

**KNOWLEDGE OF CHILD RIGHTS IN GHANA:  
IMPLEMENTATION OF ARTICLE 42 OF THE UNITED  
NATIONS CONVENTION ON THE RIGHTS OF THE CHILD**

**BY  
MARYLYN MAWUENA AFENYO  
10462058**

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**DECLARATION**

I, MARYLYN MAWUENA AFENYO, do hereby declare that except for references to other publications which have been duly acknowledged herein, this is my original research work conducted under the supervision of Dr. Daniel D. Kipo-Sunyezi, and no part has been submitted elsewhere for any other purpose.

.....  
**MARYLYN MAWUENA AFENYO**  
**(STUDENT)**

.....  
**DR. DANIEL D.KIPO-SUNYEHZI**  
**(SUPERVISOR)**

**DATE:.....**

**DATE:.....**

**DEDICATION**

This dissertation is dedicated to my family.

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I thank God for a successful completion of this study. I am grateful to my supervisor, Dr. Daniel D. Kipo-Sunyehzi for his direction and guidance throughout the stages of this work. I thank my family and friends for their support during my studies and finally all participants who took part in this study. God bless you all.

## LIST OF ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
AU	African Union
CRC	Convention on the Rights of the Child
CRE	Child Rights Education
DOC	Department of Children
ECECR	European Convention on the Exercise of Children's Rights
FGM	Female Genital Mutilation
GSS	Ghana Statistical Service
MOGCSP	Ministry of Gender, Children and Social Protection
NCCE	National Commission on Civic Education
NGO	Non-Governmental Organisation
OAU	Organisation of African Union
RME	Religious and Moral Education
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations International Children's Educational Fund
US	United States
VCLT	Vienna Convention on the Law of Treaties

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## ABSTRACT

Laws governing child rights are part of international human rights law thus children are recognized as social actors in the international system. The United Nations Convention on the Rights of the Child (UNCRC) is one of such international instruments which guarantees the rights of children irrespective of their country of origin. Ghana led the world by becoming the first country to ratify this convention and as such is required under international law to uphold the provisions of the convention. To ensure the effective realization of the rights set out in the convention, states are obligated to put in place measures that ensure the UNCRC is known to all children and adults under Article 42 of the Convention. This plays a major role in protecting children's human rights. It is exactly thirty (30) years after the CRC was adopted by the United Nations and the study sought to ascertain the knowledge of child rights and implementation of Article 42 of the Convention in Ghana.

The study employed both primary and secondary data using the qualitative research design. Data collection methods included semi-structured interviews and focus group discussions. Using the qualitative content analysis method, findings revealed that both children and teachers had inadequate knowledge of child rights and the UNCRC. Further findings identified efforts by the state and other stakeholders in the implementation of article 42 on the convention through policies, programmes and cooperation with other organizations among other efforts. Some challenges impeding the effective dissemination of the convention to children and adults include lack of political will coupled with improper allocation of resources.

Based on the findings, the study recommends among other things that the state should consider embedding the UNCRC into the educational curricula of children and explore other practical avenues of child rights education like model UN.

## CHAPTER ONE

### INTRODUCTION

#### 1.0 Background to the Study

Following the devastating effects of the World Wars, the United Nations (UN) adopted the Universal Declaration of Human Rights (UDHR) which set the tone for the recognition of children as right holders (Fass, 2011). Child rights were developed to protect children especially due to their peculiar nature as a social group. The concept of child rights emerged to promote the general welfare of children and progressively empower them to add their voice to decisions that impact their lives (Manful & Manful, 2014).

In this regard, the Convention on the Rights of the Child (UNCRC) was adopted by the United Nations General Assembly in 1989 and came into force in 1990 to protect children all around the world irrespective of their country of origin or race. The UNCRC has been acknowledged across the world as the most ratified treaty of all human rights treaties. This shows that the world has agreed upon a global unification around the views of the rights of the child. Children have now been recognized and accepted as important social actors within the international system, which was not so before the UNCRC came in to being (Garbarino, 2011).

The primary assumption for the development of the UNCRC is that children are a peculiar group of people with a common and a universal set of entitlements. The UNCRC has forty (40) substantive rights through which it guarantees for children their basic rights. The remainder of its 54 articles take care of the required implementation process. These rights in summary are referred

to as the 3Ps which are Provision, Protection and Participation rights of the UNCRC (UNICEF, 1989).

The rights to Provision, that is, right to food for survival, quality health care, basic education among others; the rights to Protection, which means children are to be protected from all forms of abuse and exploitation among others and finally, the right to Participation, that is the need for children to be involved in the process of decision-making particular in subjects that concern them (UNICEF, 1989).

The Vienna Convention on the Law of Treaties (VCLT) makes it clear that, ratifying conventions such as the UNCRC obliges state parties to implement all articles within the convention according to the principle of *Pacta Sunt Servanda* (agreements must be kept in good faith). This simply means that State Parties are charged to protect and promote these rights (Shaw, 2003). Although it is highly expected that the UNCRC would have a significant and positive impact on the lives of all children, it is yet to materialise in various states party to the convention. No country can fully boast of having fulfilled all provisions in the Convention (Twum-Danso, 2011).

Ghana is the first country in the world to ratify the UNCRC in February 1990 without any reservation (UNICEF, 2006). Key principles of the UNCRC have been incorporated into many of Ghana's child laws. Ghana has further reviewed various legislations on child rights that existed before the ratification of the UNCRC and adopted new laws regarding how children in Ghana should be handled in conformity with the UNCRC. Three (3) of such major legislations include: the Children's Act, Child Rights Regulations and the Juvenile Justice Act. This move by the government is a demonstration of commitment to support and uphold the principles of the convention and more importantly ensure effective implementation (Manful & Manful, 2014).

Regardless of significant achievements of states, including Ghana in realizing the rights of children, there remains challenges and improvements to be made (Akengin, 2008; Twum-Danso, 2011). Almost every state party to the Convention has been criticized and recommended by the Committee in charge of the convention to increase awareness of the UNCRC among children and adults which is enshrined in article 42 of the UNCRC (Vaghri, Arkadas, Kruse, & Hertzman, 2011). Article 42, knowledge of rights states the following:

*“States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike”* (UNICEF, 1989, p. 12)

The state is obligated under article 42 of the UNCRC to communicate to both children and adults the provisions of the Convention. It is presumed that, embedded in Article 42 of the Convention is a key to the realization of the rights spelt out in the Convention. This is because knowledge of child rights is a premise for children to fully enjoy their rights. By having the correct knowledge about rights, children are able to stand up for their rights even if others deny them (Howe & Covell, 2005).

Studies conducted in various member states party to this Convention including Ghana reveals limited knowledge of the convention among children and adults. (Mitchell, 2005; Twum-Danso, 2008; Willenberg, Tenenbaum, & Ruck, 2014). From the studies it is evident that there is a barrier between law and practice. For a successful realization and implementation of child rights in Ghana, article 42 of the UNCRC needs to be fulfilled. It is therefore essential to gain a deeper understanding into the issues surrounding the implementation of Article 42 of the UNCRC in Ghana to provide a comprehensive approach in creating more awareness on the Convention among children and adults.

## **1.2 Problem Statement**

The adoption of the UNCRC by the United Nations in 1989, created hope and expectation for a significant improvement and change in the lives of children in the world (Twum-Danso, 2008). The UNCRC is an international law and as such, ratifying it requires that states put the rights under the Convention into effect (Shaw, 2003). Regardless of the ratification of the UNCRC, the rights of many children are being violated across countries, including Ghana.

Ghana continues to deal with issues of abuse of child rights with respect to corporal punishment, child marriage, and child labour among others. These acts of violence have negative effects on their physical, mental and social wellbeing and further hampers the growth and survival of children who are the ‘future leaders’ of the nation (GSS, 2018). Children’s rights do not receive public support or political commitment from governments (Pillay, 2014). This remains a matter of concern to states and the international community.

While inadequate financial and human resources have been identified as common impediments to the effective implementation and realization of children’s rights, lack of awareness remains a critical factor that tends to hinder the implementation of legal frameworks on children’s rights and the eventual realization of children’s rights in Ghana (Pillay, 2014; Twum-Danso, 2011).

The UN committee on the rights of the child has indicated that, knowledge of the UNCRC is low among children and adults working with children in Ghana. The committee as the international monitoring body on child rights, has recommended an increase in the knowledge of the Convention among children and adults working with children (UNCRC, 2015). Without awareness of child rights by children especially and adults, it may be impossible to realize and implement the UNCRC (Kiprotich & Ong'ondo, 2013).

It is in line with this that this study seeks to explore the knowledge of child rights and implementation efforts of Ghana in the bringing to life Article 42 of the Convention for a holistic realization of the convention.

### **1.3 Research Objectives**

The objectives of the study are:

- To explore the knowledge children and teachers in Ghana have of the UNCRC.
- To investigate the progress of implementation of article 42 of the UNCRC.
- To find out challenges Ghana faces in the implementation of article 42 of the UNCRC.

### **1.4 Research Questions**

The study is guided by the following research questions:

- What knowledge do children and teachers in Ghana have about child rights and the UNCRC?
- What has been achieved in the implementation of article 42 of the UNCRC by Ghana?
- What factors interfere in the effective implementation of article 42 of the UNCRC?

### **1.5 Scope of the Study**

The UNCRC contains 54 articles with many provisions. This research focuses on article 42 of the UNCRC which seeks to address the knowledge of child rights by both children and adults. Among adults working with children, emphasis will be laid on teachers for the purposes of this study. The country of investigation for this study is Ghana and her efforts in implementing this article from 2012-2019.

## **1.6 Rationale**

There is the need to educate government, local agencies, children and adults about UNCRC. The UNCRC provides a common basis and framework for understanding issues of child rights and in planning interventions.

The findings of the study would hopefully provide relevant information to policymakers and all stakeholders who play a role in matters concerning children in Ghana such as, the Ministry of Gender, Children, and Social Protection (MoGCSP), United Nations International Children Educational Fund (UNICEF), National Commission For Civic Education (NCCE) and Non-governmental Organizations (NGOs).

In the design and implementation of policies that promote child rights education, the findings of this study may provide necessary information for evaluation and changes in policies of Ghana. This study will give additional value to existing research and serve as a foundation of future research. It will also contribute to knowledge and practice.

## **1.7 Theoretical Framework**

The study is analysed within the framework of the International Regime Theory on child rights. It is a theory in international relations which posits that international regimes influence state behaviour within the international system. The international regime theory traces its intellectual roots from Stephen Krasner, Oran Young, and John Ruggie among others as scholars.

International regime theory is understood from neo-liberalism, a broader theory in international relations. Liberalism posits that states cooperate in areas of high and low politics and cooperation among states is attainable within an anarchic state of the international system (Keohane, 2005). Regimes do not exist in isolation. They are formed from international interactions which may

develop into international institutions. There is however no widely-agreed upon definition of international institutions among scholars of international relations. Institutions are set of rules that define state interaction. They prescribe acceptable ways of doing things based on a mutual acceptance of standards of behaviours. These rules are usually formalized into what is referred to as regimes embodied in organizations with their own personnel (Mearsheimer, 1994).

Stephen Krasner defines regimes as “implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations” (Krasner, 1983, p. 2). The regime theory presents a premise for the appreciation of international cooperation. Regimes are beneficial to states because they lower costs that would have been incurred when states do not reach specific agreements. They also help provide more information on a particular area of interest to states and discourage offenders by raise costs of violations (Keohane, 2005).

There are a number of international regimes codifying rules and regulations on various state interests. They include but are not limited to the regulation of waterways navigation, trade, monetary issues environmental policies, and nuclear weapons non-proliferation as well as human rights issues. Human rights are one of the few universally accepted modern values defined in a comprehensive global legal framework. Human rights regimes are strongly connected to international peace and security, good governance and the rule of law (Nowak, 2003).

Even though states do not have a sense of obligation in cooperation, they will hardly consider violating agreed upon rules. According to scholars of the international regime theory, states will be hesitant in violating rules binding regimes because of the positive reputation and benefits they will receive from future regimes. States that violate regimes face difficulties in being accepted into future regimes. Moreover, with the time and efforts put into constructing international

organisations like the UN, states being mindful of this will hold back in putting a regime in peril (Krasner, 1983).

