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LEGON CENTRE FOR INTERNATIONAL AFFAIRS AND DIPLOMACY (LECIAD)

UNIVERSITY OF GHANA

A HUMAN RIGHTS PERSPECTIVE ON THE RIGHTS OF CHILDREN ON THE STREETS OF GHANA

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DECLARATION

I, Edwina Edinam Akorli, hereby declare that except for the references to other people's work, which have been duly acknowledged, this thesis is the result of my own research work carried out and submitted to the Legon Centre for International Affairs and Diplomacy (LECIAD), University of Ghana, under the supervision of Dr. Frederick Boamah and that it has not been presented in whole or part for any degree elsewhere.

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DEDICATION

I dedicate this dissertation to all street children in Ghana who strive to survive especially during this time of COVID19.

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God bless you All

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LIST OF ABBREVIATIONS

ACRWC	-	African Charter on the Rights and Welfare of the Child
AU	-	African Union
CAS	-	Catholic Action for Street Children
CFWP	-	Child and Family Welfare Policy
CRC	-	Convention on the Rights of the Child
CSOs	-	Civil Society Organizations
DOC	-	Department of Children
DOVVSU	-	Domestic Violence and Victim Support Unit
DSW	-	Department of Social Welfare
ECD	-	Early Childhood Development
E.I	-	Executive Instrument
FCUBE	-	Free Compulsory Universal Basic Education
FGM	-	Female Genital Mutilation
FIDA	-	Federation of Women Lawyers
GES	-	Ghana Education Service
GPS	-	Ghana Police Service
INGOs	-	International Non-Governmental Organizations
LEAP	-	Livelihood Empowerment Against Poverty
LECIAD	-	Legon Centre for International Affairs and Diplomacy
MDAs	-	Ministries Departments and Agencies
MMDAs	-	Metropolitan Municipal and District Assemblies
MoGCSP	-	Ministry of Gender, Children and Social Protection
MOWAC	-	Ministry of Women and Children's Affairs
NDPC	-	National Development Planning Commission

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NGOs	-	Non-Governmental Organizations
OAU	-	Organization of African Unity
OVC	-	Orphans and Vulnerable Children
PWDs	-	People With Disabilities
SCEF	-	Street Children Empowerment Foundation
SDGs	-	Sustainable Development Goals
SHS	-	Senior High School
STDs	-	Sexually Transmitted Diseases
UDHR	-	Universal Declaration of Human Rights
UN	-	United Nations
UNCHR	-	United Nations Commission on Human Rights
UNICEF	-	United Nations Children's Fund

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ABSTRACT

The United Nations Convention on the Rights of the Child, 1989, stressed the need to safeguard and uphold the rights of children across the world. Ghana as one of the first countries to ratify the convention codified it with the passage of the Children's Act, 1998. Three decades after the domestication of this treaty, the prevalence of child streetism in Ghana is very startling. Using primary and secondary sources of data and based on the Compliance Theory with international law, this study sought to examine the phenomenon of street children in Ghana and the role of stakeholders in alleviating their plight. The study design used was qualitative methods and the data collected was obtained through semi-structured interviews and purposive sampling of expert opinions. The study focused on identifying the role of stakeholders in promoting the rights of children. It also sought to examine the policies and practices that have been implemented to protect the rights of street children; to evaluate their implementation and compliance to the treaties and policies Ghana has entered into to curb the issue of child streetism; and to make recommendations on how children on the streets of Ghana can be better protected. The study found that Ghana has a plurality of laws, policies and programmes towards child protection however, their implementation is hindered by the government's inability to prioritize issues like streetism. That notwithstanding, the inter-governmental organizations and non-governmental organizations are making significant progress on the phenomenon of streetism. The study concluded that addressing the phenomenon of child streetism in Ghana would require more than the ratification of treaties, the creation of laws, and setting up of policies. Rather, government should strictly enforce the laws enacted and prioritize the issue of child streetism.

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CHAPTER ONE

INTRODUCTION

1.0 Background to the Study

Human Rights are the rights that all people have simply because they are human regardless of their nationality, citizenship, ethnicity and race, language, age, sex and sexual orientation.[1] To protect and uphold these rights, the United Nations in 1948 adopted a general standard on human rights under the Universal Declaration of Human Rights.[2] Following this, the UN General Assembly has adopted several treaties including the Convention on the Rights of the Child (CRC) on 20 November 1989[3] to expressly give protection to children. The CRC is an international treaty ratified by over 191 states to protect and promote the cultural, physical, social, emotional and mental rights of a child. It is also directed at addressing the civil-political and economic well-being of the child.[4] It has been widely recognized as the human rights instrument designed to resolve issues pertaining to the rights of children.

In 1990, African states also followed up on the global drive to protect children and adopted the Organization of African Unity's Charter on the Rights and Welfare of the Child.[5] This reflected the obligations under the CRC and went further to include the welfare of the African child. The African Charter on the Rights and Welfare of the Child (ACRWC) specifically requires state parties to promote positive African morals, traditional values, and cultures.[6]

Similarly, Ghana as a signatory to both the global and the African treaty assumed the responsibilities to ensure these laws had reflected in her laws and has thus introduced the 1998 Children's Act 1998 (Act 560).

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The key tenets of the CRC includes, identifying a child as every human being under the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.[7] Article 19 of the CRC, enjoins State Parties to take steps to ensure all children are protected from violence and abuse. It also mandates states to establish social programmes aimed at preventing and reporting issues of child maltreatment for legal redress.[8]

Article 32 goes further to highlight the recognition of the rights of the child specifically against economic exploitation and other forms of work that are likely to be perilous and harmful. In addition, it obliges states to ensure that the education of the child as well as their physical, moral, and social development are not interfered with.[9]

Although the Convention does not clearly state the term street child, it focuses on protecting the rights and obligations of all children, homeless or not. One of the foremost global institutions tasked with the responsibility to ensure the protection of children, UNICEF has defined street children as "boys and girls for whom 'the street' (including unoccupied dwellings, wasteland, etc.) has become their home and/or source of livelihood, and who are inadequately protected or supervised by responsible adults."[10] It further classifies these children into two groups; children on the street and children of the street. Children on the street are children who work on the streets to make a living and return home at night while children of the streets refer to homeless children who not only work on the streets, but live there.[11]

Child Streetism, which is a growing international problem is not limited to particular states but can be seen internationally, especially in third-world states like Ghana.[12] In February 2020, Human Rights Watch published a report where the United Nations Committee on the Rights

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of the Child called for "urgent measures" to be taken to end the exploitation of street children in Rwanda.[13]

Street children are seen to lack the family's key socialization and modeling system that is thought to nurture the child's healthy growth and development, as such, they are seen to be at risk developmentally.[14] Globally, the Sustainable Development Goals (SDGs), which advocate for inclusive change for all people especially the marginalized and vulnerable, street children inclusive, serve as a foundation to building a world everyone needs. Thus upholding the CRC to protect the rights of street children will result in the attainment of these goals while evidently affecting the rights of children in a sustainable manner.

A lot has been achieved since its conception to enhance the realization of children's rights. Among other benefits are, the global rate for infant mortality has fallen and awareness towards issues of child protection has risen. Even though these advancements can be identified, the problem of child streetism seems to intensify. In light of this, this research seeks to explore the role of government, intergovernmental, and non-governmental organizations in the protection and promotion of the rights of street children toward a better future.

1.1 Statement of the Problem

Despite Ghana's ratification and adoption of the CRC 1989, the ACRWC 1990, and the enactment of the Children's Act in 1998, there is still the prevalence of the issue of children on the street. This remains a concern as children on the streets are exposed to a number of hazards and vices detrimental to their development and well-being. However, due to the nature of child streetism, it is difficult to determine the exact number of children on the street.[15] Recent estimates suggest that on the streets of Ghana's capital city alone, there are

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approximately sixty-one thousand four hundred and ninety-two (61, 492) children on the street.[16] Even though this figure could be higher, the lack of reliable statistical records makes the estimation notional. The visibility of these children on the streets however indicates the seriousness of the problem.

The existing literature suggests that these children have been forced onto the streets for several reasons. An increasing number have left their homes to flee abusive conditions in their villages.[17] Some have done so because their families live in extreme poverty, either in the villages or city slums, and others who voluntarily move under peer pressure in search of non-existent greener pastures in the cities or because they are orphaned.[18] Most of these children end up involved in suicidal activities like substance abuse and street-gang life.[19] Others end up being delinquents influencing Ghana's growth in social vices. These social vices may include theft, robbery, crimes of sexual assault, prostitution, etc.

Whiles there exists studies focusing on street children in Ghana, a cursory study on the literature indicates that those existing studies are limited to the livelihood strategies,[20] experiences, and perceptions of street children in Ghana.[21] Other studies have shown that researchers also look at how these children survive and how they get on the streets.[22] The peculiar case of Ghana has led to the realization of social intervention programs like the Livelihood Empowerment Against Poverty (LEAP) program which provides for but does not protect the children from the street. After thirty (30) years since the ratification of the CRC and more than two decades since the children's Act was enacted in Ghana, not every child has a complete childhood experience as the issue of children living on the streets remains.[23]

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It has therefore become very essential to conduct this study to assess the situation of street children in Ghana and the role of government, inter-governmental and non-governmental organizations in alleviating the plight of street children. This would help in understanding why despite Ghana's ratification of the treaties and policies towards child protection, the issue of child streetism remains on the rise.

1.2 Research Questions

The following questions are going to guide the study.

- What is the role of government, inter-governmental, and non-governmental organizations in protecting and promoting the rights of children in Ghana?
- What policies and practices have been implemented by the government and other stakeholders to protect and promote the rights of street children in Ghana?
- What accounts for the rising incidence of streetism and what measures have been put in place to ensure compliance with treaties and policies around child streetism?
- What are the contributions of government, inter-governmental and non-governmental organizations to the protection of children on the streets of Ghana?

1.3 Research Objectives

The study will be guided by the following objectives;

- To identify the role of the government, inter-governmental, and non-governmental organizations in promoting the rights of children.
- To critically examine the policies and practices that have been implemented to protect the rights of street children.
- To evaluate compliance with the treaties and policies that have been implemented towards curbing child streetism in Ghana.

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- To assess the contribution of stakeholders in the protection of children on streets of Ghana.

1.4 Scope of the Study

This research seeks to explore the problem of child streetism in Ghana since the ratification of the Convention on the Rights of a Child in 1990. It will assess the issue of child streetism to identify how the prevalent issue has been handled by the government, inter-governmental and non-governmental organizations. The spatial scope of the study will be limited to Ghana's capital city, Accra. The reason for the spatial selection is that child streetism has been very vibrant within Accra, Ghana. The scope covers this period because it would serve as a reasonable time scope since the ratification and domestication of the Convention on the Rights of a child (CRC) in Ghana.

1.5 Rationale of the Study

After ratifying the Convention of the Rights of a Child in 1990 and mirroring these rights in the Children's Act 1998, Act 560, the challenging issue of child streetism still exists. In view of this, the study seeks to examine the factors that account for the persistence of child streetism in Ghana since the ratification of the CRC in 1990. It will contribute to the debate of compliance by states to their international commitments under a treaty by highlighting the fact that the question of compliance goes beyond the mere signing of a treaty and the domestication of same. The findings of this study will bring to light the urgent need for a response to street children's rights given the laws, policies and standards set in place in Ghana while attaining the Sustainable Development Goals. Finally, it will add to the existing body of knowledge as well as serve as a foundation for future research.

