

UNIVERSITY OF GHANA
CENTRE FOR MIGRATION STUDIES

**CHILDREN IN MIGRATION AND MIGRATION POLICY:
THE GHANAIAN CONTEXT**



**THIS DISSERTATION IS SUBMITTED TO THE UNIVERSITY OF GHANA,
LEGON IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE
AWARD OF MASTER OF ARTS MIGRATION STUDIES DEGREE**

JULY, 2015

DECLARATION

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

.....
ABENA ANNOBEA ASARE
STUDENT

.....
DATE



.....
DR. (MRS.) DELALI MARGRET BADASU
SUPERVISOR

.....
DATE

DEDICATION

This work is fully dedicated to the Lord God Almighty, my daughter Afua Dufie, my husband Fabio Boateng and all my Family.



ACKNOWLEDGMENT

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

I am grateful to my family and friends for their encouragement and prayers, advice and understanding about the time I had to dedicate to the completion of this work especially Prince, Dzifa, Twumasi and Elorm. Special thanks to all my course mates who inspired me to be the best that I can be.

To Dr. (Mrs.) Delali Margret Badasu who supervised me and dedicated many hours to guide me through this work, I express my deepest gratitude and God's blessings unto her life. I also wish to express my appreciation to the entire staff of the Centre for Migration Studies, University of Ghana, Legon especially to Dr. Joseph Teye, Dr. Leander Kandiglige, Dr. (Mrs.) Mary Setranaa and Diana Amonoo for their fruitful efforts and knowledge they imparted into me, to enable me do my work.

I am indebted to the head of the Human Trafficking Secretariat, Ms. Victoria Natsu for her inspiration to make this journey successful. I thank all the interviewees. Thank you all for the extensive research assistance and the patience for all the different times I came back to you to seek for information.

Finally, my dear husband and daughter; thank you for letting me know I can make it to the top. May God continue to be with us and guide us till the end.

LIST OF ABBREVIATIONS

ACRWC	-	African Charter on the Rights and Welfare of the Child
AHTU	-	Anti- Human Trafficking Unit
ASHTIP	-	Anti- Smuggling of Human and Trafficking in Persons Unit
CEDAW	-	Convention on the Elimination of Discrimination Against Women
CID	-	Criminal Investigations Department
CSO	-	Civil Society Organization
CLU	-	Child Labour Unit
CRC	-	Convention on the Rights of the Child
DOC	-	Department of Children
DV	-	Domestic Violence
DSD	-	Department of Social Development
ECOWAS	-	Economic Community of West Africa
FCUBE	-	Free Compulsory Universal Basic Education
GoG	-	Government of Ghana
GAWU	-	General Agricultural Workers Union
GCLS	-	Ghana Child Labour Survey
GIS	-	Ghana Immigration Service
GPS	-	Ghana Police Service
GSS	-	Ghana Statistical Service
HT	-	Human Trafficking
HTS	-	Human Trafficking Secretariat
HTMB	-	Human Trafficking Management Board
ILO	-	International Labour Organization
IOM	-	International Organization for Migration

IPEC	-	International Programme on the Elimination of Child Labour
L.I.	-	Legislative Instrument
LRC	-	Legal Resources Centre
MOGCSP	-	Ministry of Gender, Children and Social Protection
MOWAC	-	Ministry of Women and Children's Affairs
MOU	-	Memorandum of Understanding
NGO	-	Non Governmental Organizations
NPA	-	National Plan of Action
NAPLEC	-	National Program for the Elimination of Child Labour in the Cocoa
PACODEP	-	Partners in Community Development Project
TIP	-	Trafficking in Persons
U.D.H.R	-	Universal Declaration on Human Rights
UN	-	United Nations
UNICEF	-	United Nations Children's Fund
UNODC	-	United Nations Office on Drugs and Crime
USDOL	-	United States Department of Labour

TABLE OF CONTENTS

DECLARATION	i
DEDICATION	ii
ACKNOWLEDGMENT	iii
LIST OF ABBREVIATIONS	iv
TABLE OF CONTENTS	vi
ABSTRACT	x
CHAPTER ONE	1
INTRODUCTION	1
1.1 Introduction	1
1.2 Problem Statement	2
1.3 Objectives.....	5
1.4 Rationale of the Study	6
1.5 Organization of Work	7
CHAPTER TWO	9
LITERATURE REVIEW	9
2.1 Introduction	9
2.2 Child migration	9
2.3 Definition of a child	12
2.3.1 Child migration	12
2.3.1.1 Independent child migrant.....	13
2.4 Motivation or reasons for child migration	14
2.5 Risk and vulnerability	16
2.6 Conceptual Consideration	17

