a number of prosecutions have been made based on this Act, more remains to be done in light of the widespread prevalence of trafficking issues across the country. One notable challenge with regard to prosecutions comes about when parents are perpetrators of the act. Section 1(4) states that “the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this Act…” Therefore parental consent does not constitute a valid defense, and parents who indulge in this must be brought to book. Reluctance by law enforcement officials is often due to moral conflicts and the fact that it must follow the best interest principle, so that the child is not left worse-off by the prosecution.\textsuperscript{16} A middle line must therefore be towed, with punishments that can serve as strong deterrents, while not neglecting measures instituted to educate and shore-up parents with some start-up capital or skills to set up enterprises in order to alleviate the extreme poverty or ignorance that led them to traffic their children.
While there has been a significant increase in awareness of trafficking, sensitization remains low among rural-dwellers, who are the most susceptible victims. Education is one of the most important countervailing measures. However, these are mostly undertaken by NGOs, and undermines government compliance with the provisions of the Act.

**2.2.3 2015 Human Trafficking Legislation Instrument (L.I.2219)**

One of the most recent landmarks made in this regard is the aforementioned instrument, launched in 2015 by the Human Trafficking Secretariat of the Ministry of Gender Children and Social Protection. This forms part of efforts to standardize the implementation of the Human Trafficking Act (2005). Under this regulation, a significant portion caters for the establishment of a Human Trafficking Fund to ensure that financial resources are available to facilitate comprehensive assistance for victims including construction of shelters, training officials, basic material support and all other matters connected with the rescue, rehabilitation and re-integration of trafficked victims in their best interest. This is in recognition of the fact that the conditions of human trafficking, are deemed as similar to the conditions of historical slavery and must be appropriately addressed. According to the Acting Executive Director of the Human Trafficking Secretariat, human trafficking, which has gained recognition as the third most profitable venture of organized crime globally, is also a new form of slavery which is dangerous for both states and victims. This has therefore necessitated the enactment of the aforementioned LI.

**2.3 International Legal Instruments**

On the international scene, various legal structures have also been put in place to stem the tide of human trafficking. Though attempts can be traced to the early years of the 20th Century, the anti-trafficking campaign is far from won. However, the impetus provided by these international
instruments, and the support from international law enforcement agencies, gives Ghana the needed incentive to press forward in its own efforts. They also set the stage for the formation of partnerships among countries to pool together resources for fighting for a common goal.

2.3.1 The 1926 Slavery Convention

Attempts at the abolishment of human trafficking and forced labour can be traced to the 1926 Slavery Convention by the League of Nations as the first international instrument in this regard. However, it had a very limited scope of action and responsibility was only placed on the shoulder of state actors, requiring them to “bring about, \textit{progressively and as soon as possible}, the complete abolition of slavery in all its forms.”\textsuperscript{18} It was thus not compelling and did not require immediate or definite action. Nonetheless, it was an important step in the right direction. Child trafficking has been named as one of the modern forms of slavery.\textsuperscript{19} This is significant because it helps to bring into perspective, the gravity of the crime and give the needed impetus to fight against it.

According to Van Hear,\textsuperscript{20} during this era of colonial administration, the establishment of the cocoa industry as a major backbone of the Ghanaian economy was shored up by the engagement of the children of sharecroppers as farm hands who worked hand in hand with their parents. They either worked directly on cocoa farms in the cultivation process or as head porters in transporting to sales points. Indirectly, they were at times engaged on the subsistence farms of parents in order that their older kinsmen would be able to channel their labour on cocoa farming. This practice, according to Van, was abuse-laden, however it gained little attention from the colonial administration. The British had made international slave trade illegal in the 19\textsuperscript{th} century, but continued to profit from their services even in the 20\textsuperscript{th} century, because even the legislation under discussion solicited only a progressive approach to the ending of all forms of slavery. Thus the applicability of international legislation concerning the use labour was not as effective on the Ghanaian terrain due to vested
external economic interests and the lack of internal understanding and organized support for such policies.

### 2.3.2 1989 United Nations Convention on the Rights of the Child

This serves as the linchpin on which this research is anchored. This paper evaluates the phenomenon of child exploitation in Ghana mainly through the lenses of the CRC, which standardizes the discourse on child rights. Being the most ratified international convention, its 54 articles “cover civil, economic, social and cultural rights for children and young people.” These are usually divided into protection, participation and provision rights.21

The UNCRC has been a useful instruments in many respects. It has helped to create a balance between vulnerability and agency, welfare and participation, and requires that a child’s view is duly considered (Article 12) while ensuring the best interests of children are of primary concern (Article 3). Moreover, its serves to harmonize the discourse on international law concerning minors into a single legislation. Based on this text, there has been an appreciable increment in advocacy for children and young people among the various echelons of society local, which have yielded significant positive developments.22

Despite its reputed successes, the UNCRC is not without criticism. In one vein, the document is seen to entrench notions neocolonialism. The notion of children’s agency originated from the west and diffused into other countries on the wings of globalization. These ideas have been perceived as “antithetical to certain cultures and traditions.”23 To Clerk, the major flaw here is the gap between the agenda-setting process from above and the execution of these policies from below, i.e. the local level.24
Another challenge has to do with the guiding principle of ‘best interest’ as captured in Article 3. “This allows for considerable interpretation, at best, and manipulation, at worst…” This has been touted as being too elastic and creating room for an overly-subjective interpretation.

Ironically, the processes that resulted in the creation of the CRC were done without the input of children, which contradicts the principle inherent in Article 12, as advocating for the participation of children. Throughout the text, children are portrayed as lacking full legal personality and rationality, while adults are wrongly perceived as fully competent and rational in all matters concerning children. It is therefore argued that the CRC does not make enough room for children to assert themselves in situations in which they are involved.

Another criticism levelled against it is the fact that the Convention lacks the requisite binding thrust needed to compel actors. The Committee on the Rights of the Child (CRC) is the body responsible for the monitoring and evaluation of the progress by its State parties through the reports they are mandated to submit. Initially, this is done two years after acceding to the Convention. Subsequently, a progress report is given every five years. Recommendations are thereafter made to the State party in the form of concluding observations. Beyond this, there exists no stricter measures of enforcement.

**2.3.3. 1990 African Charter on Rights and Welfare of the Child**

Efforts on a regional level to guarantee the protection of children culminated in the adoption of the African Charter on Rights and Welfare of the Child. This is said to have come about due to a dissonance between conceptualizations of realities of children at the global level and within the African context.
Though based in general on the principles of the CRC, the Charter adds certain novelties. It is in a way, a customization of the CRC for the African terrain, as it fills in gaps with the African experience. In addition to Rights, it spells out certain responsibilities for the child as enshrined in Article 31 of the Charter. This is vital because it legalizes the context within which African children are mandated to perform certain roles in support of their parents, communities, nations and African unity.

Moreover, whereas the CRC is silent on the issue of child marriage as it not mentioned explicitly within the text, the Charter covers the issue in the provisions of Article 21, captured under the title “Protection from Harmful Social and Cultural Practices”. This is appropriate because several African traditions condone the practice of early marriages.

Additionally, the Charter interdicts the usage of child soldiers in conflict, though the CRC allows for same provided the child is above 15 years of age. The former directs that “state parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child”, whereas the latter declares that “States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.” Given how prone the continent has been to conflict, it is very probable that the CRC could be abused in this regard. It was therefore necessary to develop a much stricter regulation to protect children from being trafficked for battle purposes. Finally, regarding oversight for domestic implementation, the Committee responsible within the African Union set up has been equipped with more autonomy and powers than that of the CRC. Reports submitted to the body must be done on a triennial basis as compared to the five-year period under the Convention. In addition to this, the Committee can develop rules in the interest of child rights and is further open to direct communication from member states on any
issue of relevance to the Charter. This makes room for enforcing certain regulations that may have otherwise been non-justiciable in domestic terrains due to legal constraints or a myriad of other reasons. The limitation here however, is that these powers exist on paper, as the African Committee of Experts on the Rights and Welfare of the Child is yet to promulgate any ‘soft laws’ in this regard.

It is worth noting that this piece of legislation comes to augment the Convention and not contradict it or push for its regulation to the background. The CRC serves as the forerunner which has enabled the African Union to develop its own version of a legislation aimed at safeguarding the welfare of children.

