AN ANALYSIS OF ANTI-HUMAN TRAFFICKING APPROACHES
TOWARDS CURBING CHILD TRAFFICKING IN GHANA (2005-2019)

BY
ADZO WOEYRAM MAKAFUI BAKU
(10460187)

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DECLARATION

I, Adzo Woeyram Makafui Baku, 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 under the supervision of Dr. Amanda Coffie. I also declare that this dissertation has not been presented either in part or in whole for any other degree elsewhere.

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ADZO WOEYRAM MAKAFUI BAKU                 DR. AMANDA COFFIE
(STUDENT)                                   (SUPERVISOR)

DATE..................................................                      DATE...28/05/2020.............
DEDICATION

This work is dedicated to my maternal grandmother Madam Regina Ama Ankamah, my only brother Kwami Woenam Baku and finally, to my nieces and nephew, Aku Onai, Abra Onai and Malachi Doyle.
ACKNOWLEDGMENTS

I am eternally grateful to the Almighty Lord for the strength and the ideas granted me to write this dissertation.

My heartfelt gratitude goes to my supervisor, Dr. Amanda Coffie for her constructive criticisms which tremendously affected the quality of my work.

I also acknowledge the gracious assistance of the respondents from the International Organisation on Migration, the Ghana Police Service, the Ministry of Gender and Social Protection, the United Nations Children’s Fund, the Ghana Immigration Service and the International Justice Mission. Furthermore, I remain indebted to Mr. Emmanuel Odame Ofori for his assistance.

I am grateful to my parents Daniel Etornam Kofi Baku and Olivia Akosua Kpodoe for providing the wherewithal and the intellectual environment at home for my education.

Finally, I appreciate the support of my friends Enoch Sablah, Charles Otchere, Adelaide Awo Asiedu, Abdul Hafez Mahamah, Kweku Attakora Dwomoh, Edmund Manu-Aduening, Kofi Twum Ampofo Aggrey and, indeed, all my colleagues who contributed to my work in diverse ways.
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<table>
<thead>
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<tbody>
<tr>
<td>ACHPR</td>
<td>African Charter on Human and People’s Rights</td>
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<td>AHSTIP</td>
<td>Anti-Human Smuggling and Trafficking in Persons Unit</td>
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<td>AHTU</td>
<td>Anti-Human Trafficking Unit</td>
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<td>EU</td>
<td>European Union</td>
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<td>GLO.ACT</td>
<td>Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants</td>
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<td>GIS</td>
<td>Ghana Immigration Service</td>
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<td>GPS</td>
<td>Ghana Police Service</td>
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<td>HTS</td>
<td>Human Trafficking Secretariat</td>
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<td>ICAT</td>
<td>Inter-Agency Coordination Group against Trafficking in Persons</td>
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<tr>
<td>IGO</td>
<td>Intergovernmental Organization</td>
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<td>IJM</td>
<td>International Justice Mission</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<td>IOM</td>
<td>International Organization for Migration</td>
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<td>MoGSP</td>
<td>Ministry of Gender and Social Protection</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>OAU</td>
<td>Organization of African Unity</td>
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<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>OSCE</td>
<td>Organization for Security and Cooperation in Europe</td>
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<td>TIP</td>
<td>Trafficking in Persons</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<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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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>UN. GIFT</td>
<td>United Nations Global Initiative to Fight Human Trafficking</td>
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<td>USA</td>
<td>United States of America</td>
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ABSTRACT

In 2005, Ghana domesticated the provisions of the United Nation’s “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children” also known as the Palermo Protocol through the enactment of the Human Trafficking Act, 2005 (Act 694). Consequently, other laws were enacted to further align the provisions of Act 694 to the Palermo Protocol. Despite the efforts of the state to enforce these laws, trafficking in persons persists. The study therefore sought to examine the anti-child trafficking measures between 2005 and 2019 to explore in detail the reasons why child trafficking in Ghana remains undefeated. The theoretical framework on which the theory was premised was the compliance theory. The study which depended on both primary and secondary sources of data is purely qualitative. From the findings, the study concluded that the measures instituted to enforce the laws on preventing child trafficking have been efficient. The general challenge however, was highlighted as the inadequacy of funds. Specifically, the hindrances to the efficient implementation of strategies to prevent trafficking include deep-seated cultural practices and the lack of capacity of law enforcement officers. The impediments to adequately enforcing the provisions of the laws on protection include the lack of logistics to aid the process of reintegrating rescued victims while the delay in the court system which constrains victims to give up the hope of prosecution are other the identified hindrances to curbing the menace. The study, therefore, recommends the institution of effective monitoring and evaluation procedures to track all funds dispersed by the state. The proper structuring of sensitisation programmes on preventing child trafficking, the establishment of more state shelters and the establishment of courts solely for trying human trafficking cases are recommended to effectively tackle the menace in Ghana.
CHAPTER ONE
INTRODUCTION

1.0 Background to the Research Problem

Trafficking in persons is considered a crucial international policy concern of the twenty-first century (Parreñas, Hwang, & Lee, 2012). As a transnational crime, human trafficking has gained ascendancy all over the world, threatening the human security of victims and destroying the reputation of states as regards their human rights. Although the exact magnitude of the menace is not known, available statistics indicate that trafficking in persons is one of the most profound transnational crimes in the twenty-first century (Cho, Dreher, & Neumayer, 2011).

The effect of globalisation on the ability of states to manage transnational crime resulted in the adoption of the United Nations Convention Against Transnational Organized Crime (UNTOC) in November 2000 by the United Nations General Assembly (UNGA). To supplement this Convention, the United Nations (UN) further adopted the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children” referred to in this study as the Palermo Protocol also in 2000 (O’Connell Davidson, 2011). Article 37(4) of the Convention and Article 1 of the Palermo Protocol thus provide that the parent Convention must be read together with the Protocol unless the purpose of the Protocol otherwise necessitates.

Other global, regional and state-level policies have been adopted to complement the Convention and supplementary Protocol on countering human trafficking. Specifically, in a collaboration between the European Union (EU), the United Nations Office on Drugs and Crime (UNODC) and some other key institutions, a “Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants” (GLO.ACT) has been launched. Also, the UNGA has mandated an Inter-Agency Coordination Group against Trafficking in Persons (ICAT) to tackle, provide support
for and protect victims of trafficking in persons. Furthermore, the Department of State of the United States of America (USA) publishes a Trafficking in Persons (TIP) Report yearly, which serves the purpose of engaging foreign governments on human trafficking. These reports rank countries concerning their actions in fighting the menace. In Africa, between 2011 and 2017, the TIP Reports of the Department of State of the USA recorded a steady increase of prosecutions for human trafficking. Correspondingly, the number of convictions increased between 2011 and 2016 but fell drastically in 2017 (US Department of State, 2018).

Anti-human trafficking measures are classified into three main categories; Prosecution, Protection and Prevention, commonly referred to as the “3ps”. Prosecution involves prosecuting the perpetrators of the offence; Protection entails the measures to shield the victims after they have been rescued while Prevention comprises the measures implemented to prevent trafficking in persons in its totality.

The term human trafficking is defined by Article 3 of the Palermo Protocol as the relocation, recruitment, receipt or harbouring of persons, by use of force or means of threat or other forms or the giving of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Significantly, this Protocol is the first document that provides an internationally recognised clarification of the notion of human trafficking. Article 3, highlighted above, further provides that, “The recruitment, transportation, harbouring or receipt of a child for purposes of exploitation even if this does not involve force, fraud, or coercion amounts to trafficking of the child”. Also importantly, the Article indicates that within the framework of the Protocol, “A child is any person under eighteen years of age”. As such, with child trafficking, the employment of the elements of coercion, force, or fraud in the exploitation of an individual need not be established. Most discussions on child trafficking depict that trafficked children are recruited, transferred, sold and exploited in a new environment, often in another country (Oude &
Brenda, 2008). Again, Article 4 of 2005 Council of Europe Convention on Action against Trafficking in Human Beings which was developed after the Palermo protocol of 2000 virtually reproduces the words of Article 3 of the Palermo Protocol.

The definition of human trafficking in the Human Trafficking Act, 2005 (Act 694) of Ghana, hereinafter referred to as “Act 694”, mirrors to a large extent the aims of Article 3 of the Palermo Protocol. Additionally, Ghana’s Act 694 covers human trafficking occurring either within or across national borders and provides that, “Where children are trafficked, the consent of the child, parents or guardian of the child cannot be used as a defence for prosecution under the Act” just as is stipulated in the Palermo Protocol.

One of the obstructions to better assimilating the dynamics surrounding human trafficking has been the scarcity of data and statistics, primarily because it is a hidden, criminal activity (Lloyd, Simmons, & Stewart, 2012, p. 3). According to the 2018 report of the UNODC, more than fifty per cent of the victims identified in 2016 were children, with almost the same ratio of boys to girls (UNODC, 2018, p. 80). The same report also indicated that 23% of all trafficking victims identified globally were girls. More victims are recorded in West African countries than the other countries sub-Saharan African countries, with most of the identified victims being either young boys or girls (UNODC, 2018, pp. 80,81). Each year, about one million and two hundred thousand children are trafficked for child labour. Another one million children are also trafficked into the global sex trade (Islam & Hossain, 2017).

Ghana does not only serve as a source and destination country but is also a transit country for international human trafficking (Gallagher & McAdam, 2017). A study conducted by a Non-Governmental Organisation (NGO), “Free the Slaves” in some suburbs in the Central and Volta...
Regions in August 2016, revealed that some areas serve as both the destination and source for internal trafficking. In the twenty communities visited, 35.2% of households had children who had previously been victims of trafficking (Ghana Ministry of Gender, 2017).

Ghana has therefore adopted several approaches to ending this trend. The approaches to tackling child trafficking fall under the broad ambit of tackling human trafficking. As such, this study examines Ghana’s strategies and approaches to curbing the trafficking of children. It also examines the extent to which Ghana has been implementing the provisions of the Palermo Protocol, which was domesticated in the country in 2005 by virtue of Act 694. This would allow for a determination of why child trafficking remains undefeated despite the various strategies and interventions that the country has adopted and implemented.

1.1 **Problem Statement**

Research on child trafficking in Ghana has primarily focused on the pattern, causes and effects of the menace and analysis of Act 694 of 2005. Agbenya (2009) considers the causes and effects of human trafficking. Lawrance (2010, p. 63) investigates the link between multifaceted child advocacy campaigns and the enactment of Act 694 and argues that the Act is of limited effectiveness. On another hand, there have been fewer studies on the additional legal frameworks, policies, programmes and organisational efforts implemented to curb the menace. The most recent policy adopted by Ghana towards curbing child trafficking is the National Plan of Action for the Elimination of Human Trafficking in Ghana 2017-2021 prepared by the Ministry of Gender, Children and Social Protection. This Plan of Action which was initiated in 2017 outlines the previous measures implemented by government to tackle trafficking in persons and notes the persistence of the menace notwithstanding the initiatives and efforts of the state (Ghana Ministry of Gender, 2017, pp. 2,3).
The research, therefore, seeks to examine and analyse the anti-child trafficking measures arising from Ghana’s implementation of the Palermo Protocol and Act 694 to suppress, prevent and punish perpetrators of human trafficking and to explore in detail the reasons why child trafficking in Ghana remains undefeated.

1.2 Research Questions

1. What are some of the global measures instituted to fight child trafficking and in which ways have the Palermo Protocol contributed towards the elimination of child trafficking globally?

2. What are the anti-child trafficking measures that have been adopted in Ghana from 2005-2019?

3. To what extent is Ghana’s anti-child trafficking measures compliant with the Palermo Protocol?

4. What are the strengths and weakness of Ghana’s anti-child trafficking approaches post the domestication of the Palermo Protocol?

1.3 Research Objectives

This study generally aims at assessing the anti-child trafficking approaches implemented after Ghana’s domestication of the Palermo Protocol in 2005. Specifically, it seeks to;

1. Examine some of the global measures instituted to fight child trafficking and identify some instances in which the Palermo Protocol has contributed towards eliminating child trafficking globally;

2. Identify the anti-child trafficking measures have Ghana adopted from 2005-2019;
3. Ascertain the extent to which Ghana’s anti-child trafficking measures are compliant with the Palermo Protocol;

4. Determine the strengths and weakness of Ghana’s anti-child trafficking approaches post the domestication of the Palermo Protocol.

1.4 **Scope of the Study**

The study focuses on the approaches implemented to curb child trafficking in Ghana after the Country domesticated the Palermo Protocol in 2005. The time frame is limited to 2005-2019 to allow for the effective analysis of data.

Ghana’s policies, programmes and organisational efforts on child trafficking are derived from the country’s approaches to anti-human trafficking since child trafficking forms a subset of human trafficking. Thus, this study did not analyse the anti-human trafficking approaches in their totality but only analysed the portions of the approaches related to the trafficking of children.

1.5 **Rationale of the study**

The rationale of the study will include a thorough analysis of how Ghana’s compliance with the Palermo Protocol has resulted in effective or otherwise anti-child trafficking measures.

Additionally, due to the limited research on the domestication of the Palermo Protocol within the Ghanaian context, this study seeks to add on to the subsisting literature on child trafficking by providing scholarly research on Ghana’s anti-child trafficking measures within the context of the Palermo Protocol. This would serve as a point of reference for future research in terms of measuring the progress of the country’s effort in combating child trafficking.

It is also expected that the recommendations put forward would further serve as source material for policymakers and policy decisions in Ghana.
1.6 Thesis Argument

The study argues that Ghana’s anti-human trafficking measures are in compliance with the Palermo Protocol and have the potential of eliminating child trafficking in Ghana.

1.7 Theoretical Framework

This study is premised on the theoretical framework of the compliance theory. Compliance theories usually focus on compliance as behaviour that is deliberately enforced than the behaviour which occurs naturally. An actor's conduct that complies with a treaty's definite rules is defined as compliance (Mitchell, 1996, p. 5). Although the term compliance can be applied to a broad range of behaviours, Mitchell (1996, p. 5) adds that limiting its context to treaty provisions allows for evaluation against clearer and less subjective standards.

According to Haas (2015), the legal instruments with which countries comply may vary. The same country may comply differently with different legal instruments within distinct issue areas or even within the same issue area. Owing to the generally costly nature of compliance, states will deliberately opt for obligations which do not only efficiently satisfy their interests but also require lower costs of compliance (Cho & Vadlamannati, 2012). Haas (2015) notes further that in the absence of well-established patterns of compliance, there are some theoretically-informed foundations that identify patterns which may influence compliance.

Firstly, the totality of compliance will be determined by assessing whether most states tailor their behaviour to suit their international commitments. Ideally, a number of measures must be instituted before international commitments can be adhered to. However, not all states adhere to their international commitments. Avdeyeva (2012) writes that while the Convention against Transnational Organized Crime and the Palermo Protocol defined and introduced a new prohibitive regime against trafficking in persons, it is still not clear why some states chose to
comply with it, while others ignored the agreement and have not significantly changed their domestic practices despite the official ratification of these documents.

Over time, it has been observed that the states actively seeking international recognition, a change in their international status (e.g. potential candidacy in regional organisations, such as the EU), or competing for a prestigious position in an international organisation, improve their compliance with international human rights agreements, including the UN Trafficking Convention and Protocol (Avdeyeva, 2012, p. 299)

Furthermore, states change their behaviour to comply with social norms and rules accepted in a group that they aspire to join, or to maintain their membership. It is then hypothesized that states’ compliance with antitrafficking agreements will vary depending on states’ international positions vis a` vis international organisations or depending on the states’ aspirations to improve their international status and prestige (Avdeyeva, 2012, p. 299)

Interestingly, according to Avdeyeva (2012) the compliance literature offers several compelling explanations to this dilemma. The varied response of states towards the compliance with international instruments can be explained either from the realist power politics and the importance of a hegemonic power for states’ propensity to comply with international treaties perspective or the liberal account perspective that emphasises the importance of domesticating political structures and processes for the states’ levels of compliance with international agreements.

The realist and non-realist perspectives provide alternative explanations for states compliance to international instruments. In realist perspectives, international treaties do not generate states’ compliance because they lack enforcement mechanisms, or military and economic instruments that could be used to reward complying states and punish violators. Neorealist scholars have revised
this realist perspective and accepted the idea that a state’s commitment to human rights can be genuine and can drive changes in states’ practices (Avdeyeva, 2012, p. 303).