One of the major critics of the international regime theory is Realism. Realism is a school of thought in international relations which posit that, cooperation is difficult within an anarchic international system. They believe cooperation among states is usually possible in issues of soft power (Mearsheimer, 1994). However this is not the case since human rights regimes as a soft power tool is not the only basis for cooperation. International regimes range from the regulation of environmental issues to nuclear weapons non-proliferation which encompasses both soft and hard power issues where state interests are at stake (Keohane, 2005; Nowak, 2003).

The international regime theory is also criticised for being ineffective (Davidson, 2013). One of the principal reasons for this is the lack of enforcement of the UNCRC by states parties (Concepcion, 2000). On the contrary, implementation of the UNCRC is monitored by UN Committee on the Rights of the Child, a committee of international experts. Essentially, the committee gives criticism and makes recommendations. The committee mainly serves as an advisory body and usually relies on diplomacy rather than legal sanction in its monitoring role. It is argued that the committee must assign more effective legal actions rather than mere verbal condemnation (Baxter, 2015; Blanchfield, 2009). The UNCRC as an international regime has also been criticized for some defects with regards to the cultural aspects of implementation. Such cultural norms unique to states may cause states to interpret the principles of the convention differently (Baxter, 2015).

Regardless of these criticisms, this theory has proven to be very useful for explaining the topic under study. The UNCRC is based on an international human rights regime instituted by the UN

as guide to regulate relations between states and within states with respect to how human lives are treated (Alston, 2006).

The UNCRC has the highest number of ratifications among other human rights treaties. It seeks to safeguard the basic rights of children which include civil, political, economic, social and cultural rights. Since it came into force, member states have reviewed some of their legislations to uphold the values and provisions of the UNCRC which they do voluntarily. It has become evident that the human rights regime helps in solving child related issues thus very important in the realization of the UNCRC (Fottrell, 2000).

The UNCRC enforcement like other international conventions is not done by an international police scheme. Rather, states are compelled morally and through political pressure. If states fail to honour their obligations, they may become subjects of serious domestic and international criticisms leaving them with a negative international image (Howe & Covell, 2010).

Also, the theory of international regimes has provided lasting perspectives on how the behaviour of states are affected and its effects on international cooperation. Regimes come into existence to coordinate the behaviour of states on specific areas of concern, in this case the welfare of children (Cox, 1992; Ruggie, 1975).

An examination of power within relationships reveal a direct connection between the power an institution like the United Nations or the UNCRC as a regime can exercise with regards to children, and knowledge that influences it. This reaffirms the popular saying that “knowledge is power” (Devine, 2002; Foucault, 1982).

This theory thus best explains the role of the UNCRC under the Human Rights regime which seeks to promote the welfare of children around the world and why awareness of these rights among children is important.

## **1.8 Literature Review**

### **1.8.0 Introduction**

Adoption of the UNCRC by states gave recognition to children as subjects of human rights thus having implications on how states conduct their business in matters concerning children (Van Aardt, 2004). This has further increased interest in this area of scholarship as many scholars have written from the international, regional and national levels on child rights. This section seeks to review studies previously done on children rights to enable the researcher identify convergence and disagreements in an attempt to bridge the gap in the literature.

#### **1.8.1 The Impact of United States Ratification of the UNCRC**

Formation of international regimes usually depends on hegemony since the world order in politics is typically created by a dominant power and regimes are part of this international order (Keohane, 2005). The United States (US) is considered a hegemon for the purpose of this study due to its role in the creation of the UNCRC. However as of today, the United States is the only state among all others in the world yet to ratify the UNCRC. This is interesting to note since the United States has been the world leader since 1948 in promoting child rights (Blanchfield, 2009).

The US played a major role in precisely drafting the UNCRC between 1979 and 1989 in accordance with American values. In particular, the Reagan and George H.W. Bush Administration played a key role in the contribution and negotiation of the Convention's text. The US added more substantive articles to the new version of the convention which had not been in

the original draft. This contribution is more than that of any other country. Although the Clinton Administration signed the convention, it was not ratified by the US Senate. The administration of George W. Bush opposed the convention, citing issues of sovereignty, parental rights and federalism as concerns (Todres, Wojcik, & Revaz, 2006)

Will the ratification of the UNCRC really make much of a difference? Studies on the impact of US ratification on other states argue that, the US will be able to influence more states to comply with the obligations in the convention more effectively. This will enable the US make the UNCRC a strong tool for change. Failure to ratify gives the US less credibility to speak on issues of child rights making it easy to ignore their voice on such issues (Bartholet, 2011; Todres et al., 2006).

Ratification of the UNCRC by the US will probably affect the US like other states that have ratified. US state courts may prioritize the interest of children more and give government agencies a wide range of responsibilities in protecting children. Ratification will also mean decisions regarding children in the US will be guided by the UNCRC (Bartholet, 2011).

### **1.8.2 UNCRC within the African Context**

Pillay (2014) research findings revealed that many acknowledged the UNCRC as playing a key role in making child rights strongly felt in Africa. The advancement of child rights in Africa has been approved by many states on paper yet when put in practice, it faces challenges. A number of African states were part of the first 57 countries making about one-fourth to sign the UNCRC (Binford, 2015). This means there are no legal barriers to the realization of children's rights in Africa. In Africa, child rights have received criticisms for exhibiting western ideas and standards as well as lacking African representation in defining a global childhood. This may be a barrier in understanding and the realization of the rights set out in the UNCRC (Georgeson & Payler, 2013).

On the other hand, there have been issues raised on Africa's representation in the negotiating process that led to the development of the UNCRC (Njungwe, 2009). In response to some of these challenges, the African Charter on the Rights and Welfare of the Child (ACRWC) was instituted to address the unique realities of children in Africa. The ACRWC was introduced by the Organization of African Unity (OAU) in 1990, not long after the UNCRC was adopted. The ACRWC is based on a distinct comprehension of the childhood specific to the African child and the roles the African child is expected to play. This is of great significance as it makes Africa the only continent to have a child rights instrument specific to the region (Spitzer & Twikirize, 2013).

### **1.8.3 Culture as a Challenge in the Promotion of Child Rights in Africa**

Most states in Africa have failed to fulfil their commitment's to promote child rights. Regardless of Ghana's achievement of being the first state to ratify the UNCRC, the principles of the convention is yet to receive positive feedback from the continent (Mulinge, 2010). Literature on child rights in Africa identifies culture and cultural practices as the main cause of child right violations. Findings further reveal that the lines between culture and child rights are mostly blur making it difficult to uphold the rights of children in Africa (Pillay, 2014). For instance practices like Female Genital Mutilation (FGM) and male circumcision are seen as important rites of passage which give reverence to ancestors (Twum-Danso, 2011; Winterbottom, Koomen, & Burford, 2009).

While this is commonly regarded as significant to the African culture, it can compromise children's health requirements and safety (Prazak & Coffman, 2007) . Some cultural practices among some African societies are seen to infringe on the rights of children in the context of good health and wellbeing. To those societies there is nothing bad about those practices and rites. But to some

Africans and outsiders, there are real risks and dangers associated to such practices. This constitutes ‘cultural relativity’.

Another element is the stigmatization of children as witches which may result in the violation of child rights. This is accompanied by the cultural practice of ‘delivering’ children from witchcraft leading to physical and mental torture in the process or loss of lives (Secker, 2013).

Even though Twum - Danso acknowledges culture as a factor in the realization of child rights in her work, “*Searching for the Middle Ground in Children’s Rights in Ghana*”, she has a different opinion. She does not encourage this factor to be over emphasized. She proposes that governments and stakeholders must move beyond the culture factor and identify positive cultural values and practices as well as traditional methods specific to societies in tackling child rights issues. This suggests that reliance on culture as a major challenge is not justified since there are positive cultural practices which when applied effectively can promote and protect the rights of children (Twum-Danso, 2008).

#### **1.8.4 The Ghanaian Situation**

Ghana is seen as the standard for political independence and having a comparatively functioning democracy in Africa. Ghana as the first country to ratify the UNCRC together with this political achievement may have led other African countries to support the move for ratification of the UNCRC, causing a bandwagon effect on the continent (Mbise, 2017).

Implementation of child right legislations in Ghana show that, state agencies responsible for enforcement of laws on child rights do not receive immediate reports by parents and the public on child rights abuse. Agencies such as the Department of Social Welfare among others also report that some parents are not supportive of rules regarding child rights. In addition, the general

implementation of social service policies by the government are mostly not nationwide and of a lesser quality in service delivery (Kuyini & Mahama, 2009).

According to the 2010 population and housing census conducted in Ghana, about six-hundred and twenty-three thousand, five-hundred (623,500) children of school going age were not enrolled in school and 25% of children with physical disabilities were also not attending school. Twum-Danso (2008) also asserts that many children in Ghana are subjected to various forms of physical, mental, and sexual abuse, including defilement, abandonment, abduction, commercial exploitation and servitude. Also a recent research by the Ghana Statistical Service show that children continue to experience severe forms of physical punishment which has adverse effects on their health (GSS, 2018)

### **1.8.5 Adult-Child Relationship in Ghana**

The Ghanaian child is a member of both the nuclear and extended families signifying cultural identity and social order which forms the basis of societies in Africa. The welfare and socialization of children is thus the task of the whole society (Boakye-Boaten, 2010).

Children in Ghana through the process of socialization, have internalized three cultural values which are respect, reciprocity, and responsibility commonly known as the 3Rs. These values, form the basis of relationships between adults and children, creating a sense of responsibility and interdependence within the family system. The decisions of children in Ghana with respect to childhood is informed by work, play and school. This is because children have learned through socialization to harmonize these three (3) main activities into their childhood (Kwarteng, 2012).

In Ghana, the value of reciprocity among parents and children form the relationship between rights and responsibilities. The culture of reciprocity is an obligation which is rewarded by parents in the

forms of care and maintenance for their children. Children thus grow up with the knowledge that the care and maintenance provided by their parents is as a result of their behaviour (Twum-Danso, 2011).

According to Twum-Danso (2011), respect is vital in the adult-child relationships. Children in Ghana are expected to respect, obey and take advice from their parents. Children who fail to do so are labelled disrespectful and disobedient and often seen as deviants in society. Children who are assertive and try to question parent's decisions may be punished by their parents. On the other hand, children who submit to parental authority receive positive reinforcements.

This implies that children in Ghana, although valued, are to be 'seen and not heard'. This makes it difficult for children to demand for their rights or report when abused for the fear of being labelled as disrespectful. Consequently, many children are denied the opportunity of enjoying their rights and their childhood (Apt, Agbenyiga, & Ame, 2011).

#### **1.8.6 Challenges to the Realization of Child Rights in Ghana**

The lives of many children in Ghana do not reflect the provisions made for them in legal instruments. The authors of the work "Confronting the Challenges: Optimizing Child Rights in Ghana" identified poverty as the fundamental factor that tends to interfere in the development and promotion of child rights in Ghana. Many children due to poverty are forced to care for themselves even when they are in no such position to do so. The vicious cycle of poverty and high rates of unemployment in Ghana force children to engage in child labour which has the potential of either taking their lives or exposing them to harmful health conditions (Apt et al., 2011).

According to Kuyini and Mahama (2009), limited community knowledge on policies and legislations on child rights in Ghana prevents effective enforcement of these provisions. While

Kuyini and Mahama (2009) identify constraints of resources and skilled labour as other factors inhibiting the realization of child rights, Twum-Danso (2011) is of the opinion that lack of awareness is very critical. This is because knowledge of child rights is closely linked to lack of resources which is coupled with political commitment to promote children's rights in Ghana.

### **1.8.7 Knowledge of child rights**

Studies conducted on the knowledge of child rights in Africa suggest that relatively children have heard of their rights (Kamau, 2013; Twum-Danso, 2008). Other scholars however hold a contrary view and argue that many children have inadequate knowledge about their rights (Kiprotich & Ong'ondo, 2013; Kwarteng, 2012).

A quantitative study conducted in Kenya to determine the level of awareness of child rights among children showed that children did not know about their rights. Overall, the study indicated that children in Kenya had inadequate knowledge of their rights and that some children were only aware of child rights which were commonly abused (Kiprotich & Ong'ondo, 2013).

Similarly, a qualitative research by Kwarteng (2012) on the duties and responsibilities of children in Kumasi Metropolis of the Republic of Ghana, concur with the findings of Kiprotich and Ong'ondo (2013). Kwarteng (2012) found that children in Kumasi had less knowledge of their rights mainly because discussions around child rights in Ghana are not encouraged. He also attributed the cause of less awareness to the fact that children are not deemed capable of claiming their rights. The findings of Kwarteng (2012) also support the claim by Kiprotich and Ong'ondo (2013) that children who know their rights prioritize some rights over others. Kiprotich and Ong'ondo (2013) imply that children are mostly aware of rights which are always violated and

abused. It is therefore important to actively and consistently educate children on rights to empower them speak against these rights which they see being trampled upon (Apt et al., 2011).

