

# Is Ghana's Law Against Human Trafficking a Success?

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## Abstract

This article assessed the success or otherwise of the Ghana Human Trafficking Act (GHTA), 2005, in curbing human trafficking. On the basis of interviews and secondary information, the assessment was done along the program, process, and politics dimensions. The evidence showed that GHTA achieved fairly its program objectives. However, failures occurred in all the phases of the Act's enactment process. In particular, agenda setting suffered from definitional ambiguity surrounding human trafficking and implementation was mired by resource constraints and financial impropriety. The findings also revealed that an integrated model of human trafficking has greater explanatory power than a single one, but there is inattention to this in extant literature. The article concludes that lessons should be drawn from the specific type as well as the overall program, process, and political failures of the Act. As in this case, an exclusive focus on technical learning to the neglect of potential process and political failures has increased rather than decreased the chances of policy failure. Moreover, the accent on legislative bans to the neglect of other interventions is futile.

## Keywords

Ghana, human trafficking, policy, success, failures, program, process, political, dimensions

During the last two decades, human trafficking has become a topical issue around the world. The phenomenon has not only assumed currency within national borders but also notoriety internationally. The problem has received headlines in the media compelling anti-trafficking activism, enactment and enforcement of trafficking laws in many countries, and the development of policies to deal with it (Weitzer, 2014). It is quite formidable to obtain accurate human trafficking statistics because of underreporting and the clandestine nature of the crime. The U.S. Department of State estimates that 800,000 people are trafficked across international borders every year. Another estimate suggests that globally, between 500,000 and 4 million people are trafficked internally and across state borders (United Nations Development Fund for Women, 2007). The International Labor Organization's (ILO, 2016) estimate of 21 million trafficked victims in 2014 was revised to 40.3 million for 2016. In 2017, the ILO estimated that there were 25 million victims of human trafficking around

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the world. However, Konrad and Trapp (2017) reported a much higher figure of trafficked persons worldwide at between 27 and 45.8 million.

Human trafficking is the fastest growing form of transnational crime (United Nations Office on Drugs and Crime [UNODC], 2009), and it is now the second most profitable illegal enterprise among drugs and arms trafficking (Foundation for Children, 2020; Ramsey, 2011). The value of the sale of individuals and their labor is estimated to be US\$32 billion (U.S. State Department, 2008), which has been revised by the ILO (2017) to US\$150.2 billion per year as of 2017. The 2018 Global Report on Human Trafficking recorded victims of 137 different nationalities detected in 142 countries between 2012 and 2016, during which period, 500 different flows were identified (UNODC, 2018).

The International Organization for Migration (2007) identified a gap in contemporary work on human trafficking. A number of these gaps have implications for more accurate estimates of the pervasiveness of human trafficking. These include overconcentration on trafficking of women for sexual exploitation, extremely small number of studies examining trafficking for labor exploitation, absence of work on trafficking of boys and men, small and nonrepresentative samples, lack of external process and outcome evaluations of assistance programs, and dearth of research capacity in developing countries. Other studies such as that of United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) (2009) revealed that other forms of exploitation like forced or bonded labor, domestic servitude, forced marriage, organ removal, and the exploitation of children for begging are underreported. In addition, the involvement of women not only as victims but also as traffickers has received scant attention. Finally, most trafficking is national (domestic) or regional and is orchestrated by people who are related to or known by or whose nationality is the same as that of their victims. Extant literature, however, tended to report almost exclusively on international trafficking and ignored all these other dimensions.

Several of the points made here have been addressed in recent research. For example, the number of male victims which often is reported as lower than female victims is now increasing. The 2016 UNODC Global Report on Trafficking in Persons reported that 79% of classified trafficked individuals globally are women and children. However, current estimates put the figures at 71% of those trafficked globally being women and girls while men and boys make up the remaining 29% (Free the Slaves, 2018). Also, the number of forced labor victims which extant literature indicated as lower than sex trafficking victims is now increasing, with males making up 63% of trafficked persons between 2012 and 2014 (ILO, 2014). In some parts of the world, women trafficking women, which used not to be the case, is now the norm (UNODC, 2017). Even more revealing is the fact that over 40% of trafficked victims were detected in their own countries, but previous literature believed that international trafficking had preponderance over domestic trafficking (Sweileh, 2018).

The impact of trafficking on individuals is devastating. Men, women, and children are exposed to rape, torture, violence, dangerous working conditions, poor nutrition, as well as drug and alcohol addiction (Bales, 2004; Sweileh, 2018; UN.GIFT, 2008;). They are also exposed to HIV/AIDS and other sexually transmitted and infectious diseases (Sweileh, 2018). For example, a study on trafficked Nepalese girls and women found that 23% of them tested positive for HIV (Silverman et al., 2007). Trafficking frequently leads to victims suffering from mental health disorders and life-threatening infections (Ottisova et al., 2016; UNODC, 2016). Examination of 207 trafficked women from 14 countries reported that 95% of them had experienced physical and/or sexual violence (Sweileh, 2018; Zimmerman et al., 2006). Naim (2005, p. 89) describes the trade in people as "... surely the most morally repugnant of all the illicit trades that flourish today."

As a result of the adverse consequences of human trafficking on society, many countries around the world have adopted measures to deal with it. The most popular measure that has been adopted worldwide is legislative bans. The 2000 United Nations (UN) convention which is dubbed the Palermo Protocol provided the impetus for the adoption of legislative bans. Countries such as the

United States, Germany, and the United Kingdom have all adopted one form of legislative bans (Weitzer, 2014). To conform to international practice, Ghana also adopted a legislative ban in 2005 known as the Ghana Human Trafficking Act (GHTA, 2005) (Act 694); (Ghana Government, 2005). The choice of a legislative instrument for investigation over other policy interventions in this study is predicated on the notion that when enforced, bans and restrictions increase the cost to employers of human trafficking thereby deterring the practice.

Given the theoretical ambiguities in academic work, what does empirical evidence have to say about the impacts of such bans and limitations? Literature and empirical work on the determinants (see Bales, 2004), and consequences (see, e.g., Okogbule, 2013) of human trafficking abound, but there is dearth of empirical evidence on the effectiveness of human trafficking bans or laws. Two empirical works that are closely related to this study are those of Okogbule (2013) and Sertich and Heemskerk (2011). The former points to the inadequacies of the content of the law, while the latter addresses ineffective implementation. The problem with these works, particularly, that of Sertich and Heemskerk (2011), is that it failed to distinguish between the case where the law is not properly implemented, and one in which the law is implemented but its effect on society is not desirable. Their study focuses on the inadequate implementation of the law. So this should not be construed as the law not being the right method of intervention for dealing with human trafficking. Furthermore, this does not mean that another country at another point in time cannot successfully implement a law that had, allegedly, failed elsewhere. Moreover, assessment of the law was done largely along the program dimension which is one of the three levels at which policy ought to be evaluated. The neglect of the other two dimensions—process and politics—renders the assessment of the efficacy of the law on human trafficking in Ghana incomplete. This study adopted the three-dimensional approach because no policy can be judged an unambiguous success unless in a single case success happens across all three dimensions, that is, program, process, and political dimensions (McConnell, 2010b). This approach then provokes two questions: Is legislative intervention to tackle human trafficking a desirable one? Is it actually effective in reducing human trafficking if well implemented? This study addresses these questions by examining the effectiveness of the GHTA, 2005 (Act 694).

## **Human Trafficking: Review of Literature**

Human trafficking is a nebulous term that does not lend itself to a precise definition and hence there is a plethora of definitions. Each of the definitions is either emphasizing a certain dimension of reality of the phenomenon or is rendered such that it conflates it with other concepts such as human smuggling (Weitzer, 2014). For example, the United States in 2012 moved away from clearly distinguishing between human trafficking and slavery to conflating trafficking with both slavery and forced labor. This conflation culminated in the upsurge in the alleged number of trafficking/slavery victims (U.S. Department of State, 2012). The U.S. government defines human trafficking as the recruitment, transportation, or harboring of persons, for the purpose of labor, that involves the use of force, fraud, or coercion of adults or the involvement of youth under age 18 years of age (U.S. Government, 2000). The 2000 UN convention which is dubbed the Palermo Protocol offers a much broader although fuzzy definition. It takes human trafficking to mean “the abuse of power of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (UNODC, 2004, p. 42). The problem with the Palermo Protocol is that it defines, as Weitzer (2014) criticizes, “exploitation” tautologically as “exploitation” and is silent on what “abuse of power,” “vulnerability,” and “control” mean.

