

**UNIVERSITY OF GHANA  
CENTRE FOR MIGRATION STUDIES**

**COMBATING HUMAN TRAFFICKING: AN ASSESSMENT OF THE  
NATIONAL POLICIES ON ELIMINATING HUMAN TRAFFICKING  
IN GHANA**

**BY**

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**THIS DISSERTATION IS SUBMITTED TO THE UNIVERSITY  
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### **DECLARATION**

I, Hannah-Joy Amissah, declare that, except for references to other people's work which have been duly referenced, cited and acknowledged, this dissertation is original and it is the result of my independent research conducted at the Centre for Migration Studies, University of Ghana, Legon. This dissertation has never been published or presented either in part or in whole to any other University or institution.

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## **DEDICATION**

This work is especially dedicated to God Almighty, my lovely Mother, my Father, Brother  
and Friends.

## **ACKNOWLEDGMENT**

This final product of the research would not have been achieved without the guidance and presence of God Almighty. Indeed, He is able to do exceedingly and abundantly.

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## **LIST OF ABBREVIATIONS**

|         |   |                                                                                           |
|---------|---|-------------------------------------------------------------------------------------------|
| AEC     | - | African Economic Communities                                                              |
| AHTU    | - | Anti- Human Trafficking Unit                                                              |
| AHSTIP  | - | Anti-Human Smuggling and Trafficking In Persons Unit                                      |
| AU      | - | African Union                                                                             |
| CEDAW   | - | Convention on the Elimination of Discrimination Against Women                             |
| CSOs    | - | Civil Society Organisations                                                               |
| DSW     | - | Department of Social Welfare                                                              |
| ECA     | - | Economic Community for Africa                                                             |
| ECOWAS  | - | Economic Community of West Africa                                                         |
| GAATW   | - | The Global Alliance against Trafficking in Women                                          |
| GIS     | - | Ghana Immigration Service                                                                 |
| GLO.ACT | - | Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants |
| GOG     | - | Government of Ghana                                                                       |
| GPS     | - | Ghana Police Service                                                                      |
| GSS     | - | Ghana Statistical Service                                                                 |
| HMB     | - | Human Trafficking Management Board                                                        |
| HT      | - | Human Trafficking                                                                         |
| HTS     | - | Human Trafficking Secretariat                                                             |
| ILO     | - | International Labour Organization                                                         |
| IOM     | - | International Organization for Migration                                                  |
| L.I.    | - | Legislative Instrument                                                                    |
| MDAs    | - | Ministries, Department and Agencies                                                       |
| MELR    | - | Ministry of Employment and Labour Relations                                               |

|        |   |                                                                  |
|--------|---|------------------------------------------------------------------|
| MIB    | - | Migration Information Bureau                                     |
| MINTER | - | Ministry of Interior                                             |
| MMB    | - | Migration Management Bureau                                      |
| MOGCSP | - | Ministry Of Gender, Children and Social Protection               |
| NGOs   | - | Non Governmental Organizations                                   |
| NPA    | - | National Plan of Action                                          |
| NPAEHT | - | National Plan of Action for the Elimination of Human Trafficking |
| NMP    | - | National Migration Policy                                        |
| PA     | - | Plan of Action                                                   |
| PATIP  | - | Plan of Action against Trafficking In Persons                    |
| RECs   | - | Regional Economic Communities                                    |
| TIP    | - | Trafficking in Persons                                           |
| TIPIS  | - | Trafficking in Persons Information Systems (TIPIS)               |
| UDHR   | - | Universal Declaration of Human Rights                            |
| UN     | - | United Nations                                                   |
| UNICEF | - | United Nations Children's Fund                                   |
| UNODC  | - | United Nations Office on Drugs and Crime                         |
| WFP    | - | World Food Programme                                             |
| WFCL   | - | Worst Forms of Child Labour                                      |

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## **ABSTRACT**

Despite efforts to counter human trafficking, it is still an issue of global concern. However, most of the works on human trafficking have focused on challenges, health implication on victims, its threats to national security and transnational human trafficking activities with little attention on the implementation plans of the policies, legal and institutional frameworks that govern the Act. This research examined how policies, specifically the National Plan of Action for the Elimination of Human Trafficking in Ghana, have curbed trafficking in persons and its implications in Ghana.

The specific objectives were to trace the history and provide a descriptive analysis of the policies relevant for managing human trafficking in Ghana, to assess the policy guidelines and legal instruments for eliminating human trafficking in Ghana, to examine the role of state and non-state actors in abetting the implementation of the policies that tackle human trafficking in Ghana. The study made use of both primary sources, thus conducted interviews with ten relevant stakeholders and secondary sources of data which included Policies, Acts and Legal frameworks like The National Plan of Action for the Elimination of Human Trafficking of 2017, The Human Trafficking Act of 2005; Act 694, The Children's Act of 1998, Act 560, The Ghana Immigration Law, and The National Migration Policy.

The study revealed that the Government of Ghana has made concerted efforts to combat human trafficking in Ghana. Since the formulation of the National Plan of Action, Ghana has moved from the Tier 2 watch list to Tier 2. This means that their effort to combat human trafficking has successfully increased. Its implementation has also effectively enforced partnership and collaboration amongst stakeholder institutions in their quest to combat this canker. It also revealed that state and non-state actors have played very important roles in dealing with human

trafficking. This year the government of Ghana established rescue centres for victims of trafficking. Again, all government security organizations, Ghana Immigration Service and Ghana Police Service, have developed compulsory training curricular for all their officers, both new recruits and old, to tackle issues on human trafficking.

However, despite these achievements, the study discovered some institutional challenges relating to funding, community sensitization, victim identification, reintegration and prosecution of perpetrators in dealing with policy implementation.

It is therefore recommended that policies enacted on human trafficking should be reviewed and harmonized, and the international laws ratified, to avoid duplication and confusion. If at the end of the five year period, the National Plan of Action for the Elimination of Human Trafficking's implementation is achieved, it should be extended.

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Introduction

Referring to Aronowitz (2009), since the ratification of the United Nations Trafficking in Persons Protocol there has been almost a universal agreement on human trafficking. The UN definition of human trafficking states:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organ (Aronowitz 2009: p.1).

Lee (2014, p.8) says that human trafficking has been perpetrated when an international border is crossed illegally and payment is made to a trafficker. There are different definitions for the concept of human trafficking. However, the most widely and conveniently used is the UN definition. This is because as compared to Lee's definition, it much more explains how trafficking is done by making use of three necessary elements: the act, the means and the purpose. Also, Lee's definition is only linked to international borders of trafficking but human trafficking can be both domestic and internal as well (Sertich and Heemskerk 2011).

The exploitation of one human being by another is the vilest crime; yet trafficking in persons remains all too common, with all too few consequences for the perpetrators (UNODC 2014). More than 90% of countries have legislation criminalizing human trafficking since the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, under the United Nations Convention against Transnational Organized Crime, came into force more

than a decade ago. Yet since 2010, the UNODC report under the UN Global plan of Action to Combat Trafficking in Persons has seen very little improvement in the overall criminal justice response.

Policy and legal frameworks are enacted to protect and harness the benefits of migration for development. Policy and legal frameworks against human trafficking have been enacted to Prevent trafficking in persons, Protect trafficked victims, Prosecute and Punish perpetrators. Human trafficking is modern day slavery (Sigmon 2008) and an unpardonable, dehumanizing transnational organized crime which society continues to struggle with. The demand for cheap labour, sexual services and certain criminal activities are among the root causes of trafficking, while poverty, the absence of economic opportunities and social attitudes are other contributing factors (UNODC 2018).

According to the International Labour Organization's Global Estimate of Forced Labour (2012) (ILO), there are 20.9 million individuals in forced labour at any point in time in which 68% or 14.2 million are victims of forced labour exploitation in economic activities such as agriculture, construction, domestic work and manufacturing. Also 22% or 4.6 million are victims of sexual slavery in which 21% or approximately 1 million victims are children. The remaining 10% or 2.2 million individuals are in state-imposed forms of forced labour, 55% or 11.5 million victims are female, while 45% or 9.5 million are male. Again, 9% or 6 million left their country of origin to work in another country where the forced labour took place. Cross-border movement is strongly associated with forced sexual slavery (ILO 2012). However, according to the United Nations Office on Drugs and Crime (UNODC), it is not known how many of these victims are trafficked (Global Report on Trafficking in Persons 2012).

Inside Africa, there are sub-Regional differences in human trafficking. Among the sub-Regions, human trafficking is more widespread in Western and Central Africa serving as the major source and destination areas (Darko 2018). On the other hand, Southern Africa mainly serves as a destination. North Africa serves as a source and transit region for persons from the other sub-Saharan countries heading to Western Europe (Darko 2018). Evidently, visible routes of human trafficking activities among countries such as Niger, Burkina Faso, Mali, Nigeria, Gabon and the Gulf countries have been established, of which many are found in West Africa. Some African countries usually serve as the source and transit countries whereas Europe and the Gulf countries serve as the destination (Darko 2018). In West Africa, some source countries are Ghana, Nigeria, Togo, Burkina Faso and Mali.

According to the US Department of State's Trafficking in Persons Report 2016, Ghana is a country of "origin, transit and destination for men, women and children subjected to forced labour and sex trafficking" (p.209). Ghanaians, particularly children, are exploited within the country even more than transnationally. Boys are more likely to be trafficked into forced labour whereas girls, and to a lesser extent boys, are also subjected to sex trafficking (United States Department of States, 2016). Some statistics in 2019 from the US department of State's trafficking report says that the government identified 348 potential victims of trafficking out of which 252 were children. Again out of the 348 persons, the Ghana Police Service identified 285 potential victims, 242 were potential victims of labour trafficking. These were all Ghanaians and nearly all of them (231) were children with 190 being boys (US Global TIP report 2019).

Ghana has since signed to and developed Acts, policies and institutions to help curb the prevalence of this menace. The Anti-Human Trafficking Act of 2005 and its Unit at the Ghana

Police Service (GPS) was created in 2008 and have since established units at the regional Command Headquarters in nine of Ghana's ten regions. Human Trafficking Amendment Act also came into force in 2009 to manage the 2005 anti- Human trafficking Act and create a human trafficking management board. The Ghana Immigration Service (GIS) established the Anti-Human Trafficking Desk in Accra in 2010 and recently established desks at three major border crossings – Aflao, Paga and Elubo (IOM 2013). The newly passed Human Trafficking Prohibition (L.I.2219) forms part of efforts to standardize the effective implementation of the Human Trafficking Act of 2005. The Ghana National Migration Policy which was launched in 2016, developed some policy objectives and strategies to combat trafficking in persons. The National Plan of Action for the Elimination of human trafficking by the Ministry of Gender, Children and Social Protection is the most recent plan on the agenda created in 2017.

In light of this, using descriptive and prescriptive policy approach, the study critically examines the Acts and policies on human trafficking in Ghana with focus on The National Plan of Action for The Elimination of Trafficking in Persons (2017).

## **1.2 Problem Statement**

Human trafficking, also known as modern day slavery, is a global threat that touches nearly every corner of the world (Trafficking in Persons report 2018). Since the 1990s trafficking in human beings has increasingly become a priority in the international and European policy agenda (Caneppele, and Mancuso 2013). International organisations, regional bodies and national governments have since been enacting policies, creating new laws and regulations to stop trafficking of persons (Mishra 2015). Initiatives to address human trafficking require that actions are targeted at the drivers of human trafficking (Lee 2014). This is to prevent exploitation

across each stage of the labour migration cycle and to also stop the types of harm that can lead to generational cycles of incapacity and exclusion (Lee 2014).

Sertich and Heemskerk (2011) opine that human trafficking has taken root in Ghanaian culture for two push primary factors. First, throughout Ghana's history, parents have sent their children to live with extended family members to strengthen familial ties and enhance their children's education or skills development. For a variety of reasons, including urbanization, poverty and the breakdown of familial ties, this system is now regularly abused. Children living with relatives are often exploited for labour, domestic services, or prevented from attending school (Sertich and Heemskerk 2011). They further explained that poverty often causes some Ghanaians to seek occupational opportunities outside of their communities of origin, leaving them vulnerable to traffickers. According to Sertich and Heemskerk (2011), an estimated 28.5 percent of Ghanaians live off \$1.25 per day, which is below the national poverty line and a majority of trafficked persons originate from the poorer areas of Ghana such as Volta, Central and Northern areas (Sertich and Heemskerk 2011). Scholars (Sertich and Heemskerk 2011: Atugbugba 2005) have identified that in Ghana, domestic trafficking is believed to be more prevalent than transnational trafficking and most reported victims are children. Girls from the northern regions are regularly exploited by recruiters to work as head porters (street peddlers) or kayayei and domestic workers, in metropolitan areas. Estimates from aid organizations (Sertich and Heemskerk 2011) place the number of children working in the kayayo business in the tens of thousands. Once these girls arrive at their destinations they are exploited, not compensated as promised and are often forced to exchange sexual services for shelter (Sertich and Heemskerk 2011).

The Office to Monitor and Combat human trafficking of the US Department of State has said that licensed and unlicensed agencies are responsible for the recruitment of people especially



women to the Gulf countries for domestic services or to work in the hospitality industries. Upon return, some of these women report being deceived, exploited or forced into prostitution (Sawadogo 2012). In the 2019 Trafficking in persons report of the US Department of State there were indications that the importance of the recruitment industries grow as globalization increasingly drives markets toward temporary or seasonal contract workers who are mobile and flexible. The report also indicated that millions of workers each year turn to or are approached by labour intermediaries, recruiters, agents, or brokers who facilitate the movement of labour both within countries and across borders to satisfy global labour demands (US TIP Report 2019). In 2018 the International Labour Organisation report estimated that there are 164 million migrant workers worldwide, an increase of nine percent since the last estimate in 2015. Likewise, the study by Awumbila et al (2017) also showed that the number of registered recruitment agencies have doubled in the last two decades. Many of these agencies are also not registered and are breeding institutions for trafficking (Awumbila et al 2017).

Zimmerman and Kiss (2017) enlightened in their work on *Human trafficking and exploitation: A global health concern* that there is increasing evidence on the wide-ranging health consequences of human trafficking. A systematic review on health and human trafficking found that survivors had experienced multiple forms of abuse, numerous sector-specific occupational hazards, and dangerous living conditions and suffered a range of poor health consequences. Among trafficking survivors in Southeast Asia, nearly half (48%) reported physical or sexual abuse and (22%) sustained severe injuries, including lost limbs, and reported symptoms indicative of depression and anxiety disorders. At the same time, however, there has been limited evidence on the social, financial, and legal harm suffered by trafficked persons, which often have further implications for ill health. (Zimmerman and Kiss 2017).

Human trafficking rarely occurs in a vacuum (Darko 2018). According to IOM (2013) reports, West African criminal networks have become more widespread and complicated, taking advantage of free movement instruments (IOM 2013). In Ghana, local human trafficking networks connect with sub-regional networks. Traffickers depend on existing smuggling routes, border weaknesses and corruption of officials to traffic victims (IOM 2013). For instance, although the Elubo Central Command Border Post is the main border crossing along the west of Ghana with Cote d'Ivoire, there are a number of unapproved routes including a river along the border that people use to cross illegally (IOM 2013).

Again, findings from the International Organisation for Migration show that the main border post along Ghana's eastern border is at Aflao, which is located directly across the border from Togo. There are a number of unapproved routes on the north of Aflao used by human traffickers to cross over to Togo. Another border crossing route is located in the Volta Region, Lenta community and Zabzugu-Tatale District in the Northern Region which have been identified as source areas for trafficked children and adults. The IOM findings suggest Bawku is the most popular northern border for irregular migrants who are looking to cross in or out of Ghana. Furthermore, Manyoro or Sirigu are unapproved routes that are also used as an alternative to crossing at Paga, the main border post in the north of Ghana (IOM 2013).

Despite efforts to combat trafficking in persons, there is a growing evidence of its predominance worldwide (Pearson et al 2014). Although Ghana has sanctions against perpetrators of trafficking in persons, criminal rings are expanding and more people, especially children, are being trafficked illegally and exploited (Sawadogo 2012).

Darko (2018) has suggested in his research titled *Transnational human trafficking and its security implications in Ghana* that most of the works on human trafficking have focused on challenges, health implication on victims, its threats to national security and transnational human trafficking activities with little attention on the implementation plans of the policies, legal and institutional frameworks that govern the Act. For instance, Darko's (2018) work was on the implications of transnational human trafficking in Ghana; Sawadogo's (2012) work looked at the causes and consequences of transnational human trafficking in West Africa among many others; Zimmerman and Kiss (2017) worked on human trafficking statistics and the health implications globally; Adepoju (2005) worked on human trafficking research and data in Sub-Saharan Africa and Sigmon (2008) also worked on issues relating to identifying and assisting victims of human trafficking worldwide. While only a few (eg. Asare 2015: Atuguba 2005: Sertich and Heemskerk 2011: Addo 2008) focused on policy and law implementations, their works do not include all the human trafficking legislations. Sertich and Heemskerk (2011) wrote on the successes and shortcomings of the Human Trafficking Act of 2005 in Ghana. In their work, the focus was mainly on how the implementation of the Act in six years had helped combat human trafficking and identified the gaps. Asare's (2015) work focused on policies that affect child migration and this included some aspect of child trafficking. Addo's (2008) work was on Ghana's security culture reflected in its foreign policy, and how it has influenced the way the country addresses transnational security challenges in the ECOWAS sub-Region. Atuguba's (2015) work was on how the legislations of the International Labour Organization affect human trafficking in Ghana.

This study seeks to fill this knowledge gap by examining how the policies and laws have managed human trafficking and the role of state and non-state actors in tackling human

trafficking in Ghana. The study delves into how the legislative frameworks have managed all aspects and forms of human trafficking in Ghana.

### **1.3 Objectives**

The general objective of the research was to examine how policies, especially the National Plan of Action for the Elimination of Human Trafficking in Ghana, have curbed trafficking in persons and its implications in Ghana.

The specific objectives are:

1. To trace the history and provide a descriptive analysis on the policies relevant for managing human trafficking in Ghana.
2. To assess the policy guidelines and legal instruments for eliminating human trafficking in Ghana.
3. To examine the role of state and non-state actors in abetting the implementation of the policies that tackle human trafficking in Ghana.

### **1.4 Research Questions**

1. What policies and legal instruments exist in Ghana for managing human trafficking in Ghana?
2. Which institutions are responsible for the successful implementation of these policies?
3. What challenges do these institutions face in their attempt to implement these policies?

### **1.5 Significance of the Study**

Human trafficking is now modern day slavery (Sigmon 2008) which is an unpardonable, dehumanizing organized crime and a grave violation of human rights. It is a threat to national security and is on the rise as an impending issue globally. This study focuses on Ghana's policies and Acts, the achievements and shortcomings since their implementation.

The importance of the current study is to contribute to the policy response of the National Plan of Action, especially, because there has not been a study to assess the Plan of Action since its implementation in 2017, to fill the knowledge gap and contribute to existing discourse in the field of human trafficking and to guide policy makers on which areas to focus most. This study will help to add to the existing knowledge on the issue and support with policy response through collaborated efforts with institutions concerned. Also it will help raise awareness on issues of human trafficking and throw light on the interventions of the Government of Ghana to eliminate human trafficking. It will also guide students who want to pursue such studies concerning human trafficking; hence, the research might serve as a source of reference for further work in the area.

### **1.6 Organization of the study**

This study was divided into six chapters. The first chapter focused on the introduction, the background of the study as well as the research objectives, research questions and the importance of the study. Chapter two provided literature review on human trafficking. It also explained the core concepts and theories which were used in the study.

Chapter three provided the sources and methods, the approach, limitations and ethical considerations applied in the study. Chapter four contained the data analysis and research dubbed

Historical Antecedents and Overview of Relevant Policies for Managing Human Trafficking in Ghana. Chapter five tackled the implementation challenges and achievements of institutions in managing policies on human trafficking in Ghana. This was organized thematically on the findings from the legal and policy instruments on human trafficking in Ghana and interviews conducted on relevant stakeholders selected for the study.

The final chapter gave the summary of findings, conclusions and recommendations and described the collaboration between the literature and the data analysed.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter of the study focuses on the literature relevant to human trafficking. To make it simpler and more understandable, it will be reviewed under different sub headings. Migration theories that are in line with trafficking, organisational theories, various forms of human trafficking, the key players involved and the causes of trafficking are discussed. Looking at the various forms of human trafficking it is necessary to understand the phenomenon before analysing the policies and institutions that work to curb it.

#### **2.2 Theoretical Framework**

This section considers certain theories of migration and organisations which best describe the topic under discussion. Two theories, namely, the Push-pull conceptual framework (situation oriented approach) and the World Systems theory were considered for this study.