In Twum-Danso (2008) work: *Searching for a Middle Ground in Children's Rights: implementing the Convention on the Rights of the Child in Ghana*, her findings revealed that more children in Ghana had heard about children's rights because rights are integrated into the school curriculum. Rights are mostly taught as part of social studies in primary and junior high school levels. This according to her did not mean children knew about the UNCRC or the Children's Act of Ghana (Twum-Danso, 2008). It however contradicts the findings of (Kwarteng, 2012) on the knowledge of child rights among children in Ghana.

According to Twum-Danso (2008) less knowledge of legal frameworks could be as a result of the fact that, child rights discussions on media platforms especially were outside the ambits of legal frameworks like the UNCRC. Also the focus of discussions are largely on protection rights at the expense of provision and participatory rights (Twum-Danso, 2008). This means that children could be aware of their rights but not the UNCRC that guarantees them and call for its awareness. Further results of Twum-Danso (2008) however agree with Kwarteng (2012), that child rights are hardly discussed in the Ghanaian setting.

### **1.8.8 Gaps Identified in Literature Review**

The review of literature above shows that there is no legal barrier to the implementation of child rights. A gap however remains between law and practice. Considering the above-mentioned studies revealing children's awareness of their rights in Ghana, there is lack of consensus among scholars regarding the knowledge children have on child rights. Also studies in Ghana largely overlooked the implementation strategies of Ghana on Article 42 of the UNCRC where the

obligation to promote knowledge on child rights is enshrined. This would be explored in the current study.

## **1.9 Research Methodology**

The qualitative research design was used for this study. Qualitative research is in-depth research using a range of techniques with the aim to understand reason, opinion and motivations. Samples tend to be small since it does not focus mainly on “how many”. The benefit of qualitative approaches is that it is an open-ended approach that adapts and evolves as the study progresses which enhances the quality of the data and insights generated. It also allows the researcher understand the issues from different perspectives. Some common qualitative methods include interviews, focus group discussions and participant observation (Watkins, 2012).

The qualitative research method has been criticized as being subjective. However, it best suits this study because it offers ample information and fundamentals for better understanding of the research problem of this study (Zikmund & Carr, 2000). This approach gives the researcher the opportunity to obtain in-depth data from participants through their personal narratives and statements about the knowledge they have about child rights (Gray, 2009).

### **1.9.1 Study Population**

The target population for the study was children aged twelve to seventeen (12-17) years and teachers who teach subjects related to rights such as social studies. Officials working to promote the rights of children from NCCE, UNICEF and the Department of Children were part of the target population. This population was selected for the study because they are key stakeholders of children’s rights and also possess the knowledge that provided answers to research questions.

### **1.9.2 Sampling method**

For the selection of participants for the study, the researcher made use of the non-probability sampling technique to arrive at a favourable sample size. This study was limited to the Greater Accra Region of Ghana. This is because research in the Greater Accra region suggest that teachers play a crucial role in children's safety. More children trust and feel safer in school than at home because they trust their teachers. Individual teachers attempt where necessary to manage problems children face informally. This region also has the highest verbal abuse in schools against children in the country (UNICEF, 2014).

Out of nineteen (19) Municipal Assemblies in the region, the Adentan and La Nkwantanang Municipal Assemblies were randomly selected for this study. Using the cluster sampling method, two (2) schools in these municipalities selected. The schools were grouped under private and public schools as clusters. There were several stages of clustering and stratification before the final selection of units of analysis (McClintock, Brannon, & Maynard-Moody, 1986). All For Christ Academy is a private school chosen under the private schools in Adentan and West Africa Secondary School Junior High School chosen under public schools in La Nkwantanang.

Participants for the study were selected using the purposive sampling method. The purposive sampling technique enables the researcher select the most productive sample for the study (Patton, 1990). Purposive sampling was employed in selecting children aged twelve to seventeen (12-17) for this study as an inclusion criteria. Literature has indicated that children from twelve (12) years and above can express themselves better (Kiprotich & Ong'ondo, 2013). Teachers who teach Social Studies and Religious and Moral Education were purposely selected for the study. One resource UNICEF, NCCE and the Department of Children under the Ministry of Gender, Children and Social Protection (MoGCSP) using the purposive sampling method. These institutions were

selected because they are part of major stakeholders in the promotion of child rights in Ghana and provide answers to the study's research questions.

### **1.9.3 Sample size**

The sample size included 10 students from each of the selected schools, 5 teachers and a resource person each from UNICEF, NCCE and the Department of Children under MoGCSP making a total of twenty-eight (28) as the sample size. This sample size of 28 is based on Onwuegbuzie and Collins (2007) caution that sample size used in qualitative research should not be too small to create difficulties in achieving data saturation neither should the size be too high to pose challenges in undertaking in-depth case oriented studies.

### **1.10 Sources of Data**

The study utilised primary and secondary sources of data. Primary data were sourced from UNICEF Ghana, NCCE and the Department of Children under the MoGCSP as key institutions. The study also relied on information from children and teachers considering that child participation is a vital provision in the UNCRC. This population was selected for the study because these are key stakeholders in child rights and also possess the knowledge that will enable them to provide answers to the research questions.

Secondary data were collected from the University of Ghana library as well as the LECIAD library. From there, journal articles, books and other published and yet to be published works were used for this study. Some important documents that supported my study include the UNCRC, ACRWC, The Children's Act of Ghana (1998), the Constitution of Ghana (1992) and other reports on the implementation of the UNCRC from internet sources.

### **1.10.1 Data collection methods**

#### *Focus Group Discussion*

Focus group discussion is an official subject specific discussion coordinated by a facilitator. It helps to bring out distinct perspectives from a range of viewpoints. This technique has been of great help to this study because it allows for more than one participant (Gibbs, 1997).

Focus group discussions were used to collect data only from children. Two focus group discussions were held in total with one in each school. Each group was made up of five (5) males and five (5) females to ensure equal gender representation. Each discussion was held on the school premise in an available classroom using a discussion guide. Both discussions lasted for almost 30 minutes and responses were recorded using a recorded and hand written notes.

This method has proven to be effective in data collection from children because it gives children the opportunity to work collaboratively with their peers and the facilitator in developing their thoughts. It also reduces intimidation and shyness compared to interviews where one-on-one interaction may seem uncomfortable (Ennew et al., 2009).

#### *Semi-Structured Interviews*

Semi-structured interviews were used to collect data from teachers and other key informants. This was done with the aid of an interview guide with open-ended questions. Interviews were conducted for teachers in their various school premises and for key informants in their various institutions. All interviews lasted for 30-45 minutes. All responses were recorded using an electronic device and hand written.

In semi-structured interviews, the researcher outlines for the subject areas to be covered, but responses from participants guide the direction of the interview. The semi-structured interview

provided guidelines to achieve accurate and comparable qualitative data for analysis (Stuckey, 2013).

### **1.11 Data Analysis and Interpretation**

The qualitative content analysis explained by Patton (2002) was used in the process of analysing data. According to (Patton, 2002) qualitative content analysis is any qualitative data reduction and sense-making effort that takes a volume of qualitative material and attempts to identify core consistencies and meaning.

Interviews and focus group discussions recorded were transcribed for easy analysis. Transcribed data were carefully read and important aspects of the data were then analysed along developed themes in support of the purpose of the study. Themes were identified in line with the objectives of the study.

There are no accepted protocols for analysing data. Every investigation is unique and findings of the study is highly dependent on the researchers preference and style as well as analytical skills (Hoskins & Mariano, 2004).

### **1.12 Ethical considerations**

Ethics in research are standards that researchers must abide by to make them accountable to the public while upholding moral and societal values (Resnik, 2011).

#### *Informed Consent*

One of the key areas of ethics in the research process was informed consent. It is important that all participants are carefully briefed on the background and aim of the research to gain their approval.

Informed consent guarantees that participants in a research know what it means to engage in the study and can consciously choose to take part or not (Ennew et al., 2009).

All participants were given informed consent forms which included a brief background and relevant information of the study prior to data collection. In this research which involved children, consent forms were signed by parents and school authorities on behalf of children since children are not allowed to give consents on their own.

### *Confidentiality*

Information gathered from all participants was duly protected. In studies that involve children, confidentiality is very important (Kvale & Brinkman, 2009). The names of children were not used in the analysis of the data and all responses from participants in this study were duly protected. The data collected was kept on the researcher's personal computer and protected with a password.

### **1.13 Limitations of the Study**

A limitation of this study was the relatively small nature of the sample size. The qualitative research method allows for a comparatively smaller sample size thus findings from the study may not generally be a full representation of the target population.

### **1.14 Arrangement of Chapter**

The study is organized into four chapters.

The first chapter provides the introduction made up of a background to the research problem, problem statement, research objectives and questions, the rationale, scope of the research, theoretical framework, literature review, research methodology and sources of data and the arrangement of chapters. The second chapter of the study is based on the overview of the UNCRC

along with other themes relevant to the understanding of child rights at the global level and national level. Chapter three presents an analysis of findings on the knowledge of rights and implementation of article 42 of the UNCRC. The study is concluded in the fourth chapter with the summary of findings, conclusions and recommendations.

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## CHAPTER 2

### OVERVIEW OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

#### 2.0 Introduction

This chapter presents various discussions on the UNCRC relevant for the understanding of various aspects of the convention and other issue areas necessary in the discussion of child rights. It is based on themes such as: the historical background of the UNCRC, development of child rights under international law, contents of the UNCRC and the importance of article 42 among others.

#### 2.1 Who is a child?

The UNCRC defines a child as “every human being below the age of eighteen (18) years unless under the law applicable to the child, majority is attained earlier”. This definition is widely recognized and accepted as a universal definition of a child. Member states who are party to the UNCRC have incorporated this definition into their domestic laws. The Constitution of Ghana for instance defines a child as “any person below the age of 18 years”. Other child welfare instruments adopted such as 1998 children’s act of Ghana also defines a child likewise (Kwarteng, 2012).

Regional conventions on child rights such as the European Convention on the Exercise of Children’s Rights (ECECR) 1996 and the 1999 African Charter on the Rights and Welfare of the child (ACRWC) have also ascribed to this definition of a child. Article 2 of the ACRWC states that a child means every “human being below the age of 18 years” (Njungwe, 2009).

## 2.2 Development of Child Rights under International Law

1948	<p>Universal Declaration of Human Rights (UDHR)</p> <p>The UDHR was adopted by the UN General Assembly. It includes among other provisions child rights. Articles 25 and 26 highlight the rights to protection, special assistance and education respectively.</p>
1959	<p>Declaration of the Rights of the child</p> <p>The UN General Assembly through the declaration of the Rights of the child acknowledges that children are free from any form of discrimination including rights to a name and a nationality. It also enshrines the best interest of the child including other provisions on special protection, health care and education.</p>
1989	<p>Convention of the Rights of the Child (CRC)</p> <p>The UN General Assembly adopted the CRC with the approval of member states. The CRC has fifty-four (54) articles summarised into protection, provision and participation (3Ps) rights of children. It concerns the general well-being of all children irrespective of their country of origin or race with specific implementation procedures.</p>
1990	<p>World Summit for Children</p> <p>The World Summit was held for children in New York. It included 71 Heads of State and Government. The leaders endorsed an international statement on the survival, protection and development of children including an international Plan of Action to outline goals for implementation.</p>
2000	<p>Optional Protocols to the Convention on the Rights of the Child</p> <p>Two protocols connected to the CRC is adopted by the UN. One is on child involvement in armed conflict and the other on pornography, prostitution and sale of children.</p>

(UNDP Human Development Report, 2000)

### **2.3 Historical Background of the UNCRC**

Discussions on human rights started from 539 BC but child rights took much longer to receive such attention. Children were seen as inferior and incapable of being independent for more than 2000 years, until the 19th century. However this changed due to, among other things, the French revolution, the change from an agriculture society to an industrial and changes within the family structure (Akengin, 2008).

After First World War, Eglantyne Jebb, a British teacher felt the need to protect children from such occurrences after the effects the war had on children. She created the Save the Children Fund. She is one of the first to develop the concept of child rights. Eglantyne Jebb argued that every child has the right to life and that no child should die from preventable diseases (Milne, 2008).