Secondly, national compliance could be determined by analysing the amount of resources a state commits to an identified goal after ratification. Specifically, by assessing whether a state varies its organisational routines and practices, policies and laws in accordance with international commitments, national compliance is determined.

Treaties put in place systems of compliance to obtain the most out of the countries bound to comply and efficiently evoke concurrence from everyone else. The framework of compliance systems comprises the primary rule system, a compliance information system, and a non-compliance feedback system. These systems help in understanding how treaties that induce compliance achieve this compliance. The rules, actors and procedures related to the behaviour targeted by the international instrument make up the primary rule system. This system specifically influences the motivation and pressures for violation and compliance. The compliance information system comprises the actors, directives and procedures that gather, examine and spread data on breaches and submission.

A major critique of the theory is that it may be difficult to determine the specific degree of compliance by states because national systems vary in their extents of execution and states may submit false reports or refuse to submit data which they anticipate to be embarrassing (Haas, 2015).

Another critique is, as Mitchell (1996) puts it, that governments and other private actors may engage in actions that amount to compliance as defined in a treaty for reasons unrelated to treaty dictates. Some governments may endorse international instruments to enjoy the political advantages of membership, without intending to abide while others may indicate to abide by most
but not all rules. In some circumstances, an omission may result in non-compliance: states may fail to meet treaty standards although they take actions sincerely intended to achieve compliance.

Irrespective of the above criticisms, for the following reasons, the theory is relevant to the current study. The theory enables the researcher to assess the level of Ghana’s compliance with the Palermo Protocol. Specifically, the compliance theory aids in the categorisation of the anti-human trafficking approaches in Ghana into two main groups. Consequently, the approaches that were resorted to by virtue of Ghana’s assent to the protocol are identified in order to distinguish the approaches which result from the dictates of the protocol from those which do not. This categorisation further helps in ascertaining the impact of assenting to the protocol and whether or not assenting is of any relevance.

Analyzing the impact of assenting to the Palermo Protocol and its relevance brings into perspective the issue of the enforcement of anti-trafficking laws. After an international instrument is assented to, domestication and consequently, enforcement of the dictates of this instrument take place. Quite naturally, if laws are not enforced, the impact of their assent cannot be determined. According to Francis and Francis (2014) anti-trafficking laws are difficult to enforce and this difficulty in enforcement can be attributed to varying reasons. In some circumstances, host states or their residents may benefit from trafficking which tends to make enforcement difficult. Moreover, since a lot of trafficking activities take place across borders, enforcement of anti-trafficking laws may be difficult if laws against trafficking are enforced primarily within national borders and if there are failures of needed international cooperation (Francis & Francis, 2014). Due to their seemingly difficult nature of enforcement Francis and Francis (2014) argue that the menace of trafficking presents an example of “partial compliance” theory in the classic Rawlsian sense of failure to adhere to just laws. In Ghana, the principal legislation governing trafficking in persons is Act 694. There are several other identified approaches dedicated to dealing with human, and for this study,
child trafficking. Using the compliance theory, Ghana’s adherence to Act 694 and the Palermo Protocol is analysed through an examination of the nature and amount of state resources committed to abiding by the dictates of the protocol.

Also, a determination of the extent to which, if any, Ghana has changed its practices, policies, organisational routines and laws in accordance with international resolutions after assenting to the Palermo Protocol serves as a good measure of compliance within the context of the study. This determination enables the study to identify the various variables that make up the comprehensive approach of addressing human and child trafficking.

1.8 Literature Review

Extensive literature exists on the consequences and causes of trafficking in children as well as the measures instituted to address the menace worldwide. Some of these works are reviewed to demonstrate their contribution to the study and also to identify the major gaps in the literature which necessitate the study.

- The Nature of Child Trafficking

Child trafficking refers to any movement or transportation of a child for the purpose of exploitation, criminal activities and forced marriages (Tolla & Singh, 2019). For instance, in terms of child trafficking in Ghana, Afenyadu (2010) writes that although children’s involvement in fishing is a sociocultural activity for some ethnic groups, it is also recognized as a trafficking activity with the intent to exploit.

Manzo (2005) argues that trafficking and slavery are related yet different. Specifically child trafficking is based on distinctions of gender, place and age (Manzo, 2005, p. 394). The Palermo Protocol (2000) not only recognizes the trafficking of women and girls but also notes the trafficking of men and boys into several sectors other than the sex industry. It also sets the standard
for all other legal definitions of human trafficking (Hamenoo & Sottie, 2014). The conventional wisdom is that about 200,000 children a year are trafficked in West Africa alone. Yet, as Human Rights Watch has noted, this conventional figure is contested. Government estimates tend to be lower, while non-governmental organizations have raised them higher (Manzo, 2005, p. 395).

Generally Bokhari (2008) argues that there is a paucity of reliable statistics on the international and national scale of trafficking both due to its covert and illegal nature as well as the lack of national, regional or international mechanisms to collect and analyse such data. According to Warria & Triegaardt (2015, p. 1), “Child trafficking is a multiple human rights violation, and the identification of child victims of trafficking is a challenge facing social workers worldwide”. The 2008 TIP Report of the USA’s Department of State stipulates that movement is not a necessary element of trafficking in persons. This means the perpetrator is not required to have physically transported a victim from one location to another in order to be guilty trafficking that person (United States Department of State, 2008, as cited in Danailova-Trainor & Lackzo, 2010).

The main element required to establish a case of transnational trafficking of children is the transportation of the children out of their country. The consent of these children or that of their parents or guardians to transportation is irrelevant. A child below the age of eighteen cannot validly consent, and any possession, receipt, movement, or recruitment of children for exploitation is a form of trafficking, irrespective of how this is done (Ebbe & Das, 2007).

In the United Kingdom for instance, most trafficked children are brought into the country, transiting through a number of other countries, to be exploited there. For others, the United Kingdom is just a staging point on their journey into other parts of Europe or elsewhere. Many of these children have already experienced multiple forms of abuse before they reach the United Kingdom and whilst there are also likely to be internally trafficked (Bokhari, 2008).
In 2009, the USA’s Department of State Office to Monitor and Combat Trafficking in Persons identified Ghana as not only a country of origin but also of transit and destination for the vulnerable trafficked for forced labour and prostitution (Lawrance, 2010).

Although there is an agreement on the fact that child trafficking is a form of human trafficking, the crime cannot be defined without reference to international legislation such as the Palermo Protocol (Islam & Hossain, 2017).

- **Causes and Effects of Child Trafficking**

The situation of children in both Asia and Africa is threatened by risk factors such as cultural norms, poverty, breakdown of extended families and demand for cheap labour which increasingly expose children to a high possibility of manipulation. A child’s low standard of living, destitution and broken family are typical indicators that compel children to seek greener pastures and may predispose a family to embrace and even condone trafficking in children. The inclination of families to break out of their deprivation, coupled with unbalanced development, has made families responsive to questionable opportunities (Warria et al., 2015). At the local level, children who are trafficked are deprived of an opportunity to improve their future due to the unavailability of educational opportunities to them. In addition to abandonment, extreme hunger, and the breach of their fundamental human rights to health care, victims are exposed to cruel living conditions, poor hygiene and abuse, which cumulate in lifelong health complications (Anuradha, 2014).

Mensah-Ankrah and Osei Sarpong (2017) write that there have been various push factors responsible for human trafficking in the high trafficking zones in Africa; Nigeria and Ghana. Some of these factors include traditional practices that have created inequity among children, depreciation of national currencies and the lack of economic opportunities (Mensah Ankrah & Sarpong 2017).
Hamenoo and Sottie (2014) in exploring the experiences of trafficked children who worked as fishing hands on Lake Volta in Ghana in order to understand the effects trafficking from the children’s perspectives identified harrowing physical health complications as an effect of trafficking on children in Ghana.

In Ethiopia for instance, ignorance, the shortage of skilled police to examine child trafficking, corruption, lack of willingness to support the victim by providing information about traffickers, low prosecution success due to lack of evidence, lack of investigation skills of officers and lack of common understanding of human trafficking and the low level of reporting are contribute to the high incidence of the menace in the country (Anteneh, 2011).

Again, it is argued by Tolla and Singh (2019, p. 62) that especially limited immigration laws and weak protection in Ethiopia have contributed to the expansion of the role of traffickers, a condition that has aggravated child trafficking.

In South Africa, most trafficked children are from poor households with extremely poor physical environments. In many instances, those children operate in environment not conducive to their protection and wellbeing. The trafficker is not interested in providing a good environment to the trafficked children but to get the most profit possible from them. The environment is therefore filthy, the housing structure mostly inadequate and where the housing is adequate, cases of overcrowding and lack of hygiene are observed (Mbecke, 2010).

- **An Overview of Anti-Child Trafficking Approaches**

Although laws have been implemented to tackle human trafficking, the menace has continued, and the inconsistency in the enforcement of anti-trafficking initiatives has been a source of anxiety (Amahazion, 2015). Lagon (2015, p. 22)’s assertion that although many countries have enacted comprehensive anti-trafficking legislation, merely having laws in print are not enough goes to
butress this point. In addition to the issue of inconsistent and ineffective enforcement, Sanghera (2015) argues that the relative lack of rigorous benchmarks for evaluating the impact of interventions at various levels further depletes the scope of anti-trafficking initiatives.

It is important to note that in relation to children, anti-trafficking efforts revolve predominantly around discouraging or removing children from migration (Yaqub, 2009).

According to Lee (2013), the annual TIP Reports by the USA’s Department of State, which classify countries based on their efforts to address human trafficking have been tagged as ideologically and politically motivated. However, despite their possible shortcomings, these annual TIP Reports are considered beneficial, since they analyse data annually on a vast number of countries, and this offers significant benefits when compared with other potential sources of data on trafficking (Frank, 2013).

On South Africa, (Mbecke 2010,101) wrote that although the Constitution prohibits slavery, servitude and bonded labor, legislation which criminalizes human trafficking is not yet available and applicable in South Africa. This makes it difficult to have accurate statistics on the incidence of human trafficking in general and child trafficking in particular and to prosecute traffickers.

Again in Ethiopia, government has passed laws regulating human trafficking. It must be noted that no direct assistance to victims of trafficking have been forthcoming because the women and girls are often regarded as invisible, which in turn makes victims afraid to go to the authorities. At the end no one is held responsible for their suffering and abuse (Kubai 2015).

Globally, corruption remains one of the biggest hindrances to the successful execution of anti-trafficking legislation. In addition to corruption which hinders the political will of states to fight trafficking, corrupt practices obstruct the successful implementation of government policies (Blom, 2019). Blom (2019) restates that the effective implementation of state legislation is crucial
in order to combat trafficking. Thus, it is prudent for states to generate and implement specific measures within their jurisdictions to address the various types of trafficking that take occur within the national context. Relatively, not much deliberation has been dedicated to the link between trafficking and development policy. Interestingly, it has been noted that efforts worldwide to tackle human trafficking have focused mainly on the criminalisation of the offence, together with the means to assist and protect victims. The Anti-trafficking policy has been dominated by issues of the elimination of the offence, protection of victims and the trial of perpetrators, which emphasises short-term interventions primarily (Danailova-Trainor & Laczko, 2010).

Chuang (2006) writes that over the last ten years, to combat the problem of human trafficking, governments have been quick to develop global, regional, and local laws. Legal responses to addressing the menace typically adopt an approach centred on preventing trafficking, protecting trafficked victims, and prosecuting traffickers. In reality, however, in many jurisdictions more attention is dedicated to the prosecution of traffickers as opposed to the sheltering of their victims. Although international laws are explicit, gaps still exist in their enforcement. The Palermo Protocol has severally called for an extensive approach to resolving trafficking; however, this has not yet been realised fully. Often, states attempt to handle trafficking from only a criminal perspective or solely an immigration perspective, and this does not usually augur well for the fight against trafficking in persons.

Cho et al. (2011) argue that one of the challenges in the evaluation of anti-trafficking policies is the absence of authentic data on countries’ to be analysed over time and between countries. In addressing the impact of the Palermo Protocol with emphasis on the policies implemented for preventing, protecting and prosecuting issues of human trafficking, Cho & Vadlamannati (2012) emphasised that the only two other existent literature investigating the effect of ratification of the protocol at the time did not differentiate between the variations across the 3Ps.
Barner, Okech, and Camp (2014) emphasized the fact that attempts to combat trafficking are found across the globe. In yet another study Barner, Okech, and Camp (2018) highlight the anti-trafficking efforts of some countries. This study provides a general overview of the anti-trafficking efforts of Spain, Japan, Burma, Australia, India and the USA. While for instance, Japan is commended for having initiated successful institutional anti-trafficking reforms, it is noted by Yokoyama (2010) that human trafficking continues to exist underground as traffickers find more sophisticated means of getting away with the crime. It is also argued by Green (2008) as cited in Barner et al. (2018) that USA’s anti-trafficking efforts, in terms of the elimination of trafficking and prosecution of traffickers, take precedence over the more pragmatic and human components of the associated legislation, such as shielding the victims. Barner et al. (2018) however, does not refer to the anti-trafficking efforts of any African country.

- Anti-Child Trafficking Approaches in Ghana

Recognizing that human trafficking is not only limited to severe violation of human rights, but also undermines national security and impedes the sustainable development of the country, the Government of Ghana and other stakeholders have resorted to numerous efforts to prevent the phenomenon.

A large extent of the child trafficking discourse in Ghana is generally steeped in the larger international accumulation of laws on trafficking although particularly, this discourse is informed by Ghana’s internal socio-cultural, economic and political dynamics (Okyere, 2017).

In Ghana, Sertich & Heemskerk (2011) analyse the prospects and challenges in six years of implementing Act 694 as an approach to counter the practice of human trafficking in the country. While concluding that the Act’s preventive strategies have been successfully carried out, it is established that the approaches for the prosecution of culprits and the protection of survivors are
inadequate. In terms of the prosecution under the Act, the study argues that one of the most common hindrances to prosecuting traffickers in Ghana arises when parents are guilty of trafficking their children. This article, however only analyses shortfalls to combating child trafficking within the ambit of the human trafficking Act.

Gyamfi (2016) writes on responses to globally reduce or eradicate the menace of human trafficking using the Ghanaian situation.

In their article on re-trafficking in the Coastal Communities and the Volta Lake of Ghana, Golo and Eshun (2019) also identify the measures implemented to combat child trafficking in Ghana. Reference is made firstly to, the Children's Act (1998) promulgated to help reform and consolidate the law relating to children, to provide for the rights of the child, for ancillary matters concerning children generally. Secondly, mention is made of Ghana’s Children’s Act (1998) which has in it provisions the rights of the child and parental duty. Thirdly, the Human Trafficking Act passed in 2005 to criminalize the offence and which makes provision for the promotion of efforts to combat the menace was highlighted. Fourthly, the 2017 – 2021 National Plan of Action for the Elimination of human trafficking adopted by the Government of Ghana was adopted while the Standard Operating Procedures to Combat Human Trafficking with the emphasis on child trafficking, was institutionalized in October 2017 (Golo & Eshun, 2019).

In all these pieces of literature however, there has not been an analysis of anti-child trafficking approaches in their totality which is what this study seeks to do.

1.9 Research Methodology

This study employs the qualitative method of analysis which adapts a selection of local-level case studies which are assessed using a mixture of informal interviews and participant scrutiny (Mayoux, 2006).
According to Creswell (2014), qualitative researchers tend to gather data on the field at the site where respondents encounter the phenomenon under study. Qualitative researchers do not take individuals into a laboratory, nor are instruments ordinarily sent out for individuals to complete. Up-close information is gathered through direct interactions with participants. The observation of these participants in order to analyse their behaviour is a significant feature of qualitative research.

Data is collected by qualitative researchers themselves through the examination of documents, observing the behaviour and interviewing participants. Although a protocol may be used in the data collection process, the researchers personally gather the needed information. Questionnaires or instruments developed by other researchers are hardly relied on.

The research applied the qualitative method for the following reasons. Firstly, qualitative research, as provided by Atieno (2009), simplifies and manages data without altering the context of the study. Secondly, qualitative methods are preferred for studies with the object of learning directly from the participants in a position. This way the researcher gains first-hand experience on how participants experience various phenomena, the interpretations they put on it, and how they construe what they experience. Researchers utilise this method when procedures that will allow for ingenuity and help analyse the intricacy of their interpretations are needed (Atieno, 2009). Finally according to Atieno (2009), the objective of developing new ways of understanding existing information is common to most qualitative methods.