##### **2.2.1 Push-Pull Theory**

The Push-pull models of migration derive from the observation that some elements of an origin ‘push’ people to migrate, whereas some elements of a destination ‘pull’ migrants toward it. Lee built on the theory in 1966 which he used to explain how factors at origin and destination trigger people to move. Under the theory, migration is seen as the outcome of the interplay and balance of expulsive forces and attractive forces in the place of origin and destination. The Push-pull theory developed in order to explain the causes or motivations for migration.

Further, migration may occur as a search for opportunity to improve one's lot in life meaning destination applies a pull on the migrant. Migration may occur as a result of a flight from an undesirable situation. For instance, if the origin is associated with factors like poverty, unemployment, landlessness, rapid population growth, political repression, low social status, and poor marriage prospects, people will be compelled to move. Therefore, young people in societies associated with these factors are likely to become desperate for greener pastures elsewhere and be willing to pay "middle men" to take them "abroad" and give them better paid jobs. Hence they are likely to become victims of trafficking and are subject to deceit and exploitation. However Lee (1966), further explained that different people will react differently to various combinations of pushes and pulls, according to their economic status, life-stage and personality. For example, a single, unemployed young adult will respond more directly to job and income factors and will be less concerned about the education system of a destination, which should be more relevant to the decision-making of a family with children (King 2012). This is the situation of most African countries, especially Ghana, where individuals, as a result of these economic factors, fall prey to traffickers. The fundamental goal of the National Migration Policy and the National Plan for the Elimination of Human Trafficking is to eradicate all the push factors specifically poverty, which compels people to migrate.

### **2.2.2 World Systems Theory**

World System theory has been closely associated with Immanuel Wallerstein. It was developed in the 1970s and 1980s as an adaptation of the dependency theory (Chirot and Hall, 1982) and explains the problem of inequalities between peripheral and core countries.



The theory highlights that there is an unequal distribution of economic and political power in the world economy and that migration was seen mainly as rich countries mobilizing cheap labour from poor countries to become richer. Migration also perpetuated uneven development, exploiting the resources of poor countries to make the rich even richer.

Migration is viewed, not just as unfavourable to the economies of underdeveloped countries but also, as one of the very causes of underdevelopment rather than as a path towards development. In this theory the migration motivation was that people from developing countries move to developed countries in search of better livelihoods only to be employed in low- wage, low-status labour sectors and this occurs as a result of the persistence of capitalism's demand for exploitable "slave-like workers" which is one of the elements that constitute human trafficking. The study looks at policies that address human trafficking which included labour exploitation. Therefore it will examine how the labour laws extend protection to migrant workers against exploitation and abuse. This view is linked with human trafficking because it has to do with exploitation of migrant workers, more so because of the growing issue of exploitation of migrant domestic workers in the Gulf States from Ghana. Several articles have been published on Ghanaian women who suffer abuse in these countries. For instance, in 2017 an article on "*Abuse of Ghanaian Domestic Workers in The Gulf Should Earn Our serious Concern*" written by Kojo Appiah-Kubi highlighted the case of a young Ghanaian female domestic worker who was hanged and burnt by her employer for allegedly allowing the house door to hurt his daughter (Appiah-Kubi, [www.modernghana.com](http://www.modernghana.com)).

On the political side of the World System, a few concepts need highlighting. For Wallerstein, nation-states are variables, elements within the system. States are used by class forces to pursue

their interests in the case of core countries. Imperialism refers to the domination of weak peripheral regions by strong core states (Chirot and Hall, 1982).

### **2.2.3 Organisational Theories**

Organisational theories consist of approaches to how organisations function and how they affect and are affected by the environment in which they operate (Waldo 1987). More often than not, policy implementation is formally allocated to one or more state agencies. Policy analysis, therefore, inherently involves organisational analysis (Teye 2008). The study's objective is to assess policies on human trafficking and how institutions work together to combat the menace in Ghana. Therefore, there is a need for this study to review some organisational theories (Asare 2015).

#### **Contingency Theory**

The first model useful for this analysis is the Contingency Theory. This suggests that organisations have different contextual factors and hence there is no best way to organise a corporation (Teye 2008). Organisations that tend to be more effective in implementation of policies are the ones which have structures that more closely match the requirements of the context. This theory identifies how the performance of an organisation is affected by its environment (Pfeffer 1982, Asare 2015). An advantage of this constituent of this model is the fact that it recognises how the context and environment within which the work of policy implementing organisations can be affected. Hence if the organisations lack the required structures, policy implementation becomes a problem (Asare 2015).

### **Resource Dependence Theory**

Similarly, the Resource Dependence Theory will also be useful in explaining the findings of this study. It is the study of how organisations are externally constrained (Teye 2008). Aldrich and Pfeffer first propounded the model in 1976 and were later refined by Pfeffer and Salancik (1978) and again Pfeffer (1982). The main precept of the model is that because organisations are not internally self-sufficient, they depend on some actors within the environment for resources (Asare 2015). These inter-dependencies affect the performance of organisations, since they receive pressures from actors with whom they are interconnected (Pfeffer, 1982: 193). The theory highlights two dimensions: first, it argues that due to resource constraints, organisations respond more to those in the environment who have power and control over important resources. The second dimension argues that since principal organisations also have their goals, they comply with external demands only when there are no alternatives (Pfeffer and Salancik, 1978: 44). During the analysis, an attempt will be made to examine how resource limitations affect the ability of policy implementation organisations, based on this model.

### **Systems Model of Organisational Analysis**

Finally, the explanations will partly be based on Systems Model of Organisational Analysis. This theory considers organisations as open systems, which participate in various modes of exchange with their environment (Locket and Spear, 1980). Every organisation is part of a larger system, made up of other organisations (Teye 2008). The performance of any focal organisation must be analysed in relation to its interactions with other organisations in the environment. In this study, the various institutions that are working together to implement policies on managing human

trafficking can be seen as networking elements of a broader system. Proper harmonisation amongst them will result in better management of issues on human trafficking (Teye 2008).

### **2.3 Human Trafficking**

Human trafficking, also known as modern day slavery, is a global threat that touches nearly every corner of the world (Trafficking in Persons Report 2018). Since the 1990s trafficking in human beings has increasingly become a priority in the international and European policy agenda (Caneppele, and Mancuso 2013). International organisations, regional bodies and national governments have since been enacting policies, creating new laws and regulations to stop trafficking of persons (Mishra 2015).

Human Trafficking involves the criminal manipulation of persons who want or need to migrate for a better life. It exists at the intersection of organised crime (small and large) and migration. Migrants are forced by restrictive and complicated immigration laws to rely upon third parties to help them travel. If they are lucky, the person is honest; if they are unlucky, the person is a trafficker who will use all means necessary to ensure the submissions of the victim to his/her will (Pearson et al 2000).

The United Nations Global Trafficking report in 2016 submits that no country is immune to human trafficking. More than 500 different trafficking flows were detected between 2012 and 2014. Most victims were detected to have been from Africa as a number of countries reported to have detected victims from Sub-Saharan Africa between 2012 and 2014.

In recent times, the term “modern slavery” has been used in the context of different practices or crimes such as trafficking in persons, forced labour, slavery, child labour, forced marriages and others (UNODC 2016). The mutual element of these crimes is that they are all forms of

exploitation in which one person is under the control of another. The term has an important advocacy impact and has been adopted in some national legislation to cover provisions related to trafficking in persons, however the lack of an agreed definition or legal standard at the international level results in inconsistent usage (UNODC 2016).

Over the past years trafficking trends have changed in terms of the profile of detected victims (UNODC 2016). Although, most detected victims are still women, children and men now make up larger shares of the total number of victims than they did a decade ago. In 2014, children comprised 28 per cent of detected victims and men, 21 per cent. These shifts indicate that the common understanding of the crime of trafficking has evolved. In the past, trafficking was believed to mainly involve women trafficked from afar into an affluent country for sexual exploitation. Recently, criminal justice practitioners are more aware of the diversity among offenders, victims, forms of exploitation and flows of trafficking in persons (Global Trafficking Report 2016).

Enhanced country-level anti-trafficking measures have not only led to increasing numbers of detected victims but also to more trafficking convictions. A trend analysis on the number of trafficking convictions shows that globally, these have clearly increased over the last seven years. Though most countries have had comprehensive trafficking in persons legislation in place for some years, the number of convictions has only recently started to grow (UNODC 2018). Most countries have adopted legislation that criminalizes trafficking in persons, according to the UN Trafficking in Persons Protocol, yet global conviction rates remain low.

In the case of Ghana, the country has been described as a source, transit, and destination country for women and children trafficked for the purposes of sexual exploitation, and domestic and

commercial labour (US Office to Monitor and Combat Trafficking in Persons 2006). Ghanaian women and girls are also believed to have been trafficked to Europe, particularly Germany, Italy, and the Netherlands, for sexual exploitation (Darko 2018). Some also end up in involuntary domestic servitude in the Middle East. Since 2015 the profile of human trafficking in Ghana, in terms of origin, destination and transit of people to engage in criminal acts, placed Ghana in the Tier 2 Watch-List classification on the international level (Darko 2018).

However recently, Ghana's intervention to tackle human trafficking through laws and policy formation has improved and gained much international recognition. Ghana improved from Tier 2 watch list to Tier 2 ranking in 2018 and maintained in 2019 upon improvement in several areas in response to human trafficking as shown below:

The government of Ghana does not fully meet the minimum standards for the elimination for trafficking; however, it is making significant efforts to do so. The Government of Ghana demonstrated increasing efforts compared to the previous reporting period therefore Ghana was upgraded to Tier 2. The government demonstrated increasing effort by validating and implementing the national Anti-trafficking action plan and expanded funds allocated for the plan (US Trafficking in Persons report 2019, p.208)

This research work is basically on how policies, legislative frameworks and institutions have combated human trafficking in Ghana. This means that it will look at policies that have been formed specifically to curb the forms of human trafficking. For this reason there is a need for literature to review all the forms of human trafficking to help conduct the study.

## **2.4 Forms of Human Trafficking**

Trafficked victims, be it children, women or men, are exploited in many ways: for labour exploitation, sex exploitation, removal of organs, etc. (Darko 2018). The UN global trafficking report in 2018 notes that trafficking for forced labour, sex exploitation, removal of organs and

other exploitative forms like forced criminality, forced marriages and street begging for children, were most prevalent globally. In West Africa 35% of trafficked cases was for sexual exploitation, 55% for forced labour and 8% for other forms of exploitation (UNODC 2018).

#### **2.4.1 Trafficking For Labour Exploitation**

Forced or compulsory labour is defined in international law as "all work or service, which is extracted from any person under the menace of any penalty and for which the said person has not offered him/herself voluntarily (ILO Convention on Forced Labour 1930). As stated in the UN Palermo Protocol definition of human trafficking, "servitude in forced labour or bonded labour" is when victims are made to work under forceful conditions without consent. Even if there is consent, consent is negated because the person is made to agree under duress and has no choice. It usually occurs when a person intends to enter into a country to work but is misled about the actual conditions of the job in that country by his/her traffickers. The victims are coerced to work in very different conditions from what they envisaged with little or sometimes no salaries (Darko 2018). In most cases the employer uses threats and violence to force their victims to work in deplorable conditions and sometimes result in seizing their legal travel documents to prevent victims from escaping (Ann 2011).

United Nations Global Trafficking Report in 2016 revealed that trafficking for the purpose of forced labour was the most frequently detected form in Southern, East and West Africa, and the countries of the Middle East. One victim out of three detected was trafficked for forced labour, and seven per cent of detected victims were trafficked for other purposes (UNODC 2018). Another aspect of forced labour is debt or bondage labour (Pearson et al 2000). In the handbook on "Human rights and Trafficking in Persons", Pearson explains that trafficked persons most of

the time end up in a debt-bondage situation, where upon arrival at the destination they are told they will have to work to pay back a large sum for travel expenses. This usually occurs when the trafficker funds the travel. This debt instead of reducing over time keeps growing because of ever-increasing and endless extortionate expenses for (fictitious) travel, housing, clothing, medical and food expenses. Traffickers have full control over their “employee's” movement and their income. The victim is never able to pay back the extraordinarily high debt but the trafficker tells him/her the debt will be paid off “soon”. Trafficked persons who are anxious to start earning money, believe the lie and continue to submit to their conditions in the hope that the debt will soon be paid off and they will start earning money (Pearson et al 2000).

#### **2.4.2 Trafficking For Sex Exploitation**

Selling sex for money is generally acknowledged as the oldest profession (Pryut 2012). Referencing the 2011 Global Risk report, this form of trafficking has a 190 billion dollar global market size and listed as the second largest among illicit goods (Pryut 2012). Women and children being forced into sex trafficking only gained international recognition in the year 2000 (Dempsey 2012). However, before this time, numerous instruments of international law called the attention of the United Nations Commission on Human Rights Working Group to prosecute offenders and rescue victims (UN 1999). The UN Global Trafficking in Persons Report shows that trafficking for the purpose of sexual exploitation is the most detected form of trafficking globally. Victims trafficked for sexual exploitation increased to 59% of the detected victims in 2016, though between 2012 and 2014 about 23,000 victims making 37% trafficked for sexual exploitation were detected and reported. The vast majority of this were females: women or girls. The few males trafficked for sexual exploitation is concentrated in Western and Southern Europe and the Americas (UNODC 2018).



Ghana is not just an origin country for sex traffickers but also a destination country. That is, they do not just fall victims to sex trafficking in destination countries but also serve as a destination country for traffickers. For instance, in 2009 the Accra circuit court prosecuted and jailed three Chinese men for the trafficking of women from China to Ghana, brought on the false pretence that they were going to work in a restaurant only to be forced to work as prostitutes in brothels. According to the court, their travel documents were seized and they were made to work as prostitutes in brothels owned by traffickers as payment for the so called huge sums of travel expenses (Daily Graphic Report, June 2009).

#### **2.4.3 Trafficking For Removal of Organs**

If the donor does not consent to the removal of organ, or this consent is obtained by means of coercion, deception, abuse of vulnerability, or any other means included in the trafficking in persons definition, then organ transplant is the result of trafficking in persons for organ removal, which is a form of trafficking (Global Report on TIP 2018, P. 30).

Trafficking for the removal of organs is the least reported form of human trafficking even though it has been an international security threat since 1990s (Ambagtsheer, F. et. al, 2016). Compared to other forms of exploitation, trafficking for the removal of organs remains very limited in terms of numbers of detected victims. During the period of 2014 to 2017, about 100 all adult victims of trafficking for organ removal were detected and reported to UNODC. This is related to the nature of that type of trafficking, which targets adult bodies with fully developed organs. Some two thirds of these victims were men. Compared to the most frequently detected cases of trafficking in persons for sexual exploitation and forced labour, there are relatively few detected cases of trafficking in persons for organ removal. Over the last 13 years, UNODC has collected

information on about 700 victims of trafficking in persons for removal of organs detected in 25 countries (UN Global Report 2018).

The most common form of trafficking in organ removal involves the commercial transaction of human body parts that have been removed from living or deceased persons (Bos et al 2014) for the benefit of older people. It has become a very lucrative business because the advancement in the medical sector, especially in the developed economies, have consequently led to the increase in life expectancy and has led to a larger population of old people (Bos et al 2014).

In 2016 one of the cases, as reported by UNODC, showed that one trafficking group conducted up to 500 kidney operations in different private homes and hospitals over a period of seven years.

#### **2.4.4 Child Trafficking**

Approximately 1.2 million children are victims of child trafficking (Avevor 2014). The United Nations Office on Drugs and Crime identifies children as the most vulnerable in the case of human trafficking. Children are easily controlled and less likely to fight for their rights. Therefore, they are subjected to forced labour in agriculture and sweat shop industries, sexual exploitation and other forms of exploitation like street begging. Children remain the second largest category of detected victims of trafficking in persons across the world, after women. Child victims, both boys and girls accounted for nearly 30% of the detected victims of both trafficking for sexual exploitation and for forced labour (UNODC 2018).

The UN Convention on the Rights of the Child (CRC 1990) defines a child in Article 1 as "any person below the age of 18 years unless the laws of a particular country sets the legal age for adulthood younger". Ghana's 1992 Constitution also defines a child as any person below the age

of 18 years and therefore requires parental care to protect their rights, growth, education and healthy development.

In the case of Africa, some trafficked children are used as “child soldiers” in armed conflicts. Lee (2014) explains that as being the unlawful recruitment of children as combatants or for labour or sexual exploitation by government forces, paramilitary organizations, or rebel groups. About half of the world’s child soldiers who are used to fight, to kill and commit other acts of violence are in Africa. These are children under the age 18 years, who are engaged in any kind of regular or irregular armed force or armed group in any capacity. Child soldiers are currently involved actively in conflicts in DR Congo, Burundi, Chad, Somalia and other counties. (Atuguba 2005: Darko 2018). Reports from the United Nations Children’s Fund (UNICEF), backing the statistics of the International Labour Organization (ILO), show that around 200,000 to 300,000 children are trafficked each year for forced labour and sexual exploitation in West and Central Africa. In addition, a 2001 survey on child labour in West and Central Africa noted that about 330,000 children were employed in the cocoa agricultural industry in Cameroon, Côte d’Ivoire, Ghana and Nigeria (Sawadogo 2012).

Looking at West Africa, Awumbila et al (2014) highlighted that trafficking in children from Mali, Togo, and Nigeria to Côte d’Ivoire’s cocoa and coffee plantation areas is also prevalent (Adepoju, 2005). Child labour migration is also quite widespread in Benin. Ouensavi and Kielland (2001) as cited in (Awumbila et al 2014) estimated that between 10,000 and 100,000 children have been trafficked from the country for work in other countries, including Côte d’Ivoire, Togo and Nigeria.

In the case of Ghana, child labour continues to be prevalent. According to the National Plan of Action for the Elimination of the Worst Forms of Child Labour, reports in 2017 revealed that every fifth child is directly affected and more than one-in-ten (14.2%) engaged in the worst forms of child labour, particularly hazardous work. The National Plan of Action for the Elimination of the Worst Forms of Child Labour enacted in 2017 defines child labour as the employment or work carried out by children that do not conform to the provisions of national legislation, such as the children's Act of 1998 or provisions of international instruments. There is also a growing concern about internal child trafficking especially, from the Central, Western and Volta Regions, to fishing communities along Lake Volta or for domestic labour in urban areas (NMP 2016).

Many Ghanaian children are trafficked from their home villages to work in the fishing industry. Living in meagre conditions and working long hours every day, these kids are exploited by fishermen desperate to make money and earn a living along the banks of the Volta Lake (Johansen 2019, [www.unodc.org](http://www.unodc.org)).

Johansen (2019) also reports that trafficked children frequently dive into the lake to disentangle fish nets that get stuck and as the nets are dragged along the bottom of the lake the children get stuck as well. When this happens they either drown or the survivors end up with water borne diseases such as bilharzia and guinea worm.

Again, the children, mostly boys who work in these fishing areas, are required to work extremely long hours under dangerous conditions, often in exchange for as little as approximately \$25-65 USD paid to their parents in advance for five years of service (Sertich and Heemskerk 2011).

Aside fishing, girls from the northern regions are regularly trafficked by recruiters to act as head porters (street peddlers), *kayayee*, in metropolitan areas. Estimates from aid organizations place the number of children working in the *kayayo* business in the tens of thousands. Once these girls

arrive at their destinations, they are not compensated as promised and are often forced to exchange sexual services for shelter (Sertich and Heemskerk 2011).

Pearson et al (2000) in the handbook, *Human Rights and Trafficking in Persons* noted that service providers, advocates, lawyers and authorities should recognise the need for different measures to address the difference between trafficked children and trafficked adults. Children have a different legal status and different needs, and thus justly often receive different types of rights protection under national and international laws. They also have less capacity to exercise agency and need others to protect their rights. For these reasons, formulating remedies to address trafficking in children should be addressed separately from trafficking in adults.

Therefore, domestic frameworks on child protection and trafficking in persons, where relevant, should address the specific risk factors that expose children, particularly unaccompanied migrant children, to trafficking situations. Moreover, undertaking enhanced prevention efforts may help highlight how children may become vulnerable to being trafficked and take practical action to address those identified vulnerabilities (UN Global trafficking report, 2016).

## **2.5 Key Players in Human Trafficking**

Globally although there is a wide range of players involved in the human trafficking networks, victims, traffickers and users are the key players involved in this menace (Darko 2018).

### **2.5.1 Victims**

Victims are the vulnerable commodities in the human trafficking process. A victim is defined as a person who has suffered physical or emotional harm, violation of rights, property damage or economic loss as a result of crime (Canada Department of Justice 2016). It is also defined as any

natural person who is subject to trafficking in human beings (NMP 2016). Although trafficking victims vary and differ, they share the common root causes that make them become vulnerable to exploitation. These are the lack of education, economic opportunities and resources, which lead to poverty (Lee 2014).