The first crucial change on children' rights however came in 1924 when the League of Nations established the Geneva Declaration on the Rights of the Child (Gnaerig & MacCormack, 1999). The League of Nations was an inter-governmental organization, which transformed into the UN after World War II. During World War I, many children lost both parents, and to protect children and maintain a standard of human rights protection, the declaration on the rights of the child was adopted. The declaration was also adopted as a means to pressure post-war administrations to protect child rights. Unfortunately, many children were left orphaned and in vulnerable states once again after the Second World War (Doek, 2014).

The UN in 1945 adopted the Universal Declaration of Human Rights (UDHR). It was set up mainly because the adverse effects of the Second World War. Provisions on human rights under article one (1) of the UN charter and the UDHR laid the foundation for defining child rights. However in 1959, the UN with approval of member states embraced the Declaration of the Rights of the Child,

the immediate predecessor of the UNCRC, with the intention to meet specific needs of children (Cohen, 2002).

In the early stages of the development of the Convention on the Rights of the Child (CRC), the Polish Government submitted the original draft of the CRC first to the United Nations Commission on Human Rights. This was followed by subsequent negotiations by two groups; the 42 member states of the UN Human Rights Commission at the time, and an ad-hoc committee of mainly non-governmental representatives (Mitchell 2006). The convention was finally adopted by the UN General Assembly November with the approval of member states (UNICEF, 2005). The UN as an internationally recognised organisation gives legal backing to the CRC and as such children are now acknowledged as right holders (Van-Aardt, 2016).

#### **2.4 The Contents of the UNCRC**

The UNCRC begins with a preamble and consists of 54 articles. The convention is mainly in three parts. Articles one (1) to forty (40) consist of part one. It contains substantive rights that children must enjoy including the responsibilities of state parties in granting such rights to children. The second part deals with implementation mechanisms of the convention. It outlines steps states must take in order to assess the progress of the convention. This is highlighted in articles forty-two (42) to forty-five (45). Such requirements include informing children and adults about the convention, submission of periodic reports among other things. The final part, part three focuses on processes of ratification, reservations, amendment and accession. These are found in articles forty-six (46) to fifty-four (54) (UNICEF, 1989).

The UNCRC is underpinned by four core principles which directs how the convention is implemented and interpreted. The first principle is Non-discrimination. States are required to take

action in protecting children from discrimination of any type. The second principle is the Best interest of the child. The convention emphasises that this shall remain paramount in cases concerning children. The third is the Right to life, survival and development and finally Respect for the views of children. These principles are found in articles 2, 3, 6 and 12 of the convention respectively (UNICEF, 1989).

#### **2.4.1 The Three P's (3 P's)**

The 3Ps is an important concept in discussing issues regarding the UNCRC. The Three Ps is a categorization of rights in the UNCRC into provision, protection and participation rights (Wringe, 1995).

##### ***Provision Rights***

A number of articles in the convention include Provision rights. This basically includes rights to basic needs of children for their survival and development. In article 27 of the convention, state parties are expected to provide a standard of living that supports children's development physically, mentally, morally and socially among other things. In this regard, Article 24 of the convention provides children through the state with the highest attainable health standard. States are expected to provide children with the "highest attainable standard of health" to keep children safe from diseases such as the common childhood killer diseases and malnutrition diseases which threaten the lives of children in Africa. This should be done with the aid of quality health care facilities (Kwarteng, 2012; UNICEF, 1989).

Provisions are also made for children with special needs. According to article 23 of the CRC, children with disabilities are expected "to enjoy a full and decent life in conditions which ensure dignity and promote self-reliance". Physically and mentally challenged children are supposed to

enjoy special care and attention in their education for their full development. Provision rights also include the right to education in article 28 of the convention (UNICEF, 1989).

For a full realization of these rights, children must depend on adults and the state. The responsibility of parents as primary care givers is outlined in article 18 of the convention. It gives parents the power to raise and provide the basic needs of children for their development. In line with this, state parties are also mandated to provide support to parents and guardians through adequate facilities and amenities towards children's development (Kwarteng, 2012; UNICEF, 1989).

### ***Protection Rights***

The first protection right of children is embedded in article 2, one of the core principles of the convention. Article 2 deals with the concept non-discrimination. It protects children from various forms of discrimination “irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status” (UNICEF, 1989, p.2).

Article 11 protects against child kidnapping and trafficking. Article 19 guarantees the rights of children to be protected from all forms of violence, abuse, neglect, and mistreatment by parents or others. Article 35 ensures governmental protection of children from abduction or sale. Article 36 protects children from all other forms of harm or exploitation. Lastly, Article 37 forbids the death penalty, life imprisonment, and/or torture/cruel and unusual punishment for children (Baxter, 2015; UNICEF, 1989).

### ***Participation Rights***

Studies show a challenge in the acceptance of participation rights of children compared to other child rights. Participation rights receive the most criticisms among the Three Ps. Giving children a say in decisions is not approved in many societies (Baxter, 2015).

The UNCRC defines participation in two ways. First is the possibility to engage with the world and secondly the opportunity to have a voice in the process of decision making on issues that concern children. The convention has challenged societal values and sought to change traditional perceptions which suggest that “children should be seen and not heard”. Some articles in the convention which emphasise participation rights of children include; article 12 which allows children to express their views in decisions that concern them; article 13 which guarantees “freedom of expression” and article 14 which protects children’s “right to freedom of thought, conscience and religion” (Lansdown, 2001; UNICEF, 1989).

#### **2.5 The Emphasis on Article 42**

According to article 42 of the UNCRC, states are supposed to make the convention widely known to adults and children. Studies suggest this knowledge specified in article 42 and understanding the human rights of children are important prerequisite for compliance on provisions outlined in the convention. It is on this basis of importance that Mitchell in his article *Postmodern Reflections on the UNCRC* proposed that article 42 be used as an international compliance index of the UNCRC (Mitchell, 2005).

Other scholars affirm this by adding that the effectiveness of the UNCRC is dependent on how widely it is known, understood and applied by state parties. Advocacy as a tool is therefore very

necessary to raise awareness among children and within the society with the hope of changing the “rhetoric into practice” (Rajani & Petren, 2000).

The importance of child rights awareness as a citizen and as a child is strongly emphasized in article 42 of the UNCRC. According to the UNCRC, children should also be able to have the complete opportunity to participate in society, without any restrictions. By having the correct knowledge about their rights, children are able to stand up for their rights (Willenberg et al., 2014). When a child knows that he or she, among other things, has the freedom to express his or her views freely and that adults should take their opinions into account, it becomes easier for the child to do so. It has been shown in studies that, this has resulted in more children standing up for their rights (Malmberg, 2009) as cited in (Sperl & Ferdinandsson, 2014).

Another benefit of children being aware of their rights is that it makes them more supportive. They also tend to show interest in assisting children with special needs by for instance volunteering in programmes that address issues of human rights. This also helps in their moral development (Howe & Covell, 2010; Kiprotich & Ong'ondo, 2013). When children know they have rights, they become conscious when dealing with other people knowing that they too have rights and as such must respect them (Covell, Howe, & McGillivray, 2017). It is also argued that children perform better academically and become more disciplined when they have knowledge of their rights (Kamau, 2013).

Generally, knowledge of rights seeks to protect children from potentially harmful situations. It is essential that the UNCRC is taught at all levels. States must endeavour to promote child right educational policies in line with the UNCRC (Covell et al., 2017).

## **2.6 The Committee on the Rights of the Child**

Contrary to critics' argument that there is lack of effective monitoring of international human rights regimes, the UNCRC, an international human rights regime on child rights, is carefully monitored by a committee. According to the UNCRC, the committee is formed to examine the progress of state parties in the fulfilment of obligations outlined in the convention. The committee on the rights of the child consists of eighteen (18) experts of "high moral standing" and recognized "competence in the field covered by the convention". Members are elected by state parties among their nationals. The committee's main responsibility is to examine "Initial and Periodic Reports" submitted by states to the committee (UNICEF, 1989).

The process of reporting by state parties to the committee is done in a systematic order. The committee expects that, reports from states parties "contain relevant legislative, judicial, administrative information among other things and statistical data to give the Committee a good basis for its analysis" (UNICEF, 1989). The committee also identifies challenges states face in effectively implementing the convention and proposes recommendations for future plans. The committee depends on reports provided by state parties, complemented with information from other bodies and organizations such as Non-Governmental organization (NGOs) or NGO coalitions (Thomas, 2011).

Ghana after ratifying the convention in 1990 submitted its initial report on implementation of the convention to the committee in 1995. The second periodic report was submitted in March 2005, at the time the third report was expected by the committee. This resulted in the presentation of a consolidated report to cover previous years in 2005. The last report submitted in 2012 was also consolidated to include the third, fourth and fifth periodic reports. The committee reviewed the report and held its concluding observations meeting on 5 June 2015. Throughout the committee's

recommendation to Ghana, one key area of concern has been to increase knowledge of the convention to adults and children (article 42). Ghana's next report is expected in 2020 (UNCRC, 2012, 2015).

## **2.7 The UNCRC and ACRWC**

There have been objections against the UNCRC which are generally related to the low representation of Africa in the drafting and negotiation processes of the convention. In addition concerns have been raised on socio-cultural interpretations of childhood. Members of the OAU now African Union (AU) felt the need to create a different instrument unique to the African continent. They believed the UNCRC missed certain important realities of the African people in drafting the convention. This led African leaders through the OAU to adopt the African Charter on the Rights and Welfare of the Child (ACRWC), their version of the UNCRC. The ACRWC may be viewed as a domestication of the CRC because it relied on key assumptions and ideals of the CRC in its creation (Njungwe, 2009; Okpalaobi & Ekwueme, 2015).

The ACRWC is the first regional treaty on child rights in Africa. It is a build-up on the 1979 Declaration on the Rights and Welfare of the African Child. The ACRWC's preamble begins with the recognition of the unique and privileged position of the African child. It states that "the child occupies a unique and privileged position in the African society and requires legal protection as well as particular care with regard to health, physical, mental, moral and social development" (AU, 1990; Njungwe, 2009)

Although the UNCRC ratification on the continent was strongly promoted, African leaders were reluctant in ratifying their own instrument, the ACRWC. In comparison to the UNCRC which came into force one (1) year after its adoption, the ACRWC of 1990 came into force in 1999. This

is because the ACRWC required enough ratifications by African states to enable it enter into force unlike the UNCRC. In addition, the ACRWC receives less publicity compared to the UNCRC. It is hardly used in government and political discussions in Africa (Save the Children, 2010). But for a few exceptions, the ACRWC safeguards majority of rights recognised by the UNCRC.

Even though there is some resemblance in the two instruments, the ACRWC is slightly different from the UNCRC in areas deemed specific to the African child (Olowu, 2011). For instance, the ACRWC unlike the UNCRC, makes mention of child responsibilities to the family. It also includes additional provisions like rights to protection from apartheid and violent conflicts. The ACRWC also discourages harmful cultural practices that infringe on the rights of the African child (AU, 1990).

With respect to children's right to privacy, both the UNCRC and the ACRWC have different perspectives to it. Both instruments guarantee the rights to privacy in article ten (10) of the ACRWC and article sixteen (16) of the UNCRC. The ACRWC however adds that "parents or legal guardians shall have the right to exercise reasonable supervision over the conduct of their children" (AU, 1990). These differences remain the centre of discussions around the rights of the African child which seeks to protect African values (Mbise, 2017; Njungwe, 2009).

The ACRWC urges African children to acknowledge the importance of preserving the African culture and the values that informed the creation of a unique charter for them. This will promote and strengthen positive traditional values and achieve the African unity and solidarity the AU stands for (Mbise, 2017).

Despite growing levels of awareness of the African charter, it remains largely unknown to children, adults, the media and policy makers in governments. The charter remains in the shadows of the

UNCRC when it comes to decisions on child rights policies on the African continent (Kaime, 2009).

## **2.8 Relationship between Rights and Responsibilities**

While child rights have been clearly stipulated in various legal international instruments, child responsibilities have not received the same recognition (Osler & Starkey, 2006). Similar to most international instruments, the UNCRC does not address child responsibilities. Reference to responsibilities in the UNCRC is that of state parties, parents and adults to esteem and provide for the rights of the child. It is however important to connect the concepts of rights and responsibilities in discussions on child rights (Howe & Covell, 2010).