2.3.4 The 1999 ILO 182 Convention on the Worst Forms of Child Labour

Globalization of international law and the quest to build a consensus on labour regulations has led the International Labour Organization to churn out several instruments aimed at combatting child labour since its inception 1919. The most significant of these, for the purpose of this paper, will be Convention no. 182- the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour- known simply as the Worst Forms of Child Labour Convention, adopted in 1999. The latest in the series of eight fundamental ILO Conventions, including the Abolition of Forced Labour Convention (1957) and the Minimum Age Convention (1973) among others, Convention no. 182 gained much public support with a large number of state ratifications. 181 out of 187 ILO member states have ratified it, making it the most subscribed of the 8 fundamental Conventions. It is believed that this is due to the fact that this represents a laudable attempt to find a middle ground between universalization and localization of human right laws on labour. Recommendations leading to its formulation, make room for state parties to provide country-based definitions of what are the prevalent Worst Form of Hazards. In
this regard, the competent authorities in each ratifying country shall, after consultation with the relevant organizations and employers, determine the type of work referred in this classification. Additionally, it provides a list of hazards that should be considered for inclusion by state parties, making reference to work that not only orchestrates physical but emotional abuse, as well as the type of working environments (temperature and noise levels for instance) which are likely to affect the health of children.

Other novelties in this convention is that its recommendation no. 190 calls for particular attention to certain groups of children such as those with special needs, girl in hidden work situations and younger children, despite the fact that the regulations apply to all persons under the age of 18. Thus, despite the subjectivity of conditions and accepted levels of safe work for children in different countries, the Convention sets in place general guidelines and allows for countries to fill in the gaps based on national laws and domestic attitudes.

The negotiation process, leading to the adoption of the Convention was also a very consultative one, with a major achievement being the inclusion of organized working children in the consultative process. This enabled them to express their views on a matter which directly affects their welfare. This was indeed a manifestation of Article 12 of the UNCRC which calls for children’s participation in matters that affect them.

Ghana ratified the Convention no.182 in 2000, shortly after its adoption in 1999 while it only ratified no. 138 (Minimum Age Convention) in 2011. The country is therefore bound to the commitment that “each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.”

36
2.3.5 The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

Before the advent of the aforementioned Protocol, there had been several attempts to tackle the problem of trafficking, beginning from the nascent International Agreement for the Suppression of White Slave Traffic in 1904, International Convention for the Suppression of White Slave Traffic, International Convention of the Suppression of the Traffic in Women of Full Age, Convention on the Suppression of Traffic in Women and Children, and then the Convention of the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. The focus of these laws was however on women in prostitution.

The establishment of the Protocol in 2000 was nevertheless, a significant achievement because it was the first time trafficking had been defined and given a wide ranging scope with a definition that covered the modus operandi of modern trafficking, affecting several categories of victims and taking into consideration the deception aspect of luring victims and their subjection into various forms of exploitation. It is from that text that this paper adopts its official definition for trafficking, stated in Article 3 as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

It can be seen from this all-encompassing definition that the once narrow scope of trafficking is no broadened to cover all the named forms of exploitation. The Protocol has a three-pronged purpose
which seeks to prevent trafficking especially among women and children, provide assistance for victims and encourage cooperation among state parties in light of the fact that trafficking has become one of the most lucrative trans-national crimes, falling in third place after drugs and arms.\textsuperscript{44}

According to Leroy, this Protocol serves as the “first international instrument to address prevention, prosecution, and protection-'the three P' approach'”.\textsuperscript{45} It hits hard from all angles with a special emphasis on preventing situations that make people susceptible to trafficking. Article 9 enjoins state parties to put in place measures to reduce “…poverty, underdevelopment and lack of equal opportunity”. This requires states to implement policies to ensure increased access to capital and enhanced livelihoods, which will go a long way to serve as a disincentive to trafficking. In order to enhance living standards, children must be able to obtain appreciable levels of education. The emphasis on prevention is a key area of focus for this paper. In Ghana, harsh economic realities are a major causal factor of trafficking. According to the Gender Minister, Ms. Otiko Afisa Djaba, investigations had revealed that some parents in rural areas were resorting to the production of ‘baby factories’, where those engaged deliberately bring forth large numbers of children in order to sell them, sometimes for as little as 25 Ghana cedis (under $5).\textsuperscript{46}

Programmes put in to alleviate poverty include the Livelihood Empowerment Against Poverty (LEAP). The programme aims at providing targeted interventions to the vulnerable and less endowed sections of the Ghanaian populace, in order to improve their socio-economic well-being. It is a social income redistribution programme that provides cash grant to impoverished households across the country (it has been expanded to currently cover all 216 districts in the country). Its main objective is to alleviate short-term poverty and boost long-term human capital development. The implementation of the LEAP Programme represents efforts made by the government of
Ghana’s at creating an all-inclusive social order through the provision of sustainable mechanisms. The target groups for this intervention are persons living in situations of extreme poverty and exclusion. Its implementation has chalked considerable success and impacted the lives of over 200,000 beneficiary households currently. 47

The Capitation Grant and School Feeding Program have served as incentives to encourage the enrolment of children of school-going age.48 Under the grant, which was introduced in 2005, the government subsidizes fees in basic schools, to the effect that government-owned primary and junior high schools do not charge fees. This subsidy covers administrative fees, stationery and the supply of basic text books for children among others. The School feeding programme also serves to shore up student against hunger during the hours of academic pursuit, and serve as a source of motivation for regular attendance.

Additionally, the recently implemented Free Senior High school policy extends government educational subsidies to day and boarding senior high schools to cover all GES approved fees of over 300,000 first year students. This was supplemented by the provision of core textbooks and supplementary readers for the students, with plans underway to extend the subsidy to all senior high school students in the near future.

In addition to livelihood enhancement programmes, Leroy calls for the implementation of programs to sensitize children about traffickers and their response should they get involved in a trafficking scheme, as part of concerted efforts to prevent trafficking of children.49 This is because children are trafficked under many guises, such as the offer of marriage or a lucrative job in urban areas while others are kidnapped, or sold by their parents to traffickers.

The Protocol therefore serves as a bulwark against trafficking with its comprehensive approach.50
2.3.6. 2015 Sustainable Development Goals

Since the 1972 Stockholm Conference, many countries joined the bandwagon advocating for sustainable development. However, a notable benchmark in this direction came with the promulgation of the Sustainable Development Goals in 2015. These goals came on the back of the Millennium development Goals (MDGs) which were adopted from 2000-2015. The SDGs are a set of development strategies made up of 17 goals and 169 targets, which cut across all spheres of developmental aspirations. These are anchored on five principles; people, planet, prosperity, peace and partnership. According to the Brundtland’s Commission’s widely accepted definition, it refers to “development which meets the needs of the present without compromising the ability of the future generations to meet their own needs.” Many countries, of which Ghana is no exception, have signed and ratified the treaty in recognition of the fact that the quest for development must go hand in hand with the protection of the welfare of both human and natural resources.

As countries gravitate towards the attainment of Sustainable Development Goals (SDGs), it can be estimated that the prevalence of child exploitation will affect Ghana’s capacity to achieve the set goals, especially in reference to Goal three (3): which seeks to ensure healthy lives as well as the promotion of the well-being of citizens of all ages, Goal four (4): which advocates quality, inclusive educational and lifelong learning opportunities, Goal five (5): which aims to bring about gender equality and empowerment of women and girls, and Goal eight (8): which is geared at promoting decent work for all. Trafficked children are exploited on farms, brothels and river beds or fishing canoes, which makes them miss out on educational opportunities. This form of indecent work endangers the health and lives of victims and is especially dangerous for the wellbeing of girls when issues of domestic servitude and sex trafficking are concerned. The SDGs are also known as Agenda 2030, as that is the year by which state parties are expected to have achieved
these goals. Ghana cannot therefore achieve the SDGs without tackling the problem of child exploitation. The new perspective added by this treaty is that the promotion of the welfare of children is intricately linked with economic development. Thus in the long run, countries cannot hope to condone child exploitation and hope to achieve development that is sustainable.