Research has highlighted the difficulty in applying the Palermo definition in the real world. In particular, the examination of real cases indicates that distinguishing between smuggling and

trafficking is hazy—for example, where smuggling entails vulnerability and exploitation but not deception or coercion (Skilbrei & Tveit, 2008). It is as a result of the definitional problems that Lee (2007) simply takes human trafficking to connote a variety of crimes and abuses “associated with the recruitment, movement and sale of people (including body parts) into a range of exploitative conditions around the world” (p. 1). The phenomenon of human trafficking raises questions about labor rights and labor protection as well as human rights and criminal justice (UN.GIFT, 2008). This article adopts the three definitions of human trafficking rendered above because many of their elements speak to the nature, scope, and dynamics of human trafficking as well as the opportunities and challenges of combating it in Ghana.

Human trafficking represents a considerable proportion of the illicit world’s economy. Current estimates rank human trafficking as the second most profitable illegal enterprise behind drug trafficking (Foundation for Children, 2020). Human trafficking has witnessed an upsurge during the past few decades due to its increasingly organized nature and the smuggling of migrants (Shelley, 2010; Sweileh, 2018). The advent of globalization has weakened national sovereignty and rendered national borders porous and fluid with the consequence of ascendancy in organized transnational crime (Shelley, 2007): The account of Graaf of the effect of globalization on human trafficking is gloomy. He asserts that the trade-in women, children, and immigrants is often obtained from those parts of the globe which operate at the periphery of the new economy. In these source regions, money laundering and myriad trafficking benefit from the absence of security, and law and order (Graaf, 2003). During the 1960s, a disproportionately large part of the upsurge in organized crime was attributed to the growth of the drug trade. Today, human trafficking seemed to have surpassed the illicit drugs trade with the frightening account that bodies can even be replaced (Allais, 2013). The gauge of the extent of human trafficking differs from account to account; however, there is unanimity to the effect that it is growing at a frightening rate (U.S. Department of State, 2012). The human trafficking trade has become attractive to many people on account of rising demand for it (especially of women and girls for the sex industry), high profit and low risk (UN.GIFT, 2008)

According to the ILO (2016), 40.3 million people were trafficked around the world in 2016. Of the estimated 40.3 million people trafficked in 2016 those trafficked into forced labor were 24.9 million, while those who were drafted into forced marriage were 15.4 million (ILO, 2017). Of the 24.9 million people consigned to forced labor, 16 million people were in the private sector such as domestic work, construction, or agriculture; 4.8 million persons went into forced sexual exploitation; and 4 million persons were trapped in forced labor imposed by state authorities (ILO, 2016).

The ILO (2017) reports that the Asia-Pacific region has the largest number of victims of human trafficking followed by Africa and Latin America. On any given day in 2016, an estimated 24.9 million men, women, and children were living in modern slavery in Asia and the Pacific (Walk Free Foundation, 2019). The Asia-Pacific region accounts for the largest number of forced laborers—15.4 million (62% of the global total). Africa has 5.7 million (23%) followed by Europe and Central Asia with 2.2 million (9%). The Americas account for 1.2 million (5%) and the Arab States account for 1% of all victims (ILO, 2017).

The different estimates of the scope of the human trafficking menace from a variety of researchers, government agencies, and nongovernmental organizations across the world highlight the difficulty in getting accurate data on the problem. Weitzer (2014) underscored this problem when he queried that research on human trafficking is neither evidence-based nor verifiable. For example, the U.S. government estimates that 600,000–800,000 persons are trafficked across international borders annually are found to be inaccurate. The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data, and numerical discrepancies. The estimate was developed by one person who did not document all his work, so the estimate may not be replicable, casting doubt on its reliability. Moreover, country data are not available, reliable, or comparable. There is also a

considerable discrepancy between the numbers of observed and estimated victims of human trafficking (U.S. Government Accountability Office (GAO), 2006).

Nevertheless, to effectively fight the human trafficking menace, it is important to acquire enhanced understanding of its nature, its background, causes, and the profile of traffickers and victims. This information will enable the appropriate measures to be adopted to fight it (UN.GIFT, 2008). A similar suggestion is made by the ILO when it intimated that “Reliable statistics are essential to understand the nature and extent of the problem, its causes, and to inform policy makers . . .” It also indicated that “Regular data collection also enables the assessment of progress and impact of the implementation of policy, action plans and specific programs and projects to eradicate forced labor” (ILO, 2012, p. 7). Although there has been a popular clamor for more accurate estimates of the human trafficking menace, statistics of any value remain elusive (Allais, 2013). It is still quite formidable to obtain the precise numbers of trafficking victims (ILO, 2014), and there are great discrepancies between the estimates of various institutions (Aas, 2007; Gozdziaik, 2014).

The problem with macrolevel statistics either at the international or national level is that they cannot be substantiated because the sources of the statistics are usually not provided. Indeed, no sources have been provided for the U.S. Department of State, ILO, and Bale’s figures stated above. It is because of the suspicious and dubious nature of macrolevel human trafficking statistics that this study is predicated on microlevel analysis. According to Weitzer, microlevel studies have advantages over macrolevel ones because they identify the magnitude of trafficking within a measurable context. That is, they provide more valid victimization numbers on account of the circumscribed boundaries. They also document complexities in lived experiences, that is, they furnish richer insights regarding actors’ lived experiences. And they are better tailored to contextually appropriate policy and enforcement responses. In other words, they have “potential in identifying trafficking hot spots for targeted deployment of enforcement resources” (Weitzer, 2014, pp. 6 and 15).

## Theoretical Framework

Several theories pertaining to human trafficking abound including theories based on human trafficking as an economic issue, as a gender issue, as a legal issue, and as a globalization issue, just to mention a few. The economic theory of trafficking is adopted for this study because it has greater explanatory power for the occurrence of human trafficking in Ghana. This is because inequality and disparities in socioeconomic development indicators between individuals, classes, regions, and urban and rural areas are widening. For example, inequality in Ghana has worsened, with the Gini coefficient rising from 37 in 1992 to 42.3 in 2013 (Ghana Statistical Service [GSS], 2014). Inequality between the north and the south of the country appeared to have worsened. For example, the contribution of rural areas in the north of the country to national poverty levels increased from 37% to 49% between 1999 and 2006 and the depth of poverty for those in the poorest region (Upper West) increased between the 1990s and 2006 (GSS, 2008). According to the GSS (2018), the three northern regions (Upper West, Upper East, and Northern) have the highest poverty incidence. The Upper West Region, which has the highest poverty incidence, has the highest Palma Index of 2.79. It is followed by the Northern Region (2.35) and Upper East Region (2.22). The Palma Index is defined as the ratio of the share of the gross national income of the most affluent 10% divided by the share of the poorest 40%. A Palma Index of 2.79 means that the consumption of the richest 10% in Ghana is 2.79 times higher than the consumption of the poorest 40% of the population in the Upper West Region. Together, these factors have produced the push factors for human trafficking in the country.

The economic theory of human trafficking is borne out of a view of human trafficking as a monopolistically competitive industry in which “the sellers are human traffickers, the buyers are employers, and the products are victims of trafficking” (Galli et al., 2010, p. 117). As a market

consisting of sellers, buyers, and products, human trafficking is very similar to the markets for any legal industry. The market for any legal industry operates on the basis of rationality in that players take decisions that maximize their welfare and decrease their costs in any transactions. Rational choice is often applied to aspects of human trafficking including the choices made by traffickers, employers/buyers, and at times even the victims of trafficking. Rational choice theory assumes “that individuals use all available information (are economically rational) and compare costs and benefits (employ cost-benefit analysis) to obtain the highest level of wellbeing or profit.”

Rational choice theory thus assumes that every person involved in the market for human trafficking will make choices based upon the profit obtained. Rational choice theory is applied to the victims of trafficking through push–pull factors that may drive them to nonconventional ways of becoming employed or to migrate based upon their rational evaluation of what will offer the lowest cost and greatest profit (Galli et al., 2010; Raigrodski, 2015). For example, as push factors, poverty, inequality, economic marginalization of especially women, lack of job opportunities, and the improvement in transportation and communication systems incentivize victims to travel to rich countries for better earning (Jakobsson & Kotsadam, 2013, Raigrodski, 2015).