In UNODC's global trafficking report of 2018, the number of victims detected in 2016 by profile and forms of exploitation were 10,772 from all 54 countries of the study globally. The recruitment of victims occur in different ways: either they are abducted from their homes and sold or parents loan their children to "traffickers" for a period of time or victims contact "connection men" to facilitate their travel. It can also occur when persons consent from beginning to be smuggled but later the smuggler decides to sell them to traffickers (Lee 2014).

In the human trafficking perspective, trafficked persons could either be considered criminals or victims under the *criminal model* or the *human right's model* (Salt 2000). The criminal model identifies two potential types of criminals: those involved or facilitate the trafficking process (the traffickers) and the trafficked person. Alfred Darko, in his thesis on "Transnational human trafficking and its security implications for Ghana" noted that trafficked persons are not always victims and that whether or not they are considered so depends a great deal on the legislation of the destination country in which they find themselves. Some countries that do not recognise labour exploitation will treat victims as irregular migrants and criminals (Darko 2018).

The human rights model also lays emphasis on the point that people are victims of human trafficking rather than focusing on laws that have been broken and violate state sovereignty. This, unlike the criminal model, shifts the attention from a State's right to control and criminalise trafficked persons, to their obligation to protect (Salt 2000: UNODC 2009).

### **2.5.2 Traffickers**

A trafficker is an intermediary who is involved in the movement of persons in order to obtain an economic or other profit by means of deception, physical or psychological coercion for the purpose of exploitation (NMP 2016). The intention on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation (NMP 2016). Criminal rings, brokers and facilitators (connection men), Travel & Tour Agencies, recruiters, transporters, brothel/inn operators, pastors, juju men as in the case of Ghana, have all been identified as perpetrating human trafficking. Traffickers do not only operate in advanced organised networks but in flexible networks as well so as to not draw the attention of law enforcement agencies (Darko 2018).

The UN Global Trafficking in Persons report for 2018 posits that when the sex of those persons reported to have been investigated or arrested, prosecuted and convicted of trafficking in persons was analysed, the majority of traffickers continued to be males. However, earlier in 2016 just over 35 per cent of those prosecuted for trafficking in persons were females. The majority of traffickers convicted in 2016 were identified as citizens of that very same country (UNODC 2018).

In the recruitment process, traffickers use tactics like kidnapping, abduction or in the case of child trafficking, buy them from their parents under false promises of better education and livelihood elsewhere (Darko 2018). In recent times traffickers have made very good use of social media networks in different ways. The online domain has opened new pathways for traffickers to identify, contact and entrap victims in exploitative manoeuvres (UNODC 2018). In one identified case, traffickers used a social media network to air a fake job advertisement. They

successfully contacted and convinced 15 people to travel to the Middle East, where they were sexually exploited (Global TIP report 2018).

Additionally, human trafficking has been identified as a lucrative business for traffickers. The annual profits from human trafficking alone were at least US\$32 billion (ILO 2005).

### **2.5.3 Users**

There is a need to highlight the distinction between traffickers and users to help understanding of various patterns of human trafficking and the implementation of policies to curb this nuisance (Darko 2018). Users are major contributors to the trafficking industry since they are the ones that victims are supplied to for labour. Knowingly or unknowingly users help perpetuate human trafficking. In some cases, users are aware that their labour forces are trafficked victims hence, they do not mind exploiting them. In other cases users are not aware about the cases of trafficking nor do they have any idea about the routes and situations of how people are trafficked. Users may act individually or with criminal networks for the supply of children for cheap labour and women as brothel workers or in prostitution (Pruyt 2012).

## **2.6 Causes of Human Trafficking**

Human trafficking is an issue of growing international concern which can be dealt with by collaboration of various national governments (Darko 2018). When the different causes leading to trafficking are analysed, there will be a better understanding of how to implement preventive measures to eliminate trafficking. The factors that contribute to human trafficking are multifaceted and vary from country to country. Understanding the occurrence of trafficking requires not only the consideration of global and regional socio-economic changes but also



analysing at the local level in places where the process of trafficking starts. In this context I will discuss some of the main causes of trafficking: poverty, globalization, armed conflicts, lack of women's rights and gender discrimination, weak institutions and lack of awareness. Root causes of human trafficking are often no different from the causes of migration, especially in developing countries (Pearson et al 2000).

The UN Special Rapporteur on Violence against Women stated the following in regard to root causes of trafficking:

The root causes of migration and trafficking greatly overlap. The lack of rights afforded to women serves as the primary causative factor at the root of both women's migrations and trafficking in women. While such rights inevitably find expression in constitutions, laws and policies, women nevertheless continue to be denied full citizenship because governments fail to protect and promote the rights of women... By failure to protect and promote women's civil, political, economic and social rights, governments create situations in which trafficking flourishes (Pearson et al 2000, p. 54).

### **2.6.1 Poverty**

Poverty is a push factor which causes people to move. Extreme poverty is an important factor which causes human trafficking (Darko 2018).

Alfred Darko (2018) in the findings of his work "Transnational Human Trafficking and its Security Implications" explained the aspect of poverty in two perspectives, that is, the supply and the demand. He explained that the supply aspect stands for individuals from origin countries, who, as a result of lack of opportunities and poverty migrate to seek better livelihoods and end up in the hands of traffickers. The demand aspect, on the other hand, stands for agricultural, construction, clothing and prostitution industries that seek and use trafficked victims for purposes of their profitability. He further explained that human trafficking thrives due to origin countries' supply of persons seeking better livelihood opportunities as well as the destination

countries' demand for cheap labour and prostitution. Hence criminals identify and take advantage of the needs of both sides to make money. I also believe that due to the high lucrative nature of trafficking in persons (Koser 2008), traffickers use it as a profession to counter poverty. Basically, the Push-pull theoretical considerations mentioned earlier on where conditions in the origin push individuals to migrate to destination countries with better pull conditions.

Sawadogo, in her work on *the Challenges of Transnational Human Trafficking in West Africa*, identified that the rapid growth of West African populations, the uncontrolled urbanization, poor security, and economic hardships associated with wide inequalities in the distribution of wealth have contributed to an increased salience of human trafficking as an available option to break out of poverty. Sawadogo further analysed that in April 22, 2008, the UN World Food Program (WFP) compared the escalating global food crisis to a “silent tsunami” because it has threatened to drop more than 100 million people into hunger and poverty. The current growing economic crisis coupled with rising food prices remains a fertile ground for human trafficking in West Africa and Africa in general (Sawadogo 2012).

### **2.6.2 Globalization**

Arango (2000: 291) opines that international migration has, over the past half century, is assumed to have accelerated; migrants are traveling over increasingly large distances and that migration has therefore become much more diverse in terms of origins and destinations of migrants. This assumed increase in the intensity, diversity, distance and overall complexity of international migration is commonly linked to globalization and associated processes such as rapid advances in transport and communication technology (Vertovec 2001). Improved access to “global” information through satellite television, mobile phones and internet along with

improved education has increased the awareness of people around the world about new opportunities in previously unknown places and countries and has exposed them to new, “modern” and attractive lifestyles, which can change notions of the “good life” (Mabogunje 1970). These processes increase people’s capability to migrate (de Haas 2009).

The effects of this process are diverse and multifaceted. One effect is increasing unemployment. There is no doubt that the economic changes brought about through globalisation have had an impact on the growth of trafficking in recent years (Pearson et al 2000). This does not mean that the commencement of human trafficking is as a result of the emergence of globalization. Human trafficking existed before the latest round of globalization which began in the 1970s and 1980s (Darko 2018).

Secondly, the effect of globalization on human trafficking is that it has intensified the movements. Due to the ease of access to transportation, more and more people are being trafficked across international borders worldwide. As earlier mentioned, traffickers make use of the internet and social media to advertise fake jobs (UNODC 2018) which is as a result of technological advancement.

Another effect is that globalization has widened the inequality gaps in terms of wealth between countries and regions hence promoting poverty in rural regions and developing countries. The wealth gap between countries has consequently put pressure on the push-pull interaction of poverty (Rahman 2011).

Lastly, Alfred Akoto in his work on *Transnational Human Trafficking and its Security Implications* noted that globalisation has led to increase in human trafficking through tightening of security at national borders. To reduce the risk and combat trafficking, countries have shown

efforts by ensuring tighter security at borders and strict immigration policies. Contrary to the expected outcomes, these measures have rather increased human trafficking. Individuals who do not meet the legal traveling requirements to migrate to other countries in search of jobs and better livelihoods will end up using illegal means like smuggling which heightens their risk of being trafficked.

### **2.6.3 Armed Conflict**

Armed conflicts, mainly in Africa, have been caused by political instability and struggle for control of some natural resources (Akoto 2018). Armed conflicts can increase the vulnerability to trafficking in different ways. Countries with weak rule of law and lack of resources to respond to crime provide traffickers with a fertile territory to carry out their acts. This is worsened by more people in desperate situations, lacking access to basic needs. Some armed groups involved in conflict may take advantage of the vulnerable civilians and exploit them. According to the Global Trafficking in Persons Report, armed groups and other criminals may take the opportunity to traffic victims including children for sexual exploitation, sexual slavery, forced marriage, armed combat and various forms of forced labour (UNODC Trafficking in Persons and Conflict Situations 2018).

In conflict areas like the Democratic Republic of the Congo, Central African Republic, the Middle East and other parts of Asia, recruitment of children for use as armed combatants is widely documented. It is also estimated that these armed groups recruit children for exploitation in forced labour in various supportive roles, from logistics to catering and in some cases for the purpose of financing the activities of armed groups (UNODC 2018).

Armed groups, however, are not the only actors engaging in trafficking in persons in this context. Criminal groups and individual traffickers target civilians, refugees, internally displaced populations in some formal or informal camps, communities that are particularly vulnerable because of forced displacement, lack of access to opportunities for income generation, discrimination and family separation. People in such communities seek jobs and better livelihoods which land them in the hands of traffickers (Pearson et al 2000).

#### **2.6.4 Gender-Based Discrimination and Lack of Women's Rights**

Women's rights is mentioned here specifically because although all persons, regardless of gender, are entitled to enjoy all basic human rights, women are often denied these rights simply because they are women (Pearson et al 2000). In the context of trafficking, many basic rights of women like the right to be free from all forms of discrimination are violated. Lee (2014) noted that women are particularly vulnerable to become victims of trafficking due to the feminization of poverty and gender discrimination.

Gender-based discrimination is an unavoidable reason why women and girls make up the majority of persons who are trafficked (UNODC 2018; Pearson et al 2000). This is shown by the low status of women, predominantly in developing countries, the expectation of women to perform certain roles and to be solely responsible for her children, and the discrimination against women in political participation, sexuality, religion, customs and social practices (Lee 2014). Sexism is imbedded in all institutions of society in general, and particularly in the structure of the labour market and the job opportunities available for women (Lee 2014).

As a result of this kind of discrimination, some women seek work or opportunities to support their children. Some migrate for marriage and others migrate in order to escape situations of

domestic violence (Lee 2014). Pearson noted that due to limited education opportunities, work options for women are extremely limited both at home and abroad. Women, particularly migrant women from developing countries, often find work as entertainers, sex workers, factory workers and domestic helpers (Lee 2014). These are the few occupational options available to them, if they want to migrate for work (Sangheran 1999).

However initiatives like the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) which was created to counter discrimination against women and The Global Alliance Against Trafficking in Women (GAATW) created to provide a critical analysis of counter-trafficking efforts and their implications for women as key players in social change and development have been enacted.

#### **2.6.5 Lack of Awareness**

Lack of awareness about the reality of human trafficking is one of its direct causes (Darko 2018). People are not aware of the deceit associated with migrating abroad through these informal sectors. Some people, however, perceive that migrating in search of jobs that will help them remit more and improve the lives of their family is not wrong. So therefore they are unaware of the fact that traffickers advertise fake jobs (UNODC 2018) and deceitfully recruit people for labour exploitation. Darko (2018) said that even though conscious efforts have been made to create awareness by various stakeholders, there exist a significant number of the world's population that have not been exposed to the dangers associated with the phenomenon of human trafficking. Some of the anti-human trafficking legislations like the National Plan of Action (2017) have featured community sensitization as a strategy to help curb the menace; we will however confirm at the end of the findings whether or not it's been effective. Darko (2018) went

on to say that awareness creation becomes less effective when the recruiters are trusted individuals or members of the family.

#### **2.6.6 Weak Institutions and Legal Frameworks**

Weak institutions and legal frameworks are the major causes of human trafficking limited to the African society (Darko 2018). Human trafficking is said to be prevailing in Africa due to institutions that have non-functional legal frameworks. Darko further explains that, Government and political leaders lack the political will to fight crimes including human trafficking therefore they are unwilling to commit resources and employ more security agencies to deal with the problem. Due to lack of resources, security agencies are not capable of carrying out their duties. According to scholars (Coomaraswamy 1997: Pearson et al 2000) the very people set to protect the laws are the same ones breaking them. Corrupt authorities, they noted, undoubtedly play a part in facilitating the trafficking process. The UN Special Rapporteur on Violence against Women notes that trafficked women have reported high levels of government participation and collaboration. They explained that officials accept bribes from traffickers in return for allowing them to cross borders, and authorities may be directly involved. An example highlighted was the direct involvement of both Burmese and Thai officials in the trafficking of Burmese women to Thailand. Women reported instances of being transported into Thailand by policemen in uniform, armed and often in police vehicles. Once in Thailand, police protect brothel owners and are clients of the brothels (Coomaraswamy 1997).

#### **2.7 Developing Human Trafficking Policy Guidelines or Plan of Action**

A policy is defined as "a purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern" (Anderson, 1975: Teye 2008). Public policy is

described as a "compilation of statements, laws and other actions concerning government's intentions for a particular human activity under its jurisdiction" (Miller, 1994: 2). Teye (2008) cited Hogwood and Gunn in his work that for a policy to be regarded as a public policy, it must have been generated within the framework of governmental procedures and organisations (Hogwood and Gunn 1984). Policy Statements, on the other hand, are the formal expressions of public policy and they include legislative statutes, decrees and administrative rules and regulations (Anderson, 1975; Teye 2008).

Scholars (Easton, 1965; Parsons, 1995) as cited in (Teye 2008) have identified that, for a policy to be enacted it goes through a process which is comprised of inputs, outputs and outcomes. The inputs aspect is made up of perceptions, demand, and apathy. The outputs include application, interpretation, enforcement and evaluation. Policy outcomes are the consequences for society, intended or unintended, that flow from action or inaction by government.

Policies enacted to manage human trafficking have direct and indirect impact on human development in economic, social, cultural and political areas. Human trafficking has long been considered an important element which hinders development and has significant consequences on both areas of origin and destination. When human trafficking policies are being enacted the impact of the policy is the most considered because that will determine whether or not a policy has been successfully implemented. Hence policy outcomes are the consequences for society, intended or unintended, that flow from action or inaction by government. In other words, they are the impacts of policy (Anderson, 1975; Teye 2008). Human trafficking policy decides major guidelines for actions and directions mainly by governmental organizations and these guidelines on policies aim in the future, by achieving what is in the public interest by the best possible means.



## 2.8 Policy Analysis

Policy analysis is the process of developing advice for policy makers which is an important part of how governments make decisions (Centanni 2017). Asare (2015) says policy analysis is used to determine which of the various policies will most achieve a given set of goals in light of the relations between the policies and the goals. According to her, policy analysis falls under two main approaches: the descriptive and the prescriptive.

First, the descriptive approach explains policies, their development and how they are formulated in the real world (Asare 2015). Teye (2008) cited that Dror (1989) describes policy making as involving rational and extra-rational levels in decision making and that at the rational stage the policy maker follows the set of steps outlined by the rationality models such as information gathering. At the extra rational level, decision making will involve bargaining (Dror 1989:Asare 2015)

Again, the prescriptive approach not only explains the policy as formulated by government but also identifies gaps and suggests ways by which policies can be enhanced (Teye 2008). Anderson (1975) explains that it involves several steps which include knowing the problem and setting of goals. Newland also repeated that prescriptive analyses are often analytical in nature since selected policy is then tested and re-evaluated (Newland 2007: Asare 2015). Newland (2007) as cited in (Asare 2015) describes migration policy as going through steps such as agenda setting which involves the process of getting stakeholders to share and agree on ideas and also to understand different types of migration issues at stake. This is further explained that policy analysis follows “building a consensus through communication and eventually, position convergence and changes in concrete laws, policies or practices governing how migration is managed at all levels” (Newland 2007:15).

However, policy makers are often limited since they do not have access to information and being rational, have diverse interpretation (De Haas 2008). Migration decisions often go beyond policy formulation since individuals mostly make private decisions, therefore the policy maker could still face challenges for the fact that he or she has to work as part of an organisation where coordination is usually not perfect (Teye 2008) (Asare 2015).

This study addressed how policy actors and policies impact management of human trafficking issues and also examined their direct and indirect impact in managing this menace.

## **2.9 Summary**

In order to analyse policies on human trafficking we need to understand everything related to it in terms of its origin, definition, root causes etc. This chapter focused on the literature review necessary for the study. It also highlights the nature of human trafficking with regards to its forms, key actors involved and the causes. It went on to consider some theories and conceptual definitions relevant for the study of human trafficking.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.1 Introduction**

This chapter of the study describes the methodology. It highlights the steps taken by the researcher to achieve the research objectives. This study sort to describe and analyse how policies and laws have managed human trafficking over the years in Ghana. Therefore, the prescriptive and descriptive approaches to policy analysis were used. The qualitative research approach was used to collect additional data and information for the aspect of the study that examined the role of institutions and organizations in implementing the policies and legal frameworks enacted to address issues on human trafficking. The chapter also explains ethical issues on data collection and finally ends with the research experiences and limitations of the study.

#### **3.2 The Qualitative Research**

This study used the qualitative approach as the best fit for the topic under study. Qualitative research method makes use of in-depth interviews, participant observation and focus group discussion. Qualitative techniques, such as interviews, and content analysis of documents, were useful in analysing interests of various policies, policy actors, their mutual dependencies, their networks and power relations (Teye 2008). These methods helped to explore the interactions among various actors (Teye 2008). For instance, through the use of in-depth interviews it was possible to understand the experiences of stakeholders on policy implementation and perceptions on the work of government of Ghana in combating human trafficking.

Other benefits of using the qualitative approach is that it is characterized by description of a phenomenon which relates to understanding social life to generate words rather than numbers such as data. Therefore, qualitative research approach is used to understand and explore deeper differences in people's behaviours and their attitude towards issues and situations. (Quinn and Cochran 2002). Bryman (2001) as cited in Asare (2015) explained that, the use of words by this approach enables the researcher to compare data and analyse people's behaviours and attitudes to answer the research questions. However, qualitative research is especially effective in obtaining culturally specific information about the values, opinions, behaviours, and social contexts of particular populations (Asare 2015).

Bryman (2007) as cited by (Asare 2015) explains that, the researcher using qualitative approach often uses open ended questions to ask questions through one-on-one in -depth interview and focused group discussions to gather data. This was employed in the interview guide used for the data collection in this study.

In spite of all these advantages qualitative research however, is not good for generalisation and limited in observing the general patterns of behaviour (Teye 2012). Unlike quantitative analysis which makes use of tables and numerical data hence good for predictions and generalisation, qualitative analysis is more in-depth. But even with quantitative research there is rigidity and it does not allow participants to be heard (Teye 2012).

The nature of the study requires that, laws, policies and acts are “desk top” reviewed in order to analyse in a descriptive way. Therefore, the qualitative research was considered the best technique for this study.

### **3.3 Sources of Data Collection**

This section is made up of two sources of data namely the Primary and Secondary sources. The first main source of data for the study was through secondary sources. The study's main focus was on policies and constitutional frameworks, acts and laws enacted to combat human trafficking. The main focus was on the National Plan of Action for the Elimination of Human Trafficking (NPAEHT). Others were the 1992 Constitution of Ghana, The Ghana National Migration Policy, The Children's Act of 1998, The Criminal Code, The Human Trafficking Act of 2005, The Ghana Immigration Act of 2000 and The Labour Act. Other international laws included the ECOWAS and Palermo Protocols. The study selected the legal frameworks and policies based on those which were both related to human trafficking and migration.

On the other hand, additional data was obtained from primary source which was through interviews with stakeholders of the various institutions responsible for dealing with issues of human trafficking. One objective of the study was to examine the role of state and non-state actors in abetting the implementation of the policies that tackle human trafficking in Ghana. Therefore, interview guides were employed to conduct interviews. The questions were semi-structured with open ended questions which was open for further clarifications. This therefore helped to obtain in-depth responses from the respondents. These interviews were based on professional conversations between the interviewer and interviewees in order to create knowledge (Clarke 2009).

The interview guides were employed to guide the researcher on the questions and areas to focus on during the interviews. All participants were asked relatively similar questions. Also, the interview guides were derived from the objectives and research questions developed to conduct the study.