2.4 Conclusion

Certainly, Ghana has a relatively long history of dealing with child exploitation. This path has been lined with the adoption of several legal instruments meant to help combat the menace, with some yielding quite significant results, while others have yielded limited results. The way forward will therefore not be the adoption of more instruments, but to rather ensure the enforcement of those already in existence. This responsibility must not be left in the hands of the multilateral donor agencies who have dominated and championed child protection in Ghana. Though the Ghanaian government has been instrumental in several rescue operations, NGOs are responsible for the vast majority of victim rescues, sometimes with the support of state security and Department of Social Welfare. State machinery must collaborate more with these agencies to give them the needed domestic support and legitimacy. Moreover, culture is dynamic and not static. Certain cultural attitudes have been identified as stumbling blocks which have encouraged the exploitation of children. Given the right education, these orientations can be changed over time, in order to drastically reduce the incidence of child exploitation within Ghana.
Endnotes

1 Ame, Robert Kwame, DeBrenna LaFa Agbényiga, and Nana Araba Apt, eds. *Children's rights in Ghana: reality or rhetoric?*. Lexington Books, 2011 p. 83
3 Ame et al. Op. cit
5 Ibid.
6 Ibid.
7 Ibid.
8 Ibid.
9 Children's Act, 1998 (No. 560)
10 Frempong_Manso Op. cit
12 Act 784 of the Parliament of the Republic of Ghana
14 Ibid.
15 Ibid.
16 Ibid.
19 Ibid., 430
22 Ibid.
23 Ibid., p.4
24 Ame et al. Op cit. p. 81
25 Tisdall, Op. cit. p. 18
26 Ibid., p. 17
28 Tisdall, Op. cit., p.19
30 African Charter on the Rights and Welfare of the Child, Article 21
31 Olowu, op. cit., p.130
32 African Charter, op. Cit., Article 22 (2)
33 UNCRC Article 38 (2)
34 Olowu, op. cit., p.131

38 White, Ben. "Defining the Intolerable: Child Work, Global Standards and Cultural Relativism." Childhood, vol. 6, no. 1, 1999, pp. 133-144. This refers to provisions under Article 4 of Convention no.182

39 Ibid., p. 138

40 Ibid., p.139

41 International Labour Organization, Convention no.182, Article 1


43 Article 3(a) UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Furthermore, Article 3(c) of the UN Trafficking Protocol specifically defines child trafficking as the recruitment, transportation, transfer, and harboring of a minor for the purpose of exploitation, even if none of the means set forth in Article 3(a) are used.

44 Hyland, op cit. p. 30


50 Ibid., p.236


CHAPTER THREE

ASSESSING THE LEVEL OF IMPLEMENTATION OF ARTICLE 35 OF THE UNCRC IN GHANA

3.0 Introduction

This chapter seeks to effectively assess the implementation of the UNCRC in Ghana in relation to the trafficking of children. In order to do this and further achieve the objectives of the study, the research uses a range of qualitative methods of data collection obtained from both primary and secondary sources such as UNCRC reports, interviews and focus group discussions.

The assessment of the current level of implementation of Article 35 of UNCRC, is done by measuring Ghana’s progress against a number of measures outlined by the Committee on the Rights of the Child. The measures, which form the yardstick for the assessment, are outlined in the concluding observations made at the Committee’s 2024\textsuperscript{th} meeting, captured in CRC/C/SR.2024.\textsuperscript{1} The report, written in 2015, highlights steps Ghana has taken towards the implementation of the Convention as a whole, as well as a number of areas of concern and appropriate recommendations. In order to answer the research questions in an effective manner, Article 35 is hereby evaluated against the benchmarks of legislation, coordination, awareness creation, prosecution and the adoption of comprehensive policies.
3.1 Highlights of the UNCRC Relating to Child Trafficking

Article 35 requires that, “states Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.” In close connection to this is Article 32, which also mandates that

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”

The articles further enjoin state parties to put in place certain specific measures to ensure the principles are achieved. The trafficking of children constitutes a form of economic exploitation. Despite certain laudable steps that have been undertaken, such as the setting up of a Secretariat at the Ministry of Gender, a human trafficking desk at the Ghana Immigration Service, Children and Social Protection and a Unit within the Ghana Police Service, recent reports by the Monitoring body for the Convention, indicate that issues of economic exploitation of children leave much to be desired. Child trafficking has inter and intra country dimensions in Ghana. However, the exploitation of children within the shores of Ghana, is more prominent than issues of transnational trafficking. Both Ghanaian boys and girls are at risk of being trafficked into forced labour in a number of key sectors in the economy.

3.2 Exacerbating Factors of Child Trafficking In Ghana

A high prevalence of child trafficking is more often than not, attributed to high levels of poverty. That notwithstanding, an interplay of several factors account for this phenomenon in Ghana. These include ignorance, a dearth of strong institutions to serve as deterrents, abuses of the practice of fosterage and the extended family system as well as the profitability of the crime in Ghana.
3.2.1 Ignorance

The researcher conducted a field study in a number of coastal villages in Ghana including Kuntu, Dego and Mumford in the Gomoa districts of the Central region. It was discovered that ignorance of the ills of child trafficking on the part of parents and caregivers as well as children made the phenomenon acceptable to sections of the local population. Some parents and guardians are also not aware of the perilous nature of activities at the destination point or the intentions of the traffickers.

With regards to parents who give off their children to traffickers in exchange of financial rewards, some often claim children as their bona fide property with whom they can do as they please. In an interview with Bismark Quartey⁵, he indicated that trafficked children are oftentimes victims of “debt bondage”, a situation whereby they are used as pawns in repayment of debts owed by parents and caregivers.⁶ This is a result of children being considered as ‘property’ of their guardians without recourse to the rights of the children.⁷ However, the Constitution of the Republic of Ghana states that, parents must carry out their obligation of care, maintenance and upbringing of their children and their natural parental right in co-operation with state institutions in a manner which ensures that in all cases the wellbeing of the children are paramount.⁸ Parents and guardians are therefore not at liberty to do with their children and wards, as they wish. Ignorance of both the laws of the state and parental responsibility in promoting child welfare, coupled with a lack of awareness of the conditions victims are subjected to, are factors that largely contribute to the high prevalence of child trafficking in Ghana.

3.2.2 Lack of Strong Institutions to Serve as a Deterrent

In an interview granted to the researcher by Abena Asare of the Human Trafficking Secretariat, she intimated that “despite some efforts made to raise awareness among both urban and rural
dwellers, some traffickers continue to economically exploit children in clear defiance of laws.”

Spurred by the knowledge that there are lapses in the legal system, people continue to engage in the crime with impunity. For this reason, the over-emphasis on poverty levels as the major causal factor is therefore flawed as there are several impoverished populations in developed countries that do not give out their children to trafficking.

It can therefore be deduced that the lacuna in law enforcement thus serves as a condition that aggravates the incidence of child trafficking in Ghana.

3.2.3 The Practice of Fosterage

In an interview with Bismark Quartey, he indicated that the extended family system, which in times past, used to serve as a bulwark for ensuring the upkeep and protection of children, now serves as the main aspect of Ghanaian culture that acts as a catalyst for child exploitation.

However, attention is usually focused on the mass recruitment of children and not the individual cases usually found within the extended family setting. However, a number of these children are subjected to harsh working conditions, usually as domestic helps in other people’s households, with little or no recompense for their labour. These conditions include unregulated working hours, unpaid wages and an unending list of tasks. According to him, “some traffickers, in order to avoid prosecution, even purport to be relatives of trafficked children found in their care, due to the knowledge that there is some level of acceptance for fosterage within the Ghanaian society, without a lot of scrutiny.”

The practice of fosterage can therefore provide a cultural milieu that is a conducive festering atmosphere for child exploitation and trafficking.
3.2.4 High Demand for Cheap Labour

The profitability of the trade, fueled by love for quick money and greed, is a factor which drives people to offer children to be trafficked. On the part of those who receive or buy trafficked children, they are mostly driven by the demand for cheap labour. This is especially true for labour trafficking, and stems from the perception that children are docile and easy to manipulate. They are less likely to resist orders and do not come with demands for good conditions of service before engagement in economic ventures, as compared to adults. Their deft fingers and agile bodies are deemed as appropriate for diving, detangling nets and accomplishing a host of tasks. Hence, the high demand for trafficked children makes it a profitable venture, and serves as a catalyst for its prevalence in Ghana.

3.3 Successes and Challenges of the Implementation

The measures adopted to combat child trafficking in Ghana have chalked various degrees of success. While some areas have seen significant improvement within the past 10 years, progress in other areas remains slow. However Ghana needs intensified efforts on all fronts if the scourge is to be ousted from within the shores of the country.