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1.6 Theoretical Framework

The theoretical framework underpinning this study is the Compliance Theory. The theory can be traced to only a handful of political scientists including Christopher Hood, Robert Kagan, Ron Mitchell, Margaret Levi, John Scholz, and George Tsebelis.[24] Ronald Mitchell, one key proponent of compliance theory defines compliance as the behaviour of state and non-state actors that conform to a treaty's rules.[25]

The key argument for the theory is that states are self-interested rational actors that are more concerned with both reputational and direct penalties caused by breaches of the law thus, create a legal imperative that leads to compliance after states agree to treaties.[26] The theory further argues that states conform to international laws in order to see if the benefits of compliance outweigh the costs of failing to do so.[27]

Existing debates on the issue of compliance relate to John Austin's assertion that international law is not law because a powerful self-governing body does not enforce them as compared to domestic laws.[28] To Mitchell, evaluating compliance against the provisions of treaties makes more sense than speaking of compliance with the treaty as a whole.[29] The Compliance Theory looks at the extent to which states amend their behaviours, to the provisions of international agreements and obligations they have signed up to. It also explains state conformity to international commitments.[30]

States comply with different aspects of treaty provisions while violating others.[31] This is because aside the state, different actors are responsible for implementing various provisions of treaties. Non-State actors, for instance, play a significant role in the development of international norms by participating in consultations on some specialized legal issues.[32]

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Although they do not possess the power and authority states have, through information dissemination especially to the public, their compliance to treaties and their provisions is seen in their enforcement and monitoring of human rights standards while promoting public awareness on these provisions. Thus for any treaty provision, the actual compliance level across states and time reflects compliance attributable to several sources. According to Guzman, without the compliance theory, the role of treaties and other agreements cannot be properly examined because compliance is crucial in ensuring the role of international laws in regulating the actions and interactions of states.[33]

Compliance levels tend to reflect the fundamental structure of a specific environmental problem where both state and non-state actors that are regulated by treaties and conventions take on certain behaviours because they believe it furthers their interest.[34] One important determinant of the state's willingness to comply is the degree of behavioural change that the treaty requires.[35] The degree of change required varies per the treaty, rules, and actors involved. Thus, states can facilitate their compliance by negotiating abstract and ambiguous rules. Compliance however cannot be the only criteria to which states make choices among alternative treaty provisions and it does not automatically result in the effective implementation of treaties and conventions. This explains why even though Ghana has ratified the CRC and ACRWC, she has not received any sanctions on the implementation of child right interventions, especially towards the phenomena of streetism.

The theory of compliance however is not without criticisms. The Realist Theory led by Hans Morgenthau is a major critic of the theory.[36] Realist consider International Law as having very little impact on the international policies of states because nobody has the obligation to enforce them. Under the decentralized system of international law, there is the reliance on powerful

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states to enforce certain rules and regulations. This is because for realists international law is not really law since it cannot be enforced; as a result, states will only comply if the long-term effect of non-compliance costs them more than what they gain immediately.

Morgenthau further makes a clear distinction between the existence of international law and its effectiveness.[37] He explains that compliance to international law does not necessarily explain the effectiveness of law thus in an anarchic international system, measures used to sanction non-compliance become decentralized. For Morgenthau, in a decentralized system, enforcing sanctions depends largely on power distribution.[38]. This can lead to a disproportional response where trivial violations attract harsh sanctions and vice versa. He concludes on the premise that states, as rational actors, will only comply out of self-interest since they are aware of the effects of international law on national behaviour.

Despite the realist critique of the compliance theory, the theory is useful in explaining why states comply or do not comply with international laws in an anarchic international system. It is also relevant in explaining why although Ghana has ratified child protection laws such as the CRC and ACRWC to curb child streetism, the full scope of her commitments under the CRC is still yet in effect. The Compliance theory is therefore essential in analyzing the role of government, inter-governmental and non-governmental organizations in the protection of the rights of street children, as well as explaining why the number of children on the streets in Ghana is on the increase despite the ratification of the CRC. This will help to make recommendations aimed at ensuring the compliance of child protection laws in Ghana.

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1.7 Literature Review

Against the context of relevant literature on children's rights, this study reviews literature on issues that relate to the prevalence of child streetism across the world, stakeholders' obligation on the phenomenon and the implementation of child protection policies. The review highlights the views of some scholars in the field to establish the foundation of this study.

Oppong Asante argues that homelessness among street youth cannot be attributed to a single cause, rather, there are multiple causes of the phenomenon in complex associations.[39] Based on this premise, the study identifies the causes of homelessness as push factors and explains them under three broad parameters: disorganized and fragmented families, following relatives to the city, and the desire for freewill from parental guidance.[40] Oppong Asante further highlights that homeless children have been identified as one of the most vulnerable populations globally, and exploring how they live and thrive on the streets would help improve their living conditions to successfully leave the streets.[41] He posits that the inability to get a clear and constant definition of a homeless youth has significantly led to the varying numbers of street youth in Ghana, and worldwide. Aside the reasons for homelessness, street children involved in the study were also susceptible to socio-emotional issues like violent and abusive behaviours, sexual assault, rape, and substance abuse as well as social stigma. Asante explains that although participants indicated they were conscious of the adverse consequences of their living, the level of violent behaviour among homeless children is seen as an adaptive behaviour that helps them to survive on the streets.

Building on the points raised, Endris and Sitota[42] also reveal that factors leading to the escalation of the street children phenomenon include; escape from maltreatment from parents followed by poverty, parental alcoholic behaviour, resentment towards stepparents as well as

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conflict between parents or guardians. According to Endris and Sitota, for children to have well balanced growth and development, their physical, social, and psychological needs must be fulfilled.[43] If these needs are unmet by parents, families, and the communities, the long and short-term effects on a child's development are negative over time. They state that even though childhood is a period where children totally depend on their parents to survive, today's modern world has seen children left alone to fend for themselves especially in developing countries.[44] The study further reveals that in most third world-countries, many children are left to take care of themselves on account of the loss of either or both parents to war or conflict, famine and STDs.[45]They mention that one of the most crucial social challenges that urban areas in developing countries face is the nature and magnitude of streetism.

Berhanu, Dinaol, Getachew agree with Oppong Asante[46] that the concept of child streetism is a global phenomenon which is not new and does not have geographical boundaries. They move on from the previous arguments on the prevalence of the phenomena and focused on the psychosocial conditions and resilience status of children on the street. They identify that most children on the street lacked access to health and education services, recreational activities as well as social support.[47] This caused them to experience some sort of anxiety or depression. Their study also reports that children on the street are embarrassed, feel insignificant, and hopeless about their lives especially when they think about their future. Berhanu, Dinaol, Getachew add that even though street children did not have better access to basic social services that every child is entitled to under the child rights convention, they had promising growth in their natural resilience status.[48]

In the work of Asante, Endris and Sitota and Berhanu, Dinaol and Getachew, the discussions confirm the prevalence of the issue of child streetism globally. Although as stated by the

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various authors there are several factors that account for the phenomenon, they highlight several social factors which when considered, can help make useful contributions in pointing out the urgency with which this phenomenon needs to be properly attended to, as it poses a threat to Ghana's Human Security.

Kuyini and Mahama agree with Berhanu, Dinaol and Getachew that geography does not restrict the issue of child streetism.[49] They argue that the implementation of laws will remain a daunting task in Ghana's socio-cultural, economic and political environment, unless adequate resources are directed towards supporting law enforcement agencies to enhance and improve the attitudes of society.[50] Furthermore, Kuyini and Mahama state that in the Ghanaian context, there have been several obstacles to the successful implementation of the Convention, especially with regards the Children's Act. They highlight that in terms of implementation of laws towards streetism, the degree of efficiency in implementation varies.[51] Thus using the top-down and bottom-up approaches of public policy implementation, they account the challenge of implementation to structural barriers, the lack of cooperation at the parental and community level as well as the unsettled issues in the districts like inadequate resources and collaborations. While noting that a lot of work needs to be done to make implementing the law more effective, they propose that any significant success in the implementation will highly depend on the availability of necessary resources to aid the implementation agencies.[52]

The literature, according to Ame, Agbenyigah, and Apt highlight that inasmuch as there set laws that have been enacted to support the ratified convention, implementing these laws seems to be ineffective.[53] Ghana's ratification shows her acceptance and commitment to ensure that the rights of children are protected and upheld. The literature further reflects on the degree to which the government has been able to safeguard the rights of these children and reveals that

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the violation of children's rights in Ghana can be seen through certain cultural practices such as child betrothal, female genital mutilation (FGM) and trokosi.[54] They explain that even though the state plays a very important role in the realization of human rights, these rights are not limited to state entitlements but also non-state actors. Their book also explored the 1924 and the 1959 Declaration on the Rights of the Child where the 1959 Declaration placed a certain obligation on both governments and NGOs to ensure that its obligations are duly observed as this aided in the drafting of the CRC.[55] To them, although human rights may mean different things to different people, they have gradually become the moral standard in international law and international relations.[56]

The review of Kuyini and Mahama and Ame, Agbenyigah, and Apt reveals that the process of implementation of child protection laws varies with formidable barriers to its effective application. That notwithstanding, there is the need for states move beyond these arduous challenges to ensure compliance to both international and domestic laws towards child protection.

Cheryl Chui and Lucy P. Jordan establish that inter-governmental and non-governmental organizations play an essential role as actors in ensuring service delivery for children all around the world.[57] This assertion is consistent with a UNICEF report, which states that INGOs are key actors that help states in advancing child protection rules and enforcing child welfare policies.[58] The literature also highlights that even though INGOs encounter substantial challenges like a mismatch in the local government's abilities and deficiencies in administrative capabilities, while helping to fill the gap and resolve these challenges, developing interventions, and target specific programmes aid the local government in resolving some of their difficulties in implementing child welfare policies. They further explain that the

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government of China was aware of the influence of these stakeholders' contributions to child welfare and advancement. They do this by importing human and capital resources as well as professional knowledge, skills, and abilities into the local setting to improve standards of child welfare.[59]

Lastly, an article by Shimelis Kebede examined the role played by NGO's to address the socio-economic problems of street children in Hawassa City, Ethiopia.[60] The article agreed with Oppong Asante that there is no single cause for children to become street children, rather, it is a combination of political, economic and social factors. It highlighted that NGOs involvement in the economic and social life of children begun in the 20th century, saving millions of lives, after which they became a permanent feature in the development of Ethiopia. He further stated that the activities of NGOs were initially limited to rehabilitation and relief. However over the years, the roles and interventions of these NGOs have changed. He also highlighted that NGOs have a responsibility to ensure both short and long term interest of street children are effectively addressed. In addition, the article expounded that NGOs also played a role in promoting the welfare of disadvantaged children by planning, managing and providing counselling services to help street children especially.

This is particularly useful for this study because the study involves the use of INGOs and NGOs. These non-state actors play the roles of watch-dogs to help state actors fulfil their obligations to the state. If ignored, fighting against the challenge of child streetism can become counter-productive because although the state remains the key actor in strengthening and enforcing child protection interventions, INGOs help in the provision of various services in states where they have presence and this contributes greatly to the overall growth and development of states.

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The above literature contribute fundamentally to the study by highlighting the pervasiveness of child streetism across the world, the obligation of stakeholders, especially non-state actors on the phenomenon and the implementation of child protection policies to curb the human rights violation of child streetism.

Notwithstanding these studies examined, little writing exists on the role of states in compliance to their international commitments under signed human rights treaties and agreements. This lacuna is what this study seeks to fill.

1.8 Sources of Data

This study employed the use of both primary sources and secondary sources of data. Primary data that was used for the study was from interviews specifically, unstructured interviews with relevant stakeholders from institutions actively involved in protecting the rights of street children. Stakeholders interviewed included personnel from the government institutions, inter-governmental organizations, and non-governmental organizations that work with children. Among these were personnel from the Department of Children (DOC) and Department of Social Welfare (DSW), both under the Ministry of Gender, Children and Social Protection (MoGCSP), the United Nations Children's Fund (UNICEF), the Catholic Action for Street Children (CAS) and the Street Children Empowerment Foundation (SCEF).

Secondary data is information that has been obtained previously and published for purposes other than the current study effort.[61] This gathered was from published books, reports, journal articles, credible internet sources, and other documents from the Balme and Legon Centre for International Affairs and Diplomacy (LECIAD) Libraries of the University of Ghana to complement the primary data for the study. It aided in the development of new perspectives on

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the subject of study. These sources of secondary data shall be subjected to critical review and content analysis to ensure that data utilized is up to date and relevant to the study.

1.9 Research Methodology

The study employed the qualitative research method. This method is mostly concerned with the why of the research and helps to gain an understanding of underlying reasons, opinions, and sentiment of the participants involved.[62] The choice of methodology is a result of the need to further understand the phenomenon of child streetism despite the efforts at the global, regional and domestic levels. Even though it has been criticized to be too descriptive, it allows for in-depth interpretation of the phenomenon of child streetism.

1.9.1 Sampling Method and Data Collection Instruments

The unstructured interviews were conducted with a total of eight (8) persons through purposive and in some limited cases snowball Sampling. Purposive sampling is a non-random sampling technique where the choice of an informant is deliberate due to the qualities the informant possesses.[63] The purpose of this study was to address the pervasive phenomenon of child streetism and the role of both state and non-state actors in compliance to human rights treaties. This sampling method thus enabled the researcher to carefully select informants with the requisite knowledge and experience on the issue being investigated. Snowball sampling was also used in limited instances when the researcher was unable to get direct access to certain informants thus relied on the referrals from other informants. It is a method of gathering information to access specific groups of people.[64] It was used to reach populations that were difficult to sample when using the purposive sampling technique. These considerations justify the use of the sampling techniques above in the identification of informants who contributed meaningful primary data on the topic of study.