Most often, the role of the state in protecting the rights of children is the concentration of discourses on child rights yet, closely linked to child rights are responsibilities even when they are not clearly defined. There remains an interconnection between rights and responsibilities (Shue, 2006) as cited in (Howe & Covell, 2010). This however does not suggest that rights and responsibilities are equally important. Rights are of a primary importance which is why there is a convention on rights of children but not on responsibilities (Howe & Covell, 2010).

One reason responsibilities are also important is because they play a key role in building strong and healthy democratic institutions and inculcate a rights-respecting attitude. The development of every society is largely dependent on the readiness of members to fulfil their responsibilities and cooperate in situations that demands being responsible. This shows that both rights and responsibilities are necessary for the growth and sustainable development of states (Howe & Covell, 2005).

Emphasis on state's role in promoting and protecting child rights does not suggest that children should not be involved in the full realization of their rights. For instance, the fact that children are safe from various forms of abuse does not mean that children can abuse other children. It is their responsibility not to infringe on the rights of other children. Also the right to participate can only be activated when children develop a sense of responsibility and feel motivated enough to make use of opportunities. Providing rights and creating opportunities does not necessarily guarantee participation. Taking up responsibilities through opportunities will promote children's right to participation (Howe & Covell, 2010).

## **2.9 Child Rights Education (CRE)**

Child Rights Education (CRE) has been identified as an effective strategy for implementing the UNCRC. Child rights education is the socialization of children to become responsible citizens and actively engaged in their rights (Suarez & Ramirez, 2007). The aim of child rights education is to strengthen the respect for children rights by every individual in society (Cardenas, 2005).

The main focus areas in practicing child rights education include teachings on the history and overview of child rights, the various aspects of the UNCRC including enforcements mechanisms and introducing them to discussions around issues of child rights protection among other important areas (Lohrenscheit, 2002).

Child Rights Education is not just limited to children receiving knowledge and skills on their rights but it also translates into how they grow and interact with others which is also important (Vandenhole, Desmet, Reynaert, & Lembrechts, 2015). The call for awareness of children's rights has received commitments however it goes beyond awareness and more studies must focus on how the concept of child rights are understood from both children and adults perspective (Lundy, 2007).

CRE therefore summarizes education as an effective implementation for the realization of the rights defined by the UNCRC. It also identifies the role of key players such teachers in achieving the goals of child rights education within the context of the educational system in schools (Reynaert, Bouverne-De Bie, & Vandevælde, 2010).

## **2.10 The Role of Teachers**

Children in school spend more time in schools with teachers than at home thus teachers have an amount of influence on children. This is why teachers have been identified as playing a crucial role in the effective implementation of article 42 of the UNCRC (Pillay, 2014).

This essential role of teachers in CRE is emphasised in the General Comment No. 5 issued by the Committee on the Rights of the Child (2003) that “if the adults around children, their parents and other family members, teachers and caregivers do not understand the implications of the Convention, and above all its confirmation of the equal status of children as subjects of rights, it is most unlikely that the rights set out in the Convention will be realized for many children” (Lo, 2013).

Teachers’ comprehension of human rights and their commitment to the advancement of social justice is necessary for child rights education (Jennings, 2006). Children who are exposed to rights education through teachers gain a more in-depth understanding of child rights compared to getting information from other sources like the their peers or the internet (Covell et al., 2017). The United Nations Educational, scientific and cultural organization (UNESCO) in a report further explains the importance of teachers in child rights education stating that teachers have a key role of “bringing alive the spirit of human rights” in children (Lo, 2013).

Although child rights education can be effective in formal and informal learning settings, it is argued that child rights education is worth being introduced into the school curriculum (UNICEF, 2007a). This is deemed as a useful implementation strategy in realizing the rights of children. Most schools are situated in communities thus can also be helpful in educating other members of the community on child rights (Pillay, 2014).

### **2.11 Challenges to Child Rights Education**

The fear of loss of authority may cause teachers to be reluctant in making children aware of their rights. Some teachers argue that when children know they have rights and understand them, they will become difficult to control. It has also been suggested by some teachers that, informing children about their rights politicizes the concept of Child Rights Education which is inappropriate (Kulynych, 2001).

The misconception that teaching child rights is political, is linked to other beliefs that, children are not matured enough to demand rights or children remain the properties of parents. This tends to raise concerns and attitudes among adults particularly teachers, which does not support child rights education (Howe & Covell, 2005).

Other identified barriers to Child Right Education include inadequate knowledge and comprehension of child rights among adults and the reluctance to accept children as capable of exercising their own rights (Lundy, 2007). Regardless of these factors that impede on child rights education, the ability of teachers to appreciate and understand the UNCRC can help promote teaching of child rights.

## **2.12 National instruments safeguarding child rights in Ghana**

The Committee on the Rights of the Child emphasizes the need for state parties to assess and revise domestic laws on child rights to make sure they are compatible with the principles underlying the UNCRC. This can be done through incorporation of the UNCRC into existing laws or the adoption of new policies when necessary (UNICEF, 2007a).

Ghana, after ratifying the UNCRC has reviewed its old laws regarding children and adopted new legislations and policies towards the effective implementation of the convention (Manful & Manful, 2014). The two main national instruments that safeguards child rights in Ghana include; the 1992 Constitution of Ghana and the 1998 Children's Act.

### ***The 1992 Constitution of Ghana***

The constitution of Ghana was a major milestone in the recognition of child rights after Ghana gained independence and returned to democracy (Kwarteng, 2012). As the supreme law of Ghana, it is committed to human rights protection and preservation, recognizes children as right holders and makes provisions for them as such. Article 28 of chapter 5 of the constitution states that, parliament shall make laws that are relevant to ensure that children are safe from danger and provided with care and assistance towards the preservation of their lives and holistic development. It also emphasizes the best interest of the child at all times. The constitution of Ghana further mandates the court to ensure that these rights are not abused in article 33 (Ghana, 1992).

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

In accordance with article 28 of the 1992 constitution, parliament passed a comprehensive law incorporating the main assumptions of the UNCRC into the provisions of the Children's Act. The Act 560 serves as a legislative tool for the domestication of the UNCRC whiles bringing together

all laws and policies concerning children in Ghana in to one document (Twum-Danso, 2008). The children's Act is founded on four key principles which are; article 1, the definition of a child as 18 years, article 2, the best interest of the child, article 3, non-discrimination, and article 11, participation in rights. It is important to note that the core principles of the Children's Act is similar to that of the UNCRC.

The similarity between the UNCRC and the Children's Act of Ghana has received criticisms. For instance, the participation rights given to children have been condemned by Ghanaians who feel that their cultural values were not considered. Regardless of such criticisms, the children's Act has some unique provisions that are not part of the UNCRC to suit the Ghanaian child. The children's act clearly distinguishes what types of work contribute to child labour. It makes reference to light work and hazardous work. The act also identifies key institutions that are responsible for children such as the Ministry for Gender, children and Social Protection as the mother institution with various departments (Twum-Danso, 2011).

### **2.13 Ways to Enhance Awareness of the UNCRC**

The use of information technology and innovative media platforms can be beneficial in increasing knowledge of the UNCRC. These improved forms of technology appeal to most children and serve as effective communication strategies on child rights (Phillips, 2016).

Further studies assert that encouraging talk shows on the radio and television channels on issues concerning child rights and the responsibilities attached to these rights will enhance children's knowledge on their rights. Likewise, religious groups can be utilised to disseminate information on children's rights (Kamau, 2013).

## **2.14 Conclusion**

This chapter dealt with the history of child rights as well as primary aspects of the UNCRC relevant to this dissertation, with emphasis on Article 42 and child rights education. Child rights became an international concern during the world wars, and remains an international concern in times of changes within the international system coupled with globalization where the survival and development of children are threatened.

A brief overview on national laws in Ghana protecting child rights revealed that the UNCRC has been the blueprint for the recognition of children as right holders in Ghana. This is evident in Ghana's commitment to an effective implementation of the UNCRC including Article 42 of the convention. The following chapter will analyse empirical findings based on the aim and objectives of this study.

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## CHAPTER 3

### ANALYSIS OF FINDINGS ON THE KNOWLEDGE OF CHILD RIGHTS IN GHANA AND THE IMPLEMENTATION OF ARTICLE 42 OF THE UNCRC

#### 3.0 Introduction

This chapter is developed from primary and secondary data used for this study alongside the objectives of the study. Primary and secondary data range from interviews from key informants of various organizations, children, teachers as well as scholarly work and reports on child rights issues. The presentation of this chapter is based on certain themes developed from findings and review of literature. Such themes include knowledge on child rights and the UNCRC, implementation of article 42 in Ghana as well as challenges in the implementation of Article 42 in Ghana.

#### 3.1 Knowledge of Child Rights in Ghana

Knowledge of child rights has been identified as an effective implementation strategy of the UNCRC. Educating children and adults on child rights especially through the school curriculum empowers children to demand for their rights in the most appropriate way (UNICEF, 2007). It is against this backdrop that the researcher explored the knowledge of child rights and the UNCRC as an international instrument for safeguarding child rights from children and teachers.

##### 3.1.1 Knowledge children have about child rights

The first objective of this study is to find out the knowledge of child rights in Ghana most importantly from children perspective. Findings from the study revealed that children have knowledge of fundamental human rights yet they had insufficient knowledge on the specific rights

of children. This was evident in some of the rights children made reference to as examples of child rights. This was how some FGD participants responded:

*“The right to life, shelter, freedom of speech and movements”* (FGD 1&2, June 2019).

This finding is in agreement with a report by the MoGCSP which showed that children were unable to identify their unique rights as children yet had knowledge on human rights in general (UNCRC, 2012). Similarly this result is also consistent with Kwarteng (2012), a study conducted in Ghana but contrary to the findings of Twum-Danso (2008) study conducted in Ghana

According to (Kiprotich & Ong'ondo, 2013), children are more aware of some of their rights and will further prioritize some rights over the others. This was evident in this study as the right to education was commonly cited among children in the two focus group discussions held. There was however a disagreement among students on which rights were more important to them in the government school. While some children chose the right to education, others chose the right to life. This was expressed by one student saying:

*“If I am alive, I will be able to enjoy the right to education”* (FGD 2, June 2019), while others were of the view that being educated will help them secure good jobs to cater for themselves.

The assertion by Kiprotich and Ong'ondo (2013) study in Kenya that children know more about child rights which are commonly abused such as the rights against child labour and sexual violence was not the case in this study. There was very limited knowledge of protection rights instead children identified more provision rights better such as the rights to life, food, shelter and education.

The source of knowledge of child rights from the study can mainly be attributed to human rights being taught in schools consistent to (Twum-Danso, 2008). Other sources of information on child rights identified by children included news broadcasts. Some children stated from the FGD:

*“On the radio, when I am watching television, from parents and neighbours”* (FGD 1&2, June 2019).

### **3.1.2 Knowledge teachers have about child rights**

The knowledge teachers have on child rights impacts the extent to which children are knowledgeable about their rights. It is therefore necessary that the knowledge teachers have on child rights is explored (Pillay, 2014).

Teachers in the both government and private schools confirmed that human rights are part of the school’s curriculum. However just like the children, teachers were unable to identify specific rights for children. Some teachers cited:

*“right to life”* (T2 & T5, June 2019), *“freedom of speech”* (T4 &T5, June 2019) and *“right to movement”* (T1 & T2, June 2019) as examples of child rights.

Other teachers even confused duties of children with child rights. This is what one teacher said: *“right to do homework and class work”* (T1, June 2019).

The inability of teachers to demonstrate high knowledge of child rights supports the study of Lo (2013) which showed that some teachers were more reserved when rights were put into child specific settings. The study also revealed similarity with examples of child rights cited by teachers and their students which reflects on average insufficient knowledge of child rights among both teachers and children. This finding confirms Lo (2013) suggestion that knowledge teachers have on child rights has an effect on the knowledge children will have on child rights.

### 3.1.3 Knowledge of Rights and Responsibilities

The recognition of responsibilities was emphasized by almost all participants in this study. It confirms the assertion that the African culture places importance on children's responsibilities. It is no surprise that the African Charter on the Rights and welfare of the child (ACRWC) unlike the UNCRC, included child responsibilities (Mbise, 2017). A respondent at the National Commission for Civic Education (NCCE) in Ghana agreed with the above assertion in an interview stating that:

*“Rights cannot be without responsibilities. You cannot enjoy your rights without being responsible”* (NCCE interview, June 2019).