The purposive sampling method was utilised since the information sought required responses from experts with in-depth appreciation and expertise on the issue of child trafficking. The purposive sampling approach, also called judgment sampling, describes the deliberate selection of a participant due to the qualities owned by the participant. Unlike other techniques, this approach is a non-random approach that does not call for the use of underlying theories (Etikan, Musa,
Alkassim, 2016). According to Oppong (2013), purposive sampling seems to be the most common sampling method within the context of qualitative research. This sampling method identifies and adopts the cases dense with information for the most proper utilisation of available resources (Patton, 2002).

The Anti-Human Smuggling and Trafficking in Persons Unit (AHSTIP) together with the Migration Management Bureau (MMB) of the Ghana Immigration Service (GIS), The Anti-Human Trafficking Unit (AHTU) of the Ghana Police Service (GPS) and the Human Trafficking Secretariat (HTS) of the Ministry of Gender and Social Protection (MoGSP) and were selected as the government agencies established to tackle the menace of trafficking in persons in the country. The International Organisation on Migration (IOM) and the United Nations Children’s Fund (UNICEF) were included in the study on the basis that they are two of the UN agencies which, as stakeholder institutions, have demonstrated a considerable commitment to tackling child trafficking in the country. Finally, the International Justice Mission (IJM) was selected based on being an international non-governmental organisation with a primary focus on child trafficking in Ghana.

Data was gathered through structured interviews with the heads of the MMB as well as the AHSTIP and the AHTU of the GIS and the GPS respectively. Also an officer at the HTS of the MoGSP was interviewed. At the IJM, an Attorney and the Director of Advocacy were interviewed. Finally, at UNICEF the Child Protection Specialist was interviewed while a panel of four officials comprising two Project Managers, a Project Assistant and a Senior Project Assistant were interviewed at the IOM.

The inductive and deductive data analysis method, as expatiated by Creswell (2014) was employed. The inductive process of organising data between themes was adopted until the
researcher organised an extensive set of themes. The researcher then deductively assessed the data from the themes to assert if the evidence adduced to support each theme was adequate. Thus, deductive thinking was also essential in the process of data analysis which initially began only inductively.

1.10 Sources of Data

Primary and secondary sources of data were employed in carrying out the research. Primary data is data gathered for a specified research problem by utilising strategies that best suit the process of research. When primary data is cumulated, new data is adds up to the existent bank of social knowledge (Hox & Boeije, 2005). Hox and Boeije (2005) add that secondary data, on the other hand, refers to the materials made available to the general research community having been generated by other researchers.

1.10.1 Primary Data

A standard set of questions to aid the structured face to face interviews with experts in the field of trafficking in persons was used to obtain the primary data for the study. Specifically, the study adopted responses from interviews with key respondents from the AHTU of the GPS, the MMB and the AHSTIP of the GIS, UNICEF, HTS of the MoGSP and the IOM. This was done in order to obtain the requisite information on the measures implemented to resolve the menace of human trafficking in the country.

1.10.2 Secondary Data

The secondary sources include the Palermo Protocol, Act 694, and the 2018 and 2019 TIP Reports of the USA’s Department of State.
1.11 Ethical Consideration

According to Creswell (2014), firstly, the researcher must respect the authority, desires, needs, and principles of the respondents. As such, the research objectives, as well as a description of how responses will be analysed, were articulated both in writing and verbally to be clearly understood by the respondents.

Furthermore, the confidentiality of the information provided was fully assured. Consequently, permission was received from the respondents to proceed with the study as articulated. All respondents except for the officer at the HTS of the MoGSP consented to the use of their names in the study.

1.12 Limitations of Study

Due to the focus by most agencies on only rescuing child victims of trafficking with no established processes for reintegration back into society, there are minimal child protection and reintegration shelters. Most of these shelters, due to the delicate nature of the children were not willing to grant access to the children to be interviewed as the beneficiaries of the government policies. Furthermore, information on the guardians of the rescued children who could have been interviewed on behalf of the children was not available at the shelters in question.

To mitigate the effect of the lack of access to rescued children and their guardians, the study used narratives from the interviews conducted with the respondents to fill these missing gaps. By doing this, the researcher was able to ensure that challenges encountered in obtaining information from the rescued children and their guardians did not adversely affect the reliability of the findings.

1.13 Chapter Arrangement

Chapter one introduces the study. It outlines the research objectives, scope, methodology and data collection method among others which form the foundation of the research. Chapter two provides
an overview of some global conventions and the Palermo Protocol towards the elimination of human trafficking. An analysis of Ghana’s anti-child trafficking approaches is done in chapter three. This chapter assesses the extent to which Ghana’s anti-child trafficking approaches are compliant with the Palermo Protocol. The strengths and weaknesses of Ghana’s anti-child trafficking approaches post the domestication of the Palermo Protocol is analysed. In conclusion, Chapter four presents the summary of Findings, Conclusion and Recommendations.
CHAPTER TWO

A REVIEW OF SOME GLOBAL CONVENTIONS AND THE PALERMO PROTOCOL TOWARDS THE ELIMINATION OF TRAFFICKING IN PERSONS

2.0 Introduction

Globally, the approaches aimed at combatting child trafficking fall under the broad heading of human trafficking. Therefore, although a few measures may be implemented purposely to combat the menace, majority of the approaches for combating child trafficking are found in the policies, legal and institutional measures aimed at resolving the threat of human trafficking. The chapter begins with a summary of the principal global and regional anti-human trafficking legal instruments and the anti-child trafficking provisions in some global and regional conventions, frameworks and action plans. This is followed by a thorough analysis of the Palermo Protocol. A historical background, a review of key provisions, issues of domestication and the enforcement of the Palermo Protocol are highlighted in this section of the study.

2.1 A Summary of the Principal Global and Regional Anti-Human Trafficking Legal Instruments

Fussey and Rawlinson (2017) mention the three principal international instruments that regulate human trafficking. These are the Palermo Protocol, the 2005 Council of Europe Convention on Action against Trafficking in Human Beings and the EU directive 2011/36/EU on Preventing and Combating in Human beings, developed by the UN, the Council of Europe and the European Union separately (Fussey & Rawlinson, 2017). On May 16, 2005, the Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Council of Europe, per the advice of the Committee of Ministers made in 2000. The recommendation urged the member states to pay heed to the safety of victims of human trafficking, the elimination of the menace, and trial of traffickers. Hence these three areas set the tone for the extensive approach to tackling the menace
endorsed by the Council of Europe (Sembacher, 2005). According to Bressan (2012), the EU directive 2011/36/EU aims to intensify partnership between EU Member States by promoting an integrated, holistic approach to curbing trafficking in persons. Notably, the overarching objective expressed in the prelude to the Directive is the additional consolidation of distinct laws and penalties related to human trafficking, promoting the elimination of the offence, better protecting trafficked people, and ensuring the trial of traffickers. The Directive is a salient step towards the establishment of effective rights for victims through binding EU rules (Bressan, 2012).

Since this study focuses primarily on child trafficking, emphasis will be laid only on the UN Trafficking Protocol (2000) because even though this instrument generally focuses on trafficking in persons, it applies more specifically to trafficking involving children and women.


The most widely ratified human rights international convention in history is the United Nations Convention on the Rights of the Child (UNCRC), 1989. This instrument seeks to advocate for and safeguard the rights of every child, including children with living under challenging conditions and those with special needs (UNICEF). Articles 32, 34, and 36 emphasise that children should be guarded against all types of manipulation. Warria (2017) emphasises that according to the UNCRC, child trafficking violates a child’s rights to life, protection, participation, survival and development and information. Furthermore, countries are required to institute appropriate approaches to prevent the kidnapping of and any kind of child trafficking as provided in Article 35 of the UNCRC. Recognition of psychosocial healing and the recovery of children subjected to manipulation is mentioned in Article 39 (Warria, 2017).
In Africa, the African Charter on Human and People’s Rights (ACHPR) paved the way for the preservation and advocacy of people’s rights. The Convention which advocates for the fundamental freedoms of persons and groups was outlined to function within the institutional structure of the Organization of African Unity (OAU) (Lyons, Hokenstad, Pawar, Huegler, & Hall, 2012). According to Warria (2017), Article 4 of the Charter mentions issues related to trafficking such as the rights to integrity, security and life of individuals—including children. This article prohibits any kind of ill-treatment, inhumane, or gruesome sanctions and slave-like actions. It further urges state to enforce laws to prevent all forms of cruelty against women and children, to adopt such other structures pertinent to ensuring the prevention, punishment and eradication of all forms of violence against women (including girl children) including trafficking and to prosecute the perpetrators of the offence (Warria, 2017).

The African Charter on the Rights and Welfare of the Child (ACRWC), was adopted by the Organization of African Unity (OAU) Heads of State and Government supplements the UN’s Convention on the Rights of the Child 1989 as the only treaty on the regional level to cover the fundamental rights of children. This Charter, which is developed on the same foundational principles as the UNCRC, focuses on problems peculiar to Africa (Ruppel, 2013). Article 2 of the ACRWC defines a child as anyone below eighteen years while Article 29 adds that governments should endeavour to prevent the capture, sale, traffic or of children for any purpose (Warria, 2017).

Klavert (2011) writes that the Ouagadougou Action Plan to Combat Trafficking in Human Beings Especially Women and Children, 2006 is the product of collaboration between Africa and the EU which proposes various measures in the form of frameworks and policies that could be adopted by states to prevent, raise awareness of and protect victims of trafficking. The action plan advocates for the provision of education and training to empower girls, the protection of children’s rights,
the organisation of media campaigns against trafficking, and the mobilisation families and NGOs in the fight against trafficking (Klavert, 2011).

2.3 Historical Overview of the Palermo Protocol

Ollus (2018) writes on recounting the activities that culminated in the birth of the Protocol. He notes that in 1996, at a gathering of Ministers of Interior and Justice in Naples, there was a call for action to combat organised crime. Consequently, Poland put together an outline for a Convention to combat organised crime. In 1998, the UNGA by resolution 53/111, constituted a Committee to draft the Convention against Transnational Organised Crime. According to Hyland (2001), a resolution on trafficking in women and children was introduced by the USA at a session of the UN Commission for Crime Prevention and Criminal Justice in April 1998. This resolution called for the development of a protocol on trafficking in women and children under the proposed UNTOC. After the adoption of this resolution, a draft protocol was introduced by the USA and Argentina at the first negotiation session of the Convention in January 1999. The instrument introduced was then adopted as a Protocol to the UNTOC.

According to Hyland (2001), certain principal factors which played a part in the creation of the Protocol that should not be overlooked. First of all, there was a suggestion that Non-Governmental Organizations (NGOs) worldwide should lobby their governments to adopt the Protocol on account of victims of trafficking who had encountered ghastly human rights violations and to expose the operation of the traffickers. Secondly, it was projected that the record of trafficking victims, as well as the incidence of migration, would continue to increase, and therefore must be curbed. Thirdly, in addition to considering trafficking in persons a violation of human rights, nations worldwide also viewed trafficking as a transnational organised crime requiring a unified response. Fourthly, without laws on trafficking, governments faced enormous challenges
prosecuting trafficking victims that needed an immediate remedy. Finally, the existent collection of international trafficking law at the time was not an adequate means to check trafficking.


The adoption of the Protocol was, however not a smooth process. The varied feminist approaches to the relation between prostitution and the abuse of prostitution and, subsequently, to human trafficking and the corresponding positions of States was considered during the consultation process of the Palermo Protocol (Scarpa, 2019). Gallagher (2010) also referred to the challenge of the various views on prostitution and its link to the issue of trafficking in persons. However, it was argued that in order not to incur the wrath of states and attract a limited number of ratifications, states simply agreed to give up their individual views on prostitution in order to secure a universal definition (Gallagher, 2010). According to Ollus (2018), the UNTOC is supplemented by three optional protocols which are: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Air and Sea; and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition. On 15 November 2000, the UNGA adopted the Convention together with the Protocols against Smuggling of Migrants and Trafficking in Persons. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms was adopted at a later date. Almost 80 states signed the Trafficking in Persons Protocol in Palermo, Italy in December 2000 (Ollus, 2018). It later came into force on 25 December 2003.
As at July 2019, 117 states are signatories while 174 states have ratified the Palermo Protocol. For international instruments, a state that politically supports a treaty and is willing to continue its commitment to the treaty process although the treaty in question has not yet been entered into force in that particular state which is a signatory to the instrument. Ratification occurs when a state explicitly consents to be bound by a treaty. Generally, an instrument of ratification, accession, approval or acceptance expresses this consent. As such, ratification creates an obligation to be bound by the instrument. A state explicitly expresses the commitment to be bound by enacting national laws in tandem with the international instrument.

A reading of the Palermo Protocol in conjunction with the Convention makes clear the fact that the protocol could be applicable to a situation when a person is trafficked internally and is not exclusive to trafficking a person across an international border (Allain, 2015). While internal trafficking arises when the victim is moved only within a particular state, transnational trafficking, on the other hand, occurs if, the crime involves an organised criminal group that operates in two or more states (Allain, 2015). In other words, although the Palermo Protocol was established in the framework of the UNTOC, UN state parties reiterated that the activity of an organised criminal group and the elements of transnationality in no way limit domestic prosecution. This means that the crime of trafficking in persons should also be prosecuted if all its constituent elements occur within the borders of a sovereign state and if the alleged perpetrators do not belong to an organised criminal group. At present, the Palermo Protocol is the most widely acclaimed instrument internationally to counter trafficking in persons.

2.4 Overview of the Palermo Protocol

The study provides an overview of the Palermo Protocol by identifying the main ratification requirements of the Protocol. This is followed by a general introduction of this Protocol as well as
an elaboration of the key provisions on the obligations to prevent the menace, to protect victims and prosecute the traffickers.

2.4.1 Main Ratification Requirements of the Palermo Protocol

Ollus (2018) highlights the main criteria for ratifying the Palermo Protocol. In order to effectively ratify the Protocol, all forms of trafficking in persons must be criminalised by state parties as outlined in Article 3. Further, as stipulated in Articles 11 to 13, state parties are to enact measures to stop the practice of smuggling migrants with commercial carriers and to put commercial carriers under a legal obligation to check passenger travel documents. Finally, state parties are to use travel documents that are difficult to forge and alter.

In many member states, legislative alterations are concerned with criminalising all forms of human trafficking. Also importantly, states have to adopt the approach which focuses on the victim when ratifying the Protocol (Ollus, 2018).

2.4.2 Introduction to the Protocol

Article 1 of the Palermo Protocol spells out the connection between the UNTOC and the Palermo Protocol. The Protocol shall be read together with the UNTOC as provided in Article 1 of the Palermo Protocol. Also importantly, according to (Ollus, 2018, p. 21), “The provisions of the Convention shall apply, mutatis mutandis, to this Protocol unless otherwise provided herein.” This means that enforcing the Protocol, the Convention will only the Protocol, and if the Protocol stipulates anything in addition to the dictates of the Convention, the stipulations of the Protocol will take precedence (Ollus, 2018).

The three main justifications of the Palermo Protocol are the protection and combating of trafficking with emphasis on women and children, protection and assistance of the victims of such
trafficking and finally, the promotion of co-operation among States to achieve those objectives as outlined in Article 2 of the Protocol.

The main difference between child and adult trafficking is vitiated consent and the improper means used by traffickers on victims (Scarpa, 2019). Proving the intention to exploit a person is enough to establish the criminal offence of human trafficking. Exploitation, however, need not occur factually. When children are trafficked, proving that force, deception or any other means were used becomes irrelevant. Once a child is subject of an act such as recruitment for exploitation, trafficking is deemed to have occurred. It is crucial to bear in mind that the consent of any trafficked adult to the intended exploitation becomes irrelevant when any of the means stipulated in the Palermo Protocol were used.

It is a requirement of states in Article 5 of the Palermo Protocol to classify trafficking, attempted trafficking, and other deliberate participation in any related trafficking activity as a crime. Provisions in the Palermo Protocol require states to take action to punish acts of trafficking, protect victims of trafficking, and grant victims residence, either permanent or temporary in the destination countries. Therefore, should a state be a party to the Convention and its correspondent Protocols, at the domestic level, the state must enact laws that support these highlighted provisions.