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The recruitment of participants and selection of the respondents was made on the basis of the relevance of their mandates, knowledge and expertise as well as availability. Based on this criteria, MoGCSP was selected as the local government agency that works in the interest of all children in Ghana. UNICEF is the United Nations agency that is in charge of universally protecting and defending the child and the selected NGO's aim to protect the rights of street children in Accra, Ghana.

1.9.2 Data Processing and Analysis

The data collected from interviews was transcribed, edited and analysed using thematic analysis to ensure consistency among participants' responses. This was done in line with the research questions to ensure that all the research questions of this study were addressed.

1.10 Ethical Consideration

Since the study touches on street children who are considered vulnerable, ethical consideration based on the principle of consent, anonymity and confidentiality was applied except where informants waived same. By this, participants were briefed on what the research is about, following which their consent was sought. They were also made to understand that their participation was towards academic purposes only thus information received from them was solely for the purposes for which they were collected.

1.11 Arrangement of Chapters

This study is organized into four chapters. Chapter one covers the introduction to the study i.e. the background to the study, the problem statement, the research objectives, rationale, theoretical framework, literature review, research methodology, and arrangement of chapters. Chapter two covers an overview of the International Conventions, protocols and policy

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framework for protection and promotion of the rights of children as well as the institutions set in place to reduce or curb child streetism in Ghana. Chapter three evaluates compliance to the laws, policies and programmes in Ghana implemented towards child streetism against Ghana's international commitments under the CRC and the ACRWC. Chapter four contains the Summary of Findings, Conclusions, and Recommendations of the Study.

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CHAPTER TWO

OVERVIEW OF THE LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK TO CURB CHILD STREETISM IN GHANA

2. 0 Introduction

Child rights are fundamental and essential rights that are accrued to all person that are less than the age of 18. These rights apply to every child, whether male or female, black or white, with parents or without parents.[1] The preamble of the CRC states that children need to be legally protected and safeguarded before and even after birth due to their physical and mental immaturity.[2] This underscores the importance of the treaties, laws, and protocols that secure and uphold the rights of children, as they are the instruments that advocate for the protection of children's rights. These treaties and legal frameworks exist on the international level, the regional and the domestic level. They set the basis for how children all over the world need to be treated and their rights protected. Treaties like the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) and all other domestic rules seek to provide the necessary guide to aid in child protection against exploitation and abuse.

Pursuant to Article 4 of the CRC, states are to take measures, be it, legislative or administrative to ensure the implementation of the recognized rights of children.[3] These administrative measures include public policies that affect children directly and indirectly and not just childhood policies.[4] While there exist several legal framework and protocols on the rights of children, compliance is often disproportionate to the effectiveness of the said protocols. This chapter, therefore, seeks to give an overview of the various legal protocols and framework that protect the rights and welfare of the child from the international to the domestic perspective. It further discusses some governmental and national policies to curb the issue of child streetism

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as well as the institutional structure of the various organizations that work with children and implement these policies.

2. 1 Legal Framework for the Protection of Child Rights

There are several conventions and legal documents, which discuss the protection and promotion of the rights of the child at the international level. It is therefore very necessary to discuss and give a brief trajectory of children's rights.

In 1924, the first legal document to protect the rights of the children was established and referred to as the Geneva Declaration.[5] The Geneva Declaration otherwise known as the Declaration of the Rights of a Child was concerned with the protection of children against every form of exploitation.[6] It was established in Article 2 that every hungry child needed to be fed, when sick nursed, delinquent reclaimed, and the orphaned sheltered.[7] It instituted the prerogative that "mankind owes to the child the best it has to give".[8] Although it was disapproved because it failed to recognize the children as the right-holders and placed the duty of enforcement on men and women of all states[9], The Geneva Declaration established the concept internationally and ensured that a proper foundation was laid towards further work on children's rights internationally.

In December 1984, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) by the UN General Assembly.[10] This was in response to the barbaric acts and experiences that enraged the consciousness of humankind during the Second World War, to ensure that mayhems like those of that conflict never happened again. It served as a complementary convention to the UN Charter to guarantee the rights of all people.[11] It was

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adopted with eight states abstaining from the vote but none dissenting. Its durability and remarkable progress have over the years inspired over 80 global, regional, and domestic human rights protections that constitute a robust legally binding framework for the protection of human rights.[12]

Following the enactment of the Universal Declaration of Human Rights (UDHR) in 1948, the UN Commission on Human Rights (UNCHR) drafted the 1959 Declaration that the General Assembly adopted on November 20, 1959. It did not only build on the Geneva principle "mankind owes to the child the best it has to give" but introduced and emphasized on special protection (principle 2) and the best interest of the child (principle 7).[13] It specified rights like name and nationality, education, play, and recreation as well as protection from all forms of exploitation and trafficking.[14] The 1959 declaration set the stage for all the subsequent events that led to the drafting and adoption of the CRC.[15]

2.1.1 The United Nations Convention on the Rights of a Child

The Convention on the Rights of a Child (CRC) was adopted on November 20, 1989, and came into force in September 1990 with Ghana being the first state to ratify it. It is grounded in the principle of Universal Human Rights and is considered as the most successful treaty of the United Nations. With the exception of the United States of America, almost every state has signed unto it, giving it universal endorsement.[16] By ratifying the convention, states show their intention to be bound by all of its provisions. Being the most ratified international treaty, it is an indication of states across the world's response to the rights of their children. The convention aims at promoting the rights of all children, regardless of their race, sex, language, religion, birth, or another status.[17] This gives parents, guardians, and the state, who are duty-bearers of the CRC an obligation to ensure child protection, development, and growth. It comprises of 54

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articles that have been specifically broken down into three parts that cover economic, cultural, and social rights. As a complement to the CRC, three optional protocols exist. Two of them were agreed on in 2000 regarding the sale of minors, child prostitution, and pornography[18] as well as the involvement of children in armed conflict.[19] The third optional protocol was introduced in 2011 and provides for a correspondence process with the Committee on the Rights of the Child where communications both children and their legal representatives may submit communications that relating to the abuse of children's rights.[20]

The Convention, therefore, has four basic principles that underpin all the rights that pertain to all children. These principles guide the interpretation and implementation of the convention. They are seen in Articles 2, 3, and 6 of the CRC and emphasize non-discrimination, adherence to the best interest, the right to survival and development as well as participation rights.[21] These set the tone for a holistic approach to all children's rights.

The broad aspects of the convention cannot be fully covered in this study as the study specifically analyses the situation of street children. Although the convention does not specifically make mention of street children, there are specific articles in the convention that protect the rights of the street child. Articles 19, 20, 32, 36, and 39 of the CRC are particularly relevant to the study of street children.

Article 19 of the CRC mandates State Parties to take measures to protect children from all forms of neglect of abuse or exploitation, including sexual abuse, while in the care of parents or guardians. It also indulges states to establish social programmes aimed at preventing and reporting issues of child maltreatment for legal redress.[22]

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Article 20 also ensures that children deprived of family environment are entitled to special care and state assistance with national laws through foster placement, placement in appropriate institutions and kafalah of Islamic law with due regard paid to continuity in the child's religious, ethnic and linguistic upbringing.[23]

Furthermore, Article 32 acknowledges the right of the child to be shielded from violence, exploitation and the performance of activities that will be hazardous and can interfere with a child's education, physical, emotional, mental, spiritual, and social health and development. It further enjoins states to take all measures to ensure implementation of the provisions of this article by providing minimum ages and conditions for employment as well as fines and penalties for effective enforcement of this article.[24]

Providing particulars relevant to the protection of street children in the CRC specifically on the exploitation of the child, Article 36 states that:

> "States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare."

Finally, Article 39 charges states to take all the necessary steps to promote the reintegration of children from violence, exploitation and abuse, torture, and other forms of inhumane treatment or armed conflict under conditions that foster the physical and psychological health, self-respect, and dignity of the child.[25]

In recognition of the fact that children form part of the vulnerable part of every society, this treaty was formulated to ensure the well-being of children is protected and that every child is treated according to their best interest. Every child in a state that has ratified the CRC is therefore entitled to these rights.[26]

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States parties to the convention are mandated to send annual reports to the Committee on the Rights of a Child on how the rights are being enforced.[27] The Committee on the Rights of a Child was set up in February 1991 as an independent and international body that monitors member states' application and compliance with the convention.[28] It is made up of 18 independent children's rights experts whose main aim is to support states by collaborating with other UN bodies and Non-Governmental Organizations to enforce the CRC and its optional protocols.[29] The Committee on the Rights of the Child in 2017 also adopted its General Comment No. 21 on Children in Street Situations.[30] This offers authoritative advice to governments on how to ensure street children are given the same guarantee of human rights as any other child. It is the first time that street children have obtained this level of recognition under the CRC.

Even though the convention has a committee set up to ensure its tenets are implemented, it is not without criticisms. According to Alderson (2000), the CRC is just a piece of paper that offers an excuse for people to sit back and believe they have done everything they can do for children.[31] Alderson (2000) also criticizes the CRC for giving dangerous freedoms to children while undermining respect for adults and parents.[32] Despite these criticisms, however, the CRC has been instrumental in many respects and has had several successes since its adoption and ratification. A UNICEF report notes that over the past three decades, the guiding principles of the CRC have influenced several laws and practices globally.[33]

Even though almost all the states of the world, except for the United States of America have signed unto the convention, they are confronted with an increasing number of children on the streets. Street children just like every child, are seen as the future leaders of a state i.e. lawyers, doctors, bankers, teachers, psychologists, government workers, amongst others. If the world's

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development agenda is going to be met, then the children who will grow to take up various positions in society need to be protected and developed.[34]

2.1.2 The African Charter on the Rights and Welfare of the Child

At the regional level, the efforts to ensure the protection of the rights of children can be seen in the African Charter on the Rights and Welfare of the Child (ACRWC). It was adopted in 1990 by the Head of States and Governments of the Organization of African Unity (OAU), now AU and took effect in 1999 after 15 African states ratified it. It is the first regional legal document made specifically for children. It is unique because no other regional body has established such a system of protection in the world.[35] The charter was not adopted to oppose the convention rather, the African inclusion was to complement the CRC and assist with implementation at the regional level.[36] In certain ways, the African Charter with regards to the content of the rights uses the language close to that of the CRC in great detail.

Even though the African Charter is based on the principles of the CRC, it is unique in its way. It customizes the needs of the CRC to suit the needs of the African child. It comprises three broad parts; The Preamble, Part I, and Part II. The preamble gives an understanding of the purpose of the charter. Part I clarifies the rights of the child and Part II explains the safeguarding equipment and other temporary provisions. The Charter emphasizes that African cultural values and experiences must be included in the analysis of issues in ration to children's rights.[37] In addition to the rights, it also spells out the obligations of the child in Article 31 of the charter, which states among other things that a child subject to his age and capacity has the responsibility to work towards family cohesion, respecting parents and superiors while assisting them in times of need. It also entreats children to serve, preserve, and strengthen

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African values as well as contribute to the promotion and achievement of African Unity at all times.[38]

This is important because it gives legal backing as to the roles children need to play to support their parents, society, and state towards the promotion of African unity. The ACRWC has been criticized for being restrictive to a child's freedom of association.[39] Even though all the provisions of the ACRWC are geared towards the protecting the rights and welfare of the African child, child streetism remains one of the major problems in Africa. [40]

2.1.3 The 1992 Constitution

As part of ratifying the CRC, governments are mandated to take necessary steps to make sure that all children within their state can enjoy the rights within the convention.[41] The 1992 constitution is Ghana's supreme law that defines and establishes the rights and responsibilities of citizens. It provides an avenue for Ghana to translate the provisions of international laws like the CRC into its municipal laws. In chapter five of the constitution, the fundamental human rights and freedoms enjoyed by all Ghanaians, including children have been put in place.[42] Article 28 of the constitution states among other things that "Parliament shall enact laws that are necessary to ensure children have the right to care and maintenance as is necessary for their development from natural parents.[43] This ensured compatibility between the domestic laws and universal rules of children's rights in Ghana.