3.3.1 Prosecution

The UN report cited a shortfall in the number of investigations and prosecution of trafficking offenses. An interview with Abena Asare also revealed that there are low levels of prosecutions and convictions because victims are sometimes reluctant to report. She explained that it was due to stigmatization by family and community members. The unwillingness of victims to report perpetrators was also corroborated by Ben Narh, in an interview. He stated that there were not many cases reported due to vested interests of family members and caregivers who benefit from
the trafficking of children. Additionally, Abena Asare added that “even when rescues are done and cases are reported, the prosecution process is often stalled by the long, expensive process involved.” With the passage of time, interest in the case is lost due to frequent adjournments, as well as the accrual of legal fees. There are also challenges with shelters where victims and alleged perpetrators can be kept while awaiting prosecution.

In an interview with Isaac Arthur, he also attributed the low levels of prosecutions to external interference by some influential people in society who do not allow the law to take its due course in order for guilty persons to be convicted. Opinion leaders and family members hamper the work of law enforcement agencies in attempts to circumvent laws made to protect the entire society and children specifically. This was confirmed by the 2018 Trafficking in Persons (TIP) report, which stated that despite this being a major concern of NGOs, no investigations, prosecutions or convictions were brought up against government officials complicit in offenses through corruption and political interference. The report covers the January 2017- December 2017 reporting year.

It indicates that Ghana, despite some progress made, still failed to meet the minimum standard for the elimination of trafficking. The report further stated that sentencing based on the Human Trafficking Act is dependent on specific situations. Despite the laws being sufficiently harsh, in situations where a fine is permitted instead of imprisonment, it falls short and is disproportionate to that of other grave crimes such as rape. The 2017 edition of the TIP report states that Ghana, reported investigating a lesser number of alleged trafficking crimes in 2016, as compared to 2015. According to the report, several cases were stalled and many dismissed because of inability to locate the alleged perpetrator, lack of evidence, or the reluctance of victims to testify.

In the 2015 and 2016 reporting periods, the government also did not record any convictions under the anti-trafficking act. However, in 2016, the government reported seven convictions under other
statutes which led to the offenders being handed less severe penalties. This was illustrated in a case where a trafficker was handed a sentence fine of 720 cedis for the exploitation of a minor employed on a fishing boat without remuneration, on the Lake Volta. In 2017, events took a more positive turn, as the government convicted six traffickers who were prosecuted under the anti-trafficking act, compared to no convictions in the precedent year under the Act.\textsuperscript{18}

When asked about what accounted for the low number of convictions, Esther Kpikpi of IJM, in an interview, stated that “a low premium placed on trafficking cases as compared to other crimes such as murder and theft is among the reasons why Ghana records few convictions.”\textsuperscript{19} She attributed this to the cultural underpinning which makes child trafficking somewhat acceptable. According to her, there are delays inherent in the justice system from when a case is filed till the trial process, with some officials requiring “facilitation fees” before discharging their duties. She added that there was an initial lack of understanding of the Trafficking Act and its sentencing, which led to most cases being decided solely under exploitative labour laws, leading to less stiffer sentences to offenders. This could range from a sentence of not more than two years and a fine of not more than 500 penalty units, amounting to 6000 cedis.\textsuperscript{20} Additionally, there are not many judicial precedents of child trafficking cases, and this becomes a challenge during sentencing of suspected offenders. However, with the growing focus on trafficking, she remains hopeful there will be more in the near future, as she commended the state for putting down the fundamental structures which permit NGOs to partner with them to combat trafficking and reduce its occurrence within the shortest possible time.

The high prevalence of child trafficking in Ghana currently can therefore be seen to be in sharp contrast with the level of prosecutions and convictions of those engaged in it.
3.3.2 Legislation

The CRC/C/GHA/CO/3-5 report further notes with concern, an insufficient level of implementation of the anti-trafficking policy and legal frameworks. Indeed, Ghana is not in short supply of ant-trafficking legislations. What the country rather falls behind in is the level of implementation of these laws. Notable among these is the 2005 Human Trafficking Act, which was amended in 2009 in order to align its definition of human trafficking with that of the 2000 UN TIP Protocol. It interdicts all forms of trafficking, and mirrors the definition in international law. It therefore encompasses the use of force, coercion or fraud for the purpose of exploitation, manifested in various forms of forced labor and prostitution. It also specifies that one is culpable of the crime of sex trafficking of a child if the latter is induced to engage in prostitution without resort to the use of force, fraud or coercion.21 With the adoption of the LI to implement this Act, Ghana can be said to have made significant strides in the area of legislation and law reform in order to combat child trafficking. It is however vital that there is harmonization and consistency in legal definitions and elucidations within and among various regions.

3.3.3 Sensitization

The CRC/C/GHA/CO/3-5 report enjoins Ghana to build up efforts aimed at raising awareness, including campaigns on trafficking, particularly in rural areas, areas of poverty and border areas.22

In a focus group discussion with pupils of the Dego District Assembly Basic School, the researcher noted with satisfaction the level of knowledge of the pupils about trafficking. This was mainly due to the formation of the Child Right Clubs, as part intervention efforts of an NGO concerned with community-based capacity building for child protection. The students said they knew about the concept of rights from their Civic education class but discussions were not as detailed as that of
the club. They were able to define the concept, give causal factors and outline its effects. They also shared that some of their friends had been engaged in trafficking and had dropped out of school. Responses elicited from sampled school children within the Kuntu and Mumford villages followed the same pattern. However, the pupils were not aware of the UNCRC, an indication that the document is not sufficiently circulated among its key target group.

Ghanaians Against Child Abuse (GACA) is a national, anti-child abuse campaign aimed at mobilizing communities and individuals to stand against child abuse. Though it is not solely focused on child trafficking, it aims to ensure that Ghana is a safe haven for the development for children and mobilize nationwide support to provide an environment in which children can develop their full potentials. This campaign, launched by the MOGCSP in collaboration with partners such as UNICEF, Global Affairs Canada, the Korea International Co-operation Agency (KOICA) among others, employs various channels including the media, in seeking to throw more light on child abuse issues. This movement, if effectively implemented, will help to change the narrative of how Ghanaians protect children from all forms of abuse, exploitation and violence.

According to George Clerk, instead of huge government expenditure aimed at changing perceptions, resources should rather be focused on upgrading skills through education. However, poverty alleviation alone cannot adequately thwart the practice of child exploitation, as the perpetrators are not only people who are not economically sound. Indolence, and the desire of quick money, despite having the skills to work, accounts for several people giving out children to be trafficked. It is therefore necessary that poverty alleviation measures go hand in hand with sensitization, as a one-sided strategy will not be adequate to deal with the threat.

In an interview with Francis Adzraku, he lamented that with regards to rural participation and dissemination of information at grassroot levels, efforts leave much to be desired. He said that for
the most part, they were information receivers, with partial involvement in initiating programmes in their localities. However, local authorities still wield a lot of power which can be capitalized on to influence the local populace and bring about long-lasting changes in attitudes.

In an interview with Nana Ayimedu Brempong III, he stressed that “human trafficking has changed from the third most lucrative crime worldwide and now occupies second place.”

Countries, Ghana included, can therefore not afford to rest on their oars. Rather, more effort must be channeled into consolidating the gains made in the fight against trafficking. In his personal capacity, and given his background in law enforcement with the anti-trafficking unit of the police force in the Eastern region, he has embarked on an aggressive war against trafficking. Using sporting competitions and other activities as a launch pad, he has sought to bring together various schools within the Adjena-Akwamu traditional area in order to sensitize pupils and thereby reduce their vulnerability to traffickers. He has also interacted with women’s groups from various churches, the House of Queen Mothers and a number of other chiefs in the Upper West and Ashanti regions in order to get them to join the fight against trafficking. He also uses durbars and festivals such as the recent Akwambo festival celebrated by the Agona and Gomoa peoples of the Central Region to educate people on the ills of trafficking and child labour.