Three core policy areas are identified by the Protocol in prescribing the necessary policy measures in tackling human trafficking. These are advancing criminal justice, tackling crime prevention and coordinating victim protection. These core policy areas popularly known as the “three P” measures focus on the protection of human rights and a reduction in the menace (Cho, 2015). Fussey and Rawlinson (2017), argue that the aim of the Protocol has been frequently summed in a cluster of alliteratively titled themes under the heading of prevention, protection and prosecution.
Internationally, these “three Ps”; Prevention, Prosecution, and Protection summarise the scope for the recognised standard for anti-trafficking policies. In recent times, a fourth P representing Partnership has widened the ambit of anti-trafficking policies. Britton and Dean (2014) identify that issues of Protection in the Palermo Protocol are defined in terms of social, economic, medical, legal and psychological assistance to trafficked persons. The policy area of Protection further promotes the compensation of rescued victims. This also grants victims the right to be assisted with repatriation or to remain in the country. Prosecution according to Britton and Dean (2014) is discussed as the criminalisation of trafficking in its many forms; however, the Palermo Protocol gives minimal direction on the issue of Prosecution. Research about the causal factors of trafficking, public information campaigns, training for service providers, fall under the heading of Prevention. The push and pull factors driving trafficking must be addressed by countries (Britton & Dean, 2014). The Palermo Protocol is likened more to an instrument of criminal law as opposed to an instrument of human rights law. This means that the Protocol targets the perpetrators of the crime rather than the victims of trafficking (Allain, 2015).

Further, in response to a view held by the UN that many states were not making concerted efforts to tackle trafficking, the UNODC in 2009 generated the “International Framework for Action to implement the Palermo Protocol”. This framework dispenses guidance on core principles to inform states anti-trafficking approaches and to embed the core features of the Trafficking Protocol into domestic practice and legislation of ratifying member states (Fussey & Rawlinson, 2017). Fussey and Rawlinson (2017) also assert that in brief, the UNODC in the International framework for action identifies a series of measures by which states are to incorporate the requirements of the Palermo Protocol into local laws and related processes. This International framework also advocates for greater coordination within and across the relevant organisations as well as state boundaries.
2.4.3 The Obligation to Protect Victims

Articles 6, 7 and 8 of the Palermo Protocol govern the obligation to Protect, Assist and Reintegrate rescued victims of human trafficking. The “International Framework for Action to implement the Palermo Protocol” complements the Protocol by expatiating on these provisions and outlines practical implementation measures among other things for the protection of the victims of human trafficking (UNODC, 2009). Generally, Article 6 of the Protocol highlights measures for assisting and protecting trafficked persons. The minimum standards required for the implementation of this provision are the ratification or accession to the UNTOC and the Palermo Protocol, together with the adoption of legislation and necessary measures to protect trafficked victims. Practically, the recommended actions to achieve effective implementation include addressing the inconsistencies between the existing laws and the Protocol’s requirements, adopting appropriate measures for assisting victims and ensuring training for immigration and law enforcement officers, prosecutors and other relevant actors for countering trafficking (UNODC, 2009). Specifically, legal proceedings on issues of human trafficking are to be kept confidential as stated in Article 6(1) of the Palermo Protocol. Paragraph 2 of Article 6 contains provisions to ensure that justice is not tempered with mercy to the detriment of trafficked persons. The implementation of measures such as medical and psychological assistance, educational opportunities, employment, and housing to provide for the psychological, physical and social recovery of victims is spelt out in Article 6(3) of the Palermo Protocol. This provision in recognising the basic needs of human trafficking victims outlines as a model for providing victim assistance, multi-agency co-operation. From observation NGO’s are better skilled in dealing with victims expertly, either by sheltering them, giving psychological counselling and legal training. As such, states are encouraged to co-operate with civil society in providing victim assistance (Ollus, 2018). Very instrumental for this study is Article 6(4) which advocates for the unique needs of child victims of trafficking in terms of the
provision of housing facilities, education and care. Although Article 6 outlines compensation measures for victims, the Protocol neither guarantees the right for victims to compensation nor addresses who should provide this compensation.

In Article 7 of the Palermo Protocol, states shall in consideration of humanitarian factors, adopt measures to grant trafficked persons the necessary permission to remain in their territories either permanently or temporarily. Article 8 of the Protocol, the final provision on Protection deals with the facilitation and acceptance of a victim of trafficking by the states to which the victim is a permanent or national resident. Since Article 1 of the Palermo Protocol provides that the Protocol shall be read together with the UNTOC, it is necessary to highlight some provisions of the Convention which regulate the protection of victims of trafficking. Under Article 24(2) of the Convention, states are required to establish procedures to physically protect witnesses in criminal proceedings who testify concerning offences covered by the Convention in order to protect from intimidation or retaliation. Provisions on granting assistance to and protecting women and children victims of trafficking as applies to this study are spelt out in Article 25 of the Convention.

2.4.4 The Obligation to Prevent Trafficking

Scarpa (2019) argues that it is not surprising that the UN Trafficking in Persons Protocol contains only three articles dedicated to victims’ protection since it is a transnational criminal law instrument. Primarily designed to punish human traffickers, the provisions on the protection of victims do not create substantial obligations for state parties (Scarpa, 2019).

The Palermo Protocol in Article 9 requires states to implement elaborate initiatives to prevent trafficking and to protect rescued victims from falling prey to trafficking again. This provision requires state parties in partnership with the relevant stakeholders to institute measures such as economic and social initiatives and mass media campaigns to combat and prevent trafficking in
persons. State parties are further required to institute measures to reduce the factors that make persons in general, specifically women and children, vulnerable to trafficking. This, for instance, could be done by conducting an examination into the root causes and trends of the problem of trafficking including labour exploitation, demand for exploitative services and on the difficulties and shortcomings on assistance to prevent re-victimisation (UNODC, 2009). Other ways by which the preventive measures highlighted above can be implemented, according to UNODC (2009) include instituting effective structures for child protection and ensuring that children actively participate in the development of preventive measures. The establishment of rapid response strategies which prevent human trafficking in situations of war, natural disaster, and other crises that may bring about refugee flows are elaborated in UNODC (2009). To detect and prevent trafficking in persons, Article 11 of the Protocol requires state parties to strengthen border controls. Importantly, however, in an attempt to strengthen border controls to get at illegal migrants and traffickers, the victims’ human rights should not be compromised (Ollus, 2018). Furthermore, Article 11 requires state parties to adopt measures to avoid the situation whereby transports operated by commercial carriers are used to perpetuate human trafficking offences. States can also ensure the entry is denied to or visas of persons who are known to engage or suspected of engaging in trafficking crimes are revoked. State parties are to ensure further that travel and identity documents are such that they cannot be forged or misused as established in Article 12 of the Protocol. According to UNODC (2009), training front-line law enforcers, diplomatic officers to identify forged identity and travel document is a way of implementing Article 12 of the Palermo Protocol.

2.4.5 The Obligation to Prosecute Traffickers

With regards to the obligation to prosecute, Article 3 of the Palermo Protocol provides an operative definition of human trafficking and Article 5 criminalises the offence. The definition in Article 3
breaks down the crime in terms of the activities performed and the means and purpose of performance. While the action involves the transfer, recruitment, transportation, harbouring or receipt of persons, the means includes the abuse of a position of vulnerability, coercion, deception, and the purpose of the act comprises exploitation, including sexual exploitation, removal of organs and labour exploitation. Article 3(b) further provides that once any of the means spelt out in 3(a) are utilised the fact that the victim consented to the act of trafficking is irrelevant (UNODC, 2009).

The criminalisation of human trafficking, an attempt to commit the offence, participation as an accomplice and the organisation or the assistance of other persons to commit the offence are all in Article 5 of the Palermo Protocol. The UNTOC in Article 10 outlines the culpability of legal persons involved in crimes established under the Convention. Article 11 of the UNTOC which contains provisions on prosecution, adjudication and sanctions states that state parties shall when making liable to sanctions the commission of an offence established under the Convention, take into account the gravity of that offence.

2.5 Domestication of the Palermo Protocol

When in 2000, the UN established a definition of Trafficking in Persons, the approach adopted by the Protocol to highlight the subjugation of such traffic was more transnational than international. Consequently, it is for each state to decide, after expressing its consent to be bound by the Palermo Protocol, first and foremost the extent to which it will adopt provisions meant to punish, suppress and prevent trafficking in persons. Also fundamentally, it is left to the discretion of each state to decide how it will determine what constitutes ‘Trafficking in Persons’ within its jurisdiction (Allain, 2015).

Allain (2015) writes further that it was always destined that the provisions of the Palermo Protocol would be incorporated into domestic legislation. The importance of both the Protocol and the Convention is to ensure that the state adopts legislation, which establishes trafficking as a criminal
offence. In order to practically and effectively tackle issues of trafficking, states have had to incorporate critical elements of the Palermo Protocol into their domestic laws.

One of the biggest challenges with the issue of human beings begins with the definition and interpretation. According to Omelaniuk (2005), the language used in addressing the crime is inconsistent across the various countries, laws and practices. This assertion was reiterated by Allain (2015).

Interestingly, when moving to incorporate the dictates of the Palermo Protocol into domestic laws, lawmakers have not transposed the Protocol’s definition verbatim into their legislation. Instead, the states have left the definition to the domestic process. With this, the legislators are at liberty to craft their interpretation of what constitutes trafficking (Lee, 2011, pp. 16,19,28).

Allain (2015) observes that only a small number of states have adopted the exact definition of trafficking in persons found in the Palermo Protocol. On the other hand, what is common is that the states vary the theme and maintain the idea, but in other instances, they have come up with a unique version of what constitutes the offence of trafficking in persons.

Britton and Dean (2014, p. 311) argue that the adoption of the language of the Palermo Protocol by many countries is not an adequate measure of governments’ dedication to the implementation process. The authors argue ensuring that countries domesticate these international protocols to their contexts through the use of nation-specific language and laws that are key to implementation. In Africa for instance, policies mostly at the regional level demonstrate elements of local concern, extending beyond the ambit of the Palermo Protocol to outline persistent inequalities, local conditions, and other contributing factors to trafficking (Britton & Dean, 2014, p. 312).

Anti-trafficking standards in human trafficking policies can be classified in various ways. Truong and Angels (2005) state that the international standard classifies legislation and policy orientations
into categories of elimination and deterrence, protection and rehabilitation of trafficked persons, and law enforcement and prosecution of traffickers.

A study of policies of the African Union passed in Madagascar, Tanzania, Mozambique in 2006; Zambia in 2008; Swaziland, Mauritius, in 2009; Lesotho in 2011; and South Africa in 2012 by Britton and Dean (2014) revealed that with the exception of Madagascar, all of the policies refer to Palermo Protocol and almost all to the UNTOC. These national frameworks and policies further categorically state that they are intended to domesticate the Palermo Protocol.

Finally, according to Gallagher and Holmes (2008), in order to conclude that a national legal framework matches up to the effectiveness of international standards, there must be a determination of whether the national law criminalises all aspects of the crime of trafficking as has been defined internationally.

2.5.1 The Successful Domestication of the Palermo Protocol: A Case of South Africa

At the international level, the UNTOC and the Palermo Protocol supplementing the protocol stipulate the standards for tackling human trafficking. Kruger (2016) highlights some key international requirements for the prosecution of culprits of child trafficking spelt out in the Convention and the Protocol. The author juxtaposes these with the provisions on prosecution in the South African Prevention and Combating of Trafficking in Persons Act 7 of 2013 in order to determine if the Act complies with international standards designed to prosecute victims of child trafficking. The critical minimum standards for prosecuting trafficking in persons include the criminalisation of human trafficking and associated conduct, the inclusion of the essence of the Protocol's definition of human trafficking in domestic law and the issue of the validity of consent to the alleged act of trafficking (Kruger, 2016, pp. 59-64). On the issue of the imposition of the appropriate punishment, although the Palermo Protocol does not expressly have any stipulations
this issue, the Convention if read together with the protocol, provides for the imposition of sanctions that take into account the seriousness of that offence. Kruger (2016) in concluding after an analysis argues that not only does the South African Trafficking Act fully comply with the strategies set out in the Palermo protocol but it proceeds to establish additional offences related to the principal offence of human trafficking.

2.6 Strategies Implemented to Counter Child Trafficking by Virtue of the Palermo Protocol

The drafters of the Protocol exercised control over its implementation by differentiating between the provisions which demand that member states enact certain specific measures and those which merely encourage states to undertake initiatives (Shoaps, 2013). Concerning the prosecution of traffickers, the Protocol in Article 5(1) requires state parties to adopt laws and other measures which criminalise the act of trafficking. However, on the issue of protecting victims of trafficking for instance, as provided in Article 6(3), the Protocol requires state parties to implement measures to provide for the social, physical and psychological recovery of victims. The language here is merely suggestive and not instructive. Furthermore, the Palermo Protocol requires states to criminalise trafficking in persons but does not contain any obligatory provisions under which states are required to protect the victims or conduct prevention initiatives.

2.6.1 An Evaluation of the Implementation of the Palermo Protocol

Although at the national, regional and global and levels various plans of action, policy tools, training sessions and other activities have been implemented and conducted to combat human trafficking, only a few of these anti-human trafficking interventions have been evaluated (Davy, 2016).
In terms of policies for instance, aside from the widely acclaimed USA tier-ranking which serves as a means of evaluating anti-trafficking policies, there is the 3P Anti-Trafficking Policy Index which provides quantitative evaluation on each of the 3Ps for each country (Cho, 2015). According to Cho, Dreher, and Neumayer (2014) the 3P Index was developed as part of the EU project on Indexing Trafficking in Human Beings in 2010. In view of this, the ranking of countries is now published every year.

The evaluation criteria of the 3P Index follow the policy mandates regulated by the Palermo Protocol (Cho, 2015). Indeed, while the 3P Index evaluates the various policies based on specific indicators, these indicators can serve as the baseline for the general evaluation of policies. While prosecution policies are evaluated based on the adoption of anti-trafficking laws which criminalise the trafficking of human beings, and the general prosecution and conviction levels, victim protection is evaluated by the provision of housing and shelter, medical assistance, assistance for rehabilitation among others. Finally, the evaluation criteria of victim prevention like the other policy frameworks include but are not restricted to awareness campaigns against trafficking in persons, controlling borders and airports among others and the implementation of national action plans for fighting human trafficking (Cho, 2015).

According to Davy (2016), the USA is one of the first countries to have developed its human trafficking definitions and policies. Generally, human trafficking programs are categorised by what has been popularly identified as the three Ps, representing prevention, protection and prosecution. While programmes to prevent human trafficking are premised on increasing publicity and providing economic emancipation to vulnerable communities, measures to protect victims of trafficking include the rescue and reintegration of women and children, and finally, the approaches to prosecute human traffickers include the assistance for the implementation of laws and building the capacities of law enforcement officials (Davy, 2016).
2.7 Partnership

In addition to the norms established around the three Ps representing the prevention of the offence, protection of victims, and prosecution of traffickers, a fourth P was added by former USA Secretary of State Hillary Clinton. Mrs. Clinton emphasised partnerships between multilateral organisations, governments, NGOs, and the private sector as a means to end human trafficking (Lagon, 2015, p. 21). According to Fukushima and Liou (2012), the Trafficking in Person’s Report in 2011 included a new element of partnership in the “3P” paradigm of anti-trafficking efforts in response to leaders such as U.S Secretary of State, Hillary Clinton and Deputy Director-General of the IOM Laura Thompson, who both stressed the benefits of partnerships in anti-trafficking efforts.

“Some of the most crucial partnerships between actors to provide governance against human trafficking have been between governments and intergovernmental organizations (IGOs), between the different agencies of the UN, between international NGOs and national NGOs, bilaterally between governments of source, transit, and destination countries of transnational trafficking” (Lagon, 2015, p. 22).

Furthermore, these partnerships are required in analysing and resolving every aspect of the menace. Partnerships are required for determining a standard for action by investigating and mapping the problem, offering protection to victims, prosecuting traffickers, preventing the menace and gathering resources for joint action against human trafficking (Lagon, 2015).

An example of a partnership program to combat human trafficking involving governments, international organisations, and non-governmental organisations is the United Nations Global Initiative to Fight Human Trafficking (UN. GIFT). The UN. GIFT was launched in March 2007 by the UNODC in cooperation with the International Labour Organization (ILO), the IOM, the Office of the High Commissioner for Human Rights (OHCHR), the Organization for Security and
Cooperation in Europe (OSCE), and UNICEF. The aim of the UN. GIFT is to eradicate trafficking in persons, ensure adequate support to victims; and ensure the efficient prosecution of the criminals involved, having the fundamental human rights of all persons taken into consideration. Also, the Commonwealth Action Plan to Eradicate Trafficking in Persons developed by the Australian government is worthy of mention here.