2.1.4 The Children's Act 1998 (ACT 560)

The tenets of Article 28 of the 1992 constitution resulted in the setting up of a committee to review the laws that regulate children's rights in Ghana. This then led to the passing of the Children's Act 1998. The act seeks to represent, protect and promote the interests of the

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Ghanaian child in relation to all matters that relate to the welfare of the child. The act functions as the country's major law and policy guiding child protection in the country, having taken into account several other international and other national guidelines.

Ghana as a state thus begun to review its legal framework after 1990 and chalked a great achievement in 1998 when it mirrored the CRC in its domestic laws and passed the Children's Act 1998 (Act 560). The Act entered into force in 1999 and brought all laws that relate to children together under one umbrella of laws as seen in the convention.[44] The provisions of the 1998 Children's Act also covers the protection of all children who are below 18 years. This provides a clear definition of who a child is according to the recognized legal provisions of Ghana. Just like the CRC, the Act rests on the principles of non-discrimination, best interest, survival, and development and participation.

The enactment of the Act 560 led to the creation of the Ministry of Women and Children's Affairs (MOWAC) now the Ministry of Gender, Children, and Social Protection (MoGCSP) in February 2001.[45] This was done to achieve equal rights and opportunities for all men, women and children in Ghana.[46] Although Article 18 of the Act clearly states what it means for a child to be protected[47], there seems to be little effort made to provide necessary protection for children. Children are still evidently seen on our streets begging, hawking, leading persons with disabilities, etc. instead of being in school.

The Children's Act in Articles 90 and 91 prohibits children from engaging in exploitative or hazardous work. It sets the minimum age for which a person can be employed at 18 years for dangerous work and 15 years for non-hazardous work. There is some evidence that children in Ghana even as young as seven years are sometimes engaged in economic activities.[48]

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In spite of the excellent provisions of the Children's Act, its implementation remains rhetorical, as many street children do not have access to parental care, education, and all that pertains to psychosocial development.[49]

2.2 Policies Set in Place to Curb Streetism

Successive governments in Ghana have taken proactive steps to fulfil the mandate of the CRC by introducing policies that aim at protecting the fundamental rights of all children in Ghana. Policies refer to all strategies, legislations, guidelines, and statements that can or may impact a child's rights.[50] They include policy goals, objectives, indicators as well as targeted results. Regarding these policies and strategies aimed at compliance with the requirements the CRC for the rights of children in Ghana, the following interventions have been introduced,

- The Ghana Poverty Reduction Strategy II – It is a national development agenda that deals with children's vulnerability especially concerning the protection of their rights and development goals.
- The Early Childhood Care and Development Policy – It aims at ensuring the provisions of holistic interventions to ensure the survival, growth, and development of children below the age of eight.
- Orphans and Vulnerable Children (OVC) Policy Guidelines – It outlines mechanisms for introducing the status of children.

2.2.1 Child and Family Welfare Policy (CFWP)

The Ministry of Gender, Children, and Social Protection with support from UNICEF introduced this policy in 2015. It is anchored in Ghana's national development planning arrangements and is also associated with the Ghana Shared Growth and Development Agenda (GSGDA II 2014 – 2017), the Coordinated Programme of Economic and Social Development

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Policies (2014 – 2020), as well as other sectoral policies and programmes. The policy aims at developing an organized and integrated Child and Family Welfare system that promotes the well-being of the child, prevents violence and abuse, as well as protects children from harm and exploitation.[51] Generally, the policy's aim is to help devise activities for child and family protection programmes and activities to discourage and protect children from all forms of crimes, harassment, abuse and exploitation.[52] As a result of the increasing concern that arose from issues like child streetism, sexual exploitation and abuse, domestic violence, and other prevalent issues that victimized children in Ghana, it came as a reaction to the problems identified in the policies that exist to complement the gap in poor coordination and lack of reliable information systems among the key actors.[53] The policy's guiding principles are consistent with existing current legal and policy structures that the government of Ghana has ratified and signed on to. These include the Convention on the Rights of a Child (CRC), Ghana's 1992 Constitution, and the Children's Act 1998 (Act 560).[54]

2. 3 Institutional Framework for the Protection of Child Rights

The institutional arrangement of this chapter will be discussed below. This looks at the institutions that work with children and are responsible for the formulating and implementing policies, programmes, and strategies to curb the issue of child streetism.

2.3.1 Overview of Ministry of Gender, Children and Social Protection (MOGCSP)

In January 2013, an Executive Instrument (E.I. 1) in succession to the Ministry of Women and Children's Affairs (MOWAC) created the Ministry of Gender, Children and Social Protection (MOGCSP). It was established primarily for the formulation of policies, coordination, monitoring and evaluation of issues that have to do with Gender, Children and Social Protection towards National Development.[55] The main aim was to foster the survival and growth of

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children in the protection of their rights while empowering women and girls. The ministry's objectives among other things include the protection and promotion of the rights of children, the excluded, and vulnerable through awareness creation and effective implementation of International and Domestic legislations and policy framework.[56] The ministry has three departments: Department of Gender, Department of Social Welfare and the Department of Children. Two of which will be relevant for this study.

Department of Social Welfare; It was a department under the Ministry of Employment and Social Welfare that became a part of the Ministry of Gender, Children and Social Protection by the enacting the Executive Instrument to re-align MDA's.[57] Its mandate is to take lead in the inclusion of the vulnerable, disadvantaged and excluded people into the normal society. Among other legal framework, the UN CRC, Ghana's 1992 Constitution and the 1998 Children's Act (Act 560) regulate the department. As part of its functions, The DSW carries out legislative roles in the area of promotion and protection of children's rights.[58] It also offers homes for children who are destitute, orphaned, and neglected, and aims to find suitable persons and foster parents to take care of children whose mothers are chronically ill, hospitalized, or incarcerated in prisons.

The Department of Children; It is the department under the ministry responsible for implementing programmes and activities that affect children in Ghana. Its mandate, which is in line with Article 28 of the 1992 Constitution and the Children's Act is to improve the welfare and full integration of children into the development process through research and other developmental projects.[59] Among other things, it implements Ghana's international conventions, treaties and protocols concerning children's development. It also collaborates with stakeholders and development agencies to integrate children's issues into national

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development as well as facilitate compliance with international protocols that relate to children. The Departments' functions are to implement policies, programmes and plans of the Ministry, monitor and evaluate the effect of those programmes and policies, enhance the socio-economic status of children amongst others.

2.3.2 Overview of United Nations Children's Fund (UNICEF)

The United Nations Children's Fund is an agency of the United Nations committed to providing developmental assistance to children worldwide. It is active in over 190 states and territories across the world through various programmes and committees.[60] It operates with other UN agencies to ensure that all children are on the international agenda. In December 1946, UNICEF came into existence with a distinct goal of collaborating with others to ensure that the barriers that poverty, discrimination, injustice, violence and disease pose in the paths of children are overcome.[61] It upholds the Convention on the Rights of the Child and works to hold all and sundry liable to the promises made for all children.[62] UNICEF has evolved over the years to become an organization that seeks to improve the well-being of children in both emergency and non-emergency situations. It has also expanded to include millions of children globally, from Africa to Latin America.

UNICEF has caused the issue of child streetism to receive international recognition especially in its annual State of the World's Children Reports.[63] In the 2005 SOWC report on "Childhood under threat", poverty and conflict were identified as significant threats that devastate a child's life.[64] The 2006 SOWC report also focused on "Exclusive and Invisible children" who have no access to essential services, protection and participation (the main principles of the CRC).[65] In the 2016 report "A fair chance for every child", the emphasis was laid on how lots of children around the world (street children inclusive) are trapped in an intergenerational cycle of

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disadvantage that endangers their future and the future of society.[66] These reports demonstrate how the situation of child streetism has been overlooked globally.

UNICEF takes a life-cycle based approach in all of its work, by which it can realize the importance of childhood development. Its programmes focus on the most disadvantaged children across the globe and include children whose lives are affected by poverty, armed conflict, children with disabilities as well as those that have been affected by other emergencies.[67] Its recent global programme is focused on ensuring that the Sustainable Development Goals (SDGs) are realized.

In 2015, the Sustainable Development Goals, also known as global goals were adopted by UN member states.[68] The 17 goals are integrated such that, an action taken in one area affects the outcome of the others and to make sure that by 2030 all people experience stability and prosperity. UNICEF also supports initiatives that ensure all children get the best start to life, as adequate treatment at a younger age provides a strong base for an individual's future.[69]

2.3.3 Overview of Street Children Empowerment Foundation (SCEF)

The Street Children Empowerment Foundation (SCEF) is a registered non-governmental organization in Ghana established in September 2010 to rescue, rehabilitate and reintegrate street children in Accra and James Town.[70] They aim to eradicate street living among street children in Accra while alleviating poverty. Using the Communication for Development Approach, the SCEF gives voice to education, basic health care, and gender equality among street children and their families.[71]

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The SCEF also addresses the most crucial needs that social workers with the help of street children themselves have identified for street children to help them gain access to education through scholarships and life skills coaching.[72]

In terms of Educational Support, SCEF provides material and psychological support for street children to be able to access conducive space for academic studies and activities.[73] Their scholarship provides essentials like school fees and levies that the government does not pay, school supplies as well as health insurance registration. Their Creative Art Learning and Skill Training also empower street children and their families by granting them opportunities in the field.[74] They also provide financial guidance to enable street-connected children and their families to start their small-scale enterprises. In addition to the above, their approach also tends to identify families and guardians of street children to be able to take up the duty of taking care of their children. They also make sure all families of exited children are capable of taking care of them.

2.3.4 Overview of Catholic Action for Street Children (CAS)

The Catholic Action for Street Children was founded in October 1992 as a local non-governmental organization to help children living on the streets of Accra, Ashaiman and Tema Metropolis. Its goal was to find out who the children on the street are, where they come from and what can be done to help them.[75] The primary objective of CAS is to make street children functional literates. This goal is set in two achievable parts. In the short term, CAS aims at helping to return the dignity of street children to help them grow into respectable people of the society while in the long-term; the goal is to educate these children in such a way that they can find appropriate jobs to build their lives.

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In addition to the work they do, CAS also undertakes fieldwork in various social welfare districts within the country, which revealed that child streetism is a multifaceted issue that cannot be dealt with overnight.[76] After many years, CAS continues to improve programmes and activities towards the interest and needs of children on the streets of Ghana.

2.4 Conclusion

This chapter looked at the legal and institutional frameworks that protect children from an international and regional perspective as well as in the specific case of Ghana. While international frameworks and domestic policies and programmes reflect an emerging international consensus on the importance of the rights of the child, there is the need to look at how well the policies and practices merge, hence, the need for this study.

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CHAPTER THREE

ANALYSIS OF POLICY IMPLEMENTATION TOWARDS CHILD STREETISM IN GHANA

3.0 Introduction

It has been recognized that some provisions have been made at the international, continental, and national levels towards protecting the rights of the child. The domestication of the Convention on the Rights of the Child (1989) by the Ghanaian government into the Children's Act (Act 560) has led to the development of policies and programmes aimed at protecting the street child. These provisions notwithstanding, the phenomena of children living and working on the streets still exist. The implementation of the many aspects of these provisions has remained elusive. Many children still struggle to survive daily as they lack some sort of parental care, education, good health, among other things that pertain to sound mind and well-being.

This chapter discusses the role of government, inter-governmental, and non-governmental organizations in promoting the rights of children. It also seeks to critically examine the programmes and policies that have been implemented to protect the rights of street children, to evaluate compliance to the treaties and policies that have been implemented towards curbing child streetism in Ghana as well as make recommendations on how children on the streets of Ghana can be better protected. The evaluation of the current level of implementation of these policies and practices is measured against the increasing number of children on the street of Accra. This will help to answer the questions guiding this research.

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3.1 Role of Stakeholders in Addressing Streetism

There are various stakeholders involved in ensuring that the issue of child streetism is curbed. These stakeholders can be state or non-state actors. Even though the state remains an important actor (high contracting party) in the effectual implementation of laws, policies, and programmes that relate to children on the street, other non-state actors play very important roles in realizing these policies and practices. INGOs and NGOs are organizations that are independent of government and are made up of activists whose devotion is towards a particular issue.[1] These INGOs and NGO's complement the efforts of states by meaningfully contributing to the implementation of policies and practices while complying with international standards. In Ghana, several child-related NGO's and INGO's are involved in helping to promote the obligations of the CRC. They include UNICEF, Catholic Action for Street Children (CAS), Street Children Empowerment Foundation (SCEF), Children's Paradise, Street Girls' Aid, Save a Street Child Foundation, Chance for Children, among others.