He however acknowledged that the involvement of traditional leaders in the fight is not intensive. There is not much projection of the anti-trafficking agenda by these leaders, despite the wide-reaching influence they have over local populations. In an interview, Monica Nartey, she said that because traditional leaders have not been sufficiently engaged, there have been instances where they have interfered with the justice delivery process, as well as situations where local leaders and populations have kicked against rescue swoops on the Volta Lake due to misconceptions that the children were being taken away by rescuers with ulterior motives.
In an interview with a mechanic who was once trafficked as a child and had been successfully reintegrated into the society through the intervention of an NGO, he indicated that despite support services that were extended to his caregivers, he faced the risk of being re-trafficked after leaving the rescue shelter because there was no commitment of the part of his caregivers to engage him in any productive business venture immediately after his return. 29 Thus, without the institution of appropriate structures, and intense education of community members, rescued children who are re-installed in their communities will continue to be exposed to the risk of re-trafficking.

Photo 1.1 Focus Group Discussion with pupils in Gomoa West District

Source: picture taken by researcher on 19/07/2018

3.3.4 Comprehensive Policies

Policies cannot be implemented without adequate data. The CRC/C/GHA/CO/3-5 report cites a “lack of data on the number of children trafficked”. It particularly noted the absence of national
data concerning the incidence of children living and working in the streets, and in other unsavoury conditions.

However, some progress has been made in this regard. The Trafficking in Persons Information System (TIPIS) has been set up as a national database system. It is project-based and not countrywide in scope, therefore, information gathered covers three regions where child exploitation is prevalent, namely the Greater Accra, Central and Volta Regions. This is however yet to be made accessible to the public domain, and is only available at the Secretariat.  

Further to this, in order to execute anti-trafficking policies, a fund was provided for in the LI enacted in 2015 to implement the 2005 Human Trafficking Act. According to Abena Asare, the 500,000 cedis deposited into the fund remains intact. According to the 2018 TIP Report, its disbursement has been stalled because the Human Trafficking Management Board (HTMB), an inter-ministerial committee tasked to administer it, meet regularly and provide advisory services to the MOGCSP on anti-trafficking policies, support efforts geared towards prevention, protection and reintegration of trafficking victims was dissolved in January 2017 due to the change in government, and therefore did not meet for the rest of the year.

3.3.5 Coordination

The report cited a limitation in coordination among relevant institutions. However, in recent times, there has been considerable improvement in that regard. The Human Trafficking Secretariat coordinates the activities of the various government anti-trafficking units and desks such as the Ghana Police Service (GPS) Anti-Human Trafficking Unit (AHTU), the Ghana Immigration Service (GIS), the MOGCSP and the Department of Social Welfare (DSW) among others, as well
partnerships with non-governmental NGOs aimed at reducing the incidence of human trafficking in Ghana.

In an interview with Ben Narh, he indicated that there is a relatively strong synergy between government units responsible for stemming down the tide of human trafficking. He indicated that for Gomoa West District, stakeholders like the immigration service, CHRAJ and NCCE among others work in close collaboration to execute policies. However, due to limited funds, community work is almost at a standstill when there is no support from NGOs and civil society organizations. He mentioned that, for example, social and public education is hampered by the breakdown of vehicles allocated to Social Welfare which had not been fixed for about two years. He therefore has to rely on LEAP disbursement periods and use the motorbikes as a means of transport, as the Assembly which had been relied on formerly, was also constrained when it comes to vehicles. The National Plans of Action initiated by the MOGCSP as well as the Ministry of Employment and Labour Relations (MELR) serve as a platform which harmonizes the efforts of various stakeholders as far as human trafficking is concerned.

- The National Plan of Action for the elimination of Human Trafficking

The MOGCSP developed a blueprint for combatting trafficking in collaboration with UNICEF for a five year validity period (2017-2021). This was deemed a necessary step due to the fact that in spite of the significant efforts made to combat trafficking, the country continues to grapple with the threat. This therefore is in fulfillment of the recommendation made by the Committee on Child Rights CRC/C/GHA/CO/3-5 report to finalize and adopt the NPA on trafficking. It seeks to coordinate the execution of relevant national policies on children, especially the more vulnerable ones. It also aims at strengthening efforts where responses have been unsatisfactory,
particularly with regards to protection – ensuring victims are properly sheltered and cared for – and prosecution of offenders. The expectation therefore for the next five years is that this NPA, will help to significantly reduce the prevalence while addressing the core social factors which “comprise of the push and pull factors that make children especially vulnerable to being trafficked.”

With the framework of the “4Ps”, namely prevention, protection, prosecution and partnerships, the NPA spells out a number of objectives to be achieved by the state. Each of these objectives have specific strategies that are to be carried out with defined activities, expected outcomes, lead agencies and partners responsible for execution, an indicative budget as well as an allocated timeline by which the objectives must be met. With planned monitoring meetings, annual progress reviews within the wider 5-year implementation plan, a mid-term review and an end of plan evaluation.

- The National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labour

The NPA for the Elimination of the Worst Forms of Child Labour (WFCL) was first launched in Ghana with the aim of “reducing the worst forms of child labour to the barest minimum, while laying strong social, policy and institutional foundations for the elimination and prevention in the longer term.”

The WFCL that were prioritized for elimination by 2015 are child trafficking, deployment of child labourers in mining and quarrying, fisheries, ritual servitude, commercial sexual exploitation of children, child domestic servitude, agriculture and street hawking and begging within the first phase of the policy, from 2009 – 2015.
In a report published by Challenging Heights on the effectiveness of the NPA, they revealed that according to the GCLS 2003, 1.27 million in child labour (20.0%) while The GLSS6 indicates that by 2014 this has risen to 1.9 million children in child labour (21.8%), with 1.2 million children in hazardous labour (14.2%); out of 8.70 million children.\(^{38}\)

Thus, the number of children in Ghana in child labour had increased by 2014, represented by the change from 1.27 million to 1.9 million. Judging from the above, the Government of Ghana’s own figures indicated that the core aim of the NPA had not been met. The report attributed the reason why the NPA missed its target, to the fact that a number of its key objectives had not been implemented. These included, among others, a lack of prosecutions as identified by the 2015 TIP Report, which indicated a decrease in Government efforts, whereby the few that had taken place were only achieved by CSOs pursuing cases and funding law enforcement agencies. Other reasons were that by the end of the first phase of the NPA, the legal instruments for the 2005 Human Trafficking had still not been enacted by Parliament, the Human Trafficking Fund remained unfunded, many children remained out of school and social intervention measures such as LEAP and the capitation grant were inadequate and irregular in disbursement.\(^{39}\)

Paragraph 61 of the UN report CRC/C/GHA/CO/3-5, under the section titled “main areas of concern” also, after acknowledging the efforts of the NPA on WFCL, expressed concern about the level of implementation of existing legal frameworks and policies. It stated that the NPA had not been implemented effectively and that several children are continually exposed to hazardous labour, which affects their education and health, especially in mining, fisheries, quarrying, ritual servitude, domestic servitude, commercial sexual exploitation, portering of heavy loads, farming and street begging.
In a follow up action therefore, as recommended by the report, a second phase of the NPA was launched by the MOGCSP, in collaboration with the Ministry of Employment and Labour Relations, the National Steering Committee on Child Labour, and with the support of several developmental partners. It sets out to enhance collaboration between Ministries, Department and Agencies, (MDAs) in implementing modalities for elimination child labour. This second phase, from 2017-2021, is expected to consolidate the gains made after the implementation of the NPA1, identify the shortfalls, and harness useful lessons to address the challenges of child labour in a more sustainable manner. It seeks to enhance national child protection systems, address poverty and inequality in the society, improve access to basic services such as schooling and healthcare, especially in the rural setting, provide decent work for the youth and educate parents on the adverse effects of child labour, and ultimately change the cultural acceptance of child labour in our communities.

3.4 Manifestations of Child Trafficking

Child trafficking is not an end in itself. It has multi-faceted goals, and in Ghana these are mostly evident in labour and sex trafficking. It covers the movement of children for exploitation in domestic work, work in the hospitality sector, forced marriage, prostitution, factories, mines, agricultural labour, street begging, illegal adoption and stealing, among other social vices. Responses are also equally varied, and even though some of these activities are almost universally condemned and criminalized, others are tolerated and may even be valued in some social settings. In Ghana, child trafficking is prevalent in several sectors of the economy, with some sectors receiving more patronage of these “children on the move” than others. When asked about the age bracket of children who usually fall victims of the canker of child trafficking, Abena Asare cited those aged between 4-14 years. She added that the older ones - 8 to17 years - are mostly
independent child migrants who end up being trafficked for various purposes. In a study conducted in 2014 by the Ghana Statistical service on children employed between the ages of 7 - 14 years by industry, it was revealed that most of them (91.2%) are engaged in forestry, agriculture and fishing, with the second highest proportion in wholesale and retail trade (13.2%). The number of males (84.6%) engaged in forestry, agriculture and fishing was also found to be higher than females (71.2%).