Children in Ghana are socialized at an early age into their gender roles and responsibilities. One important responsibility of children in Ghana is the respect for authority which is a cultural norm embedded in children's responsibilities (Kwarteng, 2012). Children through the Focus Group Discussions cited more examples of their responsibilities compared to their rights and further prioritized the need to respect authority and run errands as child responsibilities.

Although the UNCRC is silent about child responsibilities, scholars argue that embedded in the concept of rights are responsibilities. Child rights education includes the creation of awareness on child responsibilities because they are interrelated. It is necessary to allow children to connect these two (2) concepts on their own instead of merely giving them instructions to do so (Howe & Covell, 2010).

Some children through the FGDs were of the view that rights and responsibilities are equally important. However one student was able to make an important distinction between rights and responsibilities saying:

*“Responsibilities can be taken from us but rights cannot be taken from us”* (FGD 2, June 2019).

The above research finding concurs with Howe and Covell (2010) argument that, human rights are non-negotiable, thus giving child rights of primary importance over child responsibilities.

### **3.1.4 Knowledge of the UNCRC and its Articles (3ps)**

The study revealed that although children and teachers were aware of general human rights, they had no idea of the UNCRC and other international instruments on child rights like the ACRWC. Children were also unable to make reference to any international legal instrument or local instruments that safeguard their rights.

Teachers on the other hand were able to cite the 1992 constitution of Ghana in their responses. According to the Chief of child protection at UNICEF Ghana and teachers, teaching and learning of child rights carried out in schools are not situated within the context of the UNCRC. The NCCE Research, Gender and Equality department added that child rights education through their programmes is based on the 1992 Constitution of Ghana and the Children's Act of Ghana provisions. The NCCE resource person, like teachers and children had limited knowledge of UNCRC.

The research findings support Twum-Danso (2008) assertion that children knowing about rights do not necessarily translate into knowledge of legal local and international instruments such as the UNCRC that safeguard the rights of children.

### **3.1.5 The 3ps (Provision, Protection and Participation)**

Even though children had no idea of the existence of UNCRC, it is important to explore their understanding of some of its provisions.

#### ***Provision Rights***

The various provision rights were easily identified by children in both focus group discussions. Children emphasized the importance of the rights to survival, making reference to the provision of their basic needs for their development by their parents. Children were also conversant with the right to education as some prioritized this right among other child rights. Some children however were of the view that parents were responsible for their provision rights without attributing any responsibility to the State. One child argued that:

*“My parents are supposed to provide for me because I’m not working”* (FGD 2, June 2019).

Another child added that:

*“My parents are supposed to send me to school and provide me with my books to learn”* (FGD 1, June 2019).

These findings are contrary to the findings of (Kiprotich & Ong'ondo, 2013) conducted in Kenya that, provision rights were more important to children compared to their protection and participation rights.

On the other hand, the findings supports other studies which revealed priority of provision rights of the UNCRC (Kwarteng, 2012). The Department of Children under the MoGCSP also revealed through an interview that from their field works, it was evident children had more knowledge on provision rights. A teacher also added that provision of rights such the right to education were more respected in their various communities saying that:

*“When an adult sees a child of school going age not in school, the first question asked is why are not in school”* (T5, June 2019)

### ***Protection Rights***

According to chief of child protection, UNICEF Ghana and the resource person from the Department of Children under the Ministry of Gender, Children and Social Protection, one category of rights which is mostly violated or abused in Ghana is the protection rights yet children in this study showed less knowledge of protection rights. Contrary to Kiprotich and Ong'ondo (2013) study, children were more knowledgeable about protective rights because that category of rights were mostly abused similarly in Kenya. This was however not the case in this study.

Children were not able to identify the role of the state in guaranteeing their protection rights. They mostly held their parents responsible for the enjoyments of their rights. It must be noted that article 18 of the UNCRC enjoins the state to take all necessary actions towards the protection of children for instance through the provision of institutions such as hospitals and medical centres. One and Mulheron (2008) study similarly acknowledges the responsibility of parents, teachers and the state in the realization of children's rights.

### ***Participation Rights***

Children had a better appreciation of their rights to participate even when participation rights continue to be most contested among the 3P's. Children however were able to relate to Article 13 of the UNCRC which gives them the right to freedom of expression as most children identified it as examples of child rights. Even though it was not well understood by children the extent of their rights to participation, some students had a better understanding of participation rights. One child during the FGD said:

*“Just as we are expressing our views in this discussion, we have the rights to participate in other discussions that concern us” (FGD, 2).*

Other children confused participation rights with other duties like communal labour.

Findings from children's understanding of the 3ps confirm the assertion that there exists an interconnection and interrelation of the rights to protection, participation and provision (One & Mulheron, 2008). One child from the FGD was of the view that:

*“My parents need to provide for my needs so that I will not fall sick or be in danger”* (FGD 1&2, June 2019).

These responses shared by children show that there is an interplay of the 3ps thus considering them in isolation can be limiting.

### **3.1.6 Knowledge on the importance of child rights**

#### ***From Children's Perspective***

Howe and Covell (2010) argue that knowledge of rights among children creates an understanding that their rights are of primary importance as well as inalienable and that all adults have a responsibility to uphold these rights. This argument was evident in a child's response that:

*“Rights cannot be taken from us”* (FGD 1, June 2019) and that:

*“When it is break time our teachers know we have to eat so they do not keep us in class”* (FGD 2, June 2019).

Some children also expressed their views on why it is important for adults to know about child rights. One child said:

*“Children are more abused by adults”* (FGD, 1 &2).

Knowledge of child rights informs adults on circumstances that may expose children to abuse.

In essence, when children are well informed on child rights, they become more confident in discussing issues that concern them and embrace their status as right owning and rights deserving persons.

### ***From Adults Perspective***

All adult participants in the study acknowledged the connection between the knowledge of child rights and the protection of children.

*“There is a big link between knowledge of child rights and child protection. If children are not taught from the early ages about their rights especially protection rights, they cannot protect themselves. Children are part of their own protection solutions. It is not only dependent on the government, parents and adults to protect them. It is also up to them so not teaching them their rights put them at risk”* (UNICEF interview, June 2019).

According to teachers and other adult participants, knowledge on child rights develops positive traits in children and also equips adults working with children to better take care of them. A teacher believed that:

*“You cannot fully enjoy something you do not know about”* (T 5, June 2019).

The views of adult participants are supported by Covell et al. (2017) and Lundy (2007) studies on the importance of knowledge on child rights.

### **3.2 Implementation of Article 42 in Ghana**

The international regime theory which is the theoretical framework of this study posits that, regimes such as international human rights affect the behaviour of states by defining norms and rules of conduct (Krasner, 1983). According to the UNCRC, which is part of the international human rights regime, “state parties are the primary duty bearers in promoting and protecting

children's rights and shall undertake all appropriate measures for implementation of such rights" (UNICEF, 1989).

However, inadequate implementation strategies have been identified as the biggest obstacle to the protection and full realization of child rights. This suggests that ratifying the UNCRC is not enough to guarantee the protection of child rights. It is in embracing effective implementation strategies that the UNCRC will yield progressive results in the lives of children (Mpya, 2013).

As part of monitoring state behaviour with regards to the implementation of the UNCRC, a committee is tasked to review reports submitted by state party and make recommendations. Scholars of the international regime theory propose that, it will be difficult for states to go contrary to agreed standards of implementation of the UNCRC. This is because states who break rules guiding regimes will face challenges in joining equally beneficial regimes in the future (Krasner, 1983).

The UNCRC identifies certain parameters by which implementation should be done. Article 42 is thereby evaluated against the benchmarks of the General Measures of Implementation (GMI) as well as specific issue areas of article 42. It is important to be conscious of the fact that human rights are indivisible and as such the articles in the UNCRC cannot be guaranteed separately. The rights in the convention are interdependent. Article 42 of the CRC should therefore not be considered in isolation (UNICEF, 2007a).

Article 42 of the UNCRC states that "States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike" (UNICEF, 1989, p. 12).

### **3.2.1 Policies and Programmes for the Implementation of Article 42 in Ghana**

The ratification of the UNCRC by Ghana has profoundly influenced policies and programmes on children. Ghana over the years has recorded an improvement in the lives of children through the development of some policies. Important policies for the realization of article 42 were noted by resource persons interviewed from various institutions.

#### ***Ghanaians Against Child Abuse (GACA)***

Ghanaians against Child Abuse (GACA) is a national, anti-child abuse campaign aimed at mobilizing communities and individuals to stand against child abuse. According to the chief of child protection, UNICEF Ghana:

*“GACA is not solely focused on child rights education but through its activities, children and adults are educated on the ills of child abuse and other issues regarding child rights promotion”* (UNICEF Interview, June 2019).

GACA employs various channels including the media, in seeking to throw more light on child rights abuse issues. The GACA campaign is part of the Child Protection Social Drive in Ghana. It is an innovative and dynamic framework in line with the 2030 Agenda for Sustainable Development’s Goals (SDGs). It also forms a major component of the Ghana Child and Family Welfare and Justice for Children Policies implementation process that have included distinct targets to end all forms of violence against children (GACA, 2019; UNICEF, 2015).

The resource person from UNICEF Ghana added that:

*“In an effort to further disseminate information on child rights to the public, GACA Ghana has over 46 bill boards across the nation with campaign messages on child rights in accordance to the UNCRC”* (UNICEF Interview, June 2019).

### ***Talking Book***

The talking book is another tool towards implementing article 42 in Ghana. The resource person from UNICEF Ghana stated that:

*“The talking book is a small book like a radio. It has a lot of recorded messages on child rights. Some of the messages which have been prioritized are linked to birth registration, child rights and child marriage. It has a reachable battery which is left with the community and moves from house to house. There are buttons on it which are very easy to follow and after one month it is taken back and connected to a system which show what messages were listened to more”* (UNICEF Interview, June 2019).

This finding is confirmed by a UNICEF Ghana report and adds that the Talking Book does not require any special skills in reading and writing to manage. All instructions regarding usage comes in various Ghanaian languages. Members of the same household can choose to listen to child rights messages together or decide to listen individually for their specific child rights information needs (UNICEF, 2017).

### ***Community Facilitation Toolkit***

Another important programme is the introduction of the Community Facilitation Tool Kit. The chief of child protection, UNICEF Ghana mentioned that:

*“The community facilitation toolkit is a special material being used in the community to basically create awareness on child rights. It has activities which are very attractive for different age groups. There is a special module linked exclusively to adolescent girls which talks to them about menstrual hygiene, self-esteem and assertiveness. So far, it has been implemented in 79 districts through the local governments”* (UNICEF Interview, June 2019).

The chief of child protection, UNICEF Ghana added that various focus areas are dependent on the dominate child rights issue in specific districts. He stated that:

*“For example if you are on the Volta Lake then the focus will be on child trafficking and forced labour, if you are in regions in the North then the focus will be on Female Genital Mutilation (FGM) because that is the problem in a couple of districts there, and if you are in the central and western regions, then there is a focus on teenage pregnancy since that is an issue in those regions”* (UNICEF Interview, June 2019).

According to a report on the Community Facilitation Toolkit, the toolkit has activities centred on education on child rights and responsibilities. The significance of these activities is to introduce children to their basic rights according to the CRC as well as responsibilities that go with them. It includes other activities on how children can protect themselves and information on the collective responsibility of the community in upholding the rights of children stated in the convention (UNICEF, 2015).

### **AGOO**

“AGOO” is a call in the Akan local language in Ghana which can be translated to mean “attention”. The ‘AGOO’ intervention is another effort in the dissemination of the UNCRC among children and adults.

*“It is a platform which is available on MTN and Vodafone. You call a number and then you are basically directed to a chat board where you learn about different aspects of child rights. You are not charged because it prepaid. It also helps give an idea of who is trying to access a particular type of information”* UNICEF Interview, June 2019).

According to a document on the “Ago” platform, it makes use of mobile technology in providing information using voice service, Interactive Voice Response (IVR) and short messaging services (SMS) tools. “Ago” is an operative system in partnership with MTN and Vodafone telecommunication operators negotiated by UNICEF Ghana. It requires no charges to access it via various mobile networks. Mobile users on MTN can dial 5100 as a short code and 0540118999 for other networks. In addition, free messages are provided on the system. The contact numbers of students have been collated for future programming (UNICEF, 2015, 2017).