Each of these organizations plays a unique role in ensuring child streetism in Ghana is abated. Additionally, they also perform several activities ranging from education and training, provision of shelters, feeding, empowering the child to be self-reliant as well as giving them a sense of belonging and protection.

3.1.1 Role of State Actors

From the interviews conducted, two principal institutions came up as being the primary agencies to carrying out the government's mandate towards protecting and promoting the rights of the child in Ghana. These are the Department of Children and the Department of Social Welfare under the Ministry of Gender, Children and Social Protection (MoGCSP).

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The Department of Children (DOC) is one of the three departments under the MoGCSP in charge of all children related issues. They feed the Ministry with information and research materials that relate to children. The DOC works in terms of policies to ensure that all children are well catered for by their parents so they do not end up on the streets.[2] In addition to its duties, the DOC is to;

- Implement Ghana's International conventions or treaties, and protocols that relate to the development of the child. As part of its implementation role, the department also ensures that all policies, programmes, and projects of the sector ministry are realized.
- The collaborating role involves them networking with MDAs, MMDAs, INGOs, and NGOs to improve all children related issues as well as enhance their socio-economic status.
- The DOC also performs the role of providing counseling. This is done by researching child-related issues to improve their wellbeing. Once issues are identified, the DOC is able to provide referrals and on-the-spot counseling services to children.[3]

In addition to the roles the DOC performs under the MoGCSP, The Department of Social Welfare (DSW) exists to promote programmes and policies efficiently and effectively in the delivery of social development services to excluded and vulnerable individuals and communities by collaborating with state and non-state actors.[4] The DSW plays the role of coordinating, monitoring, and empowerment.

- The coordinating role involves DSW ensuring there is effective coordination of all family and child welfare systems.
- The monitoring role is to observe and provide alternative care for street-connected families.

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- On empowerment, the DSW empowers both children and families in street situations to understand abusive conditions and make choices that will help prevent such risks.

Specifically, towards children in street situations, a senior staff of the department revealed that their role as a state institution is also to rescue and provide interventions for street children and their families using a framework for protection to ensure that their rights are upheld.[5]

The data gathered reveals that there is an obligation on states to protect the rights of every child in Ghana as per the CRC, the ACRWC and the 1998 Children's Act (Act 560). This is regardless of their geographical location (street or not). Hence, compliance to the legal provisions towards children in Ghana is not practically seen because states are more drawn to performing their roles as collaborators and co-ordinators but fail to perform their implementing role towards children. That notwithstanding, the role of the state as policy formulators stands out as there are several policies and programmes formulated towards ensuring the protection of children, especially those on the street.

3.1.2 Role of Non-State Actors

The most innovative approaches to tackling the issue of child streetism have been spearheaded by NGOs. That notwithstanding, these approaches have not brought long-term solutions because they are primarily curative.[6] UNICEF Ghana works to safeguard the rights and well-being of all Ghanaian children through nutrition, water, health, hygiene and sanitation, education, security and policy-making.[7] An interview with a child protection specialist at UNICEF Ghana highlighted that UNICEF takes a holistic view of child issues in Ghana using a system strengthening approach, although they play an indirect role in ensuring that child streetism is curbed.[8]

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Compared to UNICEF that plays an indirect role in streetism, the Catholic Action for Street Children (CAS) plays a direct role in ensuring child streetism is curbed in Ghana. The NGO plays the role of finding out who street children are, where they come from and what could be done to help them get off the streets, find suitable employment, and build their lives.[9] The Director of CAS explained that CAS was built for street children and its role is to prepare street-connected children with skills so they can leave the streets for a better life.[10]

Similar to CAS, Street Children Empowerment Foundation (SCEF) plays a direct role in child streetism. The NGO exists to help in eradicating the phenomena of street-living amongst children in Accra, especially within the James Town community.[11] The Programs Manager of SCEF explained their role using the NGOs' strategic plan. This plan allows them to play roles of safeguarding, advocacy, partnership and empowerment.

- The safeguarding role involves educating and empowering street-connected children on their rights by creating an enabling environment for them to build themselves up. The objective is to encourage family involvement through the contribution of their parental and financial responsibility towards the development of their children. Also, to provide at least two family planning sessions a month at the learning hub to support the mental and emotional health needs of the families.
- Their advocacy role is to empower and mobilize the voices of the community while creating awareness of the rights of children.
- With the partnership role, SCEF creates meaningful partnerships that share the same values. They do this by establishing stronger relationships with partner organizations to develop more human capital in areas of capacity building.
- The NGOs role in empowerment is achieved by establishing relations with partners in specific fields as well as providing general life counseling, life skills

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development, establish a stronger link with social welfare legal systems, and bringing issues of children to the fore using the tools available.[12]

The roles stated above are the various responsibilities that INGOs and NGOs in Ghana play to help in child protection in Ghana. Their presence does not despise the role of the state actors and the government but has rather given room for INGOs and NGOs to give some assistance in alleviating this plight. As noted in literature, despite the government being the significant actor in its roles toward child protection in Ghana, International Non-Governmental Organisations (INGOs) and Non-Governmental Organizations also play a relevant role.[13] They do this by providing some counselling services as well as other financial and social support to promote the welfare of disadvantaged children.[14] This is consistent with the above narrative on the roles of non-state actors towards street children. Thus creating an emphasis on the additional role these non-state actors play in ensuring this phenomenon is curbed in Ghana.

3.2 Implementation Activities of Stakeholders

A UNICEF report revealed that Ghana partakes in a number of global and regional partnerships and initiatives that are aimed at reaching national child protection.[15] In 2013, the functions of the Department of Social Welfare and Development were realigned and streamlined under the ministerial platform of the Ministry of Gender, Children and Social Protection. This gave another opportunity to improve collaborations with units that relate to child protection. To respond to the issue of child streetism, there is the need to mobilize all stakeholders alongside the children, the local communities, families, and private actors. There should also be an arrangement where actors are guided toward achieving a common national goal.[16] The aim is to ensure that these stakeholders work together to safeguard all children, street children

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inclusive. Stakeholders relate on different levels and collaborate in different forms. All stakeholders involved in the study revealed they work together and that their activities interlink.

An interview with a child protection officer from UNICEF made it clear that UNICEF collaborates with other stakeholders (which include NGOs, the state, and CSOs) in terms of information sharing, leveraging of resources as well as directly providing resources to enable them complement the work of state institutions when it comes to issues of children. Generally, the activities of UNICEF include strengthening the system by building the capacity of government institutions so they can deliver on their mandate and ensuring that close attention is paid to children when they are planning their programmes and interventions. More specifically towards curbing streetism in Ghana, UNICEF has supported the DSW to build the capacity of foster parents so that street children can grow and thrive in normal families.[17] The interview further revealed that they had worked with some NGOs in the northern part of Ghana to provide girls with skills to prevent them from migrating to the south for fear of child marriage. In 2019, UNICEF collaborated and worked with National Development Planning Commission (NDPC) to ensure Metropolitan, Municipal and District Assemblies (MMDAs) include issues of child protection, child welfare, child management, family issues as well as issues of their rights in their medium-term development plans so that every year the NDPC can plan and budget for children. This year, UNICEF has gone ahead to support 60 selected MMDAs that have issues regarding children's rights and their desire to address children's issues relating to child streetism in their medium-term development plan to support them especially in what they refer to as their inter-sectorial services and case management.[18] In this case, any issue that comes out from the selected MMDAs relating to a child being denied their rights to food, education, etc., the agencies in the municipality or the assembly will be able to collaborate with other agencies to provide some of this basic and essential support for the child

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to survive. Once they can do this and enough data is generated, the government can identify areas that need support and appropriately apportion resources.

The Program Manager of SCEF likewise stated that the NGO works with partners by way of soliciting feedback in many ways, including the use of surveys. They share good practice models with partners to ensure stronger articulation of such an impact in the community. Their stakeholder community includes The Children and Family Strategic Partners, local donors, international donors, MoGCSP, DSW, DOVSSU, Ghana Police, District Assemblies, Ashiedu Keteke Sub Metro, Paralegal, and Entrepreneurial Groups, GES, Community groups, etc.

To explain the activities SCEF engages in dealing with this phenomenon, a Project Officer at SCEF used SCEF's model of Operation i.e. the 3R's (Rescue, Rehabilitation, and Reintegration). SCEF works with stakeholders to get referral cases especially from the DSW, Domestic Violence and Victims Support Unit (DOVVSU), and Ghana Police Service (GPS). Once children are rescued, they engage them through a three months curriculum where the children are taken to an arts centre to learn and understand basic life skills like taking instructions.[19]

These activities are aimed at ensuring the street children understand and appreciate what education does for them. They are also taught basic Mathematics, Science, and English. SCEF also engages in programmes and activities like "Reading is Fun", "Back to School", "Sharing is Caring", "Yes to Adolescent Sexual Health" (YASH programme), among others.

- "Reading is Fun" is a vacation program that SCEF engages in annually aimed at helping street children to improve upon their reading skills as well as adopt the habit of reading. It kindles the creativity of the children by combining reading exercises

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with games and crafts. It helps the children learn and pick up simple and new words that they can understand and relate with.

- "Back to School" is also an annual activity SCEF does to get recipients of the SCEF scholarship programme ready for the new academic year. The NGO in collaboration with other stakeholders provides backpacks filled with school supplies to street-connected children. This gives them an opportunity to quality and affordable education since most children on the streets are not able to attend school. With this, street-connected children know that stakeholders have their back and want them to go back to the classroom.
- "Sharing is Caring" is an activity where the SCEF team selects topics based on the health needs of street children under SCEF. Here, money is raised to cover the costs of medication, surgeries, and therapy sessions, amongst others. Street children are also educated on hygiene, ethics, and grooming. SCEF as part of this invites medical personnel like doctors, nurses, psychologists, dentists, among others to talk to street related children on specific topics like teenage pregnancy and the above-mentioned topics.
- "Reading is Basic" – This is a project that SCEF is working with Book Aid International on to serve more than 5000 children and enable them to have an urge and desire for reading. It is also aimed at reducing migration and the pressure on social amenities in Accra by setting up libraries in schools in the rural areas to help children educate themselves as well as inculcate the habit of reading so they do not have to migrate to urban areas.

SCEF engages in several other activities in addition to the above to ensure that the rights of street children in Ghana are upheld. This year, SCEF worked on an online petition titled

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"Deepening Commitment to the Welfare of Street Connected Children in Ghana". The NGO also organized a virtual conference held on September 23, 2020, with some stakeholders themed, "Social Protection During Crisis: Leaving No Child Behind". The aim is to make a request to the government and have the outcome of this engagement made public.

The Director of CAS[20] like SCEF highlighted that the NGO works directly with other NGOs and INGOs. He explained that CAS tried some collaborations with the Red Cross Society years ago to house street girls, however, it turned out as a big mess as some of the children desired to stay at the shelter forever. The activities of CAS are centred on Fieldwork and Street Education.

- CAS's core activity is on the streets where fieldworkers go to be with the children.[21] The fieldwork involves meeting and making contact with the children on the streets, gain their trust, listen, and give counsel. He mentioned that the NGO did a survey with the DSW in 2008 and discovered there are many slums in Accra with about 100,000 children however, fieldworkers can only operate in selected working areas.

- Street Education started in the early years of CAS as street-corner education. Fieldworkers initially went onto the streets to meet children and send them to the House of Refuge to be educated. Educating street-connected children is done at selected places where the children can be met. Once children show some interest in education, they are invited to CAS. For education to be street-based, CAS sought to bring education to the streets. This involves educating the children on the spot. Street children are thus taught life skills depending on the situation where they are found (pregnant, with second-generation children, etc.). CAS also keeps records of street children and assesses them.

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One of the five departments of CAS, the Hopeland Center at Adjei Kojo-Sun City has accommodation where street children who cannot be traced back home are housed.

The Director also explained that street children could be helped only on an individual basis and not on a group basis depending on the type of street child (migrant children, second and third-generation children, and urban poor children). CAS, therefore, takes special classes in measurement, music, and sports to interest rescued children with about two months to decide on what exactly they want to do.[22]

Another interview with senior staff at the DSW highlighted that the state works with both INGOs and NGOs as such collaborations make work easy.[23] This is because all stakeholders can put their resources together and plan on how to move forward. Currently, the DSW is working with UNICEF to get funding for all NGOs however, the interruption by the COVID19 Global pandemic has almost halted the process. Concerning the activities of the DSW, the senior staff mentioned that there have been several programmes from the 1980s through to the 1990s towards street children, the most recent initiative being the "Operation Get off the Streets for a Better Life".