3.4.1 Farming

One prominent area for labour trafficking is in farming. Crop farming and animal rearing are sectors that have particularly involved scores of trafficked children as labour force. In the short term, though they may serve as a source of cheap labour, the long term repercussions for the future of the country are indeed very dire, first on the lives of those engaged in it and also for the wider the economy of state. This was sufficiently established by the Supreme Court in the USA in the case of Doe vs Nestle USA Inc. Proceedings underscored the effects of child labour and how it could affect the global economic indicators of countries and the value of commodities for global consumption. Thus, a country that does not give the threat the requisite attention does so at the expense of true, sustainable economic development that ensures increased overall productivity and quality assurance and the commensurate development of its human resource. In Ghana recent efforts have seen some level of progress especially with regards to cocoa farms. Ghana Cocoa Board (COCOBOD) and Barry Callebaut AG, a top-notch cocoa processing company based in Switzerland, have signed an agreement to commit to a project that will ensure sustainable cocoa farming in Ghana. This is aimed at ensuring cocoa production is devoid of the use of child labour, while ensuring sustained income for cocoa farmers.
3.4.2 Street Begging and Petty Trading

According to the GLSS6 report, the proportion of children engaged in wholesale and retail trade in urban areas (29.8%) is approximately five times those in rural areas (6.7%). Indeed, principal streets in the capital are flooded with scores of children. This is therefore a pervasive trend that threatens to take over capitals. In an interview with Francis Adzraku, he indicated that this sector is an underdog as far as studies on trafficked children are concerned. Traffickers, capitalizing on the sympathy people generally have towards children, recruit them to either sell merchandise on the busy streets or to beg as a livelihood. Most, if not all of them, therefore do not attend school. This means the security of the country is bleak since most street children will end up as robbers, prostitutes, drug addicts and other social miscreants in the society.

3.4.3 Artisanal mining and quarries

The core mining and quarrying sector is a major contributor to the country’s GDP. According to the Ghana Statistical Service, the value of output from the sector in 2017 was GHS 494 million. According to figures from the Ghana Chamber of mines, it contributed approximately $1.59 billion to the national economy between 2012-2016. It has therefore been and continues to be an industry whose output impinges greatly on national development.

In a study conducted by SSF (Social Support Foundation), 150 children were found in the Ashanti region engaged in slave-like working conditions within the unlicensed small scale mining sector, working without wages, appropriate safety gear and exposed to harmful chemicals such as mercury that put their lives in grave risk. The study in the mining sector was conducted as part of an intervention programme to engage communities where children risked being trafficked for labour, especially through deceptive promises of greener pastures and educational opportunities that never materialize. SSF highlights the fact that ‘galamsey’, and the entire gold trade is a business that has
deep cultural roots in the Ashanti region, and advocates the adoption of an approach which engages all stakeholders in an atmosphere of cooperation, rather than participating in vilification. This, they pointed out, will lead to a better chance of finding a sustainable solution to the issues of child slavery and trafficking.⁵²

### 3.4.4 Sex Trafficking

Child sex trafficking is defined as the situation where a minor is “recruited, enticed, harboured, transported...maintained to perform a commercial sex act, proving force, fraud, or coercion is not necessary for the offense to be characterized as human trafficking.”⁵³ According to the 2016 TIP report, this type of trafficking exists country-wide but is more widespread in the Volta Region with an increasing patronage in the oil-producing Western Region.

In the Greater Accra Region, reports indicate that despite the highly publicized closure of the “soldier bar”, business continues to thrive in the popular brothel. It has become a hub for child prostitutes, aged between 12 and 16 years. The Committee report underscored a lack of formal agreements with neighbouring countries specifically concerning child trafficking.⁵⁴ This leads to situations where children are even trafficked from other African countries to engage in sex trafficking in Ghana.⁵⁵ In an interview with Bismark Quartey, he indicated that the hospitality industry is increasingly becoming a receiving hub for trafficked children, especially teenage girls who are sometimes recruited as casual workers but are required to provide sexual services at night.⁵⁶ However, according to Kwamina Amoasi-Andoh, these are not licensed members of the tourism industry but rather, those operating clandestine illegal businesses in brothels.⁵⁷
3.4.5 Fishing

This has received a lot of publicity in recent years. Coastal towns in the Volta, Central, Eastern and Brong Ahafo regions have gained particular notoriety for patronizing the services of trafficked children. These children provide a myriad of services including canoe paddling, mending and pulling fishing nets, diving into deep waters to disentangle fishing nets from tree stumps or track the movement of fishes, picking, sorting fish and cleaning fish.58

Fig. 1.1 Prevalence of child trafficking in 20 Coastal communities

Source: https://www.freetheslaves.net/new-research-indicates-high-prevalence-of-child-trafficking-and-slavery-like-conditions-in-ghana-fishing-villages/
Gomoa West District. This informed the choice of the district as the location for first hand observations by the researcher.

In an interview with Bismark Quartey, he revealed that children as young as 4 years are even engaged to drain canoes of water while vessels were off-shore. Though most of the children found in the fishing sector happen to be boys, a study conducted by the International Justice Mission (IJM) in 2015 revealed that more girls are increasingly being trafficked for tasks such as processing and sale of fish, with a preference for those aged between 3-6 years as they are unlikely to get pregnant. Therefore, both sexes are at risk as far as trafficking for labour in the fishing industry is concerned.

One major hub for trafficked children in fishing is on the Volta Lake. This, according to Esther Kpikpi, is what influenced IJM’s project in Ghana, as prevalence studies revealed a high rate of prevalence which requires intervention. The construction of the dam greatly enhanced Ghana’s fishing potential, and its estimated 121 fish species have resulted in the Volta Lake contributing to over 90% of total fish production in Ghana. The ILO therefore organized a research into the context, dimensions and nature of trafficking of children for fishing on the Volta Lake - an activity considered among the worst forms of child labour- which brought many issues to the fore.

According to the report, “trafficking has been identified as a major occurrence in fishing and children are trafficked from fishing communities within the same district, outside the district, other parts of Ghana and from beyond Ghana.”

In the course of discharging their duties, the children are exposed to perils which take a toll on their health. The volume of work itself and its hazardousness constitute child labour, and this,
coupled with the menace of trafficking, poses a threat to the victims as well as to future
generations, if permanent solutions are not found.

The study identified incidences of child labour at the upstream level in preparation activities such
as mending of nets and boats, within the core fishing process where they paddle canoes, dive into
the waters to disentangle trapped nets and also in downstream activities such as cleaning, sorting
and sale of the catch. 63

The survey touched on the origin of trafficked children. They are trafficked from within the
districts where fishing activities are undertaken, from within the region, from other parts of the
country and even from outside the shores of Ghana. According to the report, majority of
trafficked children, as indicated by 41% of respondents, were brought into the communities by
employers while another 35% said trafficked children were brought by their own parents.

A further 19% indicated that the children came on their own and 4% indicated that trafficked
children were conveyed to the communities by traffickers who engage in trafficking as a
business. 64 The Volta Lake and other fishing areas have become a hotbed for traffickers, and this
continues to be a huge problem that Ghana continues to grapple with.

3.4.5 Arts and Sports Industries

This is a field that is not altogether new, but is gaining increased patronage by traffickers. There
have been incidents of sports putting people at risk, especially during major international football
tournaments. 65 During those periods, the prospects are usually heightened for traffickers who take
advantage of the dreams and aspirations of young people to transport and enslave them.

In 2015, 21 boys were sent to South Africa under a football academy scheme. The South African
government, upon being made aware of the abusive conditions under which they were living,
including exposure to precarious nightlife activities, repatriated the boys to Ghana with the assistance of the I.O.M. These victims were then housed at the Don Bosco Child Protection Centre. The organizers, taking advantage of the vulnerability of the victims and their families, lured them with the false promise of a lucrative football career, leading families to sell cocoa farms in order to cater for travel expenses to South Africa. Due to the growing popularity of sports, particularly football in Ghana, there are several young people who are vulnerable because they dream of football academies outside the shores of Ghana where they could nurture these dreams into reality.