Das et al. (2011) drew an analogy between sex trafficking network and the global commodity chain (GCC). A commodity chain is the process by which raw materials are converted into finished goods. Applying the GCC framework to labor and sex trafficking victims, they are construed as raw materials that are converted into finished products once they are put in the market. The key motivation driving the global upsurge in labor and sex trafficking industries and networks is the high-profit margin they yield and the fact that commodities are “reusable” (Tariq & Amna, 2017). For example, each trafficked woman garners between US\$75,000 and US\$250,000 of profit annually, depending on the standard of living in the country of sale (Das et al., 2011). The sites of “production” (venues of forced sexual and labor exploitation) are brothels, parlors, massage centers, factories, farms, homes, bars, and stretches of streets and highways (Das et al., 2011). The work of Das et al. (2011) revealed that people with vested interest in profits from human trafficking are corrupt government officials, political leaders, attorneys, transporters, and most significantly, traffickers and transnational organized criminal network employees.

Forced labor and forced sexual exploitation victims’ work may be structured as standard work in the labor market. However, they receive little or no payment or are on terms that are highly exploitative and can amount to trafficking (Jagers & Rijken, 2014). In contrast, the earnings of demanders of labor and sex trafficking victims’ services are tremendously high. For example, in 2009, the ILO estimated that annual profits from human trafficking were at least \$32 billion, of which \$15.5 billion was made in industrialized countries (Lerche, 2007). Current estimates put the total illegal profits obtained from the use of forced labor worldwide at \$150.2 billion per year (ILO, 2016). The line is often blurred: “In fact, many victims of human trafficking look quite like exploited agricultural laborers and factory workers, and in fact they are often one and the same” (Haynes, 2009, p. 43). The exploitation of trafficked victims has harmed them physically, psychologically, and financially. The commercial exploitation of trafficked persons and the physical and psychological harm they suffer prompted Bill Gates to challenge corporations to engage in “creative capitalism” (*The Guardian*, 2008). Raigrodski (2016) also called for a paradigm shift for businesses to view the pursuit of supply chains clean of forced and trafficked labor as a core business strategy, which can enable both profit and reputational success. The call is opportune because although trafficked and forced labor account for a great amount of revenue generated by businesses in the global economy, there is inattention in current human trafficking discourse to the magnitude of benefit consumers, businesses, and economies gain from forced and trafficked labor (Raigrodski, 2016).

Pull factors of human trafficking embrace labor demand, increased political freedom, and better economic opportunities at receiving destinations (Wheaton et al., 2010; Jac-Kucharski, 2012). These

factors are the magnets that attract trafficked victims to the destinations of exploitation. The destinations of exploitation are an economic market that links buyers (demand) with sellers (supply) either directly or through an intermediary. A key subject in the human trafficking literature is the role of intermediaries in linking employers (the source of labor demand) requiring acquiescent labor to vulnerable individuals looking for work (Wheaton et al., 2010). Human traffickers “connect the supply of labor in source regions with the demand for labor in destination areas” (Wheaton et al., 2010, p. 117). The traffickers are motivated by profits maximization and therefore act as businessmen or brokers within the market (Galli et al., 2010; Jakobsson & Kotsadam, 2013). One study concluded that “it is the reduction in operational costs for the trafficker that increases the number of individuals who are trafficked” (Jac-Kucharski, 2012, p. 150). Thus, traffickers like employers and victims act to maximize profits and minimize costs (Raigrodski, 2016). Samarasinghe (2009) subscribes to the notion of human trafficking as an economic market when he defined demand as the manifestation of a desire to procure human beings for exploitation or labor. He claims that demand is the cause of all dimensions of sex trafficking. Likewise, Danailova and Belser (2006) employed data from 27 destination countries to estimate the demand for trafficked victims. They concluded that openness of economies and higher incidence of prostitution increase the demand for trafficked victims.

The above analysis of the economic theory of human trafficking suggests that the forces of demand and supply interact to allocate trafficked victims at prices that are economically profitable for traffickers to procure them for employers. If any of the players (traffickers, employers, and even victims) assesses their costs to be higher than their benefits, they will decline in transacting in the market.

The economic theory of human trafficking, as presented above, has several flaws. First, the theory fails to recognize that some victims like children (and sometimes their parents) have weak agency. This is because children lack cognitive, moral, and affective capacities as adults, and they rarely have decision-making power in the family (Satz, 2003). Most children are persuaded or forced to work by their parents. Parents are the primary decision makers for children, especially very young children, exercising authority and control over most aspects of their children’s lives (Satz, 2003). This contrasts with adult decision makers who take market decisions as rational agents acting on their own behalves with perfect information. In the case of trafficking of children for labor, parents make the market decisions regarding their children’s time. Thus, “this gap between chooser and chosen for opens up the possibility that children’s interest will be discounted” (Satz, 2003, p. 299). Thus, surrogate decision making is a morally fraught arena, especially in the case of young children who often cannot even articulate their own interests.

Second, equating victims of trafficking to inanimate commodities in the market is problematic. This is because human beings are characteristically different from inanimate things. Human beings have hopes, aspirations, fears, anxieties; and they deserve respect, dignity, and a sense of self-worth. Third, they have capacity for renewal and expansion of their horizon of knowledge and skills and want challenge and advancement—characteristics inanimate commodities do not possess. Fourth, rational decision making, as entailed in economic theory, is based on the possession of information that most prospective victims especially minors and their parents in rural areas lack. Fifth, rational choice presupposes free will to choose, but this is not the case in human trafficking where deception and coercion are often used to court victims. Finally, economic models are predicated on assumptions. Variables such as cultural norms, corruption, and household time allocation among individual family members can be quite formidable to model. Given that an economic model is a simplification of reality, the exclusion of certain factors from the model may not fully explain the human trafficking market in its complexity (Wheaton et al., 2010). Together, these factors make human beings characteristically different from inanimate commodities in the market. So likening human beings to commodities is like comparing apples to oranges.

## GHTA

The GHTA (Act 694) was promulgated on December 5, 2005, to deal with the human trafficking menace within, to, from, and through Ghana. The Act's content was largely informed by the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), which is the primary international legal framework for fighting trafficking (Sertich & Heemskerk, 2011).

The Act, like the Palermo Protocol, consists of three essential dimensions of countertrafficking legislation: (1) prevention of human trafficking, (2) protection of trafficked persons, and (3) prosecution of traffickers. The Act envisions attaining its goals by stipulating a universally accepted definition of human trafficking, mandating a minimum sentence of 5 years imprisonment for trafficking perpetrators, and outlining provisions for victim protection and support. The others are creating a Human Trafficking Fund to finance the protection and support and establishing a Human Trafficking Management Board (HTMB) to lead the countertrafficking efforts (Sertich & Heemskerk, 2011).

The 2005 Human Trafficking Act, amended in 2009, criminalized sex and labor trafficking. The Act prescribed penalties of a minimum of 5 years imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes such as rape. However, the 2015 regulations for this Act provide specific guidance on sentencing depending on the circumstances. In general, the term is not less than 5 years and not more than 25 years. But if a parent, guardian, or other person with parental responsibilities facilitates or engages in trafficking, they are liable to a fine, a term of imprisonment of not less than 5 years and not more than 10 years, or both. By allowing for a fine in lieu of imprisonment, these prescribed punishments are not commensurate with those for other serious crimes such as rape (U.S. Department of State, 2018).

### *The Current Study*

The current study is a modest attempt at addressing the shortcomings of extant trafficking research in a microsetting. It does this by striving for and analyzing more accurate information regarding: human trafficking inflows, outflows, and transitions; trafficking actors (traffickers, buyers, and victims); number of prosecutions; number of convictions; number and categories of victims identified; and measures put in place to combat the menace. Such an analysis will shed light on new insights in regard to the Ghanaian human trafficking dynamics. It will extend or challenge received academic wisdom on the mutable human trafficking menace. This study will also furnish information that will be useful to decision makers and UN agencies interested in mapping and identifying research gaps within the human trafficking research enterprise. This is important for advancing an evidence-informed research agenda. Furthermore, it will highlight each type of human trafficking and the one that is lacking or receiving scant attention in the media, research work, and public discourse. This will help direct academic and research effort as well as funding toward those areas. Much available literature on human trafficking is predicated on emotional stories rather than on empirical research (Goździak, 2014). The new insights that this present study promises will furnish a much more nuanced and accurate microlevel analysis of evidence of human trafficking that will be useful for more contingent generalization.