- "Operation Get off the Streets for a Better Life" - This programme was launched in 2017 by the Ministry of Gender, Children and Social Protection to expunge streetism and ensure that every citizen has access to social services that meet standard criteria of the state.[24] According to the sector Minister, Hon. Otiko Afisa Djaba, the increasing number of people on the streets is a sign of poor extended traditional family values in Ghana.[25] The sector minister admonished Ghanaians to recognize that, the governance structure and initiatives adopted to fulfil the desires of disadvantaged and vulnerable citizens have been unsuccessful. She stated that the programme "Operation Get off the

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> Street for a Better Life" is not a one-off activity but a continuous procedure that includes identifying the numbers of persons on the streets, profiling, incorporating them into society with their guardians and parents.[26] It was targeted at children who are contracted to aid disabled people to ask for alms, beggars and displaced migrants, head-porters and hawkers, among others. The project was put into three phases. The first phase was to involve the sensitization of the target group and the public as well as mapping of shelters and hotspot areas across the various regions of the country. The second phase aimed at providing a Remediation package where street children were linked to social protection interventions like NHIS, LEAP and the School Feeding Programme. The final phase sort to train people on the street to take advantage of government initiatives like the Reforestation; One-Village, One-Dam; Planting for Food and Jobs as well as the Hospitality Industry.

According to the senior staff at the DSW, the programme was not properly planned i.e. there was no holistic approach to get the children off so it caused the children to come back to the streets after a short period.[27] The Programmes officer at SCEF added that the target of getting about 10,000 children off the streets at a go was unrealistic as the department lacked the necessary resources (shelters) and amenities to achieve that.[28]

A child protection specialist at UNICEF added that the execution of the programme was badly done, as the MoGCSP went with the police to clear the children from the streets, with most of the children crying helplessly.[29] She described it as a huge euphoria and stated that she was not sure if it was the right approach towards curbing this menace. All stakeholders established that nothing has been said about the programme after 2017. The Director of CAS thus concluded that "Operation Get off the Streets for a Better Life" was a failure.[30]

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The DSW is presently using a framework that allows families to be seen, since the factors that leave children on the street are both push and pull factors. He suggested that once these factors are reviewed the DSW would be able to find the best way to support families. This would cause the children to remain at home instead of moving back to the streets.[31]

Additionally, the DSW under the sector ministry is also providing avenues for fostering and adoption of some street-connected children.[32] Since there is no place to keep the children, the DSW tends to organize programs to get funding and personnel that can engage the children on the streets continuously. The idea is for these children to be empowered with basic life skills and ensure that while they are on the streets they have something to do to empower themselves. This motivates them to accept their alternative and buy into the idea of getting off the streets. Street children in Ghana have peers who are group leaders and seniors that guide them on how to live on the streets. Once DSW personnel are able to get the group leaders to cooperate and accept the idea of leaving the streets, it is easy to translate to the others.

A Senior Researcher at the Department of Children also revealed that the state institution collaborates and works with INGOs and NGOs on issues that relate to children. He explained that because funding from the government has not been forthcoming and because of the inability to get funding at the appropriate time, UNICEF has been very supportive when it comes to activities of the DOC in child protection. He stated that the activities of the department are seen in the social protection interventions that the ministry has set up. These include the Kayayei Registration Exercise, the LEAP programme that addresses issues at the home and community level, the Free SHS policy, the Free School Textbooks Initiative, amongst others.[33]

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- The Livelihood Empowerment Against Poverty (LEAP) programme - This is a social protection intervention that the government of Ghana introduced in 2008 to provide cash transfers to a portion of the population. It is a government-funded programme aimed at alleviating short-term poverty and promoting the development of human education, experiences and abilities. It targets a specific category of Ghana's population known as the OVCs i.e. Orphans and Vulnerable Children and their caregivers, PWDs i.e. People with Disabilities devoid of any productive capacity as well as the aged (65 years and above) who have no form of livelihood or support.[34] It began as a 5-year programme from 2008 to 2012. Its specific objectives towards OVCs include increasing enrolment and attendance of children into basic schools, improving access to basic household consumption and increasing access to health care services.[35]

The LEAP programme has seen some significant achievements since it was introduced in 2008. The number of beneficiaries has risen from about 1,645 households in 2008 to about 146,074 households as of 2015. A 2014 report from ISSER in partnership with North Carolina University showed that LEAP has been able to reach the poorest of families in Ghana as well as the welfare of targeted families.[36] It has also demonstrated a positive impact on children's schooling, as absenteeism among primary aged children has reduced by 10 percent, and secondary school enrolment among school-age children has increased by 7%.[37] However, the LEAP program has failed in its main objective of providing a safety net for the marginalised groups in the Ghanaian Society.

- The Free Compulsory Universal Basic Education policy (FCUBE) - The FCUBE is a policy that was introduced in Ghana in 1995 as part of Ghana's commitment to achieving the Millennium Development Goal 2.[38] Its legal backing is enshrined in

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Article 38 of the 1992 Constitution of Ghana, which requires the government to provide access to Free Compulsory Universal Basic Education, to Senior Secondary, Technical, and Tertiary education as well as life-long learning depending on the availability of resources.[39] The aim was to make basic education in Ghana a right for all citizens of Ghana, regardless of gender, geographical position, religion, or ethnic background by 2005.[40] It targeted children in deprived areas, areas of low population, and overaged children. It also put special measures in place for enrolment and retention of all children in school.

As part of the government's strategic plan, different strategic measures have been launched to implement it successfully. In 2005, the government took a bold step by abolishing fees charged by schools as well as a small grant for each child that enrolled. The challenge however remains inadequate funding, poor communication ties especially between state and non-state actors as, ensuring access of the most vulnerable children, etc.

- The Free Senior High School (SHS) Policy – This policy popularly known as the Free SHS policy is a Nana Akuffo-Addo lead government initiative aimed at giving full effect to SDG 4.1. It started in 2017 and aims at ensuring all children in Ghana who qualify for, and are placed in a public Senior High School receive government-absorbed fees towards completion of their secondary education.[41] The policy is anchored on four main pillars: The Removal of Cost Barriers, Expansion of infrastructure, Improvement in quality and equity, and Development of employable skills.[42] The policy is also in agreement with Article 25 (1b) of Ghana's 1992 Constitution, which states that "Secondary education in its different forms including technical and vocational

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education, shall be made generally available and accessible to all by every appropriate means, and in particular, by the progressive introduction of free education".[43]

Although the policy has successfully enrolled over 267,322 students and its introduction has given some street children equitable access to secondary, vocational and technical education with government-borne tuition and accommodation facilities where parents do not bear the financial burden of their wards, the challenge of inadequate infrastructure, teachers, and materials have hindered its implementation. This has caused some students to dropout and return to the streets.

3.3 The Exacerbating Factors of Child Streetism

The prevalence of child streetism is more often than not attributed to high levels of poverty. This notwithstanding, many other factors have resulted in this phenomenon in Accra. These include sociological problems, migration, etc. Most street children are migrant children who have moved from other communities into the urban space to seek greener pastures.

3.3.1 Sociological Problem

An interview with a senior staff of the Department of Social Welfare (DSW) stated that the issue of children living and working on the streets is a sociological problem with a conundrum of intertwining factors that needed to be addressed from the root.[44] He further noted that this is mainly due to parental responsibility. The senior staff explained that some parents are nonchalant about their children. When children leave home, the majority of parents in this category, do not follow up to ensure that children return to their homes. This continuous lifestyle, in most cases, is what results in the phenomena of child streetism.

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Children are also seen working and living on the streets, not because of deviancy but are pushed by these harsh realities for survival and the need to support their families. Parents who are not able to earn enough and would want their children to support them allow children to work on the streets.[45] Similarly, the Director for Catholic Action for Street Children (CAS) explained that the upsurge in the number of street children in Ghana is not because of poverty, rather he attributed it to broken families, a problem he believes no one wants to address. He stated that important questions like "Why is there divorce?" and "Why do people leave home?" should be addressed. He then explained that there are too many problems at home. For instance, mothers leaving the home or fathers leaving the home. He also stated that if the government is ready to address the issue of child streetism from a social perspective, it would be curtailed. Additionally, he adduced that children come from a home and therefore there is always an extended family member that can take care of them.[46]

These findings resonate with the literature by Endris and Sitota[47] who state that children are usually seen on the street because they want to get away from abusive parenting mostly as a result of poverty, resentment of stepparents, parental or guardian conflict and even parental drunken behaviour. These factors come off as sociological factors that cause children to prefer street living to staying at home.

3.3.2 Push Factors and Pull Factors

Poverty-related issues are one of the major push factors causing children to get onto the streets to engage in activities for their survival. Issues like child marriage, child trafficking, and child maltreatment are still practiced in certain areas of Ghana, affecting girls, specifically in the Northern Regions.[48] According to a child protection specialist at UNICEF Ghana, certain factors indirectly cause issues like child streetism to flourish. It is without belabouring the point

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that UNICEF also strongly points out the factor of appropriate authorities neglecting their responsibilities towards children leading to streetism.[49] Children run down south to fend for themselves when they are forced into early marriages. Their inability to find meaningful jobs because of the lack of skills, causes them to start engaging in menial activities and jobs like head porterage, which opens them up to myriads of streetism phenomena.[50]

The issue of child marriage in the Northern part of Ghana especially in Tolon Kumbungu causes young girls to elope to places like Accra to avoid being forced into marriage.[51] Life in the urban areas of Ghana cannot be compared to life in rural areas. As a result of the disproportionate distribution of social amenities and technological advancement between urban and rural settings, it is pretty difficult to stop or convince people from these relatively deprived areas from seeking a better life in the urban communities. Humans by nature like comfort, thus as long as the destination point has attractive facilities, technology, a nice and comfortable life, and easy access to fashionable things, people will always be pulled to the urban areas. Street children are not on the street because they want to but because they lack the necessary parental and family support. To be able to satisfy their desires, they move down south to be able to "live the life" i.e. their dreams.[52]

Currently, UNICEF Ghana is working with other NGOs in the North to address some of these issues, providing the adolescent girls with skills so that they can stay in school or acquire skills to live. They are also helping to create awareness because some run away from child marriage. He further stated that, when adults who are duty bearers are held accountable, they will not create conditions that will fester these issues.

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From the finding of this study, it is clear that several factors and circumstances beyond the control of the children push them unto the street. On the other hand, a thorough examination of the factors explaining how some children get back onto the streets despite its harshness is linked to poverty. This is confirmed from reviewed literature according to Endris and Sitota[53] who highlight poverty as one of the factors that cause children to flee from their homes onto the streets.

3.3.3 Second Generation Street Children

Street children tend to produce street toddlers also known as the second generation of street children.[54] Similarly, the Programs Manager of Street Children Empowerment Foundation (SCEF) stated that there is an upsurge in the number of street children because more street babies are being born. She explained that street children are a product of street parents. Thus, until the issue is addressed from the root, there will be an upsurge in the number of children on the street.

The above findings are consistent with Oppong Asante[55] who found that homeless youth are visibly seen because of several social issues. Experiences of parental neglect, abuse and violence as well as issues of poverty are social factors that are common drivers to street living. All these social factors exist because of the non-compliance to specific aspects of child protection laws. This tends to increase the vulnerability of street children.

3.4 Contributions to Human Rights

The living conditions of street children are a violation of their human rights.[56] Children on the street are devoid of parenting and guardianship and are left with the responsibility of advocating for themselves. The responsibility of child protection in line with the Children's

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Right Convention and the Childrens' Act (Act 560) is left to the community, the state and non-state actors to embrace. As a party to the CRC, Ghana as a state is mandated to undertake her obligations as the main stakeholder in implementing the international obligation towards children. Being a dualist state, the emphasis is placed on the distinction between international and national laws where international laws need to be translated into national laws to be effective. Thus in Ghana, treaties accepted by the executive arm of government are transferred to the legislative body for proper analysis such that they can be made into national bills fitting the country's domestic statutes and later gazette by the executive arm. Ghana has therefore seen some progress since the CRC was domesticated. A comprehensive legal framework that protects children has been established, guided by the Constitution and the 1998 Children's Act.