### **3.3.1 Sampling Technique and Size**

The nature of the study and the information made use of the purposive sampling technique for selecting respondents. A purposive sampling technique was used to select respondents who have knowledge and first-hand practical experience in using laws and policies to manage human trafficking in Ghana. A purposive sample is a non-probability sample that is selected based on the characteristics of a population and the objective of study. Purposive sampling is also known as judgemental, selective or subject sampling (Crossman 2019, [www.thoughtCo.com](http://www.thoughtCo.com)). This type of sampling is useful in situations when you need to reach a targeted sample quickly and where sampling for proportionality is not the main concern.

For the purpose of this study, a small size of participants was purposefully selected. With this I was able to describe and analyse themes in the data collected. Only purposive sampling technique was used to get the participants though I know the disadvantage of this is that other views from other relevant key informants will be denied. (Creswell et al 2003). But then again, this technique enabled me to select the key well-informed and knowledgeable participants as a result of their important roles in combating human trafficking in Ghana. The entire research work made use of field notes and tape recorders to keep important points noted in discussions and interviews. I took notes in order to remind myself of relevant points that need to be captured and used the tape recorder which I sought consent first, in order to capture the entire interview in case I was not fast enough to capture what was being said. I recorded in writing, interviews and discussions of informal conversation with my respondents and other actors other than my research respondents that were useful. I documented precisely and accurately the important issues relevant to the research. A sample size of 10 informants was used in this study based on

theoretical saturation point. This simply means a situation where more data collected do not bring any new additional information. (Asare 2015)

### **3.3.2 Data Collection methods and Institutions Selected**

Basically, the respondents for the study were purposely drawn from the Ministries, Departments and Agencies (MDAs), non- governmental organizations (NGOs), United Nation agencies, whose work involve managing issues on human trafficking. They were chosen from across organisations and known professionals who are stake holders in the management of policies, acts and laws enacted to combat human trafficking in Ghana. One-on-one interviews were conducted on 10 participants. All interviews were recorded and themes were drawn out in relation to the objectives of the study. The interview guide was made up of 17 short questions which guided the interaction and also made room for further clarifications which hitherto were not part of the questions but relevant. Using interview guides gave room for flexibility because, it probes for further clarification of issues and gave the researcher control over the interview (Clarke 2009).

The institutions selected are listed below:

1. Ministries are responsible for policy formation and implementation as well. They formulate policies and programmes and monitor key agencies to get the work done. For this reason, The Ministry of the Interior (MOI) (Migration Unit) which deals with issues related to migration and human trafficking. Two respondents were selected from there.
2. The Ministry of Gender, Children and Social Protection (MOGCSP) who are the main implementers of the National Plan of Action were also selected purposely for the study. They are stakeholders of policies implemented to combat human trafficking. Two respondents were selected from there.

3. The Ghana Police Service (GPS) was also one key security service that was purposely selected for the study. They are one key agency that provides safety for Ghanaians. Their Anti human trafficking Unit is responsible for protection of victims and for arrest of human trafficking perpetrators. From there, one respondent was selected.

4. The Ghana Immigration Service (GIS) is also another key security agency in Ghana whose work deals with border management in the country. Their Migration Management Board (MMB), Awareness Creation Unit and their Anti-Smuggling and Human Trafficking In Persons Unit (ASHTIP) were selected for the study. Three respondents in all were selected.

5. NGOs were also selected for this study. Free The Slaves is a non-governmental organisation which deals with Rescue, Provision of Shelter and Reintegration of trafficked victims. They are one of the selected NGOs responsible for helping with the implementation of the National Plan of Action for the Elimination of Human Trafficking (NPAHET) in Ghana. Two respondents were selected from there.

### **3.3.3 Data Analysis**

A qualitative technique was used to analyse the data. That is analysing legal and policy frameworks that were used to combat human trafficking in Ghana. This was done with the objective of the study in mind. The various interviews were recorded on tape, transcribed into written words and manually coded and analysed. This was done to understand the issues of human trafficking in relation to the literature and also understand how institutions use the policies to manage this menace. The data were then analysed into themes to make meaning. These include Policies and history, Role of institutions and Implementation among others.



### **3.4 Ethical Consideration of the Study**

The first prime issue taken into consideration was informed consent of representatives of institutions. Representatives of the institutions were informed and consented to take part in the study before the interviews were conducted and as stated in the interview guide, the participant could opt out of the conversation whenever he or she pleases. Clarke (2009) as cited by (Asare 2015) defines that 'Informed consent is a mechanism for ensuring that people understand what it means to participate in a particular research study so they can decide in a conscious, deliberate way whether they want to participate'. Informed consent is one of the most important tools for ensuring respondents are not coerced to partake in a study during research (Asare 2015).

Confidentiality, privacy and anonymity were some key ethics in this research work and they have been seriously considered. Representatives especially from the government institutions who wanted to remain anonymous were under no circumstances disclosed in this research. They were also assured that, information given will be used for its intended purpose and that the information will not be used for any media reports. They were informed about the use of recorders during the interview and agreed before it was conducted.

Plagiarism and authenticity is one of the ethical issues that need to be considered in any research work (Marmon-Halm 2018). There was no fraudulence of anybody's intellectual work. All things used in this research which were properties of other people have been properly cited and referenced. The researcher tried really hard to be vigilant on issues that could raise alarms on authenticity in the writing of this work.

### **3.5 Challenges and Limitations of the Study**

Migration in general is a very complex area of study looking at the cross-cutting issues that deal with it. Now issues on human trafficking as well are not easy to conduct research on since it involves sensitivities like human abuse and exploitation.

The key limitation to the study is that, the research is about human trafficking policies enacted and how it has been managed over the years but the researcher could not interview any victims or individuals who have experienced being trafficked. This would have been relevant for the data analysis since the researcher would have had first-hand information and practical examples from victims on their protection (rescue, rehabilitation and reintegration) processes.

This limitation is mainly due to time constraints and issues relating human trafficking being very sensitive to individuals who have suffered all forms of abuse and exploitation. However, key experts that deal with managing trafficking in persons in the country were interviewed to get the information needed for the study.

Secondly, the study made use of key stakeholders and institutions responsible for bringing to life policies enacted to curb the menace but not all of them were available for the interview. The booking appointment and keeping it was difficult because my key informants had tight and busy schedules. This resulted in changes in appointment dates or prolonged waiting.

## **CHAPTER FOUR**

### **HISTORICAL ANTECEDENTS AND OVERVIEW OF RELEVANT POLICIES FOR MANAGING HUMAN TRAFFICKING IN GHANA**

#### **4.1 Introduction**

This chapter seeks to address the first objective of the study which aims at tracing the history and providing descriptive analysis on the various policies relevant to managing human trafficking in Ghana. The chapter unravels this objective by first, looking at the 1992 Constitution of Ghana which serves as the guide for all legal documents of the country; the Domestic Violence Act which looks at abuse in, especially, women which tends to be one of the root causes of human trafficking. Again, the section looks at other frameworks that directly address TIP like the National Migration Policy, the Ghana Immigration Law, the Human Trafficking Act, the Children's Act, the Labour Act, and the National Plan of Action on the Elimination of Human Trafficking among others. In brief, the chapter looks at the history of human trafficking in Ghana and how policies have evolved over the years to manage trafficking in persons.

#### **4.2 Evolution of Policies on Human Trafficking In Ghana**

Ghana is a democratic country being governed by the 1992 Constitution serving as a guide for all other legal documents (Asare 2015). Ghana has a number of legal and policy frameworks intended to govern various types of migration. Migration management in Ghana is executed on the basis of rights and freedoms enshrined in the 1992 Constitution (NMP 2016). Others are the Acts of Parliament that incorporate international and regional or sub-regional legal obligations of Ghana and other national statutes and regulations.

Human trafficking is a second-degree felony in Ghana (Sertich and Heemskerk 2011). The occurrence of human trafficking first gained international attention in Ghana in 2002, with the release of a research study that highlighted the forced labour of children in the fishing industry (IOM 2013). Since this time, the Government of Ghana (GoG) has taken measures to counter such acts, including the adoption of an Anti-Human Trafficking Act (2005) and the establishment of an Anti-Human Trafficking Unit within the Police Force. Likewise, international organizations and local nongovernmental organizations have made concerted efforts to prevent and protect children from trafficking and further rehabilitate children forced to work under dangerous and deplorable conditions (IOM 2013).

The legal frameworks on migration for combating and curb trafficking in persons and other legal frameworks that do not purposely manage human trafficking but yet have both direct and indirect impact on the issue are discussed in the subsequent sections.

#### **4.3 1992 Constitution of Ghana**

In a democratic country like Ghana, the 1992 Constitution was developed to serve as a guide for all other legal documents (Asare 2015). The 1992 Constitution is said to provide an array of rights to protect children and all citizens of Ghana (Bluwey 2002). It was said to have been enacted when Ghana needed to have a democratic rule to end the political instability that was forcing people to migrate to other countries. It aims to, among others, prevent abuse and oppressive rule by governments, improve the rule of law, restrain the arbitrary use of power and provide for the legal rights and protection of its citizens (Asare 2015). The 1992 Constitution also, according to Awumbila et al (2014), is entrenched with provisions on human rights which guarantee the right of Ghanaians to emigrate and the right of all persons to move freely within

Ghana. The Constitution further mandates all Ministries, Departments and Agencies (MDAs) to respect and uphold the fundamental human rights of all persons in Ghana, including foreigners irrespective of their legal status (Awumbila et al 2014).

Chapter one of the 1992 Constitution lays emphasis on its supremacy over all the laws of Ghana. It discredits any other law that goes contrary to what the Constitution says.

This Constitution shall be the supreme law of Ghana and any other law found to be inconsistent with any provision of this Constitution shall To the extent of the inconsistency, be void (Ghana 1992, p.3 (rev. 1996)).

Chapter five of the 1992 Constitution ensures the fundamental human rights and freedoms of Ghanaian citizens. It charges the Executive, Legislature and Judiciary and all other organs of government and their agencies to respect and uphold the law by protecting the rights of citizens.

Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual contained in this Chapter but subject to respect for the rights and freedoms of others and for the public interest (Ghana 1992, p.11 (rev. 1996)).

It sought to protect a person's right from abuse, right to life, personal liberty, respect for human dignity, freedom from discrimination and protection from slavery and forced labour. Just like in the definition for human trafficking, one of the components of trafficking is subjection to forms of slavery and forced labour. Article 16, clause 1 and 2 prohibit persons from being held or engaged in any form of slavery and forced labour and any person found going contrary to this is subject to arrest and prosecution.

Actually Chapter five being the human rights section was said to have assumed international status with the emergence of the Universal Declaration of Human Rights (U.D.H.R.) in 1948 by the UN, which had the objective of acting as a common standard to protect the rights of individuals and people in general (Asare 2015). Other international rights during that time also

sought to protect the rights of human beings. For instance, the International Covenant on Civil and Political Rights (ICCPR) in 1966 was enacted to provide legally binding rules on the protection of individuals regardless of whether they are within or outside their countries of origin. Again, the International Convention on the Economic, Social and Cultural Rights (ICESCR) in 1966 also grants economic, social and cultural rights to citizens and this was adopted into the constitutions and lastly, the African Charter on Human and Peoples Rights in 1981. According to Asare (2015) these legal frameworks were what guided the various rights scribed in chapter five of the 1992 Constitution since it was a global call to protect the rights of all individuals.

The 1992 Constitution also grants economic, social and cultural rights, including the right to work and be paid equally whether a person is a migrant or not, the right to protection against unemployment, join trade union, access adequate standards of living including freedom of religion (Benneh, 2005:Asare 2015).

Furthermore, the Constitution also calls on Parliament to enact laws that are necessary to the protection of the right of a child. Article 28 of Chapter five enjoins Parliament to ensure that:

Every child has the right to the same measure of special care, assistance and maintenance as is necessary for its development from its natural parents, except where those parents have effectively surrendered their rights and responsibilities in respect of the child in accordance with law (Ghana 1992, p.21 (rev. 1996)).

It further highlights the right of children to be protected from engaging in hazardous work, mistreatment and torture, hence calls for abolishing child labour, slavery, servitude abuse and trafficking in children.

Every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development and no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Ghana 1992, p.21 (rev. 1996)).

The U.D.H.R which is the international human rights instrument encouraged governments to be guided by other international instruments that protect children specifically (UNICEF Annual Report 2011). This led to Ghana's enactment of acts like the Children's Act of 1998 and the Human Trafficking Act of 2005 which addressed specific rights of children (Asare 2015). The descriptive analysis indicate the provisions of the 1992 Constitution in protecting and managing all humans of diverse race and ethnicity, who either originate from, live within, or visit Ghana, from all forms of abuses including human trafficking. The Constitution considers all persons to be equal before the law and therefore, should not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed, social or economic status.

#### **4.3.1 The Children's Act, 1998 (Act 560)**

The Children's Act aims to reform and consolidate the laws relating to children; to provide for the rights of the child; maintenance and adoption; to regulate child labour and apprenticeship; for ancillary matters concerning children generally and to provide for related matters (NMP 2016). It is the five hundred and sixtieth Act of the Parliament of the Republic of Ghana which was assented to on 30<sup>th</sup> December, 1998.

A "child" is defined by the Act as a person below 18years. The Children's Act of 1998, Act 560 is among one of the most specific comprehensive legal frameworks which focuses on protecting the rights of children including migrant children in Ghana (Asare 2015). The Children's Act has one common goal which is to ensure the best interest of the child i.e. every child in the country must be safe, protected and fully developed to a better person. The Act aims to improve the laws on children and it broadly seeks to promote:

1. Reforms and consolidate the laws relating to ensure protection, survival and development of a child.
2. Care and protection to children by providing them with a safe environment from the state, their parents and institutions.
3. The prohibition of child labour and prevents any hazardous work that exploits children and causes harm to their health. It also guides on what proper ages children are supposed to be employed.
4. Fosterage and adoption enhancement to eliminate all forms of discrimination and abuse amongst children.
5. Better judicial and juvenile adjudication to protect children who offend the law and offer relevant support for them through training and family tribunal reforms.
6. Responsible parenthood, care, custody, access to child and child maintenance and additional matters concerning children generally and to provide for related matters.

The law obliges parents to give their children the welfare they need, grant their right to life, dignity, respect, leisure, liberty, health, education and shelter. It also charges them to protect their children from abuse, discrimination and infringement of rights. Child abuse, in this context, means contravention of the rights of the child which causes physical or mental harm to the child (Children's Act, 1998, p.7).

Every parent has rights and responsibilities whether imposed by law or otherwise towards his child which include the duty to protect the child from neglect, discrimination, violence, abuse, exposure to physical and moral hazards and oppression; to provide good guidance, care, assistance and maintenance for the child and assurance of the child's survival and development; to ensure that in the temporary absence of a parent, the child



shall be cared for by a competent person and that a child under eighteen months of age shall only be cared for by a person of fifteen years and above (Children's Act, 1998, p.7).

Unfortunately reports on the human trafficking cases in Ghana, especially on the Volta Lake, shows that some parents take part in the trafficking act by selling off their children to traffickers to make profit (Johansen 2019). Sertich and Heemskerk (2011) opine that the children, mostly boys who work in these fishing areas, are required to work extremely long hours under dangerous conditions, often in exchange for as little as approximately \$25-65 USD (125- 325 Ghana cedi equivalent) paid to their parents in advance for five years of service.

Again, Part Five of the Act prohibits the employment of children into any form of hazardous or exploitative work and provides the right ages for the employment of children. According to the Act, nobody has the right to engage a child in exploitative labour. Labour is seen as exploitative if it deprives the child of its health, education or development. Children can only be engaged in "light work" (constitutes work which is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from school work) at the age of 13 years (Children's Act, 1998).

The Ghana Statistical Service reports that about nine in every ten children (91%), who suffered some form of abuse, were involved in child labour while 87.4 percent of such children were engaged in hazardous forms of child labour. This is contrary to what the Act proposes, that the minimum age for the engagement of a person in hazardous work should be eighteen years because by then they would have been recognised as adults.

Work is hazardous when it poses a danger to the health, safety or morals of a person. Hazardous work includes, going to sea, mining and quarrying, portorage of heavy loads, manufacturing industries where chemicals are produced or used, work in places where machines are used and work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour (Children's Act, 1998, p. 28).

Meanwhile, child labour continues to be prevalent in Ghana. According to the National Plan of Action for the Elimination of the Worst Forms of Child Labour, reports in 2017 revealed that every fifth child is directly affected and more than one-in-ten (14.2%) engaged in the worst forms of child labour, particularly hazardous work. This phase 2 of the National Plan of Action Against Child Labour (NPA2, 2017-2021) on the Elimination of Worst Forms of Child Labour accentuates government's commitment to pursue the elimination of the worst forms of child labour. It aims at reinforcing public awareness and strengthening advocacy for improved policy programming and implementation of child development interventions (NPA2, 2017).

In definite terms, despite all the challenges, the government of Ghana is committed to the elimination of child labour, especially the worst forms. Ghana was the first to ratify the UN Convention on the Rights of the Child and has ratified all key Conventions of child labour, notably, the ILO Conventions on Minimum Age (C138, 1973) and on Worst Forms of Child Labour (C182, 1999). Ghana also has a comprehensive legal framework including the 1992 Constitution, Children's Act, 1998 (Act 560), Child Rights Regulation, 2002, Human Trafficking Act, 2005 (Act 694) and the Criminal Code (Amendments) Act, 1998 (Act 554) and its Amendments to prevent, protect and prosecute trafficking in human beings especially children (NPA2, 2017).

At the institutional level, the Ministry of Gender, Children and Social Protection coordinates the activities of inter-agency groups working to combat human trafficking, especially children. It also monitors and evaluates the effects of migration activities on the welfare of women and children (NMP2016).

#### **4.3.2 Labour Act 2003, (Act 651)**

According to the National Migration Policy (2016), the Labour Act is the primary labour legislation in Ghana. The Act is the six hundred and fifty-first Act of the Parliament of the Republic of Ghana which was assented to on 8<sup>th</sup> October, 2003. As far as foreign immigrants may work in Ghana, the Act equally applies to them. The Labour Act is said to amalgamate laws and enactments from the Constitution, the Children's Act and provisions made in the ILO Conventions (Hodges and Baah 2006). It was mainly enacted to apply to all workers and to all employers in Ghana except the Armed Forces, the Police Service, the Prison Service and the Security and Intelligence Agencies specified under the Security and Intelligence Agencies Act 1996 (Act 526) (Labour Act, 2003).

Essentially, the Act provides for the establishment of public employment centres and their functions, the rights and duties of both employers and employees, the conditions of employment, remuneration, termination of employment, employment of persons with disability, employment of women, trade unions and employer organisations, labour inspection, the establishment of a National Labour Commission and its functions. It also provides for the settlement of industrial disputes (NMP 2016). It is also responsible for dealing with issues on forced labour, health hazards, safety, and makes special provisions to ensure that migrant children are not employed if they have not attained the exact ages specified by the Children's Act (1998) and the ILO Convention, among others.

In 1957, according to ILO reports (2004), Ghana joined the International Labour Organisations and ratified some of its Conventions. This includes Convention numbers 29 and 105 that abolished forced labour, labour inspection and child labour, among others. This reflects what Section 116 under the Labour Act of Ghana states, which is that forced labour must be prohibited

and section 122 also calls for the establishment of labour inspection officers who ensure children are not employed in unauthorized areas (Labour Act, 2003).

Under the Act, Part XIV prohibits forced labour in persons. Forced labour is explained in section 117 as “work or service that is exacted from a person under threat of a penalty and for which that person has not offered himself or herself voluntarily”. The restrictions are as follows:

1. A person shall not be required to perform forced labour.
2. It is an offence for an employer to exact or cause to be exacted, or permit to be exacted, for his or her benefit forced labour from any worker.
3. Any employer convicted of an offence under subsection (2) is liable to a fine not exceeding 250 penalty units.

The above notwithstanding, reports from the UN Global Trafficking reports in 2016 revealed that trafficking for the purpose of forced labour was the most frequently detected form in Southern, East and West Africa, and the countries of the Middle East. One victim out of three detected was trafficked for forced labour (UNODC 2018). Trafficking for forced labour or labour exploitation is very prevalent in Ghana. A report by the Ghana Immigration Service shows that in 2017, the total number of victims that were rescued was 215. The total number of suspects that were apprehended for the year under review was 35. Out of the 215 victims rescued, 42 children were trafficked for labour purposes (Darko 2018).

Section 118 under Part XV stresses on occupational health and safety and gives conditions for the safety of employees. This is in contrast to what happens to children who are employed in the fishing industries on the Volta lake of Ghana (Johansen 2019).