## Method

This study was conducted in Ghana from July 1 to December 31, 2019, using both primary and secondary sources of information in its analysis. The primary information came from 100 interviews. The interviewees were categorized into elite and nonelite. Elite respondents are those whose

duties and responsibilities are connected to the design, implementation, and evaluation of the GHTA, 2005. Nonelite interviewees include those who perpetrate human trafficking (traffickers), those who are affected by human trafficking (victims and their parents), opinion leaders, and youth representatives (who influence local affairs). The interviewees were made up of 20 nonelite informants and five elite informants for each of four districts. For the nonelite interviewees, 10 human trafficking victims were purposively selected and 10 community members made up of parents, guardians, opinion leaders, and youth representatives were also selected as respondents. A list of communities and households generated by the Ghana Statistical Service was used as the sampling frame for the selection of the communities and households in each district. The five elite interviewees included the District Coordinating Director (chief bureaucrat in each district) or their deputy, District Social Welfare Officer, District Education Officer, District Crime Officer of the Ghana Police Service, and a rights activist. One district (Tatale-Sanguli District) was selected from the northern part of Ghana, one from the middle part (Techiman District), another from the eastern part (North Tong District) and a fourth from the southern part (Accra Metropolitan District). The choice of the districts was dictated by the desire to ensure regional balance, account for the sending and receiving places of human trafficking, and by the fact that access and participation of respondents had to be negotiated and these varied from district to district.

The secondary information was collected, collated, and analyzed from data sourced from different times across different human trafficking dimensions and policy areas, and this afforded opportunity to describe and explain the change. The secondary evidence also allowed for comparison of human trafficking statistics and policy-making approaches overtime. Such comparison enlarged the scope of generalizations and provided additional insights. Moreover, the secondary information was employed for triangulation and this increased the validity of the research findings obtained from the primary data.

The key weakness of this study is that its findings cannot be used to generalize to much larger populations and applied to different social and political settings. Most research is concerned not only with the effect of one variable on another in a particular setting or few settings studied but also with its effect in other natural settings and on larger populations. However, these limitations are made up for through an in-depth analysis of the cases. The benefit of this in-depth analysis is that it is apposite for the development of what Diesing (1971, p. 196) refers to as typological theory and what George (1979, p. 59) labels as “rich differentiated theory,” which, in contrast to a general explanatory theory, is cast in the form of contingent generalizations and has the capability for more discriminating explanation (George et al., 1971, p. 511). Thus, this study provides practical findings that can be used in policy formulation as well as new theoretical understandings of the interconnectedness between the demand for and supply of persons for trafficking, the consequences of trafficking, and measures for effectively dealing with the menace.

## **Results of the Study**

Following McConnell (2010b), the GHTA (2005) is assessed along the program, process, and politics dimensions. As indicated earlier, this three-dimensional approach is adopted because no policy can be judged as an unambiguous success unless in a single case success happens across all three dimensions (McConnell, 2010b). In order to capture all aspects of this policy domain, the six program evaluation elements of Dunn (2012) were also employed in assessing the GHTA. They are effectiveness, efficiency, adequacy, equity, responsiveness, and appropriateness. Primary data were thematically analyzed and themes were extracted along the lines of McConnell (2010a) and Dunn (2012). Secondary data including policy documents/implementation processes were analyzed alongside primary data from the interviews. The findings therefore reflect the key themes of the interviews as well as diverse information from secondary sources.

## Program Dimension

Elements of the program dimension of the GHTA, 2005, are grouped into prosecution, protection, and prevention. These elements are assessed in turn using the McConnell (2010b) and Dunn's (2012) criteria of program evaluation.

### *Prosecution*

Among others, the prosecution element of the program dimension is evaluated in respect to the number of human trafficking investigations, number of sex trafficking investigations, number of labor trafficking investigations, number of prosecutions, and number of convicted traffickers. In terms of human trafficking investigations, the lowest number of 75 was recorded in 2012, whereas the highest number of 238 was witnessed in 2015. The mean number of investigations for the 7 years period under review (2012–2018) was 126.

The numbers of labor trafficked victims were not available for 2012–2014, but the figures for 2015–2018 were 123, 114, 74, and 58, respectively. Similarly, the lowest figure for sex trafficking for the 4 years (2015–2018) for which data were available was 1 in 2015, while the highest was 24 in 2018. The mean number of sex trafficked victims for the 4 years was 12. Pertaining to the number of prosecutions, the lowest was seven in 2012, while the highest was 29 in 2017. The average number of human trafficking prosecutions for the entire period under review (2012–2018) was 15. The lowest number of convicted traffickers for the entire period under review was an even zero for 2015 and 2016. The highest number of convicted traffickers of seven was recorded in 2014 and 2018, while the average number of convicted traffickers was four.

The fact that subsequent years' figures of trafficking during the period under review are smaller means that human trafficking is decreasing rather than increasing. It also suggests that counter-trafficking efforts have been enhanced through better definition of human trafficking, improved information on the menace, and improved capacity for dealing with the problem. For example, in relation to better definition of human trafficking, there was no clear and unambiguous definition of human trafficking in law, and there was no specific law prohibiting trafficking in persons prior to the enactment of the Human Trafficking Act, 2005. There were, however, laws against slavery, prostitution, rape, underage labor, child stealing, kidnapping, abduction, and the manufacture of fraudulent documents under which traffickers could be prosecuted. Nevertheless, this definitional ambiguity made it difficult to consistently identify human trafficking cases. For example, the Ghana Police Service in 2005, before December when the law was enacted, could not determine how many of the approximately 250 reported cases of abduction, child stealing, and child abuse involved trafficking (U.S. Department of State, 2005). As a result, the Ghana Policy Service had never charged traffickers for the offense of "trafficking"; apparently due to the absence of a law criminalizing the offense in Ghana (Atuguba, 2005). Consequently, this created a situation where the charges were dismissed as irregular and unconstitutional (Atuguba, 2005). The fact that after the passage of the law against human trafficking culprits had been, and continues to be, specifically charged for trafficking, and subsequently prosecuted and convicted, means that the legislative ban is working.

Prior to the Human Trafficking Act, 2005, coming into force, in 2004, 33 human trafficking victims were identified, whereas in 2003, police arrested four persons for trafficking-related offenses, but none were convicted (U.S. Department of State, 2004). Two persons received 2-year jail sentences each and were fined for attempting to sell a child. A woman was arrested in 2001 on charges of child trafficking to The Gambia and was prosecuted. Another trial involved several traffickers who were intercepted with 50 children in 2002. This evidence shows that prior to 2005 when the human trafficking law came into force, human trafficking was occurring. The

numbers that are reported here of human trafficking before the enactment of the human trafficking law are lower than the figures after the law was passed. Based on the “before” and “after” the introduction of the Human Trafficking Act figures therefore, it appears the human trafficking menace is increasing rather than decreasing. However, there is no reason to believe that the numbers could not have been higher in the before period than are reported here since it was difficult to consistently identify human trafficking cases. For example, in 2003, prior to the coming into force of the human trafficking law, 1,000 children who were trafficked abroad were repatriated to Ghana (UNODC, 2009)—a huge figure of trafficked victims that the after period had never recorded.

In Nigeria, the specific offense of trafficking in persons was established in 2003, that is, 2 years after Ghana adopted a similar law. Nigeria’s conviction numbers are higher than those of Ghana. To illustrate, in 2017, Nigeria received 662 cases for investigation, completed 116 investigations, prosecuted at least 43 suspects in 43 cases, and convicted 26 traffickers, compared to 654 cases for investigation, 24 prosecutions, and 23 convictions in 2016 (U.S. Department of State, 2018). In comparison, Ghana conducted 113 investigations, initiated 29 prosecutions against 56 alleged traffickers, and convicted six traffickers in 2017, compared to 138 investigations, 11 prosecutions, and zero convictions in 2016 (U.S. Department of State, 2018).