The Director of CAS and a senior staff of the DSW both agree that Ghana has not made progress at the governmental level because the root cause of child streetism is broken families and no one wants to address it. The senior staff of the DSW added that in terms of government policies and implementation programs, the DSW is being held back because of funding for their projects and the approach being used. However, he stated that progress can be seen in terms of collaboration with NGOs, as they have been in the field for a long time and have the funding for their programmes. Since it is not a great impact, the government seems to be doing its best.[57]

Similarly, an interview with a child protection specialist at UNICEF Ghana acclaimed Ghana has made progress in terms of the legislative framework. However, in terms of actual child protection, more needs to be done to address the current problem. An interview with a Project Officer at SCEF also revealed that Ghana has not progressed in dealing with the issue of child streetism. This is because the Government of Ghana has not put in much effort concerning

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children on the street. Even though they have created the by-laws that talk about child protection, not much is being seen in terms of enforcing them.

3.4.1 Successes with Implementation of Human Rights Interventions

The Government of Ghana has established several institutions like the Child Labour Unit of Ministry of Employment and Labour Relations, The DSW and DOC under the MoGCSP, The Ghana Health Service, Ghana Education Service, etc. to deal with every aspect of child development and child protection. Given the measures taken to curb child streetism in Ghana, some level of success has been chalked. Even though these successes are not far-reaching and seem short-lived, it is important to acknowledge the minimal progress.

According to a senior staff at the DSW, the successes towards street children are not in any great form. However, based on the strategies and policies that exist, a few children have been sent home.[58] He mentioned that about 11 children have been sent to an NGO called Third Dimension that has a boarding facility, about 6 children with a Community Development School where they are learning a vocational skill and 5 children at a garage in Madina-Samankrom, where they are being trained with handcrafts so they can be welders, mechanics, etc. He further noted that learning a craft helps to get the children off the streets for a while, as they are able to earn a living.

Investing in children produces positive results in terms of their health, education, growth, and development.[59] The successes with implementation of child protection interventions and laws reflect the achievement of the SDGs. Similarly, the achievement of the SDGs show that states are complying to and implementing child protection interventions. The 2030 Agenda for Sustainable Development brings together both developed and developing states around a

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shared blueprint for peace and prosperity to ensure access to quality Early Childhood Development (ECD) for all children. The nature of ECD is such that it entails an all-inclusive approach that provides governments with guidance on policies and services to support families and communities. The stakeholders involved in the study have made the following recommendations.

A senior staff of the DSW stated that if the government of Ghana continues to go by the same approach they are currently running by, then achieving the SDGs would never be possible, making successes minimal. However, if the approach is changed, then Ghana is on its way to achieving the SDGs but this will take a very long time. He added that the Government must ensure that MMDAs enforce the Local Government's Act and the necessary resources; financial, human, etc. provided.[60]

Curbing the issue of child streetism can aid in achieving the 2030 SDGs. According to a child protection specialist at UNICEF Ghana, if issues of Early Childhood Development are addressed and children who have their parents living on the street get the necessary care and stimulation, medical support, and all that they need before age three, child streetism can be curbed.[61]

A UNICEF report revealed that the most critical development in the human brain takes place before six years.[62] If the brain architecture of street children is well built such that they can perform in school, it builds up the children and prepares them for the future. As a UN agency, UNICEF is aware of the fact that every child is expected to gain access to school. Therefore, in addressing the issue of child streetism, Ghana is on track to achieving SDGs.

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Adding to the above, a child protection officer of UNICEF Ghana stated that with SDG 4, Target 4.2, which seeks to ensure that all girls and boys have access to quality ECD, care and pre-primary education so they are ready for primary education, every child, must be prepared before they start formal education.[63] The majority of street children do not go to school thus once streetism is addressed, street children can be in school so Goal 4 is addressed and Education for all by 2030 will still be achieved. Additionally, a conscious national plan should be developed with a budget towards the implementation of the laws and policies that have been documented.[64] Once this is done, the vicious cycle of poverty will be broken and a lot can be achieved in terms of the SDG targets.

For SCEF who have set up an online petition they believe that, once the government approves their petition, certain laws and policies can be implemented. Once there is a binding agreement that serves as a yardstick and amenities in the rural areas are the same as urban areas, migration will reduce. The same would cater for issues of family welfare, shelter, and child rights. It will also include safe tenets and healthcare programmes that will ensure each child on the street gets access to their birth certificate and NHIS card to access free healthcare. With regards to education for all, full access to quality education including but not limited to the following; Free Basic Education, Free Text Books, School Uniform, Feeding, etc. will help ensure strict enforcement of policies to get immediate change.[65]

A senior researcher at the Department of Children also agrees with UNICEF and DSW that curbing the menace of child streetism can help to achieve the SDGs. He stated that governments' social intervention policies like the LEAP Programme, Free SHS policy, Free Textbooks Initiative, among others help lift the financial burden off parents. Since it has been recognized that a huge cause of child streetism is poverty, these policies provide families with

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the needed support to enable them to cater to other aspects of the children's education. For instance with the LEAP programme, once issues of poverty are properly dealt with and families are equipped financially, they will also be able to take care of the health and hunger needs of themselves and their children as well as cases of malnourishment. Once people are educated, the extent to which they deal with their nutritional value differs from one who is not educated. These social interventions also allow parents to save money for other aspects of the child's life, which prevents them from being on the streets.

On SDG 5, which relates to gender equality, both young boys and girls should be given equal opportunities to go to school as well as in gender roles where they live. Despite the cultural and patriarchal system of our society, equal opportunities help reduce the invisibility of women, prevent young girls from resorting to hawking and young boys from petty thefts and robbery. Once poor people are given what they are supposed to be given and hungry people are supported, this in addition to clean water and sanitation in the slums will prevent children from living on the streets. In addition, when women are recognized and the work they do is quantified and given the necessary wages, it prevents them from moving to the streets with their children.

The sustainability of the SDGs are directly linked to the realization of human rights especially with the rights of children. Most of the SDGs are interlinked, such that the achievement of one results in the achievement of another. The alleviation of the issue of child streetism helps to achieve most of these goals especially SDG 4, target 4.1 on Quality Education; SDG 8, target 8.7 on Decent Work and Economic Growth; SDG 10, target 10.3 on Reduced Inequalities and SDG 16, targets 2, 3 and 9 on Peace, Justice and Strong Institutions. It emphasises the responsibility of state actors to respect, promote and protect the fundamental human rights of children in Ghana without discrimination and bias. Despite the fact that the Sustainable

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Development Goals are not officially phrased in human rights language, most of its targets mirror the content of relevant human rights standards in terms of affordability, accessibility and quality of life of children in the country, continent and the world at large.

3.4.2 Challenges with Implementation

Despite Ghana's progress in complying with the CRC and setting up policies and practices to help curb the issue of streetism, the state of implementation of these laws and policies have not been without challenges. These bottlenecks revolve around lack of resources, prioritization, funding, and approaches to implementation, among others and expound on why the human rights challenge of child streetism persists.

3.4.2.1 Approaches to Implementation of Policies

In an interview with a senior staff of the Department of Social Welfare, he stated that one major challenge with policy implementation is the approach to which these policies and programmes are implemented. The current approach being used is failing. He mentioned that the DSW seeks to use the Rights-based approach, which pays more attention to the children's rights. However, the political heads are just looking to get the children off the street. He explained that both political heads and technocrats must agree on the approach being used to get the children off the streets. From his perspective, the political heads do not want to wait because it is a blur on their political programme. Thus, they tend to only pick up the children from the streets without a plan. Once they are picked from the streets, they are usually taken to a shelter in Madina where they are expected to be taken care of. However, as a result of insufficient funding, most of them become uncomfortable and return to the streets.[66] He added that forcefully taking the children from the streets without a plan, to facilities where there is insufficient funding to cater for their upkeep is a big problem. The longer these children stay on the streets, the more

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comfortable they get due to the independence they enjoy. The income they can earn on the side also encourages them and makes it difficult to go back to the facilities provided.[67]

He also highlighted that the approach, which involved the movement of the children back and forth reduces the hope the children have that there is something to hold on to, this makes them resolve to stay on the streets. He, therefore, suggested that all stakeholders must agree on the appropriate method to be used to help curb this phenomenon. Similar published research revealed that there are many effective assistance programmes in the international arena and the domestic sphere. Nonetheless, reaching them is usually due to chance and charity since most of them are targeted based on political concerns rather than an issue of human need. As a result, instead of remedying the problem, structures of power are rather fortified and supported.[68]

3.4.2.2 Prioritization of the Street Children Phenomenon

Children, who are the future leaders and human capital of the state can be properly catered for if they are prioritized in government circles. Most children's programmes are treated with less urgency especially in the sharing of the national cake.[69] In 2006, the Committee on the Rights of the Child called for prioritization of budgetary procedures for child protection, but there are still shortages of funding for child protection.[70]

The DSW is grappling with many things they need to do as well as the resources at their disposal from the government. Additionally, there are several issues not permitting them to deliver on their mandate. More needs to be seen in terms of their reaction towards addressing the plight of street children. However, the lack of resources, which could be financial or human, has put several projects and activities at a standstill. Unfortunately, the government has not made any effectual progress on the issue of child streetism because they have not prioritized it.[71] As a result, no specific allocations have been made in that regard. Even though there are

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nice laws, unless the situation is prioritized, resources cannot be provided for the institutions that have the mandate to handle this directly to perform. The level of prioritization determines the way the issue is addressed.

Also, since Ghana is going beyond aid, NGOs are not getting enough resources to work on the scale that they wish they could to address the problem. Thus, a lot still needs to be done even with collaboration. This is because the resources that are made available to address issues like child streetism are still not sufficient. It explains why although the problem is soluble, it persists because the problems are enormous. This goes back to prioritizing and committing resources to address the challenge.[72]

Other research published that when governments pay rapt attention to 'more important issues', the responsibility of dealing with a phenomenon like child streetism is mostly left for Non-Governmental Organizations that do not have enough funding.[73] Thus the issue of prioritization needs to be considered at all fronts to deal with the phenomenon of streetism.

3.4.2.3 Urbanization of the Family Structure

Globalization has led to the breakdown of Ghana's extended family system, which in the past was the social network that was taking care of issues like streetism.[74] An interview with a Project Officer at SCEF revealed that there are no family structures in place. If there was a family structure, children will not find themselves on the streets. This is mainly due to the dysfunctional family structure in Ghana. Additionally, there is also no institution addressing family issues. Some street children whose families have been traced tend to remain on the streets because although there is a home for them, their guardians are not welcoming and the home is not prepared to receive them. The home must be prepared so that the child can be accepted when brought back from the streets. This is however not being done.

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3.4.2.4 Lack of Continuity

The issue of child streetism persists because with government agencies, every time there is a new government, there are new policies.[75] Rather than continuing from where the previous governments or political parties left off, politicians tend to start new projects to win the hearts of the masses. He explained that even when there is no change in government, the change in leadership makes room for discontinuity. He gave an example of the "Operation get off the Streets for a Better Life" programme which was started by Hon. Otiko Djaba in 2017 but was brought to a standstill in 2018 when the Minister of Gender, Children and Social Protection was changed to Hon. Cynthia Morrison in 2018. This does not encourage the fruitful execution of laid-down policies.

In analysing the challenges stakeholders face with implementation of child protection interventions and laws that have been enacted towards children, scholars have revealed that any successful implementation will highly depend on resource availability.[76]

This corresponds with the data gathered from stakeholders. It has therefore become relevant to note that even though compliance to legal framework is mandatory, especially on child protection interventions like the CRC and the Children's Act (560), compliance cannot be effective unless financial incentives are provided and the family structure is maintained in the face of the challenge. Once resources are made available, implementation of interventions will be successful and this will aid in empowering the rights of children. This will put children out of the street and help reduce the risks violence, crime and other related diseases that come with street living. It will also help reduce the stigmatization and isolation that separates these children from the rest of society.

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3.5 Evaluating Compliance to Laws and Policies Curbing Streetism

The Compliance Theory, which is the fundamental theory of this study, looks at the extent to which states amend their behaviours to the provisions in international agreements and obligations they have entered into. The study encapsulates analysis of facts relating to child streetism in Ghana despite the existence of the CRC and the ACRWC, which the country has ratified.