The Section reiterates the right of employees to report any unsafe conditions in which they work:

When a worker finds himself or herself in any situation at the workplace which she or he has reasonable cause to believe presents an imminent and serious danger to his or her life, safety or health, the worker shall immediately report this fact to his or her immediate supervisor and remove himself or herself from the situation (Labour Act 2003, p.38)

Trafficked persons, in this case, cannot exercise their right even in exploitative cases while they are in the hands of traffickers. Even when rescued, psychological trauma stemming from the fear of being kidnapped again and perhaps threats of being killed from the exploiter makes them refuse to report.

These restrictions and safety measures, according to Section 118 of the Labour Act, (2003) are as follows:

1. It is the duty of an employer to ensure that every worker employed by him or her works under satisfactory, safe and healthy conditions.
2. Without limiting the scope of subsection (1), an employer shall, provide and maintain at the workplace, plant and system of work that are safe and without risk to health, ensure the safety and absence of risks to health, take steps to prevent contamination of the workplaces, supply and maintain at no cost to the worker adequate safety appliances, provide separate sufficient and suitable clean washroom facilities, provide adequate supply of clean drinking water, prevent accidents and injury to health by minimizing the causes of hazards inherent in the working environment.
3. It is the obligation of every worker to use the safety appliances, firefighting equipment and personal protective equipment provided by the employer in compliance with the employer's instructions.

4. An employer shall not be liable for injury suffered by a worker who contravenes subsection (3) where the injury is caused solely by noncompliance by the worker.

5. An employer who, without reasonable excuse, fails to discharge any of the obligations under subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding 3 years or to both.

Furthermore, the Act also provides for the establishment of the National Labour Commission which has been fully functional since its establishment. The functions of the “Commission” are to facilitate the settlement of industrial disputes, investigate labour related complaints such as unfair labour practices and take steps to prevent labour disputes, maintain a data base of qualified persons to serve as mediators and arbitrators, promote effective labour co-operation between labour and management and perform any other function conferred on it under this Act or any other enactment (Labour Act, 2003).

Additionally, with respect to foreign nationals, Awumbila et al (2014) noted that “Ghana’s Labour Act condemns discrimination in employment against anyone on the grounds of race, colour, and nationality, among others”. Thus, any person, either citizen or foreigner, who faces discrimination on an ethnic, nationality or cultural basis, may seek redress before the National Labour Commission (NLC), the Commission on Human Rights and Administrative Justice (CHRAJ) or the regular courts. While these labour laws seek to provide protection to migrant workers as well as to nationals, state practice does not always uphold this. Discrimination and other predicaments are endured by migrant workers, thus undermining these labour laws (Awumbila et al 2014). In sections 33 to 39 of the Labour Act, for example, cover man hours of work and the maximum time is set to eight hours a day or forty hours a week. Now section 44 of

the Act excludes task workers and domestic workers. This is in contrast to Article 10 of the ILO Convention 189 on labour which states that “each member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave weekly rest shall be at least 24 consecutive hours”. This is how people in domestic work are exposed to trafficking because they are made to work long hours without leave or rest and it is a form of labour exploitation under human trafficking (C189- Domestic Workers Convention 2011). Therefore one gap of the Labour Act is that it gives domestic workers over to the employers for exploitation.

Finally, the Ministry of Labour and Employment Relations is the responsible Ministry for implementing the law through policy formulations, regulations and settling industrial disputes. The Ministry has the Labour Department which has over sixty two public employment centres throughout the country (Asare 2015).

#### **4.4 The Ghana Immigration Law**

The Immigration Act, 2000, (Act 573) its Immigration (Amendment) Act in 2012 (Act 848), and Immigration Regulations, 2001 (L.I 1691) are very important instruments for managing migration in Ghana. The Ghana immigration Act is the five hundred and seventy-third Act of the Parliament of the Republic of Ghana assented to on 2<sup>nd</sup> February, 2000 (Immigration Act, 2000). It is the only law meant to manage migration into the country in all aspects.

The Immigration Act seeks to provide in one document, all of the laws relating to immigration, to provide for the admission, residence, employment and removal of foreign nationals and to provide for related matters (NMP 2016). The Ghana Immigration Act over time evolved since

colonial times, till date, with its objective of harnessing the benefits of migration for development and also to reduce the negative impacts (Asare 2015). The institution responsible for enforcing the Act is the Ghana Immigration Service (GIS). It is generally responsible for the control and movement of people to and from Ghana across borders.

Initially, the Ghana Immigration Service then, the “Immigration and Passports Unit” was within the Police Force (Key Informant Interview, GIS, MMB, July, 2019) under the British colonial rule before Ghana attained independence from the British rule and government. At the time The Colonial Ordinance Act was mainly used to regulate civil servants that came into Ghana (Manuh et al, 2010). Later when Ghana gained independence in 1957, Asare (2015) noted that many from the sub-Region and foreign nationals entered into Ghana mainly due to the growth of the economy and the Nkrumah led emancipation and freedom of the African continent. This increased the number of tourist's visitors, businessmen and other Africans into Ghana. Therefore, migration needed to be controlled and harnessed and this led to the movement of the “Immigration and Passport Unit” to the Ministry of the Interior. However, the Ministry of Foreign Affairs took over the issuing of passports. According to Manuh et al, (2010) after three years of its movement, the Aliens Act 1963 (Act 160) was enacted to give the Immigration Service legal backing to operate under the title “Residence and Employment of Aliens in Ghana” (Manuh et al, 2010).

Drawing from the Act, Sections 3, 4 and 8 restricts illegal entry into the country through unauthorized borders. They also give conditions under which a person is supposed to enter into the country and explain who a prohibited migrant is and the convictions against them.



The section on illegal entry requires that persons can only enter Ghana through approved routes of entry and that prohibited people who are not citizens but intend to exploit people into prostitution in and out of Ghana are not allowed. These are directly or indirectly related to human trafficking but illegal entry is likely to expose migrants to trafficked situations. Also studies have shown that trafficked victims may not use the approved channels. The victim at that point does not have a say to determine which route to use. For the purposes of this study, the specific clauses (clause 2, clause 4 and clause 5) that somewhat address human trafficking were selected below to make meaning;

2. An approved place of entry is a place in Ghana in respect of which landing or docking rights have been granted to an aircraft or vessel or a place specified in the Schedule to this Act.
4. Regulations may be made under this Act to provide for free movement across the border of a border-resident for the purpose of attending to his routine economic or social matters.
5. Without prejudice to any other penalty imposed by or under this Act a person who contravenes a provision of this section commits an offence and is liable on summary conviction to a fine of not less than one million cedis or to a term of imprisonment of not less than three months and not exceeding twelve months or to both (Immigration Act, 2000 (573)).

Within the Section a Prohibited Person:

1. A Person other than a citizen of Ghana is a prohibited immigrant for the purposes of this Act if that person: (a) has a deportation order in force against him made under this Act or any other enactment; (d) has been sentenced in a foreign country for any extraditable crime within the Extradition Act of Ghana; (e) has been certified by a health officer to be medically unfit to enter Ghana; (f) has been declared by the Minister by executive instrument to be a person whose entry

into Ghana is not conducive to the public good; (g) procures or attempts to bring into Ghana any person for the purpose of prostitution or other immoral purpose; (h) is a person whose activities are contrary to the laws of Ghana;

2. A person who enters Ghana while he is a prohibited immigrant commits an offence and is liable on summary conviction to a fine not exceeding ten million cedis or to imprisonment for a term of not less than six months and not exceeding two years or to both.

Furthermore the law mostly describes entry into Ghana, its requirements and prohibitions. In spite of all this, the Act still had some gaps. It was initially focused on managing flows and counter flows of immigrants. It was not until Ghana ratified the Migrant Smuggling and Trafficking Protocol that the Parliament of Ghana amended the Section 52(A) of the Immigration Act in June 2012. Initially the Section described offences that people commit which make them liable to conviction. The Act now considers migrant smuggling and human trafficking as an offence and any person who commits such an offence is liable to a fine. This made the Ghana Immigration Service to actively get involved in the fight to combat human trafficking in Ghana. One of the key informants from GIS described in these words how human trafficking came into being in the Service:

The Anti-Human Trafficking Unit of the Ghana Immigration Service was established in 2012 and since then it has been handling cases on human trafficking. Since its establishment, it has had offices across the borders of Ghana namely, Airport, Aflao, Elubo, Paga and others. As part of our curriculum now, the service has been handling trainings for Officers on how to handle human trafficking issues. (Key Informant Interview, GIS-AHSTIP, July 2019)

#### **4.4.1 Human Trafficking Act Of 2005**

In fulfilment of its international obligations, Ghana enacted the Human Trafficking Act, 2005 (Act 694) and approved the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (NMP, 2016).

It is the six hundred and ninety forth Act of Parliament of the Republic of Ghana which was assented to on the 5<sup>th</sup> of December 2005. The Human Trafficking Act, 2005 (Act 694) provides for the prevention, reduction, and punishment of human trafficking; for the rehabilitation and reintegration of trafficked persons and for related matters. It was enacted in the wake of various global influences and pressure on government to have separate laws to protect children that are being exploited (Asare, 2015). The UN protocol to prevent suppress and punish trafficking in persons also known as the 2000 Palermo protocol urges governments of different states to criminalize human trafficking (Palermo Protocol Article 5). It calls for state parties to adopt legislative measures to establish human trafficking as a criminal offence. It also urges state parties to aid and protect victims of trafficking, to shelter and care for victims and to facilitate repatriation of trafficked victims (Articles 6, 7, 8). It is in this light that the Government of Ghana enacted the Human Trafficking Act as a specific existing law to combat human trafficking.

The Human Trafficking Act, 2005 (694) adopted its definition of human trafficking from the Palermo protocol and tamed some of its recommendations. The definition of human trafficking in the Act as enacted by the president and parliament is as follows:

Human trafficking means the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by, the use of threat, force or

other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or giving or receiving payments and benefits to achieve consent. Exploitation shall include at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, salary or practices similar to slavery, servitude or the removal of organs (Human trafficking Act, 694, 2005: 3, p.3).

In definition of human trafficking in the Act just like the Palermo Protocol, when the offense of trafficking involves a child, consent is negated regardless of whether the child or parents or guardians agreed to it. The Human Trafficking Act 2005 earlier definition did not interpret exploitation which was the end purpose for trafficked victims. This led to the Amendment Act, 784 in 2009. It was done in 2009 to strengthen the definition to include exploitation. It also amended section 35 by substituting “extradited” to “deported”. Again Section 41 on issues relating to regulations (L.I.) by adding formal educations and skill training. (Asare 2015)

The Act looks at six broad areas which include: Prohibition of Offences Relating to Trafficking, Complaints and Arrest, Rescue, Rehabilitation, Reintegration and Human Trafficking Fund (Human Trafficking Act 2005, 694: 1). Also the Act instructs the establishment of Human Trafficking Management Board (section 28). The Act requires the establishment of the Human Trafficking Management Board, comprised of representatives of institutions at the forefront of combating trafficking in Ghana.

Human trafficking fund and management board according to the act has been establish and fully functioning (Key Informant Interview, GPS-AHTU, July 2019)

The Board’s primary functions are;

- a) To execute a national plan of action against human trafficking, monitor and report on its progress through the Minister to the ECOWAS Secretariat,
- b) To advise the Minister on policy matters,

- c) To assist with the investigation and prosecution of trafficking cases,
- d) To promote the rehabilitation and reintegration of trafficked persons,
- e) To prepare guidelines for disbursements from the Fund and
- f) To conduct research on international and regional developments

In 2005 and 2008 respectively, the government created the Anti-human Trafficking Unit and secretariat within the Ministry of Gender and Ghana Police Service solely for combating trafficking in Ghana. A key informant narrated the history in these words:

As part of the requirement of the creation of the Human Trafficking Management Board, there was supposed to be created a secretariat to manage its affairs hence the Anti-Human trafficking secretariat of the Ministry of Gender was created in 2005 to manage its affairs (Key Informant Interview, MOGCSP-AHTS, July, 2019)

Also that;

The human trafficking act led to the establishment of the Anti-human trafficking unit of the Ghana police service in 2008. (Key Informant Interview, GPS-AHTU, July 2019)

In an interview with a representative from the Ghana Police Service it was clear that the Act has been helpful to combating TIP, because without the law criminalising the offence it will not be possible to convict traffickers. Through this also the GPS has been able to establish Anti-human trafficking units in ten regions with the exception of the newly created ones. Again, the Legislative instrument 2219 (LI) was passed in 2015 to augment the parent Act 694 which had some grey areas to be clarified and resolved (Key informant Interview, GPS-AHTU, July 2019)

#### **4.4.2 Domestic Violence Act, 2007 (Act 732)**

Women and young girls are mostly subject to trafficking because they have been identified as most vulnerable to abuse in our societies. The vast majority of victims detected in 2016

trafficked for sexual exploitation was women and girls (UNODC 2018). As mentioned earlier in Chapter Two, Lee (2012) noted that women are particularly vulnerable to become victims of trafficking due to the feminization of poverty and gender discrimination. Gender-based discrimination is an unavoidable reason why women and girls make up the majority of persons who are trafficked (UNODC2018: Pearson et al 2000). This is shown by the low status of women, predominantly in developing countries, the expectation of women to perform certain roles and to be solely responsible for her children, and the discrimination against women in political participation, sexuality, religion, customs and social practices (Lee 2012).

In terms of legislations, some tools have been created to protect women rights and combat trafficking in women. One of the most effective tools for promoting women and children's rights globally is the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). It was adopted and opened for signature, ratification and accession by General Assembly resolution on 18<sup>th</sup> December 1979 to counter discrimination against women and promote a women inclusive society. It states that “discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity” (CEDAW 1979). Another tool is The Global Alliance Against Trafficking in Women (GAATW) created to provide a critical analysis of counter-trafficking efforts and their implications for women as key players in social change and development.

There are other legislations that protect the rights of women and girls even though their main objective was not to manage migration related issues like human trafficking, they directly and

indirectly impact the managing of such issues in the country. The Ghana Domestic Violence Act 732, which was assented on 3<sup>rd</sup> May 2007 by the Parliament of the Republic of Ghana, is one of such. It is an Act that prohibits domestic violence.

To begin, “Domestic violence” according to the Act means engaging in criminal activities under the Criminal Code (Act 1960) which causes harm to the life of an individual within the context of a previous or existing domestic relationship. These include physical abuse, sexual abuse, economic abuse, emotional, verbal or psychological abuse and harassment (Domestic Violence Act, 2007, p.2 (732)). Abuse in this case is described as “conduct that hams or may cause imminent harm to the safety, health or wellbeing of the complainant”.

The Act was purposely designed to prohibit domestic violence. It opines in Section 3 that domestic violence is an offence before the law and it charges the police to arrest and the court to imprison anyone who engage in it. According to the Act “the use of violence in a domestic setting is not justified by Consent” thus, consent is negated.

1. A person in a domestic relationship shall not engage in domestic violence.
2. A person in a domestic relationship who engages in domestic violence commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both.
3. The Court may in addition to imposing a fine or a prison term, order the offender in a case of domestic violence to pay compensation to the victim as the court may determine.

4. When a cause for complaint has arisen between persons in a domestic relationship and the persons do not cohabit, none of those persons shall enter into the residence of the other person without that other person's permission (Domestic Violence Act, 2007).

One of the Push factors that cause women to migrate is domestic violence. Most women within the African context or in developing countries migrate because they want to flee violations to places where their right is not trampled upon (Lee 2012). In Ghana some cultural norms and traditions like forced marriages, the practice of “Trokosi”, Female Genital Mutilation which is most prevalent in the Northern parts of the country still submit women and girls to slavery and servitude.

Again, Sections 29 and 35 calls for the establishment of the Domestic Violence Fund and Board. The objectives of the Fund is to provide the basic material support of victims of domestic violence, train the families of victims of domestic violence, to be used for rescue, rehabilitation and reintegration of victims of domestic violence, also for the construction of reception shelters in regions and districts, and for training and capacity building of rescued victims (Domestic Violence Act, 2007). Under Section 35 there is established by the Act, a Management Board for Victims of Domestic Violence. The Ministry of Women and Children Affairs now the Ministry of Gender, Children and Social Protection (MOGCSP) is responsible for implementing the Act and managing the board which consist of representatives from the Attorney-General, the Ministry for Local Government the Ministry for Health, the Ministry for Education, the Police Service and the Department of Social Welfare.

The Function of the Management Board is as follows:



1. Recommend for the development of a National Plan of Action against domestic violence and monitor and report on the progress of the national plan of action through the Minister.
2. Advise the Minister on policy matters under this Act.
3. Propose and promote strategies to prevent and combat domestic violence.
4. Promote the rehabilitation and reintegration of victims by networking with government agencies and organisations.
5. Prepare guidelines for disbursement from the Fund.
6. Manage the Fund.
7. Conduct research on international and regional developments, and into standards for dealing with matters of domestic violence.
8. Deal with any matter concerned with domestic violence.

Moreover, if these are adhered to, the migration of women to flee domestic violence which may possibly land them into being trafficked for sexual exploitation would be avoided. This is because victims will speak up, offenders will be convicted and rescued victims will be made to find their voice through the reintegration and training on capacity building. Hence, instead of them to flee to another country in search of better livelihoods, they will build their own empire and “safe heaven” in their origin country.

To end, Brown (2002) as cited by (Asare 2015) then suggested that, the Domestic Violence Act is strong since it is the only law that permeate the domestic spheres to protect the rights of all.

#### **4.5 National Migration Policy (NMP) 2016**

The National Migration Policy represents efforts of Ghana to deal with migration-related challenges. “The National Migration Policy is the first attempt of the GOG to formulate a comprehensive response to migration challenges. For the first time the government of Ghana has formulated a comprehensive National migration policy to help manage its internal, intra-regional and international migration flows for poverty reduction and sustained national development” (NMP 2016, p.1). According to the Policy (NMP 2016), it was formulated against the backdrop of several policy frameworks including the Constitution of Ghana and the Ghana Shared Growth and Development Agenda II (2014-2017). It also is anchored within the context of the 2006 African Union (AU) Strategic Framework for Migration and the 2008 ECOWAS Common Approach on Migration.

A representative from the Ministry of Interior remarked that “the policy serves as a major general guide for all institutions that manage migration on how to deal with issues related to it” (Key Informant Interview, MOI-MU, July 2019).

The Goal of the National Migration Policy is to promote the benefits and minimize the costs of internal and international migration through legal means with the rights and security of migrants well respected in order to ensure socio-economic development in Ghana. The NMP’s main objective is to promote a comprehensive and sustainable approach to migration management which will enhance the potential of migration for Ghana’s development (NMP 2016). Basically it was created on the basis of harnessing the benefits of migration for Ghana’s development.

Hence the National Migration Policy is guided by a host of principles which include:

1. The protection of migrant rights and facilitation of migrant equality.

2. The adherence to the 1992 Constitution of Ghana, which guarantees the rights of Ghanaians to emigrate and the right of all persons to circulate freely within Ghana.
3. The principles of the 2006 African Union Migration Policy Framework for Africa.
4. The 2008 Common Approach on Migration of the Economic Community of West African States (ECOWAS), and the promotion of human development (NMP 2016, p.5).

Looking at the Policy, it deals with all aspect of migration including irregular migration thus, human trafficking and Migrant smuggling. Section 4.2 of the policy addresses the irregular aspects of migration and also the policy objectives and strategies to help curb human trafficking and migrant smuggling. The policy seeks to manage irregular migration flows, the challenges to border management protocols of Ghana and protect migrants against human rights abuses.

The policy aims at the prevention of human trafficking, through enforcing and ensuring strict compliance of the human trafficking Act, 2005 (Act 694), the protection of victims of trafficking, strengthening the capacity of law-enforcement agencies to prevent, curtail and prosecute migrant smugglers and the development of preventive measures against irregular migration in general(NMP 2016, p.36).

Ghana has been recognised as a country of origin, transit, and destination of individuals for the purposes of sexual exploitation, and domestic and commercial labour (US Office to Monitor and Combat Trafficking in Persons, 2006). Due to this, trafficking in persons is a serious and growing concern for the Government of Ghana. Section 4.2.1 of the NMP records some policy objectives and strategies to combating trafficking in persons in Ghana.

The broad objectives of the policy are:

1. To prevent human trafficking, through research, public awareness and government capacity building.

2. To protect vulnerable groups, especially women and children.
3. To rescue, rehabilitate and reintegrate victims of human trafficking.
4. To prosecute perpetrators of human trafficking and dismantle trafficking syndicates.

There is also under the Policy some developed strategies to manage the objectives outlined to combat human trafficking. These strategies are:

to establish a comprehensive and coordinated national anti-trafficking approach, to enforce and ensure strict compliance of the human trafficking law, to increase public awareness about the dangers of irregular migration to promote informed migration decision making, to create preventive measures against irregular migration, to protect victims of trafficking and provide recovery assistance and specialised services, to promote regional and international policy dialogue on irregular migration and to intensify research and data gathering on human trafficking to establish a national human trafficking database (NMP 2016, p.36).