The National Plan of Action for the Elimination of Human Trafficking in Ghana (2017-2021) outlines specific strategies for partnership in Ghana. These include the development and implementation of mechanisms for reporting and collecting data on the various spheres of the menace in order to improve the gathering of data and the sharing of information among key stakeholders as well as the establishment of a coordinated Technical Working Group of all stakeholders to monitor progress in implementing the NPA and addressing bottlenecks as a way of increasing coordination between key ministries, agencies and other stakeholders (Ghana Ministry of Gender, 2017).

2.8 Conclusion

The Palermo Protocol, supplementing the UNTOC, despite its shortfalls, has contributed significantly to combatting trafficking in persons worldwide. The legal frameworks, policies, institutional measures instituted to implement the Protocol are vital in determining a state’s success in tackling the menace. Every act of domestication is to factor considerably the essential sections of the Protocol which by the language of the Protocol are mandatory.
CHAPTER THREE

GHANA’S COMPLIANCE WITH THE PALERMO PROTOCOL TOWARDS THE ELIMINATION OF CHILD TRAFFICKING

3.0 Introduction

This chapter analyses the anti-child trafficking measures adopted in Ghana from 2005-2019, Ghana’s compliance with the Palermo Protocol and finally reviews the strengths and weaknesses of Ghana’s anti-child trafficking approaches after the domestication of the protocol. The chapter also examines the effect of the Palermo Protocol on Ghana’s adopted anti-human trafficking approaches. Interviews were conducted with respondents from the IOM, UNICEF, the HTS of the MoGSP, the MMB and AHSTIP of the GIS, the AHTU of the GPS and finally the IJM, as part of this research. The analyses of this chapter also include data from secondary data collected for this study.

3.1 The Palermo Protocol and Ghana’s Human Trafficking Laws

In 2005 Ghana domesticated the provisions of the Palermo Protocol (Author’s Interview, 2019). The Palermo Protocol is supplementary to the UNTOC. The Palermo Protocol was domesticated for application in Ghana through the enactment of Act 694, which was subsequently amended in 2009 by the Human Trafficking (Amendment) Act, (Act 784). Further, after assenting to the Palermo Protocol, the “Human Trafficking Prohibition (Protection and Reintegration of Trafficked persons) Regulations, 2015, L.I. 2219,” was enacted to further align the provisions of the Human Trafficking laws with that of the Protocol.

3.1.1 Provisions of the Palermo Protocol reflected in Ghana’s Human Trafficking Laws

Sertich and Heemskerk (2011) describe Act 694 as a carbon copy of the Palermo Protocol. This fact is evident from a close reading of Act 694 and acknowledged by some critical informants for
the study. However, at IOM, Mr. Alexander Billings noted that the Palermo Protocol is not a perfect document because it is a product of a lot of political considerations. Also, the Palermo Protocol is a template meant to be applied to the various contexts of each country; as such, Ghana’s Act 694 closely mirrors the Palermo Protocol. Indeed, some specific portions of the Protocol are reproduced verbatim in Ghana’s Human Trafficking Act. This information was supported by the assertion of the Assistant Programmes Officer at the HTS who stated that Act 694 and its derivative regulations domesticate the provisions of the Palermo Protocol to give it effect in Ghana. He further added that although there are few variations in the provisions of the two legal instruments, there is not much of a difference between them.

According to Mr. Daniel Tagoe also at the IOM, the drafters of Act 694 had a close eye on the Palermo Protocol which provided the foundation for the Ghana law. In terms of characterising the issue and defining it as a crime, the constituent elements of the crime in the Palermo Protocol and Act 694 are closely related.

Okyere (2017) states that in keeping with Article 3(a) of the Palermo Protocol, Section 1(1) of Act 694 also defines human trafficking as the transfer, recruitment, transportation, harbouring, trading or receipt of persons within and across national borders either by the use of force, threats or other forms of deception, coercion, fraud, abduction, the abuse of power or exploitation of vulnerability, or giving or receiving payments and benefits to achieve consent. This further corroborates the statements of the respondents at IOM and the HTS.

were developed based on the Palermo Protocol; they encompass the critical provisions of the Palermo Protocol.

Another indication of Ghana’s compliance with the Palermo Protocol is the immateriality of consent in human trafficking replicated in Act 694. According to Okyere (2017, p. 94), “The consent of an adult to her or his movement and intended or actual exploitation is deemed immaterial where threat, force, coercion, abduction, fraud, deception and other ‘unfree’ means were used to obtain the consent.” Implicit in this formulation is an acknowledgement that adults may freely consent to be harboured, transferred, recruited, received for practices which could be deemed exploitative (Okyere, 2017, p. 94).

3.1.2 Adequacy of Ghana’s Human Trafficking Laws towards Combating Child Trafficking

Ghana’s Human Trafficking laws are generally considered adequate to combat trafficking and comply with the Palermo Protocol. However, similar to the Palermo Protocol, some practitioners note some weaknesses of Act 694. Mr. Alexander Billings, in addition to advocating for a stronger definition of trafficking in Act 694, advocates for an elaboration of the specific facets of the crime of trafficking in the laws of Ghana. For instance, the definition of child trafficking in Act 694 could be broadened to include specifics of child exploitation, forced labour, and all the other variations of the offence of child trafficking. Although some of these aspects of the crime are already referred to under the laws of Ghana, there could be elaboration on the specific elements of the individual offences.

Mr. Nnamdi Iwuora also at the IOM stressed the importance of acknowledging the fact that the Palermo Protocol is a relatively new protocol and each country is evolving new ways of interpreting it. As such, as the crime evolves, countries would as a matter of necessity adapt to the changes and continue to evolve the way the law is interpreted. As such, although Ghana’s Human
Trafficking laws are generally adequate at present, hopefully, these laws will be amended over time.

According to Mr. Iwuora, the UNODC monitors the incorporation of the Palermo Protocol into the domestic laws of signatory countries in the annual monitoring reports it issues. This serves as a guide to non-compliant countries on how the provisions could be enacted to prevent trafficking. Mr. Daniel Tagoe suggested that in addition to analysing the contents of Ghana’s Human Trafficking laws, a compendium could be developed to facilitate the work of law enforcement agencies. This compendium would ensure that the laws that complement the human trafficking laws such as the Children’s Act and the Immigration Act which have provisions on child and human trafficking are compiled into a single easily accessible document. He noted further that there is a problem with the aspect of Ghana’s human trafficking laws related to the prosecution of victims. All the respondents from the IOM further argued that the laws do not protect victims from prosecution when immigration or other related offences are committed in transit involuntarily or in some cases voluntarily. However, the panel also noted that this problem is not unique to Ghana, and there has been advocacy globally for the inclusion of provisions to rectify it.

Dr. Antoine Deliege in analysing the adequacy or otherwise of Ghana’s Human Trafficking laws to combat child trafficking in light of the Palermo Protocol reiterated that Ghana’s human trafficking laws encompass the essential provisions of the Palermo Protocol what, however, is required is enforcement and implementation. Dr. Deliege added that UNICEF works with the Government of Ghana to intensify its child protection systems and this is done by ensuring that the necessary legal frameworks, laws and policies on the various issues of children are in place. For instance, UNICEF has previously worked with the Government of Ghana to put together a National Plan of Action Against Trafficking and is currently proposing amendments to the Criminal Offences Act and the Children’s Act because there are gaps in the law as concerns child
trafficking. All this makes the argument that attention should be shifted from the adequacy or otherwise of the laws to the more pressing issues the enforcement and implementation of the laws. Miss Claudia Agyemang at IJM, sided with Mr. Alexander Billings. She said Ghana’s Human Trafficking laws to combat trafficking in light of the Palermo Protocol are adequate. She, therefore, advocates strict enforcement of the existing laws. She, however, laments the fact that not many people know these laws. She notes further that as with all laws and regulations, Ghana’s laws would have to be amended when new types of trafficking emerge.

Miss Agyemang also highlighted the utility of Article 6(2b) of the Palermo Protocol on granting support to victims to enable their evidence to be taken in criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence. However, this provision is not adequately captured in Ghana’s Human Trafficking laws. As such, many traumatised rescued children in Ghana are constrained to give evidence before their traffickers further deepening their harrowing experiences. It is noteworthy that many countries have adopted mechanisms to ensure that the accused and the victim are put in separate rooms in criminal proceedings.

Miss Agyemang further added that Article 6(3) of the Palermo Protocol requires each state party to implement measures that provide for the psychological, social and physical recovery of victims of human trafficking. Specifically, in cooperation with the relevant organisations, states are to provide counselling and appropriate housing for the victims. As regards their legal rights, they are to be given information in a language that they understand as well as material, medical and psychological assistance; and training, employment and educational opportunities. However, not all aspects of this provision are categorically captured in our trafficking laws, and this has affected the effective enforcement and implementation of Article 6(3) of the Palermo Protocol in Ghana.

O’Connell Davidson (2015) observed that the Palermo Protocol’s vagueness on what constitutes exploitation is reproduced in Act 694. Article 3(a) of the Palermo Protocol states that exploitation
shall include, the prostitution and exploitation of others or other forms of sexual exploitation, slavery or practices similar to slavery, forced labour or services, the removal of organs or servitude. However, this provision still fails to define exploitation precisely. (O’Connell Davidson, 2015).

3.2 Approaches Implemented to Tackle Child Trafficking in Ghana Post the Domestication of the Palermo Protocol

According to Barner et al. (2018), limited intervention or prevention approaches may not be sufficient when tackling complex problems like trafficking. Several factors contribute to the circumstances under which persons who are trafficked become entrapped in slavery. These include poverty, economic insecurity and social inequality. As such, an ecological model of human trafficking intervention which views trafficking as unjust oppression that violates the fundamental rights of the vulnerable and also a crime in a legal sense is proposed (Barner et al., 2018).

Ghana has taken various measures since 2005 to enforce the provisions of her Human Trafficking laws and the Palermo Protocol to tackle child trafficking. Interestingly, all the respondents interviewed made reference to two principal documents developed in 2017: The National Plan of Action for the Elimination of Human Trafficking in Ghana (2017-2021) hereinafter referred to as (NPA) and the Standard Operating Procedures to Combat Human Trafficking in Ghana with an emphasis on Child Trafficking (SOPs). These were developed to serve as guide for the relevant stakeholders to tackle human trafficking.

The NPA represents a consensus of the views of key stakeholders on how to comprehensively combat human trafficking in Ghana (Ghana Ministry of Gender, 2017). The SOPs were developed through the framework of the Child Protection Compact Partnership, a bilateral agreement between the USA and Ghana. Key stakeholder inputs at district, regional and national levels, and the participation of both government and non-government agencies guided the development of these
SOPs. The purpose of the SOPs is to provide a uniform standard of assistance for all national stakeholders to enable them to coordinate their respective efforts to tackle human trafficking (IOM, 2017). The foreword to the SOP provides that in order to succeed in the fight against human trafficking and full implementation of the existing laws and policies, there must be inter-sectoral coordination of efforts to combat human trafficking. As such, guided by Act 694, the SOPs provide national standards for combatting human trafficking and supporting victims. Additionally, a broad range of other specific activities have been instituted to enforce the provisions of the country’s human trafficking laws and the Palermo Protocol. All these are discussed in the sections below.

3.2.1 Specific Approaches Instituted to Prevent Child Trafficking in Ghana

The International Framework for Action to Implement the Trafficking in Persons Protocol was adopted by the UN as an international tool to assist UN member states in the effective implementation of the Palermo Protocol. According to the framework, the processes to prevent human trafficking include, but not limited to, approaches that ensure that refugee protection principles, sensitivity to gender and child issues and human rights are respected (UNODC, 2009).

UNODC (2009) advocates that states should address the root causes of trafficking. Furthermore, the factors that place vulnerable persons, including children, at risk, such as economic and social marginalisation, abuse and violence, should be curtailed. The implementation of campaigns to raise awareness among vulnerable groups and audience in destination communities as well as the implementation of measures to specifically promote livelihood opportunities for young people or their families and reduce the vulnerability of children are all outlined in the framework for action. Further, the UNODC (2009) emphasises the acts of buttressing the child protection systems, addressing the primitive values and beliefs that promote child trafficking and raising awareness through education in schools by integrating the issue of trafficking into school curricula. The training of officials to manage borders and to prevent and detect human trafficking and commercial
carriers to identify altered identity and travel documents are all outlined in the Framework for Action (UNODC, 2009).

It is from the Palermo Protocol that Ghana largely derives its NPA. By way of policy, six specific objectives concerning the elimination of human trafficking are outlined in the NPA. For each one of these objectives, the specific activities to be undertaken to prevent human trafficking are listed. These include coordinating the development of a cross-sector communication strategy for effective understanding of the nature, cause and consequences of human trafficking and the development and implementation of media tools. The establishment of victim identification and missing person information hotline and training law enforcement officers and other related trade unions that are likely to interact with trafficked people are other activities to be implemented to prevent human and child trafficking in Ghana (Ghana Ministry of Gender, 2017).

From the interviews conducted for the study, it was realised that there is a commonality in the measures instituted by the various institutions to implement the provisions of the applicable laws related to the prevention of child trafficking. All respondents at IOM revealed that generally, the prevention of human trafficking is outlined as a priority in Ghana’s human trafficking laws. In support of this assertion, they noted further that in the NPA the largest sphere of activities is dedicated to the prevention of the menace. Generally, these preventive methods revolve around raising awareness, building the capacities of law enforcement officers to better prevent trafficking in persons and organising mass awareness campaigns.

On analysing some specific measures prevent the menace instituted by the key stakeholders in the fight against child trafficking to, reference was made to the implementation of sensitization mechanisms such as broadcasts on radio, the distribution of fliers, hoisting banners, the erection of billboards, annual celebrations such as the UN World Day Against Human Trafficking, also
known as the 'Blue Day' each year and community awareness sessions organised by the Government of Ghana in partnership with other stakeholder institutions including IOM. Also, the organisation of information campaigns against trafficking awareness in trafficking prone zones and the development of facilitation manuals such as cartoon booklets are other strategies that have been put in place to prevent child trafficking. The printing of T-shirts to communicate the advocacy messages to widen the understanding of illiterate community members during sensitization activities and the training of volunteers to continue the various awareness programmes and in order to make them sustainable are done in an attempt to prevent child trafficking in Ghana.

Dr. Deliege at UNICEF explained that the organisation generally works with the Government of Ghana to buttress the child protection systems. So the organisation is not restricted solely to child trafficking, child labour or issues of street children but works to resolve all the menaces that affect children. With regards to child trafficking, the organisation partners with the relevant stakeholders to raise awareness for the prevention of child trafficking through awareness programmes included in the various developmental plans in the country. The partnership referred to here occurs in various forms such as the provision of the requisite funds or logistics for anti-child trafficking campaigns.

At the HTS of the MoGSP, the officer emphasised the NPA and SOP both developed in 2017 and highlighted the fact that while some preventive activities listed in the documents reinforce measures which are already in force, other strategies are new. The celebration of the World Blue day on 30th July each year, sensitization programmes for primary school pupils and training sessions for Police and Immigration Officers to enable them differentiate between child trafficking and other crimes are examples of the activities undertaken by the Human Trafficking Secretariat to enforce the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol on the prevention of child trafficking.
Chief Superintendent Pamela Codjo and Deputy Superintendent Alberta Ampofo of the Ghana Immigration Service listed the measures undertaken to put into force the provisions of the human trafficking laws under consideration on the elimination of child trafficking as the organization of various sensitization programmes on radio, television, and during durbars, the establishment of resource centers at the head office of the Ghana Immigration Service where people can visit and seek information, the creation of awareness in schools, churches, lorry stations to educate on trafficking, building the capacity of the various stakeholders such as educating officials at the border posts on the dynamics of trafficking.

It was discovered from Superintendent Baah of the Ghana Police Service that the AHTU in a bid to implement the provisions of the laws on human trafficking, undertakes sensitisation programs on radio and television to heighten the awareness and appreciation of trafficking by emphasising the causes, modes and repercussion of trafficking in children. The Unit further liaises with an Intelligence Unit within the Criminal Investigations Department to gather information on the activities of traffickers and also get information on intelligence to rescue trafficked victims. Also, the AHTU organises platforms to build the capacities of agencies that enforce the law, especially the police officers. More specifically, in the case of children, the Unit liaises more closely with clinical psychologists, social workers and the Social Welfare Department to develop practical child-friendly methods of sensitisation. Training curricula in this respect has been developed. Interesting is the fact that a central theme that runs through the responses of all respondents was the fact that the act of prevention must be intertwined with the other acts of protection, prosecution and partnership in order to achieve meaningful results.