In Togo, the specific offense of child trafficking was promulgated in the same year as Ghana’s law on human trafficking that is, 2005. Unlike Ghana’s law, Togo’s law does not cover trafficking in persons for those above the age of 18 (UNODC, 2009). Other provisions of the penal code criminalize sexual exploitation and forced labor. The Togo Government reported investigating and prosecuting eight cases involving eight alleged traffickers in 2017. The courts convicted seven of the eight suspects under articles 317 through 320 in the revised penal code, compared to 101 investigations and 60 convictions of traffickers in 2016 (U.S. Department of State, 2018). This evidence suggests that legislative bans of human trafficking seem to be doing better in Nigeria and Togo than in Ghana.

## **Protection**

The protection element of the program dimension is assessed based on the number of victims identified, number of victims provided with counseling and referral services, number of victims provided with care, total amount provided for care, and number of hotline calls placed by victims for assistance. The lowest number of human trafficking victims was 112 in 2015, whereas the highest of 579 was recorded in 2017. On average, 256 human trafficking victims were identified during the period under review (2012–2018).

Regarding the provision of counseling, the highest number of trafficked victims who were provided with counseling was 560 in 2017, while the lowest number was zero in 2014. Pertaining to the number of trafficked victims who were provided with care, no victim was provided with care in 2012, 2013, and 2014. However, victims who were provided with care in 2015, 2016, 2017, and 2018 were 17, 31, 31, and 348, respectively. This means that the average number of victims who were provided with care for the entire period under review was 61. Concerning the amount of money provided for care, no money was voted for 2012, 2013, and 2014, but the figure for 2015 was not available. The amount of money that was provided for care in 2016, 2017, and 2018 were Ghana Cedis (GHC)3, 710; GHC185, 930; and GHC378, 000, respectively. This means on average GHC81, 091 was provided for care of trafficked victims for the entire period under review. With respect to hotline calls placed by victims for assistance, no calls were placed from 2012 to 2016. However, in 2017, 30 such calls were placed, whereas in 2018, a colossal 3,599 calls were recorded.

As indicated earlier, in 2003, prior to the introduction of the Human Trafficking Act, 2005, more than 1,000 trafficked children were repatriated to Ghana. Domestically, two trafficked persons were identified in 2003, whereas 33 trafficked persons were identified in 2004 (UNODC, 2009). The

countertrafficking measures the government employed included countrywide awareness creation, community gatherings, financial incentives for women to withdraw their children from their traffickers, equipping victims with employable skills, business assistance and credit facilities to victims parents, and assistance with school fees and uniforms (U.S. Department of State, 2004).

The above evidence suggests that human trafficking before the coming into force of the Human trafficking Act, 2005, was a thriving illicit trade with more victims than was the case after the law came into force. It also suggests that efforts by state authorities to provide victims with care and employable skills in order to prevent relapse of rescued victims into the illicit human trafficking trade were moderate compared to efforts at prevention of the menace after the law was introduced.

### **Prevention**

Themes under the prevention element of the program dimension that are examined here are several. They include establishing and implementing a National Plan of Action (NPA) for the Elimination of Human Trafficking in Ghana, ensuring NPA is actually operational; ensuring NPA is funded, guaranteeing the HTMB holds periodic meetings; ensuring the organization of training sessions on countertrafficking, forging collaboration between the state and other agents for fighting human trafficking, and educating the public on the incidence, prevalence, and consequences of human trafficking.

In terms of the establishment of NPA, the drafting of the document commenced in 2012 and continued into 2013 when a new 5-year plan was articulated and the document was subsequently reviewed in 2014. In 2015, no action was taken on the NPA, but in 2016, the document was reviewed again and readied for approval. In 2017, the NPA was finalized, validated, and its implementation began that year. Since the NPA was not finalized and approved before 2017 money could not be devoted for its implementation.

However, in 2017, of the budgeted GHC1.5 million for NPA's activities only GHC730,000 was actually released. Of this amount GHC150,000 (\$33,190) was allocated to disseminate the NPA and support numerous human trafficking public awareness activities at the national, regional, district, and community levels. An amount of GHC500,000 (\$110,620) was lodged into the human trafficking fund. Disbursement of these funds awaited the inauguration of the HTMB. The HTMB is the interministerial committee mandated to meet at least quarterly; administer the human trafficking fund; advise the Ministry of Gender, Children and Social Protection on anti-trafficking policy; promote prevention efforts; and facilitate the protection and reintegration of trafficking victims. The HTMB held two meetings each in 2012 and 2015, three meetings in 2016. No meetings were held in 2013 and 2014. The HTMB was dissolved in January, 2017, due to a change in government and therefore could not meet. However, when it was reestablished in 2018, four meetings were held. The meetings provided no concrete proposals for the improvement of the operationalization of the Human Trafficking Act. No training sessions on countertrafficking were organized for the entire period under review. The state cooperated with other agents in fighting human trafficking. Thirty-two such cooperative endeavors were forged in 2017, 20 in 2016, and two in 2015. The years 2014, 2013, and 2012 recorded one cooperative endeavor each between the state and other agents for fighting human trafficking. Dissemination of information on human trafficking in relation to the incidence, prevalence, victims, perpetrators, consequences, sanctions was provided on radio and TV for public guidance for all years during the period under review.

Prior to the enactment of the Human Trafficking Act, 2005, preventive measures that were undertaken included in June 2003 when the Women and Juvenile Unit (WAJU) of the Ghana Police Force "implemented trafficking awareness campaigns involving community meetings in three coastal villages known for sending children to work along the Volta Lake" (U.S. Department of State, 2004, p. 58). WAJU also conducted informational meetings (awareness campaigns) at two

large truck stops in Accra. Government paid 10% of the cost of ILO countertrafficking programs and established an elaborate program to promote girls' education and included child labor issues in the education curriculum (U.S. Department of State, 2004).

From the above evidence, it can be surmised that several preventive measures against human trafficking were undertaken in the period prior to the introduction of the Human Trafficking Act, 2005. Nevertheless, these measures were not as numerous, expansive, and resourced as well as sophisticated as those that were undertaken following the introduction of the Human Trafficking Act. For example, after the enactment of the law, human trafficking awareness campaigns were not only conducted physically but also on radio and TV. Moreover, the education campaign extended to cover 540 intercity buses.

## **Evaluation of the Program Dimension by Dunn's Criteria**

Dunn's (2012) criteria of program success, as mentioned earlier, are now applied to the evaluation of the prosecution, protection, and prevention elements of the program dimension of the Human Trafficking Act, 2005. These criteria include effectiveness, efficiency, equity, adequacy, responsiveness, and appropriateness.

### *Effectiveness of the Act*

Effectiveness is the degree to which a policy or program achieves its objectives (Dunn, 2012). In terms of effectiveness, in absolute terms, the numbers of investigations in subsequent years during the period under review (2012–2018) were far higher than the figure in the first year that is, 2012. However, the magnitudes of the yearly swings were progressively bigger and recorded more reductions rather than increases in human trafficking investigations. One interpretation a respondent police officer gave to this trend is that "it shows that we, the police force, are vigorously fighting human trafficking that is why the numbers of identified and investigated cases are falling" (Respondent # 9). A respondent from one of the supply villages of human trafficking disagreed with the police officer's interpretation. She queried that the opposite is the case because "the traffickers have adopted more clandestine ways of courting victims and smuggling them out of their villages in the middle of the night." She continued that, "the traffickers then transport the victims through unapproved routes to predetermined destinations." She added that "while the police with vigil eyes are busy in the daytime trying to identify human trafficking, the traffickers are hectically trafficking scores of dozens if not hundreds of victims out of their villages in the dead of night" (Respondent # 48).