Additionally, the Ministry of Gender, Children and Social Protection (MGCSP), MOJ & Attorney General's Department, MOI (GIS & Anti-Human Trafficking Unit of Ghana Police Service), MFARI, and Ministry of Information and Media Relations (MIMR) have been tasked by the Policy to deal with the implementation of the strategies to help curb human trafficking in Ghana.

“The Ministry of Interior (MOI) spear headed the policy process and it is working together with other stake-holder institutions to implement the policy” (Key Informant Interview, MOI-MU, July 2019).

#### **4.5.1 National Plan of Action for the Elimination of Human Trafficking (NPAEHT)**

Even though the study is on Acts and Policies that manage human trafficking in Ghana, the focus however is on the National Plan of Action for the Elimination of Human Trafficking in Ghana.

The National Plan of Action for the Elimination of human trafficking is the most recent plan on the human trafficking agenda created in 2017. The NPA spear headed by the Ministry of Gender, Children and Social Protection has sort to combat human trafficking in Ghana within five years thus from the year 2017 to the year 2021. This recent action plan is very unique for the study because it has taken into consideration all the strategies and objects developed previously to combat TIP and has identified gaps which it seeks to bridge.

Firstly, the development of this plan was based on the review of the existing Zero draft NPA which, even though contained some fundamental information, facts and figures useful in laying the foundation for the development of this plan, remained incomplete and lacked sufficient detail in many areas, including how Ghana will prioritise, coordinate and implement the four “Ps” Prevention, Protection, Prosecution and Partnership (NPAEHT 2017).

Secondly, the undertaking of extensive desk research gathered from the numerous studies conducted and reports written on human trafficking in Ghana over recent year’s highlighted weak information sharing among institutions from the national level down to the regional and district levels. Some weaknesses highlighted were, poor data collection and dissemination, poor inter-agency and intra-agency coordination, information sharing and reporting mechanisms, inadequate care and shelter provided for rescued victims particularly the insufficient number of psychologists and counsellors trained in victim trauma. It is these gaps, among others, that this final NPA has sought to address (NPAEHT 2017).

Despite the various Acts and policies, we have on combating human trafficking we still decided to draw the National Plan of Action. After Ghana signed unto the Palermo Protocol, the country has been trying to make efforts to deal with the human trafficking canker. Since Ghana had been in the Tier 2 Watch list from the year 2006 for three consecutive times the government sought to implement a plan which will bring together

all institutions on one table, to help with the easy conquering of this menace hence, the forth “P”, Partnership (Key Informant Interview, HTS-MOGCSP, July 2019).

Looking at the National Plan of Action the key goals of this are to strengthen Ghana’s competencies along the all-inclusive “4 Ps” strategy these are the Prevention of Trafficking in Persons, the Protection of Trafficking in Persons victims, the Prosecution of Trafficking in Persons offenders and Partnerships with stakeholders to combat Trafficking in Persons.

To start with, Prevention is the central theme that runs throughout the five-year lifespan of the plan (NPAET 2017). According to the plan the government of Ghana can effectively combat human trafficking when the strategies and interventions outlined are followed. It aims to gradually eliminate all the Push-pull factors for instance poverty which are root causes for migration. It also aims to extend social protection for vulnerable communities and prevent re-trafficking of victims. To compliment these efforts the Plan has laid out some objectives and they are:

1. Increase public awareness and facilitate a deeper understanding of human trafficking issues.
2. Develop and implement systematic procedures for proactively identifying persons at risk of being trafficked.
3. Enhance social protection for high-risk communities.
4. Eliminate push and pull factors of trafficking.
5. Enhance identification of human trafficking networks.
6. Prevent the re-trafficking of victims.

Again, another important strategy stated in the plan to eliminate trafficking is Protection. “The plan recognises that providing enhanced care and protection to victims is the combined responsibility of a number of agencies and stakeholders” (NPAEHT 2017). Victim care is a central theme of the plan. A victim is defined as a person who has suffered physical or emotional harm, violation of rights, property damage or economic loss as a result of crime (Canada Department of Justice 2016). The plan seeks to rescue victims and provide adequate privacy, security, health and psychosocial support during investigation, trial and rehabilitation stages. These are the objectives outlined according to the plan are

Coordinate inter-agency action to support victims of trafficking through an established referral system, ensure provision of comprehensive care to victims of trafficking and develop livelihood opportunities for rescued victims of trafficking (NPAEHT 2017, p.6).

Furthermore, since human trafficking is a second-degree felony in Ghana (Sertich and Heemskerk 2011), Prosecution of traffickers is important in dealing with this canker. Over the years, the GoG has had issues with prosecuting criminals therefore to deal with these issues, the plan provides for the prioritisation of trafficking cases (Key Informant Interview, GPS-AHTU, July 2019). It establishes procedures and systems at the Attorney General’s Department to swiftly try such cases. Therefore, there is the continued training of judges and prosecutors to effectively implement the Human Trafficking Act for the effective prosecution of cases. Parallel to this the Plan outlined some objectives like to, provide training to prosecutors and judges on the appropriate implementation of anti-trafficking laws, ensure Attorney General’s Department prosecutors receive robust human trafficking case dockets, review them faster, and monitor the prosecution of human trafficking cases and review the human trafficking laws to meet new demands (NPAEHT 2017).

The last “P” Partnership is a fundamental principle of the plan as it involves increased cooperation and coordination amongst key government ministries departments and agencies (MDAs), civil society, NGOs, the private sector, and foreign governments and UN agencies and this is central to achieving the Plan’s objectives (NPAEHT 2017). To achieve this plan highlighted certain objectives

Objective 1: Improve data collection and information sharing amongst key stakeholders

Objective 2: Increase coordination among line ministries for enhanced budgetary prioritisation and monitoring to deliver on the NPA

Objective 3: Increase coordination and joint monitoring between key ministries, departments, agencies, and other stakeholders

Objective 4: Increase cooperation amongst regional and international actors in the fight against cross-border trafficking

In an interview with a representative from the Gender ministry, he mentioned that adding the forth P to the Plan helped to improve collaboration among stake holders.

The partnership aspect in the plan was essential because it made collaboration easier and also, improved mechanisms for communication, data collection and dissemination from NGOs, CSOs and other institutions who deal with rescue and victim protection (Key Informant Interview, MOGCSP-HTS, July 2019).

#### **4.5.2 Achievements and Challenges of Implementation of the NPAEHT in Two Years.**

During the research this study looked at how the NPA had been implemented within just two years of establishment thus highlighting its achievements and shortcomings.

The successful achievements of the NPA has been the movement of Ghana from the Tier 2 Watch list of the United States Trafficking in Persons report to Tier 2 in 2018 and has maintained it in 2019 (Key Informants Interviews , GPS, GIS, MOGCSP, 2019). According to



the report, “the government demonstrated overall increasing efforts compared to the previous reporting period; therefore, Ghana remained on Tier 2. These efforts included increasing resources dedicated to implementation of its anti-trafficking action plan; sentencing more convicted traffickers to significant prison terms; improving inter-agency and civil society cooperation to identify and remove children from trafficking situations; increasing anti-trafficking public awareness activities; and adopting systematic trafficking data collection procedures” (US 2019 Trafficking in Persons Report). The report further added that “the government also added five staff to the Human Trafficking Secretariat, which was responsible for monitoring and evaluation, data collection, and research related to trafficking, and allocated increased funding totalling 2.16 million cedis (\$447,670) for its operating budget as well as 130,000 cedis (\$26,940) for implementation of its National Plan of Action for the Elimination of Human Trafficking in Ghana, 2017-2021 (NPA)”.

Another successful outcome has been the increase in victim rescue and development of shelters in the country. Over the years, victim rescue has been solely done by Non-governmental organisations and they only had ten shelters which accommodated rescued victims (Key Informant Interview, MOGSP-HTS, July, 2019). Non-governmental organizations were the first to raise awareness to the public about trafficking and how the victims’ were exposed to rape drugs, beatings and sexually transmitted diseases (Lee 2014). Now the study found that the rescue of victims has increased in Ghana and the government has put up two rescue shelters to provide for victims of trafficking before they are reintegrated. “A shelter for adults has already started operating and the shelter for children has been commissioned but it will be opened in August” (Key Informant Interview, MOGSP-HTS, July, 2019).

The 2019 Trafficking in Persons Report reports that,

The government of Ghana identified 348 potential victims of trafficking (252 children) compared to 579 potential victims identified during the previous year. Of the 348, the GPS identified 285 potential victims compared to 339 potential victims in 2017; 242 were potential victims of labour trafficking, all of whom were Ghanaian and nearly all of whom (231) were children, mostly (190) boys. The GIS identified 55 potential trafficking victims compared with 215 in 2017; 39 were potential victims of labour trafficking; almost half were adult Ghanaian women; 14 were males, and 14 were from Niger and Benin. In their sex trafficking cases, GPS and GIS identified 49 female potential victims, 22 of whom were children and nearly all (46) were from Nigeria, two were Thai, and one was Ghanaian. The EOCO identified one potential victim of labour trafficking (US TIP report 2019, p.209).

Again, improved collaboration amongst stakeholder institutions has been another successful achievement. When there is proper collaboration between stakeholders, the job done becomes easy. Sawadogo (2012) puts it this way that, the experience of West Africa and elsewhere clearly demonstrates that human trafficking can only be successfully resisted when those concerned work together; hence the necessity of the creation of appropriate cooperation mechanisms at the national, regional, and international levels to tackle this deadly phenomenon (Sawadogo 2012). A representative from MOGCSP explained that at a point there is an annual progress review and also a mid-term review (as the plan requires) and all the institutions whose work relate to human trafficking come together to present their data on the work they have than in terms of prevention, protection and prosecution. The secretariat works with some NGOs to implement the plan like Free the Slaves, IOM, Challenging Heights, International Needs, and International Justice Missions (IJM) among others. Thanks to the plan collaboration in dealing with trafficking in persons has been made easy.

However, there are still some challenges associated with the implementation of this Plan. The first challenge the study found out was the issue of funding. According to the respondents, funding is one of the main issues with implementation of the NPA. They explained that, because

the funding is not just by the government of Ghana but is donor driven, the time for the release of the funds sometimes keeps longer than agreed. The plan draws a huge budget on the work that will be done each year in relation to the four Ps but in theory it is much easier to develop than practically. The Resource Dependency Theory underpins that organisations are resource constrained therefore they depend on other actors within the environment. The theory highlights two dimensions; first, it argues that due to resource constraints, organisations respond more to those in the environment that have power and control over important resources. The second dimension argues that since principal organisations also have their goals, they comply with external demands only when there are no alternatives (Pfeffer and Salancik, 1978: 44).

Another challenge discovered was that the characteristics and behaviours of Ghanaian citizens towards this menace was a problem. The representative explained that, Ghanaians have bad attitudes towards the issues of trafficking and that when they, (HTS), go on awareness creation missions, their caution is disregarded. He said that at the end of the day everyone has the right to free movement and that even though the government of Ghana is trying hard to increase awareness on the dangers of trafficking the decision still lies with the individual.

Ghanaians have a bad attitude towards this particular issue in that when you speak to them about this problem, they think you are actually trying to stop them from progressing. When you try to advise them on the implications of migrating illegally through middlemen, what they say is “no when I go, I will make money “or “Kwame went and came back with lots of money and built a mansion”. At the end of the day you no amount of awareness creation can prevent them from migrating because they have the right to free movement (Key Informant Interview, MOGCSP-HTS, July 2019).

He added that,

Trafficking cannot be stopped but it can be managed and traffickers always find new ways to get victims so we have to change our approach overtime if we want to manage it. To stop it will involve more than sensitization. People are very much aware of trafficking but live in disbelief that it can ever happen to them. Even health professionals are

trafficked. Hopefully with time it will change (Key Informant Interview, MOGCSP-HTS, July 2019).

The final challenge the study found was with the implementation was the third P which is Prosecution of traffickers. Though there has been an increase in the number of prosecution cases there it is still a challenge. For instance in 2017, the AHTU of the GPS convicted 19 offenders. According to the representative this is a problem because victim rescue leads to prosecution of offenders and in most cases, the trafficker is either a family member or a close friend of the family. When this happens victims do not open up and they demand that the case be adjourned and settled at home. In Ghana family comes first before everything. He also added that most of the time people in the justice system are not trafficking conscious and they might not deal with the offenders in the proper way and offenders end up getting low sentences (Key Informant Interview, MOGCSP-HTS, July 2019). Due to this the government has extended training on issues relating to human trafficking offences for the justice systems as well. Furthermore he lamented that, most of the courts are centralised in Accra so therefore when the offenders are from a farther region, moving them from one region to another becomes a problem.

#### **4.6 Sub-Regional Legal and Policy Framework Ratified By Ghana**

Away from the national laws and policy frameworks, the GOG adopted sub-regional instruments guiding migration management. Among the most important of these is the Lagos Plan of Action for the Economic Development of Africa (1980-2000) and the Final Act of Lagos (1980), which urged all African Regional Economic Communities (RECs) to foster regional integration as blocs that would ultimately amalgamate into the African Economic Community (AEC) by 2028. All RECs recognised by the AU and the Economic Commission for Africa (ECA), including the Economic Community of West African States (ECOWAS), have drafted protocols on the

freedom of persons and the free movement of goods, labour, capital, and services. The study examined the ECOWAS Protocol on Free Movement and The ECOWAS Plan of Action against Human Trafficking within the sub-region (NMP 2016).

#### **4.6.1 ECOWAS and Its Protocols and Policies Addressing Migration and Trafficking In Persons**

##### **4.6.2 ECOWAS Protocol on Free Movement (1979)**

The ECOWAS protocol on Free Movement was signed and ratified by all 15-member states including Ghana in 1979 permitting visa-free entries and stay in another country for a maximum of 90 days. Intraregional migration has been a prominent theme on the agenda of ECOWAS and debates on cooperation and integration of the region. The policy has been to promote the relaxation of immigration control measures in order to facilitate intraregional population movements among countries of the region (Awumbila et al 2014).

Labour migration in West Africa is governed by the 1979 Protocol. This Protocol, which was adopted just four years after the establishment of ECOWAS, sets out the right of Community citizens to enter, reside and establish in the territories of Member States (Awumbila et al 2014). It comes in three phases namely; the Free Movement of Persons, Right of Residence and Establishment and its Supplementary Protocols. These have been summarized below;

The First Phase of the 1979 Protocol relating to the Free Movement of Persons, Right of Residence and Establishment is the (Free Movement Phase). It deals with the free movement of persons within ECOWAS member states and the abolishing of Visas. By this Protocol, visa entry requirements for citizens of ECOWAS Member States who intend to stay for up to 90 days in the territory of a member State are abolished. However, the protocol requires that citizens of member

states within the ECOWAS must be in possession of valid travel documents like the peace certificates, recent Ghana card, and ECOWAS passport among others. A citizen who intends to stay for more than 90 days must seek extension permission of stay from appropriate authorities in the state they find themselves. All the 15 Member States have abolished visa and entry requirements for those staying up to 90 days (Awumbila et al 2014). Nonetheless it is expensive to go through the procedures to possess these documents. Therefore once these expensive and bureaucracies are in place they tend to dodge the rules and use illegal routes to travel thereby exposing them to vulnerable situations where they are easily trafficked.

The Second phase of the Protocol relating to Free Movement of Persons, the Right of Residence and Establishment is the 1986 Supplementary Protocol (Right of Residence). “Right of Residence” in the Protocol means “the right of a citizen who is a national of one Member State to reside in a Member State other than his State of origin and which issues him with a residence card or permit that may or may not allow him to hold employment” (Awumbila et al 2014). Article two of the Protocol obliges Member States to grant to Community citizens who are nationals of other Member States the right of residence in their territories for the purpose of seeking and carrying out income-earning employment (Awumbila et al 2014). On the other hand, in Article 5 one is only entitled to residence without a visa on the condition that he or she possesses an ECOWAS Residence Card or Residence Permit. Additionally, migrant workers according to the protocol who comply with the rules and regulations governing their residence are entitled to equal treatment, just like the nationals of host States, including security of employment and of access to social, cultural and health facilities (Article 23) (Awumbila et al 2014). Migrant worker or migrant is defined by the Protocol as any citizen who is a national of one Member State, who has moved from his country of origin to the territory of another Member

State of which he is not a national and who seeks to hold or proposes to hold or is holding or has had employment (NMP 2016, p.94).

Therefore, by the Protocol ECOWAS citizens have the right to reside and work, without discrimination, in ECOWAS countries, under only one condition that they apply for the work permits from the relevant State Agencies.

The Third Phase of the Protocol relating Free Movement, Right of Residence and Establishment is the 1990 Supplementary Protocol (Right to Establishment). Granting the Right of Establishment marks the third phase of the implementation of the Free Movement Protocol. By this Protocol, Community citizens are granted the right to settle or establish in another Member State other than their State of origin and are given access to economic activities, to carry out these activities as well as to set up and manage enterprises, and in particular companies, under the same conditions as defined by the legislation of the host Member State for its own nationals.

Till now, the ECOWAS Treaty, which was adopted in Lagos on 29 May 1975, conferred the status of Community citizenship on the citizens of Member States. The Treaty brought together Member States in terms of agreements with each other on exemption of Community citizens from holding visitors' visas and residence permits. Adepoju (2005) as cited by Awumbila et al (2014) puts it this way "the formation of ECOWAS thus to a certain extent re-created the kind of pseudo-homogenous society that had once existed in the region" (Awumbila et al 2014).

However, negatively, reports on causes of trafficking in persons show that West African criminal networks have become more widespread and complicated, taking advantage of free movement instruments and that in Ghana, local human trafficking networks connect with sub-regional networks (IOM 2013).

#### **4.6.3 ECOWAS Plan of Action against Trafficking In Persons (2002-2003)**

This Plan of Action against human trafficking was enacted in 2002 by the Economic Community of West African States (ECOWAS), to call on its member states to ratify, adopt and enact protocols on human rights, especial children, and on combating human trafficking. It states that “This document outlines the most urgent actions against trafficking in persons to be taken by ECOWAS Member States within the years 2002 to 2003, with a focus on criminal justice responses” (p.2). It makes use of the “4Ps”, that is Prevention of trafficking in persons through awareness creation, Protection of victims, Prosecution of offenders and Partnership with other institutions.

Drawing from the Plan of Action (PA), national governments of Member States are obliged to ratify, sign and fully implement if they have not, certain Legal and policy Frameworks sooner than not before a given time. These Frameworks include; ECOWAS Convention A/P1/7/92 on Mutual Assistance in Criminal Matters and ECOWAS Convention A/P1/8/94 on Extradition, African Charter on the Rights and Welfare of the Child and finally United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention.

The ECOWAS Plan of Action against Trafficking in Persons called on National Government (Ministries of Justice /Social Affairs), and local NGOs and IGOs of Member states to grant protection and supports for victims under the Section on Protection and Support for Victims.

States shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in their territory, temporarily or permanently, in appropriate cases; and shall give appropriate consideration to humanitarian and compassionate factors in the consideration of permitting victims of trafficking to remain in their territory (ECOWAS PATIP, p.5 (2002-2003)).



It also recommended that each country must set up at least one reception centre for victims; “States, in co-operation with NGOs and other representatives of civil society as appropriate, shall take measures to create or develop the capacity of the reception centres where victims of trafficking in persons can be sheltered” (ECOWAS PATIP, p.6 (2002-2003)). These centres according to the PA shall provide physical security, basic material assistance, medical care, and counselling and information to victims of trafficking, particularly on legal assistance, and reporting and filing complaints, taking into account the special needs and legal status of children. To successfully implement this, the PA called for ECOWAS to establish a fund to provide support to States for the repatriation for victims of trafficking.

Also, under the Training and Specialization Section, the PA recommended that Member states to conduct trainings for their law enforcement agencies on how to deal with and manage issues on human trafficking.

States shall provide and strengthen training for law enforcement personnel, customs and immigration officials, prosecutors and judges, and other relevant officials, on the prevention of trafficking in persons. The training should focus on the methods used in preventing such trafficking, prosecuting the traffickers, and protecting the rights of victims, including protecting the victims from the traffickers and issues on human rights, children and gender (ECOWAS PATIP, p.8 (2002-2003)).

Furthermore, the Prevention and Awareness creation Section called on States to partner with NGOs, civil society groups, public and private media, to develop and propagate public awareness materials. These materials should focus on raising public understanding that human trafficking is a crime and discouraging the demand that leads to trafficking particularly by addressing those who might exploit victims of trafficking, for example as child domestics or farm labourers. It opines that such campaigns should initially target vulnerable groups, particularly children likely to be trafficked within the sub-region for sexual (Lee 2012) and labour exploitation.

To sum up, the Plan of Action establishes a Unit for the co-ordination of the efforts to combat trafficking in persons within the ECOWAS Secretariat to co-ordinate and monitor the implementation of this Plan of Action. It also obliged Member States to develop a National Task Force which will be designated by each state to develop recommendations for a national plan of action against trafficking in persons (ECOWAS PATIP (2002-2003)).