Finally, Miss Agyemang at the IJM listed the organisation of community durbars and mass media campaigns in the form of radio and television programs to sensitize the public, engagements with church and community leaders on child trafficking and the laws applicable to the menace, church
focused engagements such as the celebration of freedom Sunday when churches around the country are required to dedicate a Sunday to preach sermons on justice based on child trafficking and lastly the sensitization of fishermen on the menace.

3.2.2 Approaches Initiated to Protect Victims of Child Trafficking in Ghana

The NPA outlines certain activities to be carried out to protect victims of trafficking. These include the coordination of operations among the stakeholder agencies to arrest traffickers and save victims and to constitute rapid response teams made up of National Security officers and the Police. These rapid response teams would arrest offenders and liberate victims. Finally, the provision of at least two training sessions on sensitive approaches towards victims for social workers and law enforcement agencies is also outlined in the NPA for the protection of victims of the menace (Ghana Ministry of Gender, 2017). Other measures such as the provision of privacy and other protections for victims and witnesses in all trial periods, the development and implementation of income-generating programmes structured to suit local market circumstances and the needs of victims, especially children and their families are also highlighted in the NPA to protect victims of trafficking (Ghana Ministry of Gender, 2017).

The response from one of the Project Managers on the IOM panel revealed that it is not the Organisation’s mandate to protect victims of child trafficking. However, the Organisation provides the necessary assistance to the government to carry out its mandate of protecting its citizens. This assistance includes providing training for social workers. The SOP developed by IOM also contains several approaches for the protection of child victims. The response from the Analyst from UNICEF is similar to that of the Project Manager at IOM. It revealed that although UNICEF does not directly protect victims of trafficking, it provides support for the implementation of the SOPs on the protection of child victims together with other ministries. For instance, UNICEF has
developed policies which stipulate the standards for residential homes which shelter rescued victims of trafficking.

The officer at the HTS listed Ghana’s provision of adult shelter for housing rescued victims in March 2019 and the rehabilitation of private shelters as some of the measures taken by the Secretariat to protect rescued victims of trafficking in Ghana. For child victims of trafficking, the Assistant Programmes officer at the HTS stated that the Secretariat would open a state-owned child protection shelter later this year. Also, it was discovered that to implement the provisions of the Human Trafficking laws, the Secretariat works together with the Police and the Immigration to protect the identities of the rescued children and to ensure that proceedings in court are kept private to protect the child victims in question.

The heads of the MMB and the ASTIP Units of the Ghana Immigration Service revealed that in terms of protecting child victims of trafficking, their respective offices liaise with Social Welfare officials to house children in shelters. While in shelter homes, they are given various forms of education and psyched up in various ways to help with their reintegration process. Also importantly, immigration officers play their role to ensure that the identities of victims are concealed from the public. Furthermore, the officers give victims of trafficking initial support before handing them over to specialised caregivers. In some instances, victims have been housed in hotels temporarily before being handed over to the appropriate caregivers after the rescue operations.

In terms of protection, when victims are rescued initially, the Anti-Human Trafficking Unit collaborates with other agencies to satisfy the basic needs of the rescued children in terms of food and health care. Secondly, risk assessments are carried out on reintegration premises to ensure that the places where victims are kept match up to the standards set by requisite laws. Thirdly, the
police ensure that shelters for housing victims are kept discreet. Finally, the Unit trains the police officers to have the necessary environment for the proper investigation of cases and interview of victims.

Miss Claudia Agyemang, on the issue of the protecting child victims, stated that there is the aftercare department made up of well-trained social workers who work on protecting the children in an attempt to enforce the provisions of the human trafficking laws on the protection of victims. The rescue team hands over the children who when rescued, usually suffer from different ailments to social workers and the social welfare officials. The children are then screened medically and given the necessary treatment. So it is IJM’s policy that after the children are rescued, they are then taken to care/shelter homes where they are visited frequently, assessed, counselled and educated. After the children are cared for, the social workers visit the communities which the children were resident before being trafficked and assess the prevailing conditions therein in order to decide if it would be in the interest of the children to take them back there.

3.2.3 Approaches Established in Ghana to Prosecute Perpetrators of the Offence of Child Trafficking

Prosecution is exclusively the reserve of the state. In Ghana, the power to prosecute lies in the bosom of the Attorney General who has ceded a part of this power to Police. The legal department of the Ghana Police Service either handles prosecutions directly in court or forwards the case dockets to the office of the Attorney General to handle the prosecution.

The preparation of training manuals and the training of a targeted number of prosecutors and judges with the expertise to handle cases on trafficking in persons efficiently in the courts of law are some of the activities outlined in the NPA for the prosecution of arrested traffickers (Ghana Ministry of Gender, 2017). The NPA further highlights the establishment of a desk to handle issues
of human trafficking in the office of the Director of Public Prosecutions to swiftly deal with cases of trafficking (Ghana Ministry of Gender, 2017). The occasional assessment of the viability of Act 694, the regulations, other laws and policies on trafficking in persons, and reviewing the effectiveness of the section of the criminal justice system related to human trafficking are other measures spelt out in the NPA to enhance the prosecution of traffickers as provided for in the law (Ghana Ministry of Gender, 2017).

The data collected from the IOM revealed that the Organization had undertaken training sessions for prosecutors from the Attorney General’s Department and the Ghana Police Service to make their investigation and prosecution processes more child-friendly and trauma-informed. According to Dr. Antoine Deliege, UNICEF assists the Attorney General’s Department and Police to effectively prosecute cases of child trafficking. According to the Assistant Programmes Officer at the HTS, training sessions are organised for judges by the Secretariat to better strengthen their handling of trafficking cases.

According to Superintendent Michael Baah of the Ghana Police Service, under the Child Protection Compact Partnership, a human trafficking desk has been mounted by the AG to help facilitate the process of prosecution. The Unit has also specially trained some of its officers for the prosecution of trafficking cases. In terms of prosecution also, officers from this Unit are charged with the responsibility of making sure suspects reappear before court on the next adjourned date when on remand.

At the IJM, Miss Agyemang stated that the organisation prepares child victims to give evidence and for cross-examination during the trial process in accordance with Ghana’s laws.
3.3 Assessing Ghana’s Anti-Child Trafficking Approaches

According to Mr. Billings at the IOM, it may be difficult to establish the degree to which the enforcement of the provisions on one aspect of the crime, for instance, preventing child trafficking have been adequate in helping curb the menace because all provisions on prevention, protection, prosecution and partnership interrelate. Practically, prosecution could bolster prevention while proper rescue and reintegration measures could help reduce the incidence of the menace.

Further, Mr. Iwuora at the IOM stated that in Ghana, for instance, the push and pull factors of trafficking are linked to structural and developmental issues. The country’s focus should be geared more towards the inclusion of trafficking into the development plan. The issue of preventing trafficking is not one that can be resolved by the enactment and enforcement of the appropriate national laws. Furthermore, because of the multi-dimensional nature of the actors involved in resolving the menace, it may take some time for results to be achieved for the efficiency or otherwise of the enforcement of the provisions to be determined. At the heart of this issue is attitudinal change and till that happens, results may not be seen.

The respondent at the HTS, on commenting on the adequacy or otherwise of the act of enforcing the provisions of Ghana’s human trafficking laws on child trafficking stated that because trafficking is a hidden offence, it will be difficult to tell if there has been a reduction or not in the menace due to the enforcement of the laws.

Chief Superintendent Pamela Codjo of the Ghana Immigration Service noted that the measures put established to enforce the provisions of the laws on the prevention of trafficking in children, for example, have been effective in that a large number of people are now informed and are taking precautions that guard against the menace. According to Mr. Tagoe at the IOM, from the enforcement of the laws, there has been an improvement at the community level in that it has
become relatively challenging for parents to give out their children. Also, one important way to measure if the measures implemented are yielding results is considering how well these measures are resulting in prosecutions.

To corroborate this, Superintendent Michael Baah stated that due to activities to prevent child trafficking carried out by the AHTU, awareness of the crime has been created, more law enforcement agencies are becoming aware of the crime, and people are increasingly volunteering information to the police to bring perpetrators to book.

The response from Mr. Leonard Ackon at the IJM reinforces that of Mr. Alexander Billings at the IOM. Mr. Ackon stated that in order to holistically establish the efficiency or otherwise of the measures instituted to enforce the provisions of Ghana’s human trafficking laws on preventing child trafficking, all provisions on prevention, protection, prosecution and partnership must be analysed together. That notwithstanding, the respondent stated that due to measures put in place to implement the provisions of the law on preventing the menace the incidence of child trafficking had reduced to an extent, but this is difficult to quantify due to the inadequacy of data. This lack of adequate data on the menace stems from the fact that aside from the exorbitant cost of gathering data on some of these things, it is also difficult to quantify this data since trafficking is an underground crime. However, one practical way to assess the impact of awareness creation is analysing behavioural changes. Many people are now aware that trafficking is a criminal offence and have developed a positive attitude towards combatting the menace. Also, due to the preventive measures, some families have become more enlightened on the need to protect their children. Although on face value and due to data it may not be able to determine there appears to have been some level of reduction following the implementation of the provisions of human trafficking laws on the prevention of child trafficking.
The capacity-building programmes of the IOM have enhanced the capacities of the law enforcement agencies to enforce provisions of Ghana’s human trafficking laws and the Palermo Protocol. This has, in turn, has translated generally into relatively improved prosecution and conviction.

3.4 Challenges in Adequately Enforcing the Various Aspects of Ghana’s Anti-Child Trafficking Approaches

According to Dr. Antoine Deliege, the main challenge in enforcing the provisions of Ghana’s human trafficking laws and the Palermo Protocol on protecting victims, preventing the menace and prosecuting cases of trafficking is the lack of funds. Generally, the inadequacy of funds is at the root of most of the hindrances to the effective enforcement of the provisions of Ghana’s Human trafficking laws and the Palermo Protocol to combat child trafficking in Ghana. In reality, aside from the work of NGOs and donor-funded projects, there are very few initiatives led by the government with state money.

For instance, regarding the prevention of the menace, the lack of funds hinders the practice of carrying out sensitisation programmes in underprivileged communities where the menace is prevalent. Additionally, there are a number of initiatives and programmes, spelt out in Ghana’s strategies designed to combat trafficking, but realistically, very little money is released to Social welfare officials to undertake these programmes. Lack of funds also hinders the commuting of victims who are not sheltered from pursuing the prosecution of their cases. Miss Doris Yiboe at IOM also added that the requirement of the laws for the implementation of measures to provide for the social, emotional and physical recovery of victims of human trafficking, for instance, is not fully realised due to the lack of adequate funds. The interaction with Superintendent Michael Baah of the Ghana Police Service led to the same conclusion. At the Migration Management Bureau, Chief Superintendent Pamela Codjo also cited the lack of funds as the hindrance to the
implementation of various approaches for the protection, prevention and prosecution of children trafficking. A specific instance was cited where media houses demanded commercial advertising rates from the Bureau to carry awareness programmes on human and child trafficking. However, the police are not required to pay for public safety awareness programmes. Clearly, with such financial requirements, the lack of funds becomes a significant problem. However, aside the general issue of the inadequacy of funds to support the implementation of the various measures, there are some challenges peculiar to the areas of Preventing, Protecting and Prosecuting the menace not necessarily related to the lack of funds which are discussed in detail below.

3.4.1 Challenges in Adequately Instituting Approaches to Prevent Child Trafficking In Ghana

Superintendent Michael Baah categorically stated that the inadequacy of logistics is a significant challenge to preventing the incidence of child trafficking. Although there are eleven AHTU stations in the country, only the stations in Accra, Cape Coast and the Volta region are reasonably resourced. The rest are poorly resourced. At the AHSTIP, Deputy Superintendent Ampofo said the lack of transportation is a hindrance to the process of prevention. The Assistant Programmes officer at the HTS cited cultural practices as a hindrance to the prevention of child trafficking in Ghana. For instance, fosterage which qualifies as a type of child trafficking per the requirements of trafficking in our laws is accepted as a part of Ghana’s culture by some people and as such is not regarded a crime. Dr. Deliege at UNICEF mentioned the lack of capacity of law enforcement officers as hindrance to the implementation efficient strategies to prevent trafficking.
3.4.2 Challenges of Enforcing the Approaches for Protecting Rescued Victims

At the MMB, Chief Superintendent Codjo listed the lack of logistics and resources as did the head of the AHTU but this time as a challenge to the effective implementation of the initiatives to protect victims of child trafficking in terms of provision of care and medical help for the traumatised. Deputy Superintendent Alberta Ampofo at AHSTIP mentioned family interference as a hindrance to the protection of rescued victims. Also, Dr. Deliege at UNICEF listed the incompetence of the officers in charge and the lack of standardised forms for gathering evidence as hindrances to adequate enforcement of the provisions of Ghana’s human trafficking laws on the protection of victims. The Analyst stated that due to the incompetence of some police personnel and immigration rescue officers the cases rescued children, sometimes are not referred to social welfare for the necessary protection as required by law.

3.4.3 Challenges in Prosecuting the Perpetrators of Child Trafficking in Ghana

The head of the AHTU Superintendent Baah indicated that the Unit faces many challenges in executing the sections of the human trafficking laws and the Palermo Protocol, which apply to the prosecution of cases of child trafficking. These include the absence of support for victims and lack of transportation in commuting unsheltered victims to prosecute their cases. Also, although the laws expressly provide for the compensation of victims after trial, it is not adhered to by the state and perpetrators. As such the proper reintegration of the victim back into society is delayed. Furthermore, the judicial process is sometimes corrupted by wealthy perpetrators who offer enticing inducements to victims to discontinue prosecution.

At AHSTIP, Deputy Superintendent Alberta Ampofo raised concern over the long period the prosecution of cases last. A case in point was where the prosecution of an accused had still not commenced after four years of being in court. Such delays cause victims to lose their interest in the prosecution of these cases. They eventually stop attending court to give evidence. According
to the respondents at IOM, another challenge with the prosecution is the unhelpful attitude of some judges concerning cases of trafficking. Some judges do not take trafficking as seriously as they do to civil and other criminal cases.

The Programmes Assistant at the HTS stated that although the appropriate laws for the prosecution have been enacted, victims sometimes are not forthcoming with evidence to help with the prosecution due to fear and other cultural beliefs. This interferes with the process of enforcing these laws.

At the IJM, Miss Agyemang stated that the delay of the court system in Ghana impedes the effective enforcement the provisions of the laws on prosecuting victims. Unnecessary delays constrain victims to give up the hope of prosecution, thus enabling accused persons to stop attending court on flimsy excuses which some judges regrettably accept.

3.5 Recommended Approaches for Combatting Child Trafficking in Ghana

The IOM officials generally stated that in Ghana, the push and pull factors of child trafficking are linked to structural and developmental issues such as cultural practices and poverty. As such to successfully curb the menace, the country’s focus should be more on including trafficking into the broad development plan of the country. The issue of child trafficking is deep-rooted and not necessarily one that can be resolved by the appropriate legal means in the form of national or international laws.

Also, due to the multi-dimensional nature of the actors involved in resolving the menace, it may take a while for results to be seen. At the heart of the issue of cultural practices is attitudinal change, and until that happens, a reduction in child trafficking may not be achieved.
3.5.1 Recommendations for Preventing Child Trafficking in Ghana

According to the Assistant Programmes Officer at the HTS, although the curriculum of the Ghana Education Service requires child trafficking to be taught at the basic education level, strategies should be implemented to make the teaching of child trafficking more structured. Detailed information on child trafficking should be entrenched into the syllabus of students. If children are taught to appreciate the menace at an early age, the cultural barriers which serve as an impediment to the enforcement of the provisions of the laws on preventing child trafficking in Ghana will be dealt with. Also, by collaborating with the media, a platform for sensitising the citizens will be established for the stakeholders in the fight against trafficking. Through this sensitisation, awareness of child trafficking will be created, and citizens will be more open to corporate with and help the agencies in charge enforce the provisions of the laws on Prevention.

Dr. Deliege at UNICEF also advocated for the execution of monitoring and evaluation procedures by the state to track the utilisation of funds allocated to the District Assemblies and the other government institutions involved in combating child trafficking. According to this officer, emphasis should be placed on the district assemblies since due to decentralisation enforcement of the human trafficking laws is practically done at the level of the various districts. This would ensure the efficient utilisation of funds released by the government to various state institutions for the enforcement of child trafficking laws on prevention.