### *Efficiency of the Act*

Efficiency refers to the amount of effort required to produce a given level of effectiveness. That effort is measured in terms of monetary costs (Dunn, 2012). In regard to efficiency, the GHTA is inefficient. Since the establishment of a fund in 2008 to eliminate child labor—especially the worst forms of it like child trafficking, it has faced difficulties. These challenges include the comingling of the monies with the funds of the Ministry of Women and Children Affairs (MOWAC), a lack of disbursement accounting, and lack of audits (Sertich & Heemskerk, 2011). For example, MOWAC reported that it allocated US\$6,500 in seed money to the Fund, whereas other sources indicated that up to US\$75,000 was initially contributed by a conglomerate of governmental and intergovernmental organizations (Sertich & Heemskerk, 2011). Regrettably, the Fund was comingled with the general MOWAC account, leading to potential misappropriation and a lack of transparency. In 2009, approximately US\$9,235 was received to shelter seven trafficked victims for 6 months. Since that

time, the Fund is reported by MOWAC as completely exhausted. This was despite the fact that the amount disbursed was significantly lower than the amount of seed money received (Sertich & Heemskerck, 2011).

According to a HTMB member, the other aspect of inefficiency in the implementation of the human trafficking law is “the lack of timeliness and default in the disbursement of funds for anti-trafficking activities” (Respondent # 19). This, he explained, “distorts planning of the police and immigration officials in executing countertrafficking activities as well as caregivers for the timely delivery of services to victims.” A police officer concurred when he said that “there is usually at least two weeks delay in the start or cancellation of anti-trafficking training programs due to late or default in fund release.” In the case of delay, he revealed, “there is a corresponding delay in the start of the training programs for 2 weeks.” Meanwhile, resource persons, who “have no hand in the delayed start of the programs legitimately, draw their hourly rates and transport allowances.” This, he concluded, “is inefficient management of scarce resources because the lost man hours of teaching are hardly ever recouped” (Respondent # 22).

A respondent from an NGO observed that “another source of inefficiency in the anti-trafficking and victim support delivery chain is that HTMB and NPA are not decentralized” (Respondent # 28). He explained that “central officials lack understanding of issues of local relevance and have to be briefed by their local counterparts before taking decisions on them.” This, he digressed, is “inefficient because knowledgeable local officers have to travel to the capital to elucidate on such issues.” This, he said, “is not only a waste of time and efforts but also money spent on transport, boarding and lodging by the local officials in the capital” (Respondent # 28). A decentralized implementation structure, he advised, “would have saved tax payers this avoidable expenditure” (Respondent # 28).

### *Adequacy of the Act*

Adequacy denotes the extent to which a given level of effectiveness satisfies the needs, values, or opportunities that gave rise to a problem (Dunn, 2012). Respondents were asked whether rescue, rehabilitation, and social integration of victims of human trafficking as well as the punishment of offenders had occurred. A majority 65% answered in the negative, 15% confirmed that some makeshift structures were available for rescued victims of trafficking, and 5% said they did not know whether such assistance was available to victims. At Wulensi in the Nanumba South District, a respondent indicated that “trafficked children rescued from *kayayee* (head portering) are being given vocational training in dress making, shea butter processing and petty trading” (Respondent # 76).

A victim from Walalewale said that “schooling and skills training are opportunity costs of human trafficking.” This, she explained, “is because parents cannot afford the fees to enroll their children in school or vocational training” (Respondent # 81). Another victim from Karaga said that “there are no jobs in this village and most young people are the breadwinners of their families.” So, “any acquaintances or strangers that come promising prospective victims lucrative jobs in the capital get them persuaded” (Respondent # 66). This evidence makes the point that the incidence and prevalence of human trafficking may not always hinge exclusively on the ineffectiveness of the enforcement of legislative bans. It certainly has something to do with the lack of job opportunities and social welfare programs for particularly poor rural and urban households. For such households, nonwork (e.g., educational participation) is a luxury good. Therefore, parents cannot afford not to let their children or young adults migrate in search of greener pastures even if they fall prey to traffickers.

### *Equity of the Act*

Equity is linked to legal and social rationality and denotes the distribution of effects and efforts among different groups in society (Dunn, 2012). The Human Trafficking Act, 2005, is inequitable for several reasons. First, shelters for victims are unevenly distributed. The government operates only three shelters for trafficked persons, two of which are located in the Greater Accra Region and house only children (Sertich & Heemskerk, 2011). This means shelters are not available for a disproportionately large part of the country, and this is inequitable. Second, the bulk of the funding for victims of labor trafficking is available for the mining and cocoa sectors (e.g., the US\$10 million 4-year regional project for the cocoa sector). Sadly, no funding is available for the domestic service and *kayayee* (head pottering) sectors.

Third, training programs for countertrafficking is centralized at the capital. This means that “those police, immigration and custom officials in the regional, district and sub district levels are usually infrequently, if at all, enrolled for such training” (Respondent # 39). Fourth, a respondent said, “funds for anti-trafficking activities are co-mingled with the Ministry of Gender and Children Affairs accounts at the capital.” So, he concluded, “the funds, if they flow at all, are to the offices in the capital but hardly do they get to the sub-national level” ((Respondent # 41). Finally, the “distribution of requisite tools and equipment such as guns, working gear and computers and other IT accessories for efficient and effective data gathering and analysis are biased towards the center” (Respondent # 54).

### *Responsiveness of the Act*

Responsiveness means the extent to which a policy satisfies the needs, preferences, or values of particular groups (Dunn, 2012). The “Ghana Human Trafficking Act appeared to have neglected trafficked persons engaged in domestic service and *kayayee* (head pottering) sectors, which are dominated by girl children” (Respondent # 71). The law or enforcers of the law seem to “assume that those in domestic service are not trafficked” (Respondent # 69). This is because it is a cultural practice in Ghana for parents to send their children to live with extended family members to reinforce familial ties and to increase the propensity of their children having good education and skills development (Sertich & Heemskerk, 2011). However, as one respondent victim lamented “this arrangement has been defiled” (Respondent # 37). She said, “a combination of reasons including unemployment, poverty, rising cost of living and the breakdown of familial ties have assailed this arrangement” (Respondent # 37). Children are “lured by trusted relatives and neighbors with promise of a better life in the urban areas.” However, once trafficked, another informant revealed, “the children are regularly abused; children living with relatives are frequently abused for labor, domestic services, or disallowed from attending school” (Respondent # 59). Since a greater proportion of children who work in domestic service are girls and since the girl child is more vulnerable than the boy child, this neglect will widen the already existing gap between the sexes in relation to employment, access to opportunities, and educational attainment.

Another source of irresponsiveness in the implementation of the Act is that “there is overemphasis on trafficked boys and girls to the neglect of adult victims” (Respondent # 21). For example, one informant police officer revealed that “accommodation to shelter rescued victims is scarce so priority is given to children” (Respondent # 49). Moreover, “more attention in terms of counseling is given to victims of sex trafficking to the neglect of those trafficked for labor” (Respondent # 43).

### *Appropriateness of the Act*

Appropriateness refers to the value or worth of a program’s objectives and to the tenability of assumptions underlying these objectives (Dunn, 2012). The objectives of the GHTA are to prevent,

rescue, and rehabilitate, as well as reintegrate trafficked victims into society. These objectives are appropriate because the harmful effects of human trafficking impose costs on child victims, their parents, adult victims, and society at large. As noted earlier, the consequences of human trafficking in Ghana among others are an illiterate and a marginally productive workforce, reduced adult wages, poor health, and a passive and ignorant citizenry. An intervention to eradicate human trafficking in Ghana such as the GHTA, 2005, is therefore an appropriate policy.

## Process Dimension

In a process sense, a policy is often judged a success if it successfully goes through all the stages of the policy process (from agenda setting right down to the evaluation stage). The GHTA is also analyzed in this process sense—what happened at the agenda setting; formulation, adoption; implementation; and evaluation stages.

### *Agenda Setting Stage*

In terms of agenda setting, human trafficking seemed to have been ambiguously defined in the GHTA, 2005. Section 1(1) of the Act defines human trafficking as the recruitment, transportation, transfer, harboring, trading, or receipt of persons for the purpose of exploitation within and across national borders. This is by “(a) The use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or (b) Giving or receiving payments and benefits to achieve consent.” Exploitation, according to the Act, “shall include at a minimum induced prostitution and other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.”