#### **4.7 Gaps of Policies and Acts Managing Human Trafficking in Ghana.**

Despite the laws and policies that manage human trafficking, it is still a prevalent issue in Ghana. Policies and legislative frameworks enacted to combat human trafficking in Ghana have somewhat not been successful in implementation. What really are the reasons why these policies are not fully implemented? This section looks at the gaps in relation to some of the policy and legal framework listed above which combat trafficking.

Drawing from the policies first of all, the Human Trafficking Act of 2005 being the main “Bible” for the combating of human trafficking has some misinterpretations. The definition of human trafficking, according to the Act, is unclear due to the use of “or” in Section 1. If the definition is not clear about what constitutes human trafficking it is bound to have some challenges with implementation. Challenges like inadequate awareness, prosecution of cases and victim identification. Another challenge with the definition is that the Human Trafficking Act 2005 earlier definition did not interpret exploitation which was the end purpose for trafficked victims. This led to the Amendment Act, 784 in 2009. It was done in 2009 to strengthen the definition to include exploitation. It also amended section 35 by substituting “extradited” to “deported”.

The Immigration law also mostly focused on managing flows and counter flows of immigrants’ entry into Ghana, its requirements and prohibitions. In here, the law did not consider the

domestic form of trafficking that is practiced in Ghana because it is centred mainly on border control. Meanwhile human trafficking first gained international attention in Ghana in 2002, with the release of a research study that highlighted the forced labour of children in the fishing industry (IOM 2013). Other gaps identified were that initially the Section described offences that people commit that makes them liable to conviction which did not involve human trafficking. It was not until Ghana ratified the Migrant Smuggling and Trafficking Protocol that the Parliament of Ghana amended the Section 52(A) of the Immigration Act in June 2012.

Furthermore, the National Plan for the Elimination of Human Trafficking in Ghana despite its recent initiatives to combat human trafficking also has some identified gaps. Under the section of the availability of provision of funds for its implementation, the plan uses the word “Hope” to say that the government of Ghana will release timely funds annually to the lead ministry. This means that the drafters of this plan do not trust fully the government to deliver funds at the proposed time. The plan provides a budget which will be used yearly in relation to the four Ps to execute the plan. The budget total for 5years is USD83, 866,652. Out of this the least amount USD 9,503,081 is given to the prosecution of Perpetuators of human trafficking. This can either be because the government has not done so well in that aspect or it does not see the need to spend so much money on prosecution cases. The study discovered that prosecution of traffickers has not been very successful in Ghana.

#### **4.8 Summary**

Though the legal frameworks and policies have been enacted and is working towards combating human trafficking it still falls short in some areas especially prosecution of victims. In general formation of these policies has led to more interventions by the country to combat human

trafficking. However, the availability of funds and awareness creation on issues of human trafficking has not been very successful. If these challenges are not dealt with, prevention and efforts to combat human trafficking will not be effective. This chapter analysed the various policies that have evolved in Ghana over the years to tackle human trafficking and some migration policies that directly or indirectly deal with it. It also looked at some sub-regional policies that Ghana has ratified. It went on to describe and analyse the National Plan of Action for the Elimination of Human Trafficking and highlighted its achievements and shortcomings in two years of implementation.

## **CHAPTER FIVE**

### **IMPLEMENTATION OF POLICIES MANAGING HUMAN TRAFFICKING IN GHANA**

#### **5.1 Introduction**

In the outlined objectives for this study, one of the objectives was to examine how state (government agencies) and non-state (NGOs, CSOs) actors abet the implementation of policies that tackle human trafficking in Ghana. This chapter discusses these various organisations and institution and their roles in policy implementation. It also highlights what their policy achievements have been so far and their challenges faced by these institutions.

#### **5.2 Major Policy Actors and Institutions**

Institutions are "regularised patterns of behaviour between individuals and groups in society" (Mearns, 1995: 103). To respond to issues on human trafficking in Ghana requires that the country develops an all-inclusive and multi-disciplinary approach to tackle it. Ghana now controls issues on human trafficking through several Acts and policies. These policies, however, to function need to be implemented by institutions and organisations whose work relates to combating human trafficking.

Sawadogo (2012) puts it this way: "the experience of West Africa and elsewhere clearly demonstrates that human trafficking can only be successfully resisted when those concerned work together; hence it is necessary to create appropriate cooperation mechanisms at the national, regional, and international levels to tackle this deadly phenomenon"(). She further underpins that "West African efforts to combat transnational human trafficking have been

accompanied by the efforts of diverse NGOs and inter-governmental organizations, whose contributions have helped lead to a West African strategy to set up a regional security framework (Sawadogo 2012).

The Systems Model of Organisational Analysis theory which is useful in this analysis considers organisations as open systems, which participate in various modes of exchange with their environment (Locket and Spear, 1980). Every organisation is part of a larger system, made up of other organisations (Teye 2008). The performance of any focal organisation must be analysed in relation to its interactions with other organisations in the environment. This systems Model also ties in with the Systems theory in migration studies which states that a change in one of the elements affects the other parts. The migration systems theory enables the conceptualisation of migration to move beyond a linear, unidirectional, push-pull movement to an emphasis on migration as circular, multi-causal and interdependent, with the effects of change in one part of the system being traceable through the rest of the system (Faist 1997). In this case migration is seen as circular, inter-dependent and a self-regulating system in which the effects of changes in one part can have an impact on the whole system. In this study, the various institutions that are working together to implement policies on managing human trafficking can be seen as networking elements of a broader system therefore proper harmonisation amongst them will result in better management of issues on this canker trafficking (Teye 2008).

### **5.3 Government Agencies**

#### **5.3.1 Ministry Of Gender, Children and Social Protection (MOGCSP)**

The Ministry of Gender Children and Social Protection was established in 2013 to handle issues relating to social protection. It is mandated to enhance and protect the rights of children, vulnerable groups, and promote gender equality (NMP 2016). In line with its mandate, the Ministry is tasked according to the National Migration Policy (2016) to provide the institutional, political, and social conditions for addressing all aspects of the Policy which relates to gender and vulnerability associated with migration. Also the Ministry collaborates with law enforcement agencies and other sectors to address the social protection challenges resulting from irregular migration and trafficking in persons; with particular focus on the needs of children, women, the elderly, persons with disabilities, and other vulnerable groups (NMP 2016). It spear heads the National Plan of Action for the Elimination of Human Trafficking in Ghana. The Ministry oversees the Department of Children which is responsible for the full and general protection of the rights of children including migrant children and the implementation of the Children's Act. The Ministry oversees the Human Trafficking Secretariat (HTS) which was created in 2005 as a requirement of the Human Trafficking Act to run the affairs of the Human Trafficking Board. The secretariat coordinates issues of prevention, protection and rehabilitation of rescued trafficked victims. It also handles all forms of trafficking from awareness raising to rescue and issues on child trafficking even more because it has been found to be prevalent in Ghana (Key Informant Interview, MOGCSP-HTS, July 2019).

### **5.3.2 Ministry of Interior (MINTER)**

Ministry of Interior is mandated, among other things, to formulate policies and strategic plans related to migration management (NMP 2016). It holds a Migration Unit which oversees all aspects of migration including human trafficking (Key Informant Interview, MINTER, July 2019). The Ministry is tasked to create an enabling environment for immigrants and emigrants to contribute meaningfully to the socio-economic development of Ghana. In the Ghana's migration policy, the Ministry is to provide migration-related services to access dual citizenship, residence, work permits, and other opportunities. This will enable them to make a positive contribution to the development of Ghana. The Ministry also oversees border control and management in order to prevent entry of unacceptable persons and degenerate activities for instance human trafficking and smuggling as well as illegal trade. Therefore, the ministry shall process Right of Abode and indefinite residence, organize information campaigns on migration and tackle immigration-related crimes and contribute to national security in collaboration with other security institutions (NMP 2016).

The Ministry oversees some key institutions and ensures that these institutions have the capacity to fight and prevent crimes. These key institutions are the Ghana Police service, the Ghana Immigration Service, the National Commission on Small Arms, the Ghana Refugee Board, the Ghana Prisons and National Fire Service, the National Disaster Management organization (NADMO), Narcotics Control Board and the Migration Unit.

### **5.3.3 Anti-Human Trafficking Unit of the Ghana Police Service**

The Anti-Human Trafficking Unit is a unit within the Ghana Police Service which was established in 2008 as a requirement from the Human Trafficking Act (694). It was established mainly to deal with cases of human trafficking. The Unit investigates cases on human trafficking,



contribute to the protection of victims and collaborate with other agencies to effectively discharge their mandate of arresting, investigating and prosecuting cases of human trafficking (Key Informant Interview, GPS-AHTU, July 2019).

Their sole mandate is to arrest traffickers, identify victims of trafficking, provide the needed protection, rehabilitation and reintegration for victims and investigate and prosecute traffickers. Other functions include sensitization among populations, build capacity of law enforcement agencies and collaborate with other Anti-Trafficking agencies within the Sub-region and world-wide to bring perpetrators to justice.

An official from the AHTU said that;

We handle all aspects of trafficking in persons especially labour exploitation and sexual exploitation. For instance in 2017 we rescued 339 victims, convicted 4 perpetrators and also in 2018 we rescued 285 victims and convicted 19 offenders. So we have made some progress since its establishment (Key Informant Interview, GPS-AHTU, July 2019).

The unit works with Policies like the Human Trafficking Act of 2005, The Children's Act, The Labour Act, The Criminal and Other Offences Act among others. It also works with the Standard Operating Procedures (SOP) document developed by the IOM and the GoG which regulates the functional relationship among stakeholders who are mandated to combat human trafficking. However, there are still some challenges with the implementation of the Human trafficking Act. The study revealed that, there is very little support for victims of trafficking especially during the prosecution of cases, also in terms of shelter for rescued victims. Another challenge is that the processes of reintegration are not as smooth and also the Anti- human trafficking agencies are poorly resourced to effectively handle cases of trafficking. There is also the case where victims are not always provided with medical aid, especially in areas where there are no police hospitals since they are tasked to give free medical care to trafficked victims (Key Informant Interview, GPS-AHTU, July 2019).

Sertich and Heemskerk (2011) in their article on “Ghana's Human Trafficking Act: Successes and Shortcomings in Six Years”, the implementation of the protection for victims has not been well managed by the government and as a result, Civil Society Organisations (CSOs) have to fill in. They further explain that, the government, through the Department of Social Welfare (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. Despite plans to construct two shelters dedicated to trafficked persons by the end of 2010, no new shelters were constructed as of November 2011 due to lack of funding (Sertich and Heemskerk 2011). “Up until now as at 2019 the government still struggles to provide shelter for its trafficked victims” (key Informant Interview GPS-AHTU, July 2019).

The Unit has also, since 2015, developed “Child Friendly Policies” where every police officer is sensitized and taught on how to handle cases involving children. As a result of these procedures, the GPS has developed training curricular being used at their police training institutions. The official mentioned that, Police officers are required before graduation to undergo these trainings to prepare them on trafficking issues relating to children.

#### **5.3.4 Ghana Immigration Service**

Ghana Immigration Service (GIS) is generally responsible for the control and movement of people to and from Ghana across borders. Initially, the Ghana Immigration Service then, the “Immigration and Passports Unit” was within the Police Force (Key Informant Interview, GIS, MMB, July, 2019) under the British colonial rule before Ghana attained independence from the British rule and government. As time went on it isolated and gradually became an Immigration

Unit. The Immigration Act, 2000, (Act 573), its Immigration (Amendment) Act in 2012 (Act 848) on migrant smuggling and trafficking, and Immigration Regulations, 2001 (L.I 1691) are the laws used by the service. The GIS deals with border interceptions, rescues of victims in and across the country and prosecutions on cases of cross border trafficking. Regarding regular migration, the country has developed mechanisms for the promotion of regular migration by the Ghana Immigration Service (GIS) based on the Immigration Act and Regulations; also, it has established a Migration Management Bureau and Migration Information Bureau to facilitate effective migration management (Awumbila et al 2014). The Migration Management Bureau within the service has developed the Anti-Human Smuggling and Trafficking in Persons Unit (ASHTIP) in 2013 which the sole mandate is to rescue victims, prevent trafficking, prosecute offenders and reintegrate victims. The representative opined that:

Issues of trafficking have always been a serious problem for us. We have dealt with every form of trafficking but the main one we deal with is the cross border trafficking. In former times when we didn't have a trafficking Unit, the Operations Unit was dealing with issues on trafficking and then 2007 we saw the need to create a Human trafficking Desk which was under the Migration Management Bureau then in 2013 we finally made the trafficking desk into the Anti-Human Smuggling and Trafficking in Persons Unit (ASHTIP) (Key Informant Interview, GIS, MMB, July, 2019).

However one challenge of the Unit according to the official is that when it comes to victim rescue, it does not have buses to do so, therefore, they have to rely on the general buses used by the service which sometimes causes delay. Hence in terms of funding they do not have their own and rely on the institutions general funds.

Furthermore the Bureau also has the Information Bureau which was purposely set up to create awareness to individuals about the dangers of irregular migration and the proper measures they need to take before they can travel outside the country. During the interview, the representative stated that sensitization has been very effective; people have reconsidered irregular migration but

one challenge, however, is that because they are located within the Immigration Service, people do not like to enquire from them because the presence of the uniform scares them away. Hence they have sought permission to wear “Mufti” attires and have also sought for the establishment of a separate office from the service. The representative also added that:

Also through the Bureau Ghana has instituted measures to curb irregular migration among youth. The GIS together with IOM and other institutions conducted workshops, awareness campaigns and advocacy in migrant-sending areas to sensitize them on the risks of irregular migration. These activities help potential migrants, parents and households to have first- hand information on how to genuinely acquire travel documents to facilitate regular migration (Key Informant Interview, GIS-MIB, July 2019).

### **5.3.5 Ministry Of Employment and Labour Relations (MELR)**

The Ministry of Employment and labour Relations(MELR), was established by Executive Instrument 1 (EI 1) issued in January 2013 and by the sections 11 and 13 of the Civil Service Act, 1993(PNDC Law 327). The Ministry is the lead policy advisor to the GoG on matters relating to employment and labour. It oversees and coordinates employment opportunities and labour related interventions in all sectors hence it is responsible for the formulation and the implementation of policies aimed at creating and promoting decent jobs as well as developing strategies that promote industrial peace and harmony.

Another function of the MELR is that it resolves labour related disputes in the country, guarantees the occupational safety and health of all workers in both the formal and informal sectors including migrant workers.

The study found out that the MELR has a Child Labour Unit tasked with protecting migrant children from labour exploitation. In 2017 the Ministry in collaboration with ILO developed the second National Plan of Action on the Elimination of Worst Forms of Child Labour (NPA2). This second National Plan of Action which is within a five year period shows the government’s

commitment to pursue the elimination of the worst forms of child labour (WFCL). It is said to consolidate the gains made under NPA1 by reinforcing the linkages between the various child development policies and providing a vehicle for the continued enforcement of relevant laws (NPA2, 2017). In the Plan the Ministry of Employment and Labour Relations (MELR), in collaboration with other relevant institutions is tasked to conduct a study on the Opinion, Knowledge and Attitude of the Ghanaian society on child rights and child labour. “The research will among other things measure public awareness and perception on child labour and make evidence-based recommendations on how to improve public attitude and support towards child labour elimination in Ghana” (NPA2, 2017).

The findings indicated that in order to address some of the challenges of recruitment of migrant workers and domestic workers for the purposes of exploitation, the government through the labour unit and with the support of IOM, has drafted a labour migration policy. The Ministry grants Exit Permits to emigrant workers. Therefore if anyone wants to migrate outside the country for the purposes of work, by means of these independent travel agencies, the ministry has to grant him or her work permit before they can move. This is to prevent exploitation of migrant workers in destination countries by trafficking rings (Key Informant Interview, GIS-MIB, July 2019).

#### **5.4 Non-Governmental, Civil Society and International Organisations**

NGOs, CSOs and international organisations have been known to play very significant roles in cases concerning human trafficking. Lee (2014) says that NGOs were the first to raise awareness to the public about trafficking and how the traffickers treated their victims. They also brought attention to the victims’ exposure to rape drugs, beatings, and sexually transmitted

diseases. NGOs have over the years formed alliances to combat trafficking and they often work with UN agencies and intergovernmental organisations. They act as mediators between donors and governments to facilitate funding to support projects on trafficking and also engage and collaborate with other international organisations in their trafficking projects (Pearson et al 2000).

In Ghana there are a number of NGOs and international organizations positively working to end human trafficking. Their work particularly involves the prevention, rescue, care, shelter and rehabilitation of victims. A few of these are Free the Slaves, Partners in Community Development, International Needs Ghana, SEWA Foundation, International Justice Mission, Challenging Heights, International Organization for Migration (IOM) and International Labour Organisation (ILO).

Some NGOs such as Free the Slaves have been collaborating with government to implement policies pertaining to human trafficking in Ghana. One of such policies is the National Plan of Action for the Elimination of Human Trafficking. Free the Slaves is an international NGO which started in the year 2000 with the aim of combating human trafficking globally. They deal in Rescue, Reintegration and rehabilitation of trafficked victims.

The official who works there briefly remarked that,

Our main objective is eradicating modern-day slavery so with this we are very narrow focused in our work on community awareness, capacity building, livelihood development and support for affected families (Key Informant Interview, Free the Slaves, July 2019).

He added that,

Our approach is community driven where we seek to build the capacity of community members to better protect themselves from traffickers by establishing systems and structures or amplifying those systems and structures that already exist in the community

and we do this in close partnerships with other NGOs and Governmental agencies (Key Informant Interview, Free the Slaves, July 2019).

Free the Slaves in their quest to combat trafficking has formed partnerships with private shelters in the Central, Greater Accra and Volta regions where they send rescued child victims for rehabilitation and reintegration. They provide medical support, food, clothes, psychological care and counselling for a period of three to six months usually depending on the level of the child's traumatic experience. However, he remarked that one of the challenges of reintegration of children is that sometimes their parents are not willing to take them back and neither is the child willing to go back and this sometimes leads to parents re-trafficking their children. In order to prevent re-trafficking, parents are supported with some source of livelihood for instance if the parent is a farmer he or she is supported with the basic needs to manage the farm throughout their life time but not money.

The International Organisation for Migration (IOM) is another international organisation that the government of Ghana collaborates with to implement policies on human trafficking and migration in general. One of such policies is the National Plan of Action for the Elimination of Human Trafficking. It also initiated the development of the Standard Operating Procedures (SOPs) in 2017 which serves as a guiding principle for institutions whose work relate to countering human trafficking in Ghana. The IOM was established in 1951 with the mandate of ensuring the orderly and humane management of migration, promoting international cooperation on migration issues, to assisting in the search for practical solutions to migration problems and providing humanitarian assistance to migrants especially internally displaced persons and refugees. It does this through the close partnerships with intergovernmental, non-governmental and governmental institutions. In May 2018 they donated equipment worth a total of USD 17,831 to facilitate the use of the Trafficking in Persons Information Systems (TIPIS) to the

government of Ghana. “The TIPIS aims to collect aggregate and anonymous reporting on human trafficking from district, regional and national levels and it provides policy makers with accurate information to guide the national counter trafficking response” (reliefweb.int, May 2018)

Another international organisation that works closely and with provides support to state and non-state actors to combat human trafficking is the International Labour Organisation (ILO). The ILO has been around since 1919 and it brings together governments, employers and workers of 187 member States, to set labour standards, develop policies and devise programmes promoting decent work for all women and men. The aims of the ILO are to ensure that it serves the needs of working women and men by bringing together governments, employers and workers to set labour standards, develop policies and devise programmes. It also ensures that the views of the social partners are closely reflected in ILO labour standards, policies and programmes. The study found out that in Ghana the ILO has supported to rescue a lot of trafficked children especially in the cocoa growing communities. At a regional level, the International Labour Organisation has many projects related to trafficking. ILO conducts activities such as research and advocacy on issues such as trafficking and child labour, at the sub-regional level.

Then again, the United Nations Office on Drugs and Crime (UNODC) is also another key institution which operates issues related to human trafficking. This organisation under the UN every 2 years releases a Global Trafficking in Persons report which highlights the work done globally to combat trafficking. It looks at the percentage of victims in and rescued from human trafficking. It also creates awareness on the rising of this canker globally. Basically, the report addresses the prevention, protection and prosecution of cases relating to human trafficking. The organisation was established in 1997 and it operates in all regions of the world, including Ghana, through an extension of field offices. It is mandated to assist member states in their struggle



against illicit drugs, crime and terrorism. In the UNODC's quest to combat trafficking, they have developed the Global Action to Prevent and Address Trafficking In Persons and Migrant Smuggling (GLO.ACT). It is a four year programme which started in 2015 and is ending in 2019. Also, they have developed the Human Trafficking Knowledge Portal as an initiative to disseminate information on The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. To assist victims they also developed the Voluntary Trust Fund for Victims of Human Trafficking to provide financial and legal assistance to victims through governmental, inter-governmental and civil society organisations (UNODC website online.com).