Miss Claudia Agyemang at the IJM stated that the political and community leaders in the country must take ownership of the problem and be willing to end it. This political will and community ownership are critical since they will create the enabling environment for the enforcement of the provisions of the various laws on preventing the trafficking of children.
3.5.2 Recommended Approaches for Protecting Rescued Victims

The process of protecting victims starts from identifying and rescuing these victims to monitoring and reintegrating them back into society, and this can take several years. The government should, therefore, institute approaches to link the protection of victims and prosecution of perpetrators and should further protect victims during the prosecution process. For instance, law enforcement officers must continuously assure victims that they would not face retribution from the perpetrators and that they would be protected from offenders. This would comfort families of the child victims not to accept financial inducements to discontinue prosecution. This would then help prevent unnecessary interferences in the enforcement of the provisions of the laws on protection.

At present, children are sometimes dumped at shelters without the knowledge of social welfare and the required care orders; as such, the social welfare officials cannot follow up and perform their mandated roles of caring for these children. Thus, Dr. Antoine Deliege at UNICEF stated that coordination among stakeholders is a measure that can be put in place to enforce better the requirements of the laws on the protection of rescued victims of trafficking who are children. The officer at the HTS advocated that in order to improve upon the process of enforcing the provisions on protecting victims, not only should existing shelters be equipped with trained personnel to cater for the needs of children but also, more state shelters should be opened in each region to facilitate the child protection process as prescribed by law. On this issue, Miss Agyemang at IJM suggested the establishment of counselling facilities to help with the rehabilitation of children. Once the children are reoriented through counselling, the enforcement of the other provisions on protection and prosecution, which require the cooperation of rescued children will fall into place.
3.5.3 Recommended Approaches for Prosecuting Perpetrators of Child Trafficking in Ghana

According to the respondents from IOM, cultural reorientation sessions must be organised for judges to bring about a change of attitude. This change in attitude will influence positively how the provisions on prosecution will be enforced. Also, the language of the Ghanaian law is somewhat problematic in terms of the punishment prescribed for suspects of trafficking found guilty. The penalty of either serving a jail term or paying fine affords perpetrators the opportunity to pay off and go free. The punishment regime for perpetrators should be re-examined. It has thus been advocated many times that the law on human trafficking in Ghana should be amended to exclude the payment of fines for offences. The recommendation by the panel from IOM was reiterated by the officer at the HTS. Also, Miss Claudia Agyemang recommended the establishment of courts solely for trying human trafficking cases. There should also be rigorous training and cultural reorientation for the judges who preside over such courts. She added that the establishment of child-friendly courts where rescued children do not have to testify in the presence of the accused and their attorneys would help in the enforcement of the provisions of the laws of prosecution.

3.6 Partnership

Since the elaboration of the need for partnerships between governments, NGOs, multilateral organisations and the private sector to seek an end to human trafficking by the former Secretary of State of the USA, there have been several ongoing activities to enhance partnership (Lagon, 2015). According to Mr. Leonard Agyemang at the IJM, there are many organisations partnering with the MoGSP, in the field of child trafficking. Although the act of partnering between the relevant stakeholders in the field of trafficking has been ongoing for a while this is increasingly growing.
For instance, IJM partners with organisations that have shelters to protect rescued children since IJM does not own a child protection shelter.

### 3.7 Ghana’s Compliance with the Palermo Protocol

The compliance theory is relevant for determining the extent to which Ghana’s anti-child trafficking measures are compliant with the Palermo Protocol.

According to Haas (2015), a state’s compliance could be determined by assessing the amount of resources committed to achieving the goals stipulated in an international instrument after ratifying the instruments and determining whether the state changes its policy, laws, organisational routines, and practices in accordance with its international commitments.

The information from respondents interviewed will be analysed together with secondary data from the 2018 and 2019 TIP Reports of the USA’s Department of State.

US Department of State (2018) states that although the Government of Ghana has not completely met the minimum standards for eliminating trafficking, it is making strides to meet those standards. The report indicates that the government increased efforts by proving and implementing the national anti-trafficking action plan and expending allocated funds. Additionally, there has been increased interagency cooperation to remove child victims from trafficking situations as well as to prosecute and convict labour and sex traffickers under the Human Trafficking Act. The adoption of systematic procedures for identifying and referring trafficking victims for services; and the provision of support for anti-public awareness activities in addition to previously mentioned measures resulted in Ghana’s upgrade to Tier 2 level of compliance.

Applying the benchmarks for national compliance spelt out by Haas (2015), it is evident first and foremost from responses of the respondents interviewed and the information in the TIP Reports that Ghana domesticated the Palermo Protocol by enacting Act 694 and subsequently
accordance with its commitments to the Palermo Protocol, amended the existing, and created new policies, institutional procedures and processes in accordance with its international commitments.

This is evident in a news item published by *Graphic Online* on 30th July 2019 on a courtesy call paid on President Nana Addo Dankwa Akufo-Addo by the founder and leader of the International Justice Mission (IJM), the largest anti-slavery organisation in the world. During the interaction, the leader of IJM observed that through proactive law enforcement, Ghana was making a huge difference in the fight against child trafficking, a development that had made the country a model to be studied and emulated by other countries (Dapatem, 2019).

Furthermore, the data in the TIP Reports quantifies the amount of resources committed to achieving the goals stipulated in the Palermo Protocol after ratification. Going by Haas (2015)’s argument that a state’s compliance to an international instrument could be measured in terms of assessing the amount of resources committed to achieving the goals stipulated in an international instrument after ratification, Ghana can be said to be highly compliant with the provisions of the Protocol to the extent that the country has dedicated a large volume of resources to achieve the goals stipulated in the Palermo Protocol.

In 2017, with the combined support of funds provided by the HTS and Ghana Police Service totalling GH₵13,200, the Department Social Welfare provided temporary care for thirty-one child victims of trafficking in a shelter in Osu. The government also provided a total of GH₵22,600 to three NGOs to provide care, support and shelter for two adult female victims and their children as well as ninety-five child victims of trafficking. GH₵97,930 was provided by GIS to protect adult victims. Also, GH₵30,000 and GH₵22,200 were allocated by the government for the functioning in the future of a shelter for adults that was being renovated in 2017 and to manage a children’s shelter operation fund, respectively (US Department of State, 2018).
Further, the Government of Ghana, in 2018, allocated 2.16 million Ghana cedis for the operational budget of anti-trafficking agencies. It also allocated 130,000 Ghana cedis for the implementation of the country’s National Plan of Action for the Elimination of Human Trafficking in Ghana, 2017-2021 (US Department of State, 2019).

Also, a news item published on 6th August 2019 revealed that President Nana Addo Dankwa Akufo-Addo committed an amount of GH₵500,000 into the Human Trafficking Fund, purposely set up to keep the running of the country’s adult Shelter, established to rescue female victims of human trafficking (GNA, 2019).

According to the US Department of State (2019), in 2018, there was a demonstrated increase in efforts by the Government of Ghana; therefore Ghana remained on Tier 2 level of compliance. Remarkable among these efforts were the increase in resources allocated to the implementation of the country’s anti-trafficking action plan; the sentencing of more convicted traffickers to significant prison terms; improvements in interagency and civil society cooperation to identify and rescue children from trafficking situations; the increase in anti-trafficking public awareness measures; and the adoption of methodical trafficking data collection procedures.

However, these commendable levels of compliance with the Palermo Protocol notwithstanding, Ghana’s anti-child trafficking measures, although highly compliant, are not compliant with the Palermo Protocol. The US Department of State (2019) elaborated the same challenges in enforcing the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol as highlighted by the respondents interviewed. These include the inadequacy of operational resources, financial support for government and NGO anti-human trafficking programmes, limited technical capacity for effective interrogation, and the shortage of state attorneys for prosecution of offenders.
CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0 Introduction

This study seeks to analyse the anti-human trafficking approaches towards curbing child trafficking in Ghana between 2005 and 2019. Specifically, the study analyses Ghana’s strategies for the enforcement of Act 694 and the provisions of the Palermo Protocol since 2005.

Chapter one introduces the study. It argues that Ghana’s anti-human trafficking approaches are in accordance with the Palermo Protocol and have the potential of eliminating child-trafficking in Ghana. Chapter two identifies some of the global measures instituted to fight child trafficking. It also identifies some instances in which the Palermo Protocol has contributed towards eliminating child trafficking globally. The third chapter provides an overview of Act 694 and the Palermo Protocol. It argues that Act 694 derives inspiration from the Palermo Protocol and mirrors it. In essence, Act 694 enacts Palermo Protocol into the laws of Ghana to ensure enforcement. This chapter also assesses the strengths and weaknesses of Ghana’s anti-child trafficking approaches after the domestication of the Palermo Protocol. Finally, this chapter; the fourth summarises the findings, conclusions and recommendations of the study.

4.1 Summary of Findings

The first and second objectives of the study are to identify some global measures instituted to fight child trafficking and to identify some instances in which the Palermo Protocol has contributed towards eliminating child trafficking globally. The study discloses that after deliberations among Ministers of Interior and Justice in 1996 in Naples, there was a call for action to combat organised crime. Subsequently, the USA proposed a resolution for the development of a protocol on trafficking in women and children under the proposed UNTOC. On 15th November 2000 the
UNGA adopted the proposed protocol, now commonly referred to as the Palermo Protocol. The study further establishes that 174 states had ratified the Palermo Protocol. It means that they had explicitly consented to be bound by the treaty.

The study establishes that the scope for the recognised standard for anti-trafficking policies revolves around the prevention of the crime, the institution of legal proceedings against the perpetrators of the offence, protection of rescued victims of trafficking and the partnership to combat the menace. As such, the study analyses the strengths and weaknesses of enforcement of the provisions of Act 694 and the Palermo Protocol on protection, prevention and prosecution.

Articles 6, 7 and 8 of the Palermo Protocol prescribe the obligation to shield, support and rehabilitate victims of trafficking in persons. They also prescribe that lawsuits relating to human trafficking are kept confidential and that states should provide educational opportunities, housing, medical and psychological assistance, employment and to victims of trafficking to ensure their purposive re-integration into society.

Articles 9, 11 and 12 elaborate the measures for preventing the offence of human trafficking. Article 9 requires that states should undertake measures such as mass media campaigns and social and economic initiatives to eliminate and combat trafficking in persons. Further Article 11 requires that to prevent trafficking in persons, states should intensify border controls. Finally, Article 12 requires that states should institute measures to ensure that travel and identity documents are of a quality that cannot be easily forged.

In terms of prosecution, Article 3 of the Palermo Protocol provides the first-ever universally recognised definition of human trafficking and Article 5 then criminalises the offence.

In addressing the third objective on the extent to which Ghana’s anti-trafficking measures are compliant with the Palermo Protocol, the study reveals that Ghana enacted the Human Trafficking
Act, 2005, Act 694 which was subsequently amended in 2009 by the Human Trafficking (Amendment) Act 694. In 2015, Ghana enacted the Human Trafficking Prohibition (Protection and Reintegration of Trafficked persons) Regulations, 2015, L.I. 2219 to fully operationalise Act 694. The study finds that Ghana’s human trafficking laws are reflective enough of the Palermo Protocol and, to a large extent, they encompass the key provisions of the Palermo Protocol. The study also reveals that Ghana’s human trafficking laws in light of the Palermo Protocol are generally adequate at present, but may require amendments over time, when new types of trafficking ensue.

The fourth objective of the research seeks to ascertain the strengths and weaknesses of Ghana’s anti-child trafficking approaches post the domestication of the Palermo Protocol under the themes of preventing the crime, protecting rescued victims and prosecuting traffickers.

The study reveals that there is a commonality in the measures instituted by the various institutions to implement the provisions of the applicable laws related to the prevention of child trafficking. These preventive methods revolve around raising awareness through sensitisation programmes, building the capacities of enforcement agencies and organising mass awareness campaigns.

The study also reveals that to enforce the provisions of the laws on protecting rescued victims, most of the activities revolve around either reintegration of rescued children into society or their seclusion from society such that the offenders do not have any contact with them. This reintegration process begins with the provision of new or the rehabilitation of existing shelters to house the rescued victims. Various forms of medical treatment, counselling and education are then provided to the children while they are housed.

The study also identified a number of specific measures to enforce the provisions of Ghana’s human trafficking laws on prosecuting offenders of the offence of child trafficking were identified.
One such measure is the training of prosecutors from the Attorney General’s Department and the Ghana Police Service to make their investigation and prosecution processes more child-friendly and trauma-informed. Additionally, Ghana established a human trafficking desk at the Attorney General’s Department to facilitate the process of prosecution, and the preparation of child victims to give evidence in trials in accordance with Ghana’s laws.

Generally, on the efficiency or otherwise of the enforcement of the provisions of the human trafficking laws and the Palermo Protocol in Ghana, to curb the menace of child trafficking the study finds that because of the multi-dimensional nature of the actors involved in resolving the menace it may take some time for results to be achieved for the efficiency or otherwise of the enforcement of the provisions to be determined. Moreover, because trafficking is a hidden crime, it will be challenging to determine if there has been a reduction or not due to the enforcement of the laws. However, to the extent that a large number of people are now informed and have changed their attitudes towards issues of trafficking and are taking precautions that guard against the menace, the measures instituted to enforce the provisions of Ghana’s human trafficking laws and the Palermo Protocol on preventing child trafficking have been efficient.

The main challenge in enforcing the provisions of Ghana’s human trafficking laws and the Palermo Protocol on the protection, prevention and prosecution of trafficking was highlighted as the inadequacy of funds. Specifically, on the enforcement of the provisions of these laws for the prevention of trafficking, the lack of transportation, deep-seated cultural practices and the lack of capacity of law enforcement officers were identified as the hindrances to the efficient implementation of strategies to prevent trafficking.

The impediments to adequately enforcing the provisions of the laws on protection include the lack of logistics and resources to aid the process of reintegrating the rescued victims. Also, the
incompetence of the officers in charge and the lack of standardised forms for gathering evidence are hindrances to the adequate execution of the provisions of the human trafficking laws on the protection of victims.

The study identified many challenges to the effective enforcement of the provisions of the human trafficking laws on the prosecution. Some of these are the absence of support for victims and lack of transportation in commuting unsheltered victims to prosecute their cases and the obstruction of the prosecution system by rich perpetrators who offer enticing inducements to victims to discontinue prosecution. Furthermore, the delay in the court system constrains victims to give up the hope of prosecution.

The study also highlighted the call by the former Secretary of State of the USA, and the subsequent enforcement of partnerships between governments, NGO’s, multilateral organisations, and the private sector to seek an end to human trafficking.

4.2 Study’s Conclusion

The study concludes that to a large extent, many people are now informed about human trafficking, victims are substantially sheltered and reintegrated into society. Additionally, the number of convictions resulting from prosecutions are steadily increasing, the measures instituted to enforce the provisions of Ghana’s human trafficking laws and the Palermo Protocol on preventing child trafficking have, therefore been effective. However, because trafficking is a hidden crime and multi-dimensional, it may take some time for a significant reduction in the menace to be achieved for the efficiency or otherwise of the enforcement of the provisions to be determined.

Furthermore, the study’s application of the compliance theory led to the conclusion that the anti-child trafficking measures analysed for the study were all derived from the Palermo Protocol as
the key provisions of Act 694, the primary Human Trafficking law enacted in 2005 in Ghana, mirrored fundamentally, the Palermo Protocol.

The study concludes that Ghana is highly compliant with the Palermo Protocol, especially as it has incorporated key provisions of the Palermo Protocol into Act 694. This conclusion was arrived at based on the analysis of two developments. The first was the analysis of the amount of resources Ghana committed to achieving the goals stipulated in the Palermo Protocol after ratifying it as evidenced in the 2018 and 2019 TIP Reports of the USA’s Department of State. The second development was the enactment of Act 694 and subsequently in accordance with its commitments to the Palermo Protocol, the revision of the existing, and the adoption of new policies, organisational routines, and practices in accordance with the Palermo Protocol.

4.3 **Recommendations**

The study makes the following recommendations.