2.6.1 Introduction	17
2.6.2 Social Reproduction - Care, Fosterage and Adoption.....	17
2.6.3 Governance and Cooperation	21
2.6.4 Migration policy	22
2.6.5 Policy Analysis	24
2.6.6 Organisational Theories	26
CHAPTER THREE.....	28
METHODOLOGY.....	28
3.1 Introduction	28
3.2 Sources and methods of data collection	28
3.3 The Qualitative Research	29
3.3.1 Sample.....	31
3.3.2 Interviewee.....	32
3.3.3 Data analysis	34
3.4 Ethical considerations	34
3.5 Challenges and limitation of the study.....	35
CHAPTER FOUR.....	36
EVOLUTION AND DESCRIPTION OF RELEVANT POLICIES FOR MANAGING MIGRATION OF CHILDREN.....	36
4.1 Introduction	36
4.2 Migration policies in Ghana.....	36
4.2.1 Development Policies and child migration before 1990s	36
4.3 Contemporary policies for managing child migration	39

4.3.1 The 1992 Constitution and management of child migration.....	40
4.3.2 The Children's Act of 1998, Act 560	42
4.3.3 Human Trafficking Act of 2005, Act 694.....	48
4.3.3.1 Inability of policies to control child trafficking	52
4.3.4 Refugee Law	54
4.3.5 The Ghana Immigration Law	57
4.3.6 Labour Act	60
4.3.7 Domestic Violence Act	64
4.4 ECOWAS and African protocols that address migration of children.....	66
4.5 Other Development Policies and Child migration	67
4.5.1 National Revised Population Policy.....	67
4.5.2 Child and Family Welfare Policy.....	68
4.6 Ghana National Migration Policy and Child Migration.....	68
4.7 Inability of policy to fully protect migrant children and outcomes	70
4.7.1 Motivation for child migration: Poverty or desire	70
4.7.2 Vulnerability and sectors of engagement by migrant children	72
4.8. Chapter Conclusion.....	75
 CHAPTER FIVE.....	 77
IMPLEMENTATION OF POLICIES GOVERNING MIGRATION OF CHILDREN IN GHANA	77
5.1 Introduction	77
5.2 Major Policy actors and institutions.....	77
5.2.1 United Nations (UN) Agencies	78
5.2.2 The International Labour Organization (ILO)	79

5.2.3 The International Organization for Migration (IOM)	81
5.3 Government Agencies	83
5.3.1 Ministry of Interior (MOI)	83
5.3.2 Ghana Immigration Service	84
5.3.3 Anti- Human Trafficking Unit of the Ghana Police Service,.....	85
5.3.4 Ministry of Gender, Children and Social Protection (MOGCSP).....	86
5.3.5 Ministry of Employment and Labour Relations (ME&LR).....	87
5.4 Non- Governmental Organization	88
5.5 Challenges and limitations by institutions	90
5.5.1 Lack of Political Will	90
5.5.2 Weak coordination and collaboration	91
5.5.3 Lack of capacity	93
5.5.4 Contradictions in definitions: the legal definition for a child and socio cultural context of who is a child	94
5.5.5 Donor driven policy and programs	96
5.5.6 The Law in theory and in practice: protecting the rights of children.....	98
5.6 Chapter summary	99
CHAPTER SIX	101
SUMMARY, CONCLUSIONS OF FINDINGS AND RECOMMENDATIONS	101
6.1 Introductions	101
6.2 Major Findings	102
6.3 Conclusion	104
6.4 Recommendation.....	105

REFERENCES..... 107

APPENDIX 116

Appendix: Interview Guide..... 116

ABSTRACT

Globally, there have been concerns about child migration, wellbeing and holistic child protection policy to address and protect migrant children. However, there is no comprehensive national migration policy managing migration in Ghana; hence it is being managed by different policies and legislations. The present study examined the policies and legal instruments that are directly and indirectly related to child migration in Ghana. The general objective was to examine how these policies have facilitated child migration and the implications of such policies on child migrants and children left behind in Ghana. The specific objectives were to describe and analyze the legal documents, laws and policies on migration that affect children. It also explored how some of them address issues of migration concerning children as well as examined the role that some state and international organizations play in protecting child migrants. The study also analyzed the challenges faced by policy implementers in protecting these children among others.

Several policies and legal frameworks were selected and analyzed for the study. The study selected relevant policies and legal frameworks out of a pool that Ghana has on child migration. These included the Children's Act of 1998, Act 560, the 1992 Constitution of Ghana, the Human Trafficking Act of 2005, Act 694 among others. Sections and Chapters of these legal frameworks address issues on child migration.

The major findings of the study indicate that there are various migration related policies that protect children, but not a comprehensive single policy to protect migrant children. The study found out that, although there are benefits in migration for children, policies are often meant to address risks and negatives associated with child migration. Most of the policies sought among its objectives to prevent or address issues related to child migrant.