Another key agency is the Office to Monitor and Combat Trafficking in Persons. It is an agency within the United States Department of State which is charged with investigating and creating programmes to prevent TIP within the States and globally. The office annually releases a Trafficking in Persons report on all nations across the world, including Ghana. The report raises awareness about human trafficking and the initiatives taken by countries to combat human trafficking. Ghana has been in the report and has shown positive progress thereby moving from the watch list of the report to the positive side. It was established in October 2001 as a result of the passing of the Trafficking Victims Protection Act of 2000.

This study upon assessing the various institutions which combat human trafficking in Ghana discovered that there is has been improved collaboration and coordination among the stakeholder institutions, they also have fair or good knowledge of the issues and policies and other frameworks and that facilitate their work, they are also working on adhering to the policies which guide them in dealing with this menace.

### **5.5 Challenges of Policy Implementation by Institutions in Combating Human Trafficking**

Ghana has very good laws that can combat human trafficking for good but the problem is the implementation of these laws. The Contingency Theory suggests that, organisations have different contextual factors and hence there is no best way to organise a corporation (Teye 2008). Organisations that effectively implement policies are the ones whose structures closely match the requirements of the contest. The model recognises how the context and environment within which the work of policy implementing organisations can be affected. Hence, if the organisations lack the required structures, policy implementation becomes a problem (Asare 2015). One objective of the study sought to identify the challenges faced by institutions in policy implementation. The study found out that most of the challenges faced by institutions were the same and incorporated in each other. Some challenges discovered were issues of funding, issues of victim identification and prosecution of traffickers, issues on community sensitization and awareness creation. These are discussed in detail in the paragraphs below.

#### **5.5.1 Challenge of Funding**

Most Ministries, Departments and Agencies (MDAs) noted that provision of funds is and has been a major issue for implementation of policies and Acts that combat human trafficking. Most organisations are resource constrained and rely on other actors and donors to provide funds. Like the resource dependency theory states that organisations are resource constrained therefore they depend on other actors within the environment. It argues that due to resource constraints, organisations respond more to those in the environment that have power and control over important resources. So in this case institutions depend on funds from governments and donors. Concerning these funds some informants from the selected institutions noted that the availability of it is a challenge.

The human trafficking fund as recommended in the Human Trafficking Act 694 is non-existent so it is a very big issue. Some of the laws are fine in theory but practically it does not work (Key Informant Interview, GIS-MMB, July 2019)

Another official from the Human Trafficking Secretariat noted that:

Funding is not just by the Government of Ghana but is donor driven and the time for the release of the funds sometimes keeps longer than agreed. If you look at the NPA to combat human trafficking, it draws a huge budget on the work that will be done each year in relation to the four Ps but in theory it is much easier to develop than practically (Key Informant Interview, HTS-MOGCSP, July 2019).

Again, under the issue of funding, organisations that deal with mostly rescue of victims expressed that the cost of rehabilitation and reintegration is expensive. One official at Free the Slaves noted that when victims are rescued they have to be provided with medical aid, food, clothing and shelter and this does not come cheap.

Another remark from the official at GPS was that:

The provision of shelter for victims and the processes of reintegration are not as smooth as expected. The Anti-Trafficking agencies are poorly resourced hence we cannot effectively handle and combat cases of trafficking (Key Informant Interview, GPS-AHTU, July 2019).

Also with the provision of medical aid especially, there are cases where victims are not always provided with medical aid especially in areas where there are no police hospitals since they are tasked to give free medical care to trafficked victims. Police hospitals are supposed to be free for trafficked victims but the problem is that it does not exist in every region in Ghana therefore in this case; rescuers have to use private hospitals which are expensive.

Furthermore, issue on funding provision for victims is that there is no support for victims especially during times of prosecution of cases when the victim has to show up in court for a hearing, no particular institution caters for the cost of transportation and protection for victims.

### **5.5.2 Challenge of Victim Identification and Prosecution of Offenders**

Identifying said victims of human trafficking has been a prevalent challenge to most human trafficking institutions. The study found out that it is not easy to keep track of whether or not one is a victim of human trafficking. When traffickers are crossing the borders with their victims, they mostly forge appearances, they present identification cards and one may never suspect that the person is a victim. Day in and day out people pass through the borders of Ghana to other countries either genuinely to work or to be exploited (Key Informant Interview, MIB-GIS, July 2019).

An interview with key informants at some NGOs indicated that, during rescue, it is difficult to identify victims because some parents only give the first names of the traffickers they sold the child to. Most of the time the names are day names like Kofi, Ama among others and this makes finding the victims difficult. Also, sometimes because the victims are treated as slaves, their names are changed and parents only give out the names they believe are that of their children.

Another added that:

Most of the communities in which children are trafficked to, cover up for traffickers. You cannot enter and act as a stranger or you cannot go looking for the trafficker by asking people because if the least suspicion the traffickers will move to a different place (Key informants Interview, NGOs, July 2019).

Security agencies especially find it difficult to prosecute offenders. Though there has been an increase in the number of prosecution cases, it is still a challenge. First of all the study has in previous sections highlighted that parents are sometimes the first offenders when it comes to child trafficking because they sell their children in exchange for a bag of rice or a little amount of money. Now in this same issue, when children are returned to their families they are given some sought of compensation to take care of their children and when other parents discovered this they

also started giving off their children to traffickers so that the rescue and return of their children will benefit them. The official at GPS remarked that, “parents are charged with a fine when they are discovered to be perpetrators but they are not able to pay the fine and as a result, the case dies” (Key Informant Interview, GPS-AHTU, July 2019).

Then again, according to the representative from the Human Trafficking Secretariat, prosecution is a problem because victim rescue leads to prosecution of offenders and in most cases the trafficker is either a family member or a close friend of the family. In such cases, victims do not open up and they demand that the case be adjourned and settled at home. He also added that most of the time people in the justice system are not trafficking conscious and they might not deal with the offenders in the proper way and offenders end up getting low sentences. The study further discovered that most of the courts are centralised in Accra so when the offenders are from a farther region, moving them from one region to another becomes a problem.

### **5.5.3 Challenge of Community Sensitization and Awareness Creation**

Awareness creation on issues of human trafficking is a strategy used by institutions to curb the menace. Institutions like the Ghana Immigration, the Ghana Police, Gender Ministry, NGOs over the years have had community sensitizations on issues relating to human trafficking in vulnerable communities but what happens when the people being sensitized do not believe that such a thing exists. In most cases the research indicated that awareness has failed because, some victims do not regard themselves as victims, to them even if they work as slaves there is nothing wrong with it so far as they are able to better the lives of their families.

Some parents also believe that, they are improving the livelihood of the child by giving them away to traffickers who promise them better education for the child, which in this case they

cannot provide. This can be related to the culture of fosterage in Ghana, where people or children lived with other family members with the hope that they will be trained to become better people. The overdose of it is what we are seeing. People do not know how to distinguish child labour from child apprenticeship. The Children's Act of 1998 permits that a child can be engaged in any form of "light work" or apprenticeship but this should in no way prevent the child from enjoying his or her childhood, for instance, schooling, playing, among others.

Another reason why awareness has failed is the feedback loops that "Beentoos" give to members of their communities. The study realized that because some people migrate abroad they are able to remit home for the better livelihood of their families; the lifestyle tends to be attractive to non-migrant households. The official at the MOGCSP explained that, Ghanaians have bad attitudes towards the issues of trafficking and that when they, (HTS), go on awareness creation missions, their caution is disregarded. He added that people actually think you are trying to stop them from progressing so at the end of the day no amount of awareness creation can prevent them from migrating because they have the right to free movement (Key Informant Interview, MOGCSP-HTS, July 2019).

He added:

Generally, some people are in disbelief that human trafficking and exploitation can ever happen to them therefore they do not consider themselves vulnerable to such an act (Key Informant Interview, GIS-MIB, July 2019).

## **5.5 Summary**

Ghana has good laws and policies that can combat human trafficking but the implementation of these has been an issue. Institutions that implement the Policies and Acts of human trafficking in Ghana have somewhat been successful. There have been some challenges involved in the implementation of these policies as has been highlighted above. Effective collaboration between institutions does help in the implementation of these laws. The various roles played by state and non-state actors have been highlighted in this chapter.

## **CHAPTER SIX**

### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

#### **6.1 Introduction**

Trafficking in human beings continues to be prevalent in Ghana despite legislations that have been enacted to curb it. Despite these efforts, Ghana, even though moved to Tier 2, still has not moved to the highest tier which is Tier 1. Ghana is an origin, a destination and a transit for traffickers and trafficked victims. The study indicates that, so far, Ghana has made progressive efforts to combat human trafficking. But more work needs to be done for the country to meet the requirements. The study assessed national Policies, Acts and Legal frameworks that have been enacted to combat human trafficking. The general objective of the research was to examine how policies, specifically the National Plan of Action for the Elimination of Human Trafficking in Ghana, have facilitated TIP and its implications in Ghana. The specific objectives were to trace the history and provide a descriptive analysis on the policies relevant for managing human trafficking in Ghana, to assess the policy guidelines and legal instruments for eliminating human trafficking in Ghana and to examine the role of state and non-state actors in abetting the implementation of the policies that tackle human trafficking in Ghana.

Additionally, aside analysing policies on human trafficking, the study made use of a qualitative approach to analyse how implementers work to implement these policies. It employed both secondary and primary sources of data to bring the objectives of the study to life. It also used the purposive sampling technique to select representatives from ten institutions, governmental and non-governmental, who are stake-holders of human trafficking management. This chapter



summarizes the area that the study was based on and draws relevant conclusions. It also makes recommendations derived from the study.

## **6.2 Major Findings**

The general objective of this study was to underline how policies specifically, the NPAEHT have curbed human trafficking in Ghana. The study found out that the government of Ghana has, in recent times, made concerted efforts to fight human trafficking in the country. Ghana's effort to combat human trafficking has been recognized since its movement from the Tier 2 Watch list to Tier 2. Although the study was on policies and legal frameworks on human trafficking, the focus was the 2017-2021 National Plan of Action for the Elimination of Human Trafficking (NPAEHT). The establishment of this NPA has been linked to the progress made by government to fight this menace. The US report on human trafficking for 2019 indicated the various efforts made by the government of Ghana to Prevent, Protect and Punish offenders. This Plan of Action has also improved collaboration amongst stakeholder institutions to fight against human trafficking in the country. In spite of this, the study discovered certain challenges with the Plan such as issues on funding and awareness creation.

Another objective of this study was to trace the history of policies on human trafficking and also assess their legal guidelines and legal instruments. First and foremost, the study found out that the sole legal framework for combating human trafficking is the Human Trafficking Act of 2005, (Act 694) which provides for the prevention, reduction, and punishment of human trafficking, and for the rehabilitation and reintegration of trafficked persons. It is the general Legislation used by all stakeholder institutions to combat human trafficking in Ghana. Other legal frameworks mentioned included the 1992 Constitution of Ghana, The Children's Act, 1998 (Act

560), Labour Act 2003, (Act 651), The Ghana Immigration Law, Domestic Violence Act, 2007 (Act 732), and the National Migration Policy (NMP) 2016. Ghana has also ratified some sub-Regional and international frameworks to contest human trafficking. In examining these policies, some gaps that may perpetuate the occurrence of human trafficking, and achievements that combat human trafficking, were identified. Also that in spite of the enactment of these policies, human trafficking still is prevalent in Ghana.

Again, the last objective was to examine the role of state and non-state actors in abetting the implementation of the policies that tackle human trafficking in Ghana. This study brought to the fore the specific roles played by all state and non-state actors in dealing with human trafficking. It was discovered that NGOs, CSOs, UN agencies and international organizations have supported government to develop and implement policies pertaining to human trafficking. NGOs were the most actively involved in the field of rescue, rehabilitation and reintegration of victims. Recently there has been some involvement of the government of Ghana in this area with the establishment of an adult rescue shelter and a child rescue shelter for victims of trafficking. These initially did not exist.

Again, all government security organizations, GIS and GPS, have developed training curricular for all their officers, both new and old ones, to tackle issues on human trafficking. The study discovered that it is now mandatory for every officer to undergo such training before they are able to graduate from the Service. This is to fully equip them on handling such cases when they come across them. In 2017 the government of Ghana also developed the Standard Operating Procedures (SOP) which regulates the functional relationship among stakeholders who are mandated to combat human trafficking.

Despite these positives, the study also identified some challenges that state and non-state actors face when it comes to policy implementation and combating human trafficking in general. These were the challenge of funding, the challenge of victim identification and prosecution of traffickers and the challenge of community sensitization and creation of awareness.

### **6.3 Conclusion**

This study makes the following conclusions based on the broad issues on the methodological approach, the theoretical framework and some key findings of the study.

The study found out that the National Migration Policy, the NPAEHT and most policies enacted seek to eradicate all push factors which cause people to migrate and expose them to human trafficking. This study confirms that the Push-pull theory, which asserts that certain factors like poverty from origin countries “push” people to migrate and as a result may be vulnerable to trafficking, may be true.

Darko (2018) opined that weak institutions and legal frameworks are the major causes of human trafficking limited to the African society and that human trafficking is said to be prevailing in Africa due to institutions that have non-functional legal frameworks. In this case the study revealed that Ghana has enacted a number of legal frameworks to serve as a guide for institutions to combat human trafficking and these institutions also have, over the years, developed their frameworks to help deal with this menace. However, the study found challenges like funding, victim rescue and prosecution of traffickers, community sensitization and awareness creation, disenable institutions to fully implement these policies. The challenge of funding from the government and donors runs through all the institutions. The assertion seems to confirm the resource dependency theory which states that organisations are resource constrained therefore

they depend on other actors within the environment. The resource dependency theory argues that due to resource constraints, organisations respond more to those in the environment that have power and control over important resources.

Ghana still remains an origin, a destination and a transit point for trafficking despite policies and legal frameworks enacted to combat it. This study examined policies which combat human trafficking, precisely, the NPAEHT in Ghana and others that are directly or indirectly linked. Asare (2015) argues that policy analysis is used to determine which of the various policies will most achieve a given set of goals in light of the relations between the policies and the goals. This study has contributed to shedding light on the fact that despite some challenges the National Plan of Action for the Elimination of Human Trafficking in 2017 has been positive in the quest to combat trafficking in Ghana. One good thing is that there has been improved collaboration amongst stake-holders since the implementation of the NPAEHT in 2017. This study further revealed the intentions of government to, at the end of the five year period of the plan, move Ghana to Tier 1 on the ratings. The findings also revealed that, to combat human trafficking, there is a need for both state and non-state actors to play specific roles in policy implementation. Teye (2008) opines that more often than not, policy implementation is formally allocated to one or more state agencies therefore, policy analysis inherently also involves organisational analysis. The government of Ghana is making concerted efforts to combat trafficking in persons in the country. It is doing this through strong collaboration with MDAs, NGOs, CSOs, UN agencies and international organisations. Non-governmental Organisations and Civil Society Organisations have, over the years, contributed immensely in the rescue, rehabilitation and reintegration of victims.

Even though the study did not look at child trafficking in detail, it discovered that it is the prevailing form of trafficking that takes place in the country, especially in the domestic sectors like fishing on the Volta Lake and on cocoa farms.

Human trafficking is a second-degree felony in Ghana. It is therefore, considered an offence under the law for one human being to deprive another human being of the right to freely enjoy life (Sertich and Heemskerk 2011). The study found that Ghana has several good policies and legislative frameworks that manage human trafficking and if well implemented will lead to successful combat of human trafficking in the country.

#### **6.4 Recommendations for Policy and Research**

The following recommendations are based on the findings.

The MDAs that work to combat human trafficking (MOGCSP, GPS, GIS, MINTER and MELR) should include in their budget, allocation for combating human trafficking. Budgets prepared for the elimination and management of human trafficking must be provided individually to the various units that are engaged in combating human trafficking within the MDAs. The Government must commit to providing its full support and financial commitment to the anti-human trafficking initiatives.

Ghana must have a government reintegration framework for victims which should be solely community based and not concentrated in the capital cities. Reintegration of trafficked victims, providing incentives for them to start work in their area of expertise or helping them to learn a trade, should be properly done to prevent re-trafficking of victims. Government must partner with NGOs who are involved in rescue to implement sustainable livelihood and income generating programs that speak to the needs of victims.

The Ministry of Gender, Children and Social Protection should lead other institutions, both governmental and non-governmental, with the support from the government of Ghana, to develop more rescue centers in every region of the country for victims of trafficking to enable and ensure their proper care. The work should not be left to NGOs and CSOs alone.

Policies enacted on human trafficking should be reviewed and harmonized with the international laws ratified to avoid duplication and confusion. At the end of the 5year period, if the NPA is fully implemented, it should either be lengthened or other Plans should be enacted to serve longer periods.

Further research should be conducted to showcase how these policies and institutions work on the ground. Further research should consider some empirical studies on their functions and implementation in some specific communities.

Future research should delve into governmental and non-governmental institutional collaboration and its consequences on the combating of human trafficking in Ghana.

Finally, further studies could also be conducted on reintegration processes of victims and how these processes has either perpetuated or curbed human trafficking in Ghana.

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The Government of Ghana's constitutional Acts and Policies which were used

- The 1992 Constitution of Ghana
- The Children's Act of 1998, Act 560
- The Domestic Violence Act of 2007, Act 732
- The Ghana Immigration Act of 2000, Act 573
- The Ghana National Migration Policy (2016)
- The Human Trafficking Act of 2005, Act 694
- The Labour Act of 2003, Act 651
- The Nation Plan of Action for the Elimination of Human Trafficking (2017)

Other International and Sub-Regional Legislations

-----UN Convention for the Elimination of all forms of Discrimination Against Women 1979

----- ECOWAS Protocol on Free Movement

-----ECOWAS Initial Plan of Action against Trafficking in Persons (2002-2003)

-----International Labour Organisation Convention 189- Domestic Workers Convention (2011)

----- The UN Convention against Transnational Organized Crime and the supplementing UN Trafficking in Persons Protocol.

## APPENDICE

### APPENDIX A: INTERVIEW GUIDE

#### **INTERVIEW GUIDE FOR OFFICIALS/ INSTITUTIONS THAT TACKLE ISSUES ON TRAFFICKING IN PERSONS**

I am a post graduate student of the Centre for Migration Studies of University of Ghana, Legon. As part of my academic requirement, I am embarking on a research for my dissertation for the award of an MA in Migration Studies. My research aims at assessing some existing policies which manage human trafficking in Ghana. The research topic is on “**Combating human trafficking: an assessment of National Policies on Eliminating Human Trafficking in Ghana**”. I would be grateful if you could take time off your busy schedule and cooperate to answer the following questions. Your participation in the interview that may last for half an hour is very important for the completion of the research. If at any point in the interview, you need further clarification or to opt out, please let me know. You are assured that any information provided will be treated confidentially and used solely for academic purposes. No aspects of the information will be passed on to a third party and the information will be used for the purposes stated.

Thank you for your co-operation.

#### **IDENTIFICATION**

Number : .....

Institution : .....

Position : .....

Tel. Number : .....

Email : .....

Nationality : .....

Date of Interview: .....

1. Can you please give me a brief background of this institution?
2. How is the institution's work related to combating human trafficking in Ghana?
3. Have you handled migration issues relating to human trafficking? In what aspects and how?  
(Probe for specific examples)
4. What aspects of human trafficking does your institution handle?
5. What policies/regulatory or legislative frameworks have evolved to guide managing these aspects of human trafficking in your institution? (Probe for policy outcomes, impact and effects)
6. What has been the motivation for creating policies, regulatory or legislative frameworks on human trafficking?
7. What have been the challenges and achievements of the implementation of these policies?
8. Can you please give a brief background of the National plan of action for the elimination of human trafficking? (MOGCSP and other stakeholders for the implementation of NPA)
9. What was the motivation for the enactment of this NPA despite the existing policies, regulatory or legislative frameworks? How different it is from the others?
10. Has the implementation of the national plan of action for the elimination been successful?
11. What have been the successful outcomes or achievements since its implementation in 2017?
12. What are the challenges and shortcomings since its implementation in 2017?
13. Have the stakeholders selected for the implementation of the NPA been actively involved?

14. Do you think authorities have adequately considered the situation of human trafficking in Ghana?

15. Are you collaborating with other agencies aside selected stakeholders to enhance effective implementation of the plan?

16. What do you think can be done to address challenges in the implementation of the NPA?

17. What specific challenges do your institutions face in relation to the implementation of the NPA?

18. Any documents to share with me?

Thank you for your cooperation.