Pragmatically, the Act’s definition of human trafficking is ambiguous, especially because of the application of the conjunctive “or” in Section 1(1). A number of campaigners think any single element listed at the start of Section 1(1)—recruitment OR transportation OR transfer OR harboring OR trading OR receipt of a person—coupled with exploitation and the elements required in subsections (a) or (b) is enough to denote trafficking. On the contrary, others accept that each and all of the elements enumerated at the opening of Section 1(1), joint to exploitation and the elements required in (a) or (b), must be incorporated in the term “trafficking.” In this latter situation, the “or” would simply apply to “trading or receipt of persons,” and all other actions would be required as if they were joined by the word “and” (Sertich & Heemskerk, 2011, p. 3). The absence of definitional precision raises many important difficulties. First, sufficient awareness about human trafficking cannot be attained if there is misunderstanding surrounding what activities comprise human trafficking. Second, it is quite formidable to investigate and prosecute human trafficking if such definitional unambiguity is present because law enforcement cannot consistently identify cases. Third, it is important to make a distinction between human trafficking from other crimes since laws outlawing those crimes often contain weaker penalties, lack victim protections, and “focus on the perpetrator rather than the person who has had his or her rights violated” (Sertich & Heemskerk, 2011, p. 3).

Some campaigners are also worried that the Act is not exhaustive enough to incorporate all forms of trafficking or aptly address the most widespread forms of trafficking occurring in Ghana. Some common types of human trafficking have never been prosecuted, like the trafficking of kayayee. To fill this gap, Ghana should copy the initiative of Nigeria, whose law articulates and criminalizes nine distinct forms of trafficking based on the types of exploitation historically prevalent there (Sertich & Heemskerk, 2011). Ghana’s legislative instrument, or an amendment to the Act, should include a list of the types of exploitation prevalent in the country to facilitate their investigation and prosecution. It should be noted, however, that the Act is not comprehensive enough not to exclude new forms of trafficking that emerge over time.

### *Policy Formulation Stage*

Respondents were asked whether they thought adequate alternative proposals were tabled in the process of enacting the GHTA. Eighty-one percent answered in the negative. One respondent stated that “the Act is not comprehensive enough to cover all forms of human trafficking” (Respondent # 32). Another interviewee revealed that “some forms of trafficking like procuring children for *kayaye* (head porting) have never been construed as a form of trafficking let alone making attempts to prosecute perpetrators” (Respondent # 25). The lack of alternative proposals led some scholars to call for Ghana to follow Nigeria whose laws stipulate and criminalize nine distinct forms of trafficking predicated on the types of exploitation historically predominant there (Sertich & Heemskerck, 2011).

A respondent social welfare officer suggested “linking of children rescued from trafficking or at risk of being trafficked with the appropriate social programs, such as the Livelihood Empowerment against Poverty Program (LEAP) or childcare allowance” (Respondent, # 42). An interviewee from Bimbilla advocated the “running of soup kitchens in poverty-stricken rural areas, providing skills training and apprenticeships, subsidizing agricultural production, and boosting rural incomes” (Respondent, # 45). A respondent teacher called for “increasing access to education by expanding efforts that provide adequate teachers, materials, and classrooms, and assessment of the impact that these efforts may have on reducing human trafficking” (Respondent # 50). Some of the suggested solutions are not contained in the Act’s strategies to eliminate human trafficking. Moreover, because the process of developing strategies to combat human trafficking did not include nonauthoritative stakeholders, the gaps identified in the solution options adopted could not be avoided.

### *Adoption Stage*

The adoption of the GHTA did not encounter obstacles. It was not seen as a crisis matter or a high priority issue by both the then ruling New Patriotic Party and the then opposition National Democratic Congress. Nevertheless, both parties consented to it on moral grounds as a public policy problem that needed to be resolved. Therefore, both sides of the political divide supported the ratification of the Act. Thus, actors’ behaviors neither bogged down the policy nor undermined the integrity of policy proposals. However, the process was far from participatory. One child rights advocate queried that, “other stakeholders including parents, guardians, and children as well as child rights activists and victims were neither given opportunity to propose solutions nor given audience when decision on the best solution were being made” (Respondent # 15).

### *Implementation Stage*

Respondents were asked whether the implementation of the Act encountered challenges. In response, 82% of them cited several difficulties which they believed bedeviled the implementation of the Act. These included resource constraints, unfulfilled mandates, weak fund management, and lack of coordination between executing agencies.

In actuality, most of the countertrafficking tasks that are the responsibility of state authorities were largely not discharged by them, so NGOs had to fill the gap. Although the state has supported several rescue operations, the bulk of victim rescues are performed by NGOs, sometimes with police and DSW involvement (Sertich & Heemskerck, 2011). As mentioned earlier, the government, through DSW, operates only three shelters for trafficked persons, two of which are located in the Greater Accra region and house only children. DSW provides only housing at one of the three shelters, while NGOs provide food, clothing, and other basic material support (Sertich & Heemskerck, 2011).

A respondent social welfare officer lamented that, “government offers little support in terms of family tracing, funding skills development and employment opportunities, and providing start-up capital” (Respondent, # 63). A trafficked victim said that “instead, NGOs provide family tracing and rehabilitation services or form partnerships to that effect” (respondent # 78). Besides funding-level discrepancies, queried a respondent councilor, “accounting problems also inhibit the complete deployment of resources” (Respondent # 85). This is corroborated by Sertich and Heemskerk (2011) who revealed that in 2009 the Enslavement Prevention Alliance—West Africa (EPAWA) received approximately US\$9,235 to shelter seven trafficking victims for 6 months. Since that time, the Fund has been deemed completely exhausted by MOWAC although the amount disbursed was considerably lower than the amount of seed money voted (Sertich & Heemskerk, 2011, p. 5). Despite the fact that the HTMB has demanded a Fund audit from MOWAC, it has yet to be carried out. So, it seems the commingled funds were misallocated, leaving the Fund effectively nonfunctional (Sertich & Heemskerk, 2011).

### **Evaluation Stage**

An informant policy analyst revealed that “even though the Ghana Human Trafficking Act was enacted in 2005 there has been no comprehensive government evaluation to determine its outcomes” (Respondent # 89). An immigration officer concurred when he stated that “policy evaluation seems to be the missing link in the Ghanaian policymaking process.” So “I am not surprised the Act has not been evaluated to determine its success or otherwise” (Respondent # 96). A MOWAC informant concurred, querying that “the Act has not been evaluated fourteen years after its implementation” (Respondent # 7). Without evaluation, lamented another respondent, “it is difficult to determine whether the policy is a success or failure; it is also impossible to glean lessons that can be used to inform policy reform” (Respondent # 10).

### **Political Dimension**

Politically, the implications of the outcomes of the design and implementation of the GHTA for electoral support and regime legitimacy are negligible. The priority tag the government attached to policies like the Free Medical Care for Pregnant Women (FMCPW) was prompted by international bodies like the UN which had already declared maternal mortality as an international health crisis and adopted MDG Goal 5 to stem it (Adjei & Agyepong, 2008). As a member of this world body, Ghana accordingly conformed by also placing it high on its policy agenda. Unlike FMCPW, human trafficking was not regarded as a crisis issue domestically, the stakes were therefore low. As one respondent observed,

a considerable proportion of the Ghanaian population either is not aware of human trafficking or if they are aware, they do not consider it as important as other issues such as the current unemployment problem, water and energy shortages and hikes in prices of goods and services, and high cost of living. (Respondent # 4)

So neither the public nor opposition parties had appetite to criticize government on the implementation of the GHTA.

### **Discussion and Conclusion**

The findings showed that human trafficking in Ghana is still on the ascendancy. Nevertheless, the number of trafficked persons in the period before the introduction of the Human Trafficking Act was much bigger than those in the period after the law came into force. This means that the legislative

ban has made a difference in combating the human trafficking menace in Ghana. However, a range of challenges confronted the design and implementation of the law. Among others, these factors include laziness and wickedness of parents, disparity in urban and rural development, vulnerability due to ignorance and lack of opportunities, and civil conflicts and internal displacements. This suggests that legislative bans such as the GHTA alone will not work since human trafficking is often an indication of other problems. These factors will not be eradicated by legislative bans. This line of reasoning led Satz (2003) to suggest that developing and strengthening democratic political and economic institutions is likely to be a more effective measure in eradicating human trafficking than legislative bans.