4.3.1 **Recommendations to Improve the Enforcement of the Provisions of the Human Trafficking Laws and The Palermo Protocol on Preventing Child Trafficking**

- The study recommends the institution of well-structured education and sensitisation programmes on preventing child trafficking. An effective way to achieve this would be to incorporate a detailed section on child trafficking into the syllabus of basic schools in Ghana to enable students to be taught to appreciate the gravity of the menace in their formative years. With this appreciation, the cultural barriers which serve as an impediment to the enforcement of the provisions of the laws on prevention will be eliminated. Furthermore, by intensifying collaboration with the media, sensitisation on the issue will increase, and citizens will be better equipped to cooperate with the
relevant agencies to better enforce the provisions of the laws on preventing child trafficking.

- It is recommended that the state should institute effective monitoring and evaluation procedures to track all funds it dispenses. This would ensure that funds that are released to the state institutions by Government for preventing the menace are utilised for the effective enforcement of the provisions of the laws on the prevention of the trafficking of children. The monitoring and evaluation processes will ensure that the District Assemblies and the other government institutions directly involved in combating child trafficking will be tracked in terms of how funds allocated them are utilised.

4.3.2 Recommendations to Improve the Enforcement of the Provisions of the Human Trafficking Laws and the Palermo Protocol on Protecting Victims

- The study recommends protection of victims during the prosecution process. In this regard, law enforcement officers must continuously protect victims from their traffickers to prevent unnecessary interferences in the enforcement of the provisions of the laws on protection.

- It is recommended that not only should existing shelters be equipped with trained personnel to cater for the needs of children but also, more state shelters should be opened in each region to facilitate the child protection process as prescribed by law.

4.3.3 Recommendations to Improve the Enforcement of the Provisions of the Human Trafficking Laws and the Palermo Protocol on Prosecuting Offenders

- The study recommends continuous professional training for judges on the increasing sophistication of trafficking in persons and the nuanced cultural practices in which the menace is sometimes embedded.
• The state should amend its criminal procedure laws to long term jail terms for child traffickers as deterrence.

• Also, the study recommends that there should be the establishment of courts solely for trying human trafficking cases.
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Interview with Deputy Programmes Officer, HTS-Ministry of Gender and Social Protection, 1st July, 2019
Interview with Chief Superintendent Pamela Codjo, Head, MMB -Ghana Immigration Service, 9th July, 2019
Interview with Deputy Superintendent Alberta Ampofo, Officer in Charge, AHSTIP-Ghana Immigration Service, 9th July, 2019
Interview with Dr. Antoine Deliege, Child Protection Specialist, UNICEF, 9th July, 2019
Interview with Mr. Nnamdi Iwuora, Project Manager, IOM, 16th July, 2019
Interview with Mr. Alexander Billings, Project Manager, IOM, 16th July, 2019
Interview with Mr. Daniel Tagoe, Project Assistant, IOM, 16th July, 2019
Interview with Miss Doris Yiboe, Senior Project Assistant, IOM, 16th July, 2019
Interview with Miss Claudia Agyemang, Attorney, IJM, 25th July, 2019
Interview with Mr. Leonard Ackon, Director of Advocacy, IJM, 25th July, 2019
APPENDICES

Appendix A

LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY


Interview Guide for the International organisation on Migration (IOM)

This is only for academic purposes and the data collected would be used to write a dissertation in partial fulfillment of the requirements for the award of an MA degree in International Affairs. Confidentiality of the information provided is fully assured.

1. Which of the Human Trafficking laws of Ghana is IOM aware of?
2. Is IOM aware of the United Nations Protocol, also known as the Palermo Protocol, to prevent, protect and suppress trafficking in persons, especially women and children?
3. Are Ghana’s Human Trafficking laws reflective enough of the Palermo Protocol?
4. In your opinion do you think Ghana’s Human trafficking laws are adequate enough to prevent CT in light of the Palermo Protocol?
5. If not, what provisions from the Palermo protocol have been excluded from Ghana’s laws?

Prevention

6. Have the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol been implemented to prevent child trafficking in Ghana? If yes, how have these laws been implemented to prevent child trafficking in Ghana?
7. Are the measures that have been instituted to implement Ghana’s Human Trafficking laws and the Palermo Protocol for the prevention of child trafficking adequate?
8. If not, what other measures for the prevention of child trafficking can be implemented?
9. Have these approaches instituted to prevent child trafficking reduced the incidence of the menace in Ghana? If not what other approaches can be instituted?
Protection

10. Have Ghana’s Human Trafficking laws and provisions of the Palermo Protocol on the protection of victims of child trafficking been implemented? If yes, how have the laws been implemented to protect victims of child trafficking in Ghana?

11. Are the approaches initiated to implement Ghana’s Human Trafficking laws and the Palermo Protocol for the protection victims of child trafficking adequate?

12. If not, what other measures for the protection of victims of child trafficking can be implemented?

13. Has there been a decrease in child trafficking as a result of the measures by the Secretariat to protect the victims of child trafficking? If not what other measures for the protection of the victims of child trafficking can be adopted?

Prosecution

14. Have the Ghanaian Human Trafficking laws and provisions of the Palermo Protocol on the prosecution of child traffickers been implemented?

15. If yes, how have the laws been implemented to prosecute child traffickers in Ghana?

16. Are the established processes for the implementation of Ghana’s Human Trafficking laws and the Palermo Protocol to prosecute child traffickers adequate?

17. If not, what other measures for the prosecution of child traffickers can be implemented?

18. Have the processes established for the prosecution of victims of child trafficking reduced the incidence of the menace in Ghana? Kindly explain your answer?

19. Any other information you wish to provide.

THANK YOU

Appendix B
LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY


*Interview Guide for the International Justice Mission (IJM)*

This is only for academic purposes and the data collected would be used to write a dissertation in partial fulfillment of the requirements for the award of an MA degree in International Affairs. Confidentiality of the information provided is fully assured.

1. Which of the Human Trafficking laws of Ghana is IJM aware of?
2. Is IJM aware of the United Nations Protocol, also known as the Palermo Protocol, to prevent, protect and suppress trafficking in persons, especially women and children?
3. Are Ghana’s Human Trafficking laws reflective enough of the Palermo Protocol?
4. In your opinion do you think Ghana’s Human trafficking laws are adequate enough to prevent CT in light of the Palermo Protocol?
5. If not, what provisions from the Palermo protocol have been excluded from Ghana’s laws?
6. Have the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol been implemented to prevent child trafficking in Ghana? If yes, how have these laws been implemented to prevent child trafficking in Ghana?
7. Are the measures that have been instituted to implement Ghana’s Human Trafficking laws and the Palermo Protocol for the prevention of child trafficking adequate?
8. If not, what other measures for the prevention of child trafficking can be implemented?
9. Have these approaches instituted to prevent child trafficking reduced the incidence of the menace in Ghana? If not what other approaches can be instituted?
10. Have Ghana’s Human Trafficking laws and provisions of the Palermo Protocol on the protection of victims of child trafficking been implemented? If yes, how have the laws been implemented to protect victims of child trafficking in Ghana?
11. Are the approaches initiated to implement Ghana’s Human Trafficking laws and the Palermo Protocol for the protection victims of child trafficking adequate?
12. If not, what other measures for the protection of victims of child trafficking can be implemented?
13. Have the approaches initiated for the protection of victims of child trafficking reduced the incidence of the menace in Ghana? Kindly explain your answer?

14. Have the Ghanaian Human Trafficking laws and provisions of the Palermo Protocol on the prosecution of child traffickers been implemented?

15. If yes, how have the laws been implemented to prosecute child traffickers in Ghana?

16. Are the established processes for the implementation of Ghana’s Human Trafficking laws and the Palermo Protocol to prosecute child traffickers adequate?

17. If not, what other measures for the prosecution of child traffickers can be implemented?

18. Have the processes established for the prosecution of victims of child trafficking reduced the incidence of the menace in Ghana? Kindly explain your answer?

19. Any other information you wish to provide.

Many thanks for your assistance.
Appendix C

LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY


This is only for academic purposes and the data collected would be used to write a dissertation in partial fulfillment of the requirements for the award of an MA degree in International Affairs. Confidentiality of the information provided is fully assured.

To assess the extent to which Ghana has incorporated the key provisions of the Palermo Protocol into Act 694?

1. Which of the Human Trafficking laws in Ghana is UNICEF aware of?

2. Is UNICEF aware of the United Nations protocol, also known as the Palermo Protocol, to prevent, protect and suppress trafficking in persons, especially women and children?

2. Are Ghana’s human trafficking laws reflective enough of the Palermo protocol?

3. In your opinion do you think Ghana’s Human trafficking laws are adequate enough to prevent CT in light of the Palermo protocol?

4. If not, what provisions from the Palermo protocol have been excluded from Ghana’s laws?

Prevention

To examine how Ghana’s Human Trafficking laws and the Palermo Protocol have been implemented to curb child trafficking in Ghana and;

5. What measures have been instituted to implement the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol for the prevention of child trafficking?

6. Are the measures that have been instituted to implement the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol for the prevention of child trafficking adequate? If not, what other measures for the prevention of child trafficking can be instituted?
To ascertain the efficiency or otherwise of Ghana’s Human Trafficking laws and the Palermo Protocol towards curbing Child trafficking in Ghana.

7. Have the provisions of Ghana’s Human trafficking laws and the Palermo protocol for the prevention of victims of Child Trafficking in Ghana?

8. If not, what provisions for the prevention of victims of child trafficking should be included in Ghana’s Human trafficking laws?

Protection

To examine how Ghana’s Human Trafficking laws and the Palermo Protocol have been implemented to curb child trafficking in Ghana and;

9. What approaches for the protection of trafficked children have been initiated as a result of the implementation of the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol?

10. Are the approaches initiated to implement the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol for the prevention of child trafficking adequate? If not, what other approaches for the protection of victims of child trafficking can be initiated?

To ascertain the efficiency or otherwise of Ghana’s Human Trafficking laws and the Palermo Protocol towards curbing Child trafficking in Ghana.

11. Have the provisions of Ghana’s Human trafficking laws and the Palermo protocol for the protection of victims reduced the incidence of Child Trafficking in Ghana?

12. If not, what provisions for the protection of victims of child trafficking should be included in Ghana’s Human trafficking laws?

Prosecution

To examine how Ghana’s Human Trafficking laws and the Palermo Protocol have been implemented to curb child trafficking in Ghana and;

13. What processes have been established to prosecute child traffickers from Ghana’s implementation of the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol?
14. Are the processes established to implement the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol for the prosecution of child traffickers adequate? If not, what other processes for the prosecution of victims of child trafficking can be established?

To ascertain the efficiency or otherwise of Ghana’s Human Trafficking laws and the Palermo Protocol towards curbing Child trafficking in Ghana.

15. Have the provisions of Ghana’s Human trafficking laws and the Palermo protocol for the prosecution of victims reduced the incidence of Child Trafficking in Ghana?

16. If not, what provisions for the prosecution of victims of child trafficking should be included in Ghana’s Human trafficking laws?
Appendix D

LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY


*Interview Guide for the Human Trafficking Secretariat (HTS) of the Ministry of Gender, Children and Social Protection (MoGSP).*

This is only for academic purposes and the data collected would be used to write a dissertation in partial fulfillment of the requirements for the award of an MA degree in International Affairs. Confidentiality of the information provided is fully assured.

1. In which year was the Secretariat established?

2. Is the Secretariat aware of Ghana’s accession to the United Nations Protocol, also known as the Palermo Protocol, to prevent, protect and suppress trafficking in persons, especially women and children?

3. Which of the Human Trafficking laws of Ghana is the Secretariat aware of? Have the provisions of the Palermo Protocol been incorporated into Ghana’s Human Trafficking laws?

4. Was the creation of the Secretariat mandated by Ghana’s Human Trafficking laws and the Palermo Protocol?

5. How have Ghana’s Human Trafficking laws and the Palermo Protocol been implemented by the Secretariat to prevent child trafficking in Ghana?

6. Have any challenges been encountered in executing the listed approaches? If yes, what are they?

7. What can be made to address these challenges?

8. Have these approaches instituted to prevent child trafficking reduced the incidence of the menace in Ghana? If not what other approaches can be instituted?
9. How has the Secretariat implemented Ghana’s Human Trafficking laws and the Palermo Protocol to protect victims of child trafficking in Ghana?

10. What challenges, if any, have been encountered with regards with the enforcement of the measures implemented by the Secretariat?

11. What can be made to address these challenges?

12. Has there been a decrease in child trafficking as a result of the measures by the Secretariat to protect the victims of child trafficking? If not what other measures for the protection of the victims of child trafficking can be adopted?

13. What processes have been established by the Secretariat to implement Ghanaian Human Trafficking laws and provisions of the Palermo Protocol on the prosecution of child traffickers?

14. Have any challenges been encountered in enforcing the identified processes? If yes, what are they?

15. What can be made to address these challenges?

16. Have the processes established for the prosecution of victims of child trafficking reduced the incidence of the menace in Ghana? If not what other processes for the prosecution of victims of child trafficking can be established?

17. Any other information you wish to provide.
Appendix E

LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY


Interview Guide for the Anti-Human Smuggling and Trafficking in Persons Unit (AHSTIP) and the Migration Management Bureau (MMB) of the Ghana Immigration Service

This is only for academic purposes and the data collected would be used to write a dissertation in partial fulfillment of the requirements for the award of an MA degree in International Affairs. Confidentiality of the information provided is fully assured.

1. In what year was the Unit established?
2. Is the Unit aware of Ghana’s accession to the United Nations Protocol, also known as the Palermo Protocol, to prevent, protect and suppress trafficking in persons, especially women and children?
3. Was the creation of the Unit mandated by Ghana’s Human Trafficking laws and the Palermo Protocol?
4. How have Ghana’s Human Trafficking laws and the Palermo Protocol have been implemented by the Unit to prevent child trafficking in Ghana?
5. Have any challenges been encountered in executing the identified approaches? If yes, what are they?
6. What can be made to address these challenges?
7. Have the approaches instituted to prevent child trafficking reduced the incidence of the menace in Ghana? If not what other approaches can be instituted?
8. How has the Unit implemented the provisions of Ghana’s Human Trafficking laws and the Palermo Protocol to protect victims of child trafficking in Ghana?
9. What challenges, if any, have been encountered in enforcing the measures indicated above?
10. What can be made to address these challenges?
11. Has there been a decrease in the menace as a result of the measures by the unit to protect the victims of child trafficking? If not what other measures for the protection of the victims of child trafficking can be adopted?

12. What processes have the Unit established to implement Ghanaian Human Trafficking laws and provisions of the Palermo Protocol on the prosecution of child traffickers?

13. Have any challenges been encountered in enforcing the identified processes? If yes, what are they?

14. Have the processes established for the prosecution of victims of child trafficking reduced the incidence of the menace in Ghana? If not what other processes for the prosecution of victims of child trafficking can be established?

15. Any other information you wish to provide
Appendix F

LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY


Interview Guide for the Anti-Human Trafficking Unit (AHTU) of the Ghana Police Service

This is only for academic purposes and the data collected would be used to write a dissertation in partial fulfillment of the requirements for the award of an MA degree in International Affairs. Confidentiality of the information provided is fully assured.

1. What are the causes and nature of child trafficking in Ghana currently?

2. Is the Unit aware of the United Nation’s Protocol (also known as the Palermo protocol) to Prevent, Suppress and Punish trafficking in Persons, especially Women and Children?

3. Which approaches were instituted by the Unit to prevent child trafficking before 2005?

4. What specific approaches have been instituted by the Unit to prevent child trafficking from 2005 till date?

5. Are the adopted approaches since 2005 as a result of Ghana’s domestication to the Protocol?

6. Have the approaches instituted to prevent child trafficking after 2005 reduced the incidence of the menace in Ghana?

7. What are the hindrances faced by the Unit in enforcing the preventive approaches identified in Question 4 above?

8. What can be done to address these hindrances?

9. What were the processes established by the Unit for the prosecution of child traffickers before 2005?

10. Which specific processes have been established by the Unit for the prosecution of child traffickers since 2005?

11. Are the processes established for the prosecution of child traffickers since 2005 a result of Ghana’s domestication to the Protocol?
12. Has there been a decrease in the incidence of the trafficking of children in Ghana due to the approaches implemented after 2005?

13. What factors hinder the Unit’s ability to prosecute perpetrators of child trafficking in accordance with the provisions identified in Question 10 above?

14. In your opinion, how can these hindrances to prosecution be overcome?

15. Is the rate of conviction of alleged child traffickers satisfactory?

16. If not, what accounts for the low number of convictions?

17. In your opinion, what can be done to improve upon the rate of conviction?

18. Any other information you wish to provide.