Taking cognizance of the fact that football is an attraction to many young boys, an NGO decided to organize matches in areas where children are vulnerable to trafficking, and used the occasion to expose them to how traffickers operate, giving insights into what children face when trafficked. The boys were taught the value of education not only for themselves but for future generations, to look out for each other and where to go for assistance so as to reduce their susceptibility to trafficking and ensure that in the long run, trafficking will lose its grip on their communities at large. Attention must therefore be paid to these non-traditional means through which traffickers lure their young victims in order not to turn the dreams of young children into nightmares through trafficking.

3.5 Conclusion

On the premise of the research problem, the chapter makes an assessment of the progress made in the anti-trafficking campaign and examines the factors which account for the prevalence of child trafficking continues in Ghana despite the country’s ratification and adoption of the UNCRC. As outlined above, significant progress has been made, yet a lot is yet to be done in order to achieve the country’s objectives. Efforts made, though commendable, remain insufficient to root out the
menace. Indeed, the latest edition of the Trafficking in Persons (TIP) Report which assesses the efforts of governments worldwide to fight human trafficking, notes the Government of Ghana’s increased efforts to combat human trafficking in 2017, and affirms that through Ghana did not attain the minimum standards for the elimination of human trafficking, these efforts have resulted in an upgrade from Tier 2 Watch List to a Tier 2 ranking. Some of these efforts include the implementation of a national anti-trafficking plan and strengthening cooperation among anti-trafficking government agencies. However, more attention must be dedicated to indicting offenders, addressing delays in the justice delivery system, enhancing protective services extended to victims and putting in place long term policies to prevent the occurrence of trafficking incidents.

In spite of the strides made, efforts aimed at combatting child trafficking must be consolidated to reflect the expected commitment to the cause demonstrated when Ghana set the pace as the first country to ratify the UNCRC.
Endnote

1 (CRC/C/GHA/CO/3-5), being the concluding observations adopted by the Committee at its 2024th meeting (CRC/C/SR.2024), held on 5th June 2015, after considering the combined third to fifth periodic reports of Ghana (CRC/C/GHA/3-5) at its 1991st and 1993rd meetings (see CRC/C/SR.1991 and 1993).
2 UNCRC, Article 32
3 Ibid., p. 18, Sub-section H “special protection measures” of the section titled “areas of concern.”
5 Interview with Bismark Quartey, country project manager for Free the Slaves (FTS), an implementing CSO of the US- Ghana Child Protection Compact.
9 Interview with Abena Asare, Human-Trafficking Secretariat
12 Ame, op. cit. p.83
13 Interview with Ben Narh, Goma District Officer, Department of Social Development, Social Welfare Unit.
15 Programme Officer, Monitoring and Evaluation, International Needs Ghana.
18 Ibid.
19 Interview with Esther Kpipki, Legal Desk, International Justice Mission (IJM)
20 Ibid.
22 (CRC/C/GHA/CO/3-5), op cit., paragraph 68
24 Ibid.
25 Ame, op. cit. p89.
26 Interview with Abena Asare, Op. Cit.
27 Interview with Nana Ayimadu Brempong of the Adjena Akwamu traditional area.
28 Interview with Monica Narney, Legal desk, IJM
29 Interview with a one-time child trafficking victim
30 Ibid.
31 Interview with Abena Asare, op. cit.
32 TIP 2018 Report, op. cit.
33 Interview with Ben Narh, op. cit.
34 (CRC/C/GHA/CO/3-5), op. cit., paragraph 68 (b)
36 Ibid.

Ibid.


This report reveals results of the sixth round of the Ghana Living Standards Survey (GLSS6), a nationwide household survey designed to generate information on living conditions in the country. The present edition, GLSS6, is especially relevant to this study as it features a Labour Force Survey module with additional sections on Child Labour.


Ibid.


Statsghana op. cit., p. 59

Interview with Francis Adzraku, Director, Don Bosco Child Protection Centre.


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Human Trafficking NPA, op. cit.

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CHAPTER FOUR
SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0 Introduction

The study sought to assess the current rate of the prevalence of child trafficking in Ghana, investigate the progress made with respect to the implementation of Article 35 of the UNCRC, understand how cultural influences affect the implementation of laws against child exploitation and examine the factors that account for the prevalence of the phenomenon in Ghana.

This chapter therefore seeks to recapitulate the findings of this research, draw a conclusion and make relevant recommendations, based on the realization of the aforementioned objectives.

4.1 Summary of Findings

In the quest to assess the progress made in Ghana with regards to the implementation of Article 35 of the UNCRC, the vast array of mediums consulted resulted in the following findings:

The Human-Trafficking Secretariat faces an acute insufficiency as far as staffing is concerned. Instead of a 24 member secretariat, there are currently only two people engaged at the unit. Since this Secretariat is responsible for coordinating all activities in Ghana concerning human trafficking, it is necessary that it is appropriately staffed in order to enable them adequately discharge their duties as spelt out in the National Plan of Action.

The legal system is fraught with challenges, so that even when victims overcome the reluctance to report due to family resistance and the fear of stigmatization, the long delays in most of the prosecution process becomes a major disincentive. The adjournments and bills accrued stall the process of delivering justice. Even when some prosecutions are done, the number of convictions...
remains discouraging. This does not send out a strong message to deter people engaged in child trafficking.

The number of shelters available in the country are not adequate to cater for the number of trafficked victims in the country. This jeopardizes the ability of the state to effectively ensure one of the cardinal strategies of anti-trafficking; protection. Currently there are only two government shelters for rescued victims but these are not operational. Therefore all rescued victims are sheltered by Non-Governmental Organizations. This does not demonstrate a strong commitment on behalf of the state to effectively deal with the protection and reintegration of trafficking victims.

Due to increased anti-trafficking efforts, Ghana has moved from tier two watch list, and is currently a tier two country according to the 2018 Trafficking in Persons Report. This is a significant achievement for the January-December 2017 review period. However more stringent measures will have to be adopted to move Ghana to a tier one ranking in the international system.

Engagements with various stakeholders pointed to the fact that there is an over-emphasis on low socio-economic standings as a causal factor. They rather alluded to the state of “mental poverty” or a “poverty of the mind” as being the underlying cause. There is a slowness to adapt to change, and this confirms the assertion that societal attitudes play a large role in perpetuating the menace of child trafficking in Ghana.

Community members are often reluctant to report child trafficking issues to state authorities. The researcher found that the situation was different in areas where there are Community Child Protection Committee (CCPC) modules instituted by some NGOs. They are formed in collaboration with local leaders. These structures, aside from being a medium through which training on child protection is provided to community members, are also comprised of resident
personnel of state institutions such as GES, CHRAJ and DSW in order to facilitate reporting channels. Moreover, it ensures continuity as intervention does not end with the when NGOs complete their projects and pack out of the community.

4.2 Conclusions

The assurance of Human Security and the promotion of the welfare of individuals within states continue to occupy center-stage in the development agenda of most countries in the 21st Century, as they strive to achieve economic growth without compromising the prospects of future generations. One threat that continues to undermine this in Ghana is the prevalence of child trafficking. Ghana demonstrated great optimism in promoting the welfare of children by being the first country to ratify the UNCRC. However, almost three decades down the line, the country continues to fall behind in this regard, especially where child trafficking is concerned. Several indicators point to the fact that if the issue is not addressed from a deep-rooted cultural perspective, it will remain unresolved. Despite the fact that the extended family system and the practice of fosterage have been abused and is now a main channel through which children are trafficked, there remains positive aspects of cultural practices that can be leveraged upon. For instance, the traditional societies operate a communal watch dog system whereby they serve as checks on each other. This makes for easier identification and reporting of incidents of trafficking and economic exploitation of children, as community members serve as key informants.

It is evident that in tackling child trafficking in Ghana, a one-size-fits-all solution will not adequately address the threat. Ghana’s efforts in building partnerships are commendable. Significant strides have also been made in the area of prevention, though much is still to be done in that regard. However, measures to ensure protection of victims and prosecution of offenders
require more effort in order to rid the country of the threat and make it a safe haven for children, regardless of their cultural and socio-economic background.