The plurality of factors causing human trafficking has raised questions surrounding the explanatory power of economic theory in determining human trafficking. For example, in the case of procuring children for labor in Ghana, the decision is usually made by parents on behalf of their children. "This gap between chooser and chosen for opens up the possibility that children's interest will be discounted" (Satz, 2003, p. 299). Thus, surrogate decision making is a morally fraught arena, especially in the case of young children who often cannot even articulate their own interests. In addition, due to ignorance on the part of victims particularly those sourced from rural areas and the use of deception on the part of traffickers, the decision of adult victims to voluntarily offer themselves to be procured for trafficking is an uninformed one. However, uninformed choice is not the basis of rational decision making as entailed in economic theory. Furthermore, displacements due to conflicts become a push factor of human trafficking where the fleeing victim's primary concern is to get to safety. In that scenario, there is no luxury of time for rational evaluation as to whether the assistance to be transported to safety is a genuine one or not. Also because the living conditions in temporal refugee camps are generally appalling many displaced people fall into the hands of traffickers in their effort to find suitable alternative to have a roof over their heads. It is for these varieties of reasons that cause human trafficking that Luty and Lanier (2012) argue that a combination of theories rather than a single one, like economic theory, provide a more realistic explanation of the occurrence of human trafficking. Moreover, in an economic marketplace, participants transact on the basis of free will. This is, however, not the case in the market for trafficking where the suppliers (victims) are usually forced to transact against their will.

The study has revealed that labor trafficking numbers are far higher than those of sex trafficking in Ghana. However, the literature has tended to over concentrate on sex trafficking to the neglect of labor trafficking. This joins Weitzer (2014), Farrell and Fahy (2009), and Gulati (2011) who opine that in documentaries, newspapers, and in the tone of anti-trafficking advocates, as well as NGOs, international organizations, and government officials, sex trafficking is projected as alarming whereas labor trafficking receives little emphasis. To illustrate, sex trafficking was privileged over labor trafficking by the Bush administration. The Bush Government's *2005 TIP Report* claimed that "the majority of transnational victims are trafficked into commercial sex exploitation" (U.S. Department of State, 2005, p. 6). On the contrary, Obama administration's *2010 TIP Report* declared that "the majority of human trafficking in the world takes the form of forced labor . . . Sex trafficking comprises a smaller but still significant portion of overall human trafficking" (U.S. Department of State, 2010, pp. 8–9). The ILO (2005a) also claims that "forced commercial sexual exploitation represents 11% of all cases" of forced labor worldwide (p. 12). These counterevidences suggest that the international market for all forms of cheap labor (in agriculture, manufacturing, mining, domestic service, etc.) surpasses the market for sexual services. So, trafficking for forced labor would be more prevalent outside the commercial sex sector (Weitzer, 2014, p. 13). This evidence creates a gap yearning for much more research and government targeting of labor trafficking.

On the process dimension, the evidence showed that there were gaps in some of the stages of the Act's enactment process. For example, at the agenda setting stage, the evidence indicated that there was no consensus among respondents and decision makers' wording of the text on what constitutes

human trafficking. This definitional ambiguity has at least three implications. First, sufficient awareness cannot be generated if there is imprecision about what behavior qualifies as human trafficking. Second, it is herculean to investigate and prosecute perpetrators if such ambiguity prevails because law enforcement cannot consistently identify cases. Third, it is important to differentiate between human trafficking from other crimes because laws outlawing those behaviors often contain weaker penalties, lack victim protections, and focus on the perpetrator rather than the person who has had their rights violated (Sertich & Heemsker, 2011).

The formulation and adoption stages were also poorly done because opportunity was not afforded for tabling of alternative solutions. The reasons for this were that citizens particularly stakeholders were either unaware of the policy or were uninterested in it or were weak agents who could not influence the Act's enactment process. This speaks of Bridgman and Davis (2004, pp. 41 and 42) when they argue that "... subjects lacking dramatic impact [or] that affect minorities ... or that would not find a receptive audience among elected politicians' are less likely to get the needed attention." Moreover, the media did not give the Act's enactment process the needed hype and promotion. So, the process did not generate sufficient attention and interest from members of the public in proposing alternative solutions. This joins Bridgman and Davis when they queried that "Although the media claim objectivity in raising and covering issues, various biases ... inevitably influence content" (Bridgman and Davis, 2004, pp. 37 and 38).

Ghana seemingly was reluctant and so delayed the enactment of a law on human trafficking until 2005, that is, 2 years after the coming into force of the Palermo Protocol on December 25, 2003. This may be viewed as relegating the human trafficking menace to the "zone of rejection" in the issue life cycle. The zone of rejection is a situation in which an issue is not considered relevant to a stakeholder's interests and is therefore denied access to that stakeholder's attention (Barnard, 1938). Human trafficking was in a zone of rejection because it was not considered a vote capturing issue.

Implementation suffered several challenges: unfulfilled mandates; lack of accountability in fund management; lack of synergy between all the individuals, groups, and organizations that were involved in putting the policy into effect; incomplete, inaccurate, and dated information on human trafficking; lack of and inequity in the distribution of funds for countertrafficking activities; and infrequent and inadequate training and development in preventive, prosecuting, and protective measures. Such policy execution bottlenecks are what Pressman and Wildavsky (1984) identified as causing implementation deficits. At the evaluation stage, it was found that Ghana since enacting the GHTA in 2005 has not undertaken an assessment to determine whether or not the policy is achieving its objectives. Lack of policy evaluation robs policy makers of the opportunity to know how the policy fared. That is, the outcomes it has achieved and the challenges it has faced. However, such feedback is a prerequisite to policy reform (Dye, 2008). Politically, there was neither difficulty in adopting the Act nor legitimacy concerns surrounding its outcomes.

This article investigated whether the GHTA as a policy is a success. The success or otherwise of the Act was assessed at three levels: program, process, and politics. At the program level, the prosecution element of human trafficking fared better than the prevention and protection elements. In particular, the number of investigations of human trafficking cases and prosecutions of traffickers increased progressively during the period under review although these efforts yielded few convictions. In relation to the protection element, the task of identifying potential victims outperformed other activities such as the provision of victims with counseling and referral services, provision of victims with care, and provision of funding for the care of victims. Concerning the prevention element, the task of educating the public on the dangers of human trafficking fared better than other activities such as training in countertrafficking, provision of funding for countertrafficking operations, and conducting meetings by HTMB for taking strategic and operational decisions.

In terms of the six criteria of evaluation, the effectiveness criterion fared better than the other five criteria. Speaking of effectiveness, the number of investigations, prosecution, and convictions

increased more than in the period before the introduction of the Human Trafficking Act, 2005. The efficiency criterion performed abysmally as there was lack of disbursement accounting that led to potential misappropriation of funds. Also there was lack of timeliness in the disbursement of funds, and transaction costs increased as a result of over centralization of operational activities. With reference to the adequacy criterion, off-the-radar trafficking in scores of hundreds in particular undermined countertrafficking efforts. In terms of equity, distributional injustice surrounded issues such as fund disbursement, provision of shelter for victims, and weapons, tools, and equipment for counter trafficking activities. Pertaining to the responsiveness criterion, there was overemphasis on trafficked boys and girls to the neglect of adult victims and victims in the domestic and *kayaye* service sectors. As regard the appropriateness criteria, the objectives of the GHTA (2005) are appropriate. They are appropriate because the harmful effect of human trafficking impose cost on victims particularly children, parents, and society at large.

At the process level, gaps were recorded at some of the stages of the Act's making process. In particular, at the agenda setting stage, there was definitional ambiguity surrounding human trafficking. This definitional confusion led, among others, to the inability of law enforcement authorities to consistently identify cases. Implementation was bedeviled by resource constraints and financial impropriety and evaluation of the Act's performance was never done. The many factors that cause human trafficking make examining the menace from the prism of economic theory per se reductionist. Rather an integrated model of human trafficking is a much more realistic approach to capturing the myriad factors that are responsible for the menace.

The GHTA, 2005, has somewhat succeeded in reducing the human trafficking menace in the country. Nevertheless, many design, operational and structural challenges remain which threaten to undermine the gains made so far. For example, there is an exclusive focus on technical learning to the neglect of potential process and political failures. The article concludes that the Ghana Human Trafficking Act is unlikely to largely achieve its goals unless lessons are gleaned and incorporated into policy reform from the specific type as well as the overall program, process, and political failures of the Act.


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