### **3.2.2 Child Centred Groups**

The number of child rights groups in Ghana have risen over the years. Members of child rights clubs in Ghana are mostly trained by the Ministry of Gender, Children and Social Protection (MoGCSP) and National Commission on Civic Education (NCCE) on the rights of the child, how to be leaders and skills necessary to influence policies at various levels. Children can also express their views on national issues through child centred newspapers such as the Junior Graphic in Ghana (UNCRC, 2012). The respondent from National Commission on Civic Education (NCCE) stated that:

*“At the school level there are civic education clubs which help in educating children on their rights and responsibilities”* (NCCE Interview, June 2019).

According to a report by the Ministry of Gender, Children and Social Protection, another active child centred platform is Curious Minds. Curious Minds handles six different programmes targeted at addressing issues concerning children and young people. Children are also able to participate in such issues and express their opinions without any barriers. The feedback on such topics are dovetailed into the policies on children’s rights and responsibilities (UNCRC, 2012).

### **3.2.3 Coordination of Implementation**

A report on the implementation efforts of Ghana with regards to various articles of the UNCRC identified coordination as playing a key role. State agencies concerned with children are expected to monitor and coordinate the implementation of the UNCRC. The state and civil society play a role in the coordination of policies and programmes towards the implementation of the convention. Decentralisation of systems of governance requires the state to ensure that decision making at the grass root level regarding children is also monitored effectively. Collaboration with various state and non-state agencies through programmes have contributed immensely to the creation of awareness on child rights (UNCRC, 2012).

### **3.2.4 Cooperation**

Local and international cooperation is vital in the implementation efforts towards realizing the obligation of article 42. The basis of these partnerships should be promoting of child rights in Ghana. Cooperation on various levels ensures that various sectors of the society are actively engaged in the implementation of the CRC (UNICEF, 2007b).

Most of the policies and programmes highlighted above are evidence of support from key international organizations as well as the Ghanaian civil society. GACA for instance is a Government of Ghana initiative by the MOGCSP with support from Global Affairs Canada, UNICEF, the Korea International Co-operation Agency (KOICA), and United States of America International Aid (USAID) among others.

Also the Community Facilitation Tool Kit is developed by the Government of Ghana and UNICEF Ghana in partnership with the Kingdom of Netherlands and the Government of Canada with support from Action Aid, World Vision and other NGOs in Ghana.

The respondent from UNICEF Ghana confirmed this cooperation in a statement that:

*“Our focus has been to support the Government of Ghana in developing these programmes and also in collaboration with various local and international partners. But the overall effort is led by the Government of Ghana”* (UNICEF Interview, June 2019).

### **3.2.5 The role of Non State Actors**

The importance of engaging non-state actors in the promotion of child rights is emphasised by scholars (Blanchfield, 2009). This assertion was supported by a response from the resource person from UNICEF Ghana stating that:

*“We work with different NGOs that have different type of capacities like the Light Foundation which also works with religious leaders. In Ghana almost everybody goes to a church or a mosque on a Sunday or Friday. The best way to get the message on child rights across it to work with these religious leaders because they are sensitive to the realities on the ground”* (UNICEF Interview, June 2019).

The UNICEF Ghana respondent added that:

*“UNICEF Ghana is trying to reach these religious leaders and NGOS directly or indirectly through innovative partnerships”* (UNICEF Interview, June 2019).

Ghana’s report on the progress of the UNCRC to the Child Rights Committee in Geneva indicated efforts by NGOs in spearheading child rights programmes and partnering with the government. NGOs across Ghana carry out projects and programmes taking into consideration measures to widely make the convention known. NGOs have also implemented programmes to meet different needs of children nationwide. At policymaking level on children, the State party also involves

NGOs in the formulation of policies, strategies and development plans of Government (UNCRC, 2012).

### **3.2.6 Other Measures taken to make the Convention Widely Known**

According to respondents from the Department of Children and UNICEF Ghana, the UNCRC and the Children's Act of Ghana (Act 560) have been translated into six widely spoken Ghanaian languages to promote their acceptance and use among the general public. A report also confirms this finding adding that, aspects of the Convention form the basis of topical issues discussed by the media (print and electronic) in the country. Children are active participants in some of these media discussions such as the Junior Graphic newspaper (UNCRC, 2012).

A number of publications that relate to child rights have also been produced to educate and inform the public about the state of the Ghanaian child. According to an interview with the Department of Children, special days on the calendar are also set aside to celebrate children and also create awareness on child rights.

UNICEF Ghana has assisted the Department of Children in the printing and distribution of 15,000 copies of the second periodic report of Ghana on the implementation of the UNCRC and child-friendly versions of the Convention which have been circulated nationwide through workshops, community durbars and other forums. Copies were also sent to libraries, educational and academic institutions, governmental organizations and NGOs (UNCRC, 2012).

Findings from an interview with UNICEF Ghana revealed that the National Theatre of Ghana in partnership with the Ministry of Gender, Children and Social Protection has developed a drama on child rights. This forms part of community sensitization campaign efforts in raising awareness on

child rights. Since 2018, eighty-three (83) communities have been covered through the movement of the drama group from community to community in Ghana.

### **3.3 Challenges to the Implementation of Article 42 in Ghana**

There are some barriers that stand in the way of developing international standards while taking into consideration traditional values and local circumstances. The UNCRC encountered some of these challenges in its drafting stage and continues to face them in implementation (Thomas, 2011). The study revealed from interviews and discussions with participants that there still remains challenges regarding the progress of knowledge on the UNCRC in Ghana as some of these efforts are not nationwide.

#### **3.3.1 Lack of Political Will**

The political commitment of states has been identified an important ingredient in the successful implementation of the UNCRC. It includes prioritizing child rights issues and committing adequate resources in the dissemination of the CRC. Insufficient financing of institutions concerned with child right education is of great concern. The respondent from NCCE reported through an interview that, the government does not make available resources and funding to embark on campaigns and education on child rights. The respondent from NCCE added that most of their funds were sourced from NGOs and international organizations which is not sustainable.

UNICEF Ghana came from a different angle regarding the challenge of political will. The respondent from UNICEF Ghana expressed concern on the side of Metropolitan, Municipal and District Assembly's (MMDA's). This respondent argued that:

*“The biggest challenges are the MDAs not prioritizing child rights in their plans”* (UNICEF interview, June 2019).

UNICEF Ghana added that, MMDA's have a role to play at the local level in the promotion of child rights through awareness creation. Their reluctance to effectively allocate resources towards realizing article 42 remains a major challenge. This finding concurs with the assertion that, lack of political will is linked to the allocation of resources in the promotion of knowledge on child rights (Pillay, 2014).

Another challenge identified under political will is the absence of the CRC in the school curricula. The implementation of article 42 of the UNCRC requires that the convention is embedded within the school curricula of children as well as the training of teachers and other professionals who work with children such as doctors (UNICEF, 2007b). The respondent from UNICEF Ghana and teachers interviewed confirmed that the UNCRC is still not part of the school curricula after recommendation by the Committee on the UNCRC to do so.

### **3.3.2 Reluctance of teachers**

Overall speaking, teachers possessed positive attitudes towards the promotion of knowledge on child rights, however some areas of weaknesses have been identified. Some teachers argued that when children become knowledgeable on their rights, they tend to become arrogant, disrespectful and difficult to control. This view is contrary to scholars argument that knowledge of child rights develops positive traits in children (Covell et al., 2017). Some teachers preferred that child rights were only known to parents and adults who are in a better position to protect them. This position was expressed by one female teacher saying:

*“In the past, we didn't know about child rights yet our parents were able to care and protect us”*  
(T1, June 2019).

These perceptions of some teachers have been identified by scholars as being a challenge to the teaching of child rights in schools. The reluctance to teach child rights may also be attributed to teachers having insufficient knowledge on child rights as was revealed in this study. This research finding supports the studies of other scholars (Howe & Covell, 2005; Kulynych, 2001; Lundy, 2007).

### **3.3.3 Cultural values**

The notion that children need to be seen and not heard is one of the challenges to the promotion of child rights. Participants interviewed revealed that the concept of child rights is mostly perceived by Ghanaians as ‘foreign’ thus the low acceptance of the ideals of the CRC. Some added that continuous practice of certain negative cultural practices like Trokosi in some parts of Ghana impeded the acceptance of child rights in this case, the UNCRC.

While this remained a challenge to some participants, other participants did not believe culture was a challenge which is similar to the assertion of (Twum-Danso, 2008) . The respondent from UNICEF Ghana argued that the mind set behind these cultural practices was of good intention and due to lack of education, the people who practise it are unaware of the negative effects it has on children. Some teachers interviewed added that, once there was adequate knowledge on child rights, it will gradually take away some of these negative perceptions.

### **3.4 Conclusion**

The aim of the study as in this chapter is to analyse results on the knowledge children and teachers have on child rights which is embedded within article 42 of the UNCRC, Ghana’s efforts in implementation as well as challenges encountered in the implementation of article 42.

Findings from the study were analysed alongside developed themes and secondary data. This chapter revealed that generally children and teachers were aware of fundamental rights but failed to demonstrate sufficient knowledge of child rights and the UNCRC as an international instrument that safeguards child rights. A review of Ghana's implementation of article 42 revealed commendable efforts by the state and other stakeholders in the promotion of knowledge on child rights. These efforts include policies and programmes, international and local cooperation on child rights issues and the role of NGO's.

Even though efforts on the advancement of knowledge on child rights were noted by almost all participants in the study, many of them were also quick to add that there remained a wide gap in the actual implementation of policies regarding article 42. Findings from the study to a large extent concurred with literature reviewed leaving few contrary opinions.

The importance of knowledge of the UNCRC has been acknowledged by scholarship on child rights and further confirmed by all participants in the study. This suggests strong support for increased efforts on the promotion of knowledge on the UNCRC by Ghana as the first country to ratify the convention.

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## CHAPTER FOUR

### SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### 4.0 Introduction

This study sought to explore knowledge children and teachers in Ghana have on the UNCRC which is required under Article 42 of the Convention. The study further identified government strategies in the effective implementation of the Article 42 of the Convention. Based on the outcome of the study, this chapter presents a summary of findings of the research, conclusion and recommendations which are supported by findings of the study.

#### 4.1 Summary of Findings

- In order to answer the first research question of this study which is, (what knowledge do children and teachers have of child rights and the UNCRC?), children and teachers were asked various questions incorporating areas of child rights outside the ambit of legal instruments and areas within the UNCRC. This was explored to give participants the opportunity to express their views on knowledge on child rights without limiting them to the UNCRC. Children and teachers acknowledged that children have rights yet were unable to demonstrate sufficient knowledge on the unique rights of children. This result is supported by studies conducted in Ghana and in other parts of the world. The assertion that knowledge of rights do not necessarily translate into knowledge on legal instruments safeguarding such rights was evident in the findings. While none of the child participants in the study had ever heard of the UNCRC, a few teachers interviewed had limited knowledge on it. Children were however able to express their understanding of key provisions of the UNCRC (the 3Ps) when the researcher introduced them to it. Children

also prioritized some of their rights over others and were more aware of some child rights than others. The study further revealed that responsibilities compared to rights was more common to children. Finally children were unable to identify the role of the state in the protection and promotion of their rights.

- The second objective of the study was to review the implementation efforts of the Government of Ghana of article 42 of the UNCRC. Article 42 of the UNCRC enjoins state parties to make the convention widely known to children and adults. Findings revealed that Ghana has taken specific steps towards the implementation of article 42 voluntarily as posited by the international regime theory, the theoretical framework of the study. The government of Ghana through the Ministry of Gender, Children and Social Protection and other key stakeholders are engaged in various efforts ranging from policies and programs to international and local cooperation geared towards increasing awareness and educating children on the convention. The study also revealed commendations from the Committee on child rights to Ghana on some of these efforts.
- Finally, in identifying the challenges associated to the implementation of article 42 of the UNCRC, the study revealed that lack of political will linked to inadequate allocation of resources remained the major challenge. This is contrary to other findings that identified cultural values and practices as a major challenge. In addition, most of the efforts of the state are not implemented nationwide limiting progress and effective implementation. The study further revealed a positive response from participants on their support for future efforts in the promotion of knowledge on child rights.

## 4.2 Conclusion

In the words of Eleanor Roosevelt, former United States first lady, “A right is not something that somebody gives you, it is something that nobody can take away” The United Nations as an international institution has played a vital role in the codification of the rights of all children irrespective of their location into the UNCRC. It is now the responsibility of states to make children know that they are internationally recognised as right holders by making the convention known to children and all who play role in the upbringing of children.