4.3 Recommendations

Since Ghana’s ratification of the UNCRC, several measures and policies that have been put in place by stakeholders to address the challenges with assuring the rights of children, particularly with regards to trafficking, with varied levels of success. In a quest to eradicate Ghana of this threat, the following recommendations are made based on research findings:

4.3.1 Impact of Cultural Influences

- Rather than using the relativity of culture as a justification against the assurance of rights of children, thereby limiting the implementation of the UNCRC, the state can draw on the positive potential of traditional cultural values to reinforce the relevance and application of universal human rights. Bold efforts are required to contextualize the UNCRC in such a way that implementation is less difficult. For example, traditional families receive great validation with the birth of children. This value ascribed to children when they are born must not end at their birth. Children must continually be esteemed throughout their childhood, such that there is no communal or social tolerance for activities that jeopardize their wellbeing.

- Traditional leaders must be coopted into the anti-trafficking agenda to facilitate local level implementation. Chiefs and traditional figures of authority still wield a lot of influence. It will be a step in the right direction if chiefs who are constantly in the limelight of the media such as the Asantehene, Togbe Afede etc. are all roped in to promote anti-
trafficking due to their scope of influence. Therefore, aside CSOs and other donor agencies, specific labour unions in areas of prevalence such as the fishermen council and unions of farmers must be roped in to implement the policies at their local levels. It is recommended that, to increase education and sensitization, the Act’s basic provisions should be translated into more local dialects for distribution across the length and breadth of the country.

4.3.2 Exacerbating Factors

- The Ministry of Gender, Children and Social Protection (MOGCSP) must engage the media and give more publicity to child trafficking issues. The fight against illegal mining took a new turn in Ghana with the adoption of a massive media campaign, known as #StopGalamseyNow. This can be replicated for child-trafficking to ensure the preservation of both natural and human resources as Ghana strives towards the promotion of sustainable development. Media campaigns should target children as well as adults. Child-friendly, animated videos as well as abridged printed versions of the UNCRC must be distributed in schools. The formation of Child Rights Clubs should be compulsory for all basic schools. CCPC models must also be adopted country-wide in order to throw more light on child trafficking and child protection issues in general.

- The MOGCSP must focus efforts on bringing about long-term attitudinal changes. In order to break the demand, people must be discouraged against patronizing the services provided by children engaged in child labour, even though this may look unsympathetic in the short term. By so doing, their recruiters, recognizing how unprofitable they are, will
not be motivated to send them out to engage in activities such as street hawking or begging especially during school hours.

- The message of child rights is not accepted by some sections of the populace because of how it is conveyed. This is because rights are promoted without the mention of responsibilities, creating the perception of unfettered freedom for children, a notion most parents are unwilling to accept. The UNCRC, must therefore be promoted in tandem with other legal instruments such as the African Charter on rights of the child, which advocates the child lives responsibly to serve family, nation and continent.

- There must also be more poverty alleviating measures. This will go a long way to reduce the susceptibility of children to being trafficked. The coverage of LEAP must be widened to cover more households across the country. In order to regulate fishing activities, the government periodically imposes a ban on fishing. Community members in a number of fishing communities expressed concern that this was going to lead to more child trafficking cases as there are no alternative livelihood programmes. Families deprived of their sole source of income then resort to giving out children to become breadwinners. It is hereby recommended that, during periods when this ban is enforced, there should be social support programmes extended to community members as well as a long term training in other sources of livelihoods and the institution of investment packages to help save for rainy days as most Ghanaians and especially rural dwellers only have a single income stream.

- Delays in justice delivery and prolonged court cases also do not augur well either for the state due to accrual of fees or for the victims. In order to fast-track the prosecution and conviction of suspected child trafficking offenders, there must be specialized trafficking
courts in areas of prevalence. This could be instituted as a long term solution. In the short
term however, existing courts can allocate specific days of the week for the adjudication
of trafficking cases. Further to this, the state should consider Alternative Dispute
Resolution (ADR) programs as a solution to the burgeoning court queues and rising costs
of litigation. The removal of delays within the judicial system will also help victims gain
closure quickly and be ready for reintegration into society.
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Interview with Nana Ayimedu Brempong III, chief of Adjena Akwamu traditional area, 09/07/2018
FOCUS GROUP DISCUSSIONS

Focus Group Discussion with 22 children in the Gomoa West District, 19/07/2018

APPENDIX I

UNIVERSITY OF GHANA. LEGON CENTRE FOR INTERNATIONAL AFFAIRS AND DIPLOMACY. INTERVIEW GUIDE FOR NGOs, CSOs AND GOVERNMENT ANTI-TAFFICKING MACHINERY.

Office/ Position of respondent:

Number of years of experience in the field:

The general objective of this paper is to investigate the challenges associated with the implementation of the UNCRC so far. The specific objectives are:

Objective 1: To examine the current rate of prevalence of child exploitation in Ghana.

a. What sectors in Ghana are most affected by this phenomenon?

b. In which geographical areas are we most likely to be confronted with this threat presently?

c. Which age bracket of children are most affected?

d. What would you say are the current manifestations of child trafficking today? Has the trend evolved in any way?

e. How would you rate the efforts at addressing the threat vis-a-vis the current rate of prevalence?

Objective 2: To investigate what progress has been made with respect to the implementation of Article 32 of the UNCRC.

a. What measures have been put in place to address the challenges faced by children in this regard?
b. How have these measures impacted the education enrollment and employment of children? Would you say the measures put in place are solving this challenge?

c. Would you say the effort being made by non-governmental agencies is reciprocated by the government and the ministry to improve the welfare of children and promote their overall wellbeing?

d. What do you make of funding concerns? Do you think the challenge is a question of insufficiency or rather of mismanagement?

Objective 3: To understand how cultural influences affect the implementation of laws against child exploitation.

a. Which aspects of the Ghanaian culture make the terrain ripe for child exploitation?

b. Can you kindly name any specific policies aimed at bringing about attitudinal reforms? Would you say they are adequate?

c. What aspects of Ghanaian culture are conducive for promoting the welfare of children?

d. How have traditional leaders been involved in the campaign against child exploitation?

Objective 4: To examine the factors that account for the prevalence of the phenomenon in Ghana

a. With the close correlation between poverty and child trafficking, what measures are being put in place to alleviate low socio-economic standings?

b. What in your view, aside poverty, can be named as a causal factor of child trafficking?

c. What is the level of sensitization of child rights in Ghana? Has it been accepted or it is perceived as a foreign concept?
APPENDIX II
INTERVIEW GUIDE FOR TO ASSESS PROSECUTION AGAINST CHILD TRAFFICKING WITH REGARDS TO PROSECUTION

To investigate what progress has been made with respect to the implementation of Article 35 of the UNCRC.

a. Why does IJM focus specifically on child trafficking in Ghana?

b. What are the challenges in your line of duty?

c. What are some general challenges in combatting trafficking in Ghana?

d. What accounts for the low number of convictions? (TIP report indicated there were only 7 for 2017)

e. Would you say the effort being made by multilateral agencies is reciprocated by the government and the ministry to improve the welfare of children and promote their overall wellbeing?

Objective 3: To understand how cultural influences affect the implementation of laws against child exploitation.

e. Which aspects of the Ghanaian culture make the terrain ripe for child exploitation?

f. What aspects of Ghanaian culture are conducive for promoting the welfare of children?
g. Are you ever confronted with situations where traditional modes of settlement conflict with legal ones? Do traditional leaders ever impair or interfere with the justice delivery process?

Objective 4: To examine the factors that account for the prevalence of the phenomenon in Ghana

a. There is the perception that poverty is over-emphasised as a causal factor. This is because poverty exists in several areas in the world but they are not inclined to traffic children because existing laws are binding. Do you agree? Is it widespread in Ghana because the laws don’t work or aren’t enforced therefore it doesn’t deter people?

b. What in your view, aside poverty, can be named as a causal factor of child trafficking?

c. What is the level of sensitization of child rights in Ghana?

d. Per your experience how well known is the Human trafficking Act?

e. How can the prevalence be reduced with regards to actions in the justice delivery system?
APPENDIX III
INTERVIEW GUIDE FOR FOCUS GROUP DISCUSSION

a. What are child rights?

b. Give some examples of rights you know.

c. How and where did you learn about them?

d. What are some of the things you have learnt about in the child rights club?

e. What do you understand by child trafficking?

f. Name some causes of child trafficking

g. What are some of its effects on the lives of children?

h. Do you know about the UNCRC?