Ghana's compliance with the CRC, the ACRWC, the Children's Act (Act 560) and the several other child protection policies regarding child streetism has seen some modest improvements over the years. This is seen in the minimal progress so far made by the government, INGOs and NGOs alike, to see fewer children on the streets overtime. This notwithstanding, the problem still exists at an alarming rate, calling into question Ghana's commitment towards its obligations to the CRC and the ACRWC. This clearly underscores the fact that the existence of laws alone is not enough as a sign of fulfilment and compliance to an international obligation. The effectiveness of the implementation must also be assessed when assessing compliance to an international obligation, failing which compliance may be noted but, the efforts may be ineffective. The situation of Ghana where there exist a plurality of laws, policies and programmes in obvious compliance but the practical effect of that compliance is not felt in dealing with situation of child streetism is a noted example.

The implementation process in Ghana shows some obvious effort towards compliance. This is seen by the many laws, programmes and policies such as the Children's Act (Act 560), the LEAP programme, the "Operation Get off the Streets" programme, among others. The process however is fraught was several challenges, key among them being the lack of prioritization of the issue of streetism and the choice of approach to implementation. In terms of the lack of

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prioritization, governments lack of consistency in ensuring that key programmes achieve their intended targets and objectives instead of starting new ones has become the bane of some of these activities. Additionally, resource allocation towards these programmes are usually inconsistent and are done occasionally.

Using the standard established under the CRC and the ACRWC, it becomes obvious that Ghana has made some progress with the passage of the Children's Act (Act 560) and other government policies such as the LEAP programme, "Operation Get off the Streets", the Free SHS policy, etc. This confirms Mitchell's position that an evaluation of compliance of a treaty must be made against the provisions of a treaty rather than the treaty as whole. Ghana as a state party has amended its behaviour in compliance to the CRC and the ACRWC by the various laws, policies and programmes it has implemented. However, if compliance is gauged against the treaty as a whole, then the likely outcome will be that Ghana has not complied with the treaty, because despite the efforts, the issues it is intended to deal with are still persistent. Whiles we may not be able to speak to an obvious violation by Ghana, some of the reasons offered by the informants as accounting for the lack of success in dealing with the issues of streetism may well speak to a dereliction on the path of Ghana towards full implementation of the provisions towards its international commitments.

From the foregoing, it is clear that a lot more needs to be done by Ghana towards compliance to its international obligations under the CRC and ACRWC. When this is done, the issue of children on the streets and the attainment of the SDGs would be enhanced.

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3.6 Conclusion

Regardless of the many treaties Ghana has domesticated and the policies that have been set up, the study identified that the efforts made though commendable remain insufficient to eradicate the menace of children on the streets. Generally, the phenomena of child streetism has had negative effects on meeting the international obligations on child protection. Ghana as a state has adopted several policies and non-state actors have also engaged in several activities to ensure that the phenomena of children living and working on the street is addressed. As outlined above, although stakeholders play very significant roles towards street children, very little progress has been made in terms of the approach to implementation, continuity, and prioritization. Despite the many challenges identified with the implementation of child protection interventions, efforts being made to curb this phenomenon must be strengthened to reflect Ghana's commitment to child protection while ratifying the CRC and achieving SDGs.

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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

4.0 Introduction

The study sought to evaluate the prevalence of child streetism in Ghana against the role of the government, inter-governmental, and non-governmental organizations. It further explored the activities of these stakeholders, the implementation of social protection interventions as well as the successes and challenges in addressing the menace of child streetism in Ghana. To do this and further achieve the objectives of this study, this research employed the qualitative method of data collection, and obtained data from both primary and secondary sources. The analysis was guided by the compliance theory of Ron Mitchell.

This chapter therefore presents a summary of the key findings of the study, draws conclusions, makes contributions as well as proposes relevant recommendations towards addressing the challenge of child streetism in Ghana.

4.1 Summary of Findings

On the premise of the objectives set at the beginning of the study and based on data gathered and analyzed from literature and interviews, the following are key findings that were identified.

- There are a myriad of laws, policies, and practices towards child protection; the 1992 Constitution, the 1998 Children's Act (Act 560), the 2015 Child and Family Welfare Policy, the Domestic Violence Act 2007 (Act 732), among others. These laws serve as guiding principles in the implementation of all policies and practices towards children. They also serve as a measure of compliance with the internationally recognized legal standards for child protection. Despite the existence

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of these legal instruments, there remain several challenges that are stalling the implementation process of realizing street children's rights in Ghana.

- All stakeholders (government, inter-governmental and non-governmental organizations) play a unique role in the protection of the rights of the child. Although the Government of Ghana has laid down policies and programmes towards curbing child streetism, it has not made much progress in implementation as compared to the inter-governmental and non-governmental organizations. The inter-governmental and non-governmental organizations are making much progress on child protection issues especially the phenomenon of child streetism. While the state remains a high contracting party, its priorities are not geared towards getting a permanent solution to this menace. Rather it is using a temporary approach to score political points that will enable them to be reelected into office and this causes the children to keep coming back.

- The study highlights the prevalence of the current phenomenon of child streetism in Ghana to sociological problems with a conundrum of interlinking factors. These factors range from poverty to broken families among others, which need to be tackled from the root. It also emphasizes the need for the government to make efforts towards compliance with established and ratified legal framework both domestically and internationally to take practical steps towards prioritization of the phenomenon of child streetism in Ghana so that it is permanently addressed.

- There exists some level of collaboration between all stakeholders involved in child protection in Ghana. However on the specific issue of child streetism, these

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stakeholders have different activities and strategies they engage in to help curb the menace. The reason this collaboration does not seem to produce excellent results is because the implementation process has seen some inconsistencies, mostly due to the inability of the state to prioritize the issue of child streetism.

- The most recent child protection intervention for street children, the "Operation get off the street for a better life" programme that was initiated by the Department of Social Welfare has made little progress on the protection of street children in Ghana. Although its strategies exist, the inactiveness of the programme has resulted in slow implementation of the programme, putting it at a standstill.

- Nominal success has been seen in terms of the state implementing the several policies and laws it has put in place. That notwithstanding, some children have been taken off the streets and have been engaged with handcrafts.

- The Street Children Empowerment Foundation has been able to successfully seize the attention of the government with their online petition to ensure that some work is carried out towards street children by the next government.

- Addressing the challenge of child streetism in Ghana makes the state one step closer to achieving the 2030 Sustainable Development Goals especially SDG 4, target 4.1 on Quality Education; SDG 8, target 8.7 on Decent Work and Economic Growth; SDG 10, target 10.3 on Reduced Inequalities and SDG 16, targets 2, 3 and 9 on Peace, Justice and Strong Institutions.

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4. 2 Conclusion

Compliance with human rights treaties like the CRC and the implementation of child protection interventions within developing countries like Ghana is often faced with a number of challenges. Ghana's early ratification of the Convention on the Rights of the Child does not guarantee the absence of issues concerning child protection. However, the immediate acceptance and domestication of the international legal document reflects the state's interest in dealing with issues of children's rights, child streetism inclusive.

This study concludes that the government, inter-governmental and non-governmental organizations play direct and indirect roles to safeguard and better protect the rights of the street child. These roles include collaborating with other stakeholders, empowering and mobilizing communities towards addressing the phenomena. The increasing number of children on the streets is a result of several social factors. Despite all efforts made to address and curb the menace, there exist some inconsistencies with the implementation process. This is attributed to the inability of the state to address the problem from the central cause and its inability to prioritize the situation of the child streetism.

Ghana has successfully built partnerships and collaborations with other stakeholders (inter-governmental and non-governmental) to ensure this menace is alleviated. These collaborations however have been with stakeholders that have diverse aims and objectives and because of the lack of prioritization by the government, these stakeholders often drive the agenda. Inasmuch as very important steps have been taken to ensure social protection interventions have been put in place in addition to the CRC and Children's Act (Act 560), the challenge of implementation in addition to inadequate resources to cater for children on the street remain. Addressing the

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phenomenon of child streetism in Ghana will therefore require more than the ratification of treaties, the creation of laws, and setting up of policies.

4.4 Recommendations

Based on the findings of the study, the following are some recommendations made:

- The Government of Ghana, through the sector ministry, should enforce the strict implementation of all the laws enacted towards child protection. Despite their ability to successfully enact and institute policies and programmes towards curbing the phenomenon of child streetism, if these policies and laws that apply to these are not adhered to and enforced, the problem is never going to end. The ministry should also ensure that the sanctions that apply to the violation of these laws are applied to deter violators from non-adherence. Also for these policies to be sustained, the approach being used to implement these child protection interventions must be assessed and changed. Ultimately, the rights-based approach, which is humane and grounded in the CRC, should be used.

- The Government of Ghana's prioritization of the phenomenon of child streetism will lead to the allocation of the necessary resources (financial, human, and technical) on time. The government of Ghana in the preparation of the next budget for the year should also increase the financial quota to the Ministry of Gender, Children and Social Protection and the MMDAs working to protect children at the district level. Adequate funding will attract the right people with appropriate skills to aid in resolving the teething problem of child streetism.

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- The MoGCSP should ensure that the welfare of street children remains paramount in whatever decision is being taken on their behalf. Article 12 and 13 of the CRC emphasizes one of the core principles of the CRC i.e. child participation. Using this bottom-up approach that involves the opinions of street children will ensure coordination between street children and policymakers and this will facilitate implementation.

- The MoGCSP through its departments (DSW and DOC) should ensure shelters or safe spaces are provided for street children who cannot be traced back to their families, to prevent them from living on the streets. This arrangement should include the provision of the necessary social amenities that these children will need for daily survival. It should also include an opportunity to instill moral values into children while they learn about their rights. This will give street children a sense of self-realization, responsibility, and discipline so they can contribute to their protection.

- In addition to their efforts, government's should empower Civil Society Organizations (CSOs), NGOs, and Social Welfare Departments within the district assemblies to take up family life education and community sensitization in rural areas especially, where families are educated on some socio-cultural practices like child marriage as well as the effects of poor family planning, etc. The violation of human rights, like street children's rights, affects not only the development of states but also weakens the psychology of the street children. There should also be public awareness and community sensitizations, especially in the urban towns and city

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slums to give street dwellers an occasion to obtain knowledge about their human rights.

- A conscious national plan that can be decentralized should be set in place for the district assemblies and MMDAs. The government can also support them to raise funds to pursue child protection interventions at the district level. When effectively pursued, it reduces the bureaucracy of states.

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APPENDIX

UNIVERSITY OF GHANA

LEGON CENTRE FOR INTERNATIONAL AFFAIRS AND DIPLOMACY

INTERVIEW GUIDE

I am an MA student studying International Affairs at the Legon Centre for International Affairs and Diplomacy (LECIAD) at the University of Ghana. I am conducting a study on "A HUMAN RIGHTS PERSPECTIVE ON THE RIGHTS OF CHILDREN ON THE STREETS OF GHANA". I will need your inputs and honest thoughts to aid in my collection of relevant data for my research project. Your participation is considered as voluntary and by agreeing to be a part of this research, all information collected will be considered confidential as the research is for academic purposes only. Thank you for your cooperation.

Date of Interview: **Interview ID:**

Demographic Details

Please answer by selecting the option that best relates to you.

1) Gender: a. Male b. Female

2) Age: a. 20 years or less b. 20 years or more c. 30 - 40 years d. 40 - 50 years e. 50 years +

3) Nationality:

4) Occupation:

5) Institution and Position:

QUESTIONS

1. What are the key responsibilities of your institution?

2. What is the role of your institution in addressing the problem of Child Streetism in Ghana?

3. What are some of the activities that your institution has engaged in to be able to deal with the issue of child streetism?

4. How has Ghana progressed in the fight against the challenge? (in terms of policy implementation)

    a) Have there been successes with the implementation of policies? What are some of them?

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b) Have there been challenges with the implementation of policies? What are some of them? How do you manage these challenges?

5. What is "Operation get off the streets for a better future"? Have there been any actions taken to accomplish its objectives? What has the feedback been?

6. Does your institution collaborate with INGO's and NGOs that work with children?

7. To what extent have the collaborations helped in meeting the international obligations of solving the problem of child streetism?

8. Why is there still an upsurge in the number of children living on the streets of Accra despites Ghana's early ratification of the CRC and other domestic interventions?

9. Can addressing the issue of child streetism aid in achieving the Sustainable Development Goals in Ghana by 2030? If yes, how?

10. How can the state (government and public sector) succeed in its mandate to ensure that the issue of child streetism is curbed?

THANK YOU