The welfare of children is of international concern and findings of the study reveal that the inability for children to fully realize the rights enshrined in the UNCRC is linked to inadequate knowledge of their rights. This should give states more reason to take action on informing children and adults about the rights in the convention which is according to article 42 which is the focus of this study.

In spite of the government of Ghana’s efforts in the promotion of awareness of the convention, the study revealed that children and teachers in Ghana still have limited knowledge of the convention. The study also revealed that knowledge of child rights did not translate into knowledge of the UNCRC. This does not promote a good international image for Ghana as the first country to ratify the UNCRC. Implementation efforts need to be backed by a strong political will.

The benefits of the knowledge of child rights empowers children. Children form part of their protection solution thus the need to educate them. This will contribute to the growth and development of children as ‘future leaders’ of the nation. It will also help allay some of the negative perceptions regarding child rights awareness.

The Government including non-state actors, parents and other individuals must be willing to assist in every way possible in the promotion of child rights in Ghana. This is necessary for the sustained development of the child and the nation.

### **4.3 Recommendations**

The study revealed commendable efforts by the state and major stakeholders in the promotion of knowledge on child rights embedded in article 42 of the UNCRC. The study further highlighted certain loopholes which hinders the progress of implementation. The following recommendations are proposed for consideration by state, stakeholders and future researchers based on the findings of the study.

#### **4.3.1 The State and other Stakeholders**

- An important component in the implementation of Article 42 remains absent. The UNCRC enjoins state parties to embed the convention within the school curricula of students and the training of teachers and other professionals who work with children. Incorporation of human rights into the school curriculum at various levels is a great effort. However inclusion of international legal frameworks such as the UNCRC into the curricula of students by state through the Ministry of Education is an important area that can be considered. Teachers in particular should be adequately trained on child rights.
- Also the services of professionals such as social workers who are trained on child rights can be employed to increase awareness on the convention. As part of the training of social workers in the various tertiary institutions, they are introduced to the UNCRC among other child rights instruments. The state can utilize the services of social workers for continuous

awareness-raising, advocacy and public education to improve knowledge on the rights and protection needs of children provided in the convention.

- In addition, an increase in budgetary allocations for the National Commission on Civic Education (NCCE), Metropolitan Municipal and District Assemblies (MMDAs) and child rights focused organizations would also be greatly useful in increasing the efficiency of their outputs at the national, regional and local levels. These organizations play a vital role in the dissemination of child rights within the convention. Issues regarding funding heavily impedes on their progress in this area of implementation. Increase in financial allocation on issues concerning to children is an important to be looked at.
- The role and responsibility of different forms of media in promoting knowledge of the UNCRC has been suggested throughout the study. Various media platforms should make it a point to capture and discuss the importance of child rights and the power that accompanies knowledge of it. They should further desist from promoting stories that do not empower children. The state can also utilize social media platforms to get the attention of children and the public. Child groups can be pushed onto social media platforms to make it capturing and entertaining as well as widely accessible.
- Finally, teaching of child rights through the schools curricula is an effective strategy to the promotion of knowledge on the UNCRC. However, other practical avenues can be explored. The use of extra-curricular activities such as UN model can be included in children's school curricula to promote child participation and increase knowledge on the importance of the UN and its efforts in safeguarding child rights through the UNCRC. Again religious organizations can also be used as an avenue for education on child rights.

Using religious bodies can inspire an acceptance and appreciation culture among Ghanaians on the importance of the convention.

### **Future Research**

- In future, when similar areas on knowledge of children's rights in Ghana are explored, the sample size may be increased to include more children and other professionals who work with children. Thus, larger sample size with statistical analysis should be explored in the future.
- In addition, children with special needs such as refugees and children with disability may be included in future studies on their knowledge of child rights to give a more representative view to permit comparison.

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## APPENDICES

### Appendix 1

#### LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY

TOPIC: Knowledge of Child Rights in Ghana: Implementation of Article 42 of the United Nations Convention on the rights of the Child (UNCRC)

#### *Interview guide for United Nations International Children's Fund (UNICEF)*

This is only for academic purposes and confidentiality of the information provided is fully assured.

1. Do you think children in Ghana are fully enjoying their rights? Kindly tell me why?
2. How do you define child rights awareness?
3. How important is child rights education with respect to article 42 of the UNCRC?
4. Is there a link between child rights awareness and child protection? If yes how?
5. What are the prospects for the implementation of the provisions of Article 42 of the UNCRC in Ghana?
6. What are the main challenges that hinder the implementation of Article 42 of the UNCRC?
7. What can be done to meet the aforementioned challenges?
8. Do you think cultural values or perceptions of Ghanaians affect child rights education?
9. Has UNICEF Ghana designed policies and programs aimed at increasing child rights awareness?
10. How do you think education on children's rights should be carried out?
11. What benefits do children derive from knowledge about their rights?
12. Any other information you may wish to provide.

**Appendix 2**

**LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY**

TOPIC: Knowledge of Child Rights in Ghana: Implementation of Article 42 of the United Nations Convention on the rights of the Child (UNCRC)

***Interview guide for National Commission for Civic Education (NCCE)***

This is only for academic purposes and confidentiality of the information provided is fully assured.

1. In your professional and personal opinion, is child rights education important? Why?
2. Has the NCCE designed policies and programs aimed child rights education in Ghana?
3. If yes, is this education based on provisions in the UNCRC or other national and international instruments on child rights?
4. How adequate or effective are the policies and programs above in creating awareness of children's rights in Ghana?
5. Is it important that apart from children, adults are educated on these rights? Why?
6. Are children educated separately from adults? If yes how?
7. Which rights of children, in your opinion, is well known and respected in Ghana?
8. How are children's rights awareness promoted vis-a-vis children's responsibilities?
9. What do you think are the challenges to children's rights education in Ghana?
10. What can be done to meet the aforementioned challenges?
11. What do you think can be done to enhance awareness about children's rights?
12. Any other information you may wish to provide.

**Appendix 3**

**LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY**

TOPIC: Knowledge of Child Rights in Ghana: Implementation of Article 42 of the United Nations Convention on the rights of the Child (UNCRC).

***Interview guide for Department of Children.***

This is only for academic purposes and confidentiality of the information provided is fully assured.

1. Do you think children in Ghana are fully enjoying their rights? Kindly tell me why?
2. How can lack of awareness hinder children from enjoying their rights?
3. What has been achieved in terms of the implementation of the UNCRC in Ghana?
4. Is it important to create awareness on child rights? If yes why?
5. Is there a link between child rights awareness and child protection? If yes how?
6. Has the department of children designed policies and programs aimed at increasing child rights awareness?
7. If yes, is this awareness based on the UNCRC or other national legislations on children?
8. In your opinion how adequate or effective are the policies and programs above in the upholding of child rights?
9. What are the main challenges that hinder the implementation of Article 42 of the UNCRC?
10. What can be done to meet the aforementioned challenges?
11. Do you think cultural values or perceptions of Ghanaians affect child rights education?
12. How do you think education on children's rights should be carried out?
13. What benefits do children derive from knowledge about their rights?
14. Any other information you may wish to provide.

**Appendix 4**

**LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY (LECIAD)**

TOPIC: Knowledge of Child Rights in Ghana: Implementation of Article 42 of the United Nations Convention on the rights of the Child (UNCRC)

***Focus Group Discussion Guide for Children 12-17 years***

This is only for academic purposes and confidentiality of the information provided is fully assured.

- Introduction
- Have you heard about children's rights before?
- Where did you hear of child rights and how did you learn about children's rights?
- What are some of your rights as a child?
- What do you know about the United Nations Convention on the rights of the child (UNCRC)?
- What do you understand by children's rights to provision, protection and participation (3ps)?
- How are these rights (3ps) catered for in the home or school?
- Do you think child rights are equally important as responsibilities?
- Is it important to know about your rights?
- What benefits do you get from knowing about your rights?
- What factors do you think can prevent children from fully enjoying their rights?
- Would you say you have adequate information about your rights?
- Which of your rights do you consider most important and why?
- Which of your rights do you consider the least important?
- Do you think adults should be educated on child rights? Why?
- Why do you think some children may not be aware of their rights?
- Why do you think people abuse the rights of children?
- How can lack of awareness hinder children from enjoying their rights?
- How do you think education on children's rights should be carried out?
- What can the government do to create more awareness on child rights?
- What can parents and or teachers also do to create more awareness on child rights?
- Do you have any additional information to share with me on child rights?

**Appendix 5**

**LEGON CENTER FOR INTERNATIONAL AFFAIRS AND DIPLOMACY**

TOPIC: Knowledge of Child Rights in Ghana: Implementation of Article 42 of the United Nations Convention on the rights of the Child (UNCRC)

***Interview guide for Teachers***

This is only for academic purposes and confidentiality of the information provided is fully assured.

1. Do children have rights, and is it important to teach them about their rights?
2. Are you aware of the UNCRC?
3. Have you taught your students about the UNCRC or other child rights provisions?
4. Kindly mention some of the rights you teach them in school.
5. Which of their rights do you think they are aware of most and why?
6. Which rights of children are mostly respected and why?
7. What do you teach your students to do when they think their rights are violated?
8. Do you think children and adults should be educated on child rights equally?
9. What benefits do children derive from knowledge about their rights?
10. What do you think are the challenges to children's rights education in Ghana?
11. Do you think cultural values or perceptions of Ghanaians affect child rights education?
12. Do you think teaching children about their rights has any negative implications on child behavior?
13. How can lack of awareness hinder children from enjoying their rights?
14. What in your opinion can be done by stakeholders (teachers, parents, government, etc.) to enhance children's awareness of their rights?
15. Apart from teaching children's rights in the classroom, what other ways do you think can be used to enhance awareness about children's rights?
16. Any other information you may wish to provide.

**Appendix 6**

**LEGON CENTRE FOR INTERNATIONAL AFFAIRS AND DIPLOMACY (LECIAD)**

**Consent Form for Key Informants and Teachers**

My Name is Marylyn Mawuena Afenyo, an MA student at the Legon Centre for International Affairs and Diplomacy, University of Ghana, Legon. As part of the requirements for the award of the MA Degree, I am conducting a study titled *Knowledge of Child Rights in Ghana: Implementation of Article 42 of the United Nations Convention on the rights of the Child (UNCRC)*.

The aim of the study is to explore children’s knowledge of their rights in order to make recommendations that will aid policymakers and all stakeholders to develop programs that will enhance child rights awareness.

***Data collection Procedure***

As a participant for this study, you will be required to provide information about child rights education or awareness issues. You will provide this information through a one- on -one interview with the researcher which, with your approval, will be audio-recorded.

***Confidentiality and Voluntary Participation***

All information you provide will be kept strictly confidential and used for the purpose of this study only. The data collected will be kept on the researcher’s personal computer and protected with a password.

Please note that your participation in this study is entirely voluntary. You are free to decide whether you want to take part in the study after reading through the information provided. You are also free to opt out of the study even after you have started.

***Consent***

I have thoroughly read and understood the information provided about the study and I agree to participate.

Signature----- Date-----

**Appendix 7**

**LEGON CENTRE FOR INTERNATIONAL AFFAIRS AND DIPLOMACY (LECIAD)**

**Consent Form for School Authorities and Parents**

My name is Marylyn Mawuena Afenyo, an MA student at the Legon Centre for International Affairs and Diplomacy, University of Ghana, Legon. As part of the requirements for the award of the MA Degree, I am conducting a study titled *Knowledge of Child Rights in Ghana: Implementation of Article 42 of the United Nations Convention on the rights of the Child (UNCRC)*.

The aim of the study is to explore children’s knowledge of their rights in order to make recommendations that will aid policymakers and all stakeholders to develop programs that will enhance child rights awareness.

***Data collection Procedure***

As a participant for this study, you will be required to provide information about child rights education or awareness issues. The children will provide this information through a focus group discussion with the researcher which, with your approval, will be audio-recorded.

***Confidentiality and Voluntary Participation***

All information provided will be kept strictly confidential and used for the purpose of this study only. The data collected will be kept on the researcher’s personal computer and protected with a password. Additionally, participants’ real names will not be used in the final research reporting.

Please note that student’s participation in this study is entirely voluntary. They are free to decide whether they want to take part in the study after reading through the information provided. They are also free to opt out of the study even after they have started.

***Consent***

I have thoroughly read and understood the information provided about the study and I agree to participate.

Signature----- Date-----