The study made some recommendations that all laws and policies on migration that address child migrants should be reviewed and condensed into a comprehensive framework for addressing child migration in Ghana. This could be placed in the National Migration Policy when it is revised in the future. Another is a stronger political commitment on the part of government to support international organizations, Ministries, Departments and Agencies (MDAs), Non- Governmental Organizations (NGOs) and others who address problems faced by child migrants. By this approach, the benefits of migration to children will eventually benefit the country.

CHAPTER ONE

INTRODUCTION

1.1 Introduction

Migration policies have direct and indirect impact on human development in the areas of economic, social, cultural and political. Human migration has long been considered an important element of population dynamics that can have significant consequences on both areas of origin and destination (Yaro, 2010). Over the past few decades, globalization and other transnational activities have led to a more diverse form of migration, affecting a larger number of people including children. The reasons for cross-border and internal movements in the contemporary world are also many and vary within states and communities. Castles and Miller (2008:7) have indicated that, "we live in the Age of Migration, a period which international migration has accelerated, globalized, feminized, diversified and become increasingly politicized" (King, 2012:4).

Migration within Africa and Ghana dates back to pre-colonial era and Ghana was transformed from a net immigration country before the 1970's to an emigration country from the 1980's (Awumbila et al, 2008; Yaro, 2010, Manuh et al, 2010). Migration has been a feature of the Ghanaian population and its dynamics (Anarfi et al, 2003). Internal migration is used as a coping and livelihood strategy by Ghanaians with rural–urban migration increasing in volume (Anarfi et al, 2003; Manuh et al, 2010). This implies that more people are leaving the farms and other rural economic engagements in search of jobs in the towns and cities (Yaro, 2010).

The contemporary involvement of women and children in the migration process especially from rural areas to urban areas explain the gendered and other dimensions in the migration processes. Previous studies on migration in Ghana indicated that, children are often accompanied by adults when they migrated (Anarfi and Kwankye, 2009). Migration studies often focused on males biased in the past until recently when attention has been given to females and children in migration. Children were often treated as accompanying or re-uniting with their family. Yet children migrate like adults do migrate, on their own as independent child migrants in search of economic benefits (Anarfi and Kwankye, 2009). Children do migrate independently in Ghana in search of wage work or further their education (Anarfi and Kwankye, 2009).

1.2 Problem Statement

The issues concerning migration of children have now caught the attention of researchers, human rights activists, development agencies, governments and policy makers. The rate at which children are migrating unaccompanied in search of economic gains has been of great concern to both states and non- state actors. However, the absence of data on child migrants and detailed information on their movements is also a gap. The impact of their migration to themselves, the economy and policies are also not known in Ghana and most African countries. Awumbila et al. (2008) noted that, there is no comprehensive national migration policy managing the movements of the population in the country. Awumbila and Ardayfio-Schandorf (2008) said children use migration as a form of coping strategy to widen household income. Parents encourage young girls to migrate down south to engage in wage work. It must also be noted that colonial policies, contemporary governments' policies and programs have also contributed to migration of children in diverse ways and flows (Manuh et al., 2010).

Policy and legal frameworks are enacted to protect and harness the benefits of migration for development. Howard (2008) explained that policy makers ensure child related migratory issues are on their agenda, yet it is just a source of donor funds for their countries irrespective of the migratory experiences of the children. Howard (2008:3) further explained that, child migration is often stereotyped and depicted in the negative sense only, whereas there are benefits in child migration that can be explored. This may lead to adoption of a comprehensive policy on migration that can protect the rights of children. Davidson and Farrow (2007) also affirms that, although there are global child policies such as the Convention on the Right of the Child (CRC) which is supposed to protect children irrespective of their origin or destination, child protection mechanisms in many countries are weak.

Meanwhile, Migration in Ghana is managed by different policies and legal frameworks as well as different institutions playing different roles in the country. Formal and informal institutions including focal persons that regulate migration either facilitate it or control migration in Ghana (Manuh et al., 2010). Manuh et al. (2010) explain that, policies in relation to migration in the country seem more or less to be restrictive regulatory frameworks that regulate the flow of migrants in the country. Some researchers have argued that, policies made during the pre and post-independence have led to regional imbalances that facilitate various streams of migration especially the north- south migration (Anarfi and Kwankye, 2009). Others have noted that out- migration from various rural areas serves as an escape valve for both children and adults from the fragile survival systems in the country especially from traditional practices and poverty in the North (Awumbila and Ardayfio-Schandorf, 2008).

Ghana's population movements have been managed by different legislations and policies which have not enabled the country harness the full benefit of migration (Benneh, 2005). The migration process in Ghana has diverse implications. It is also very complex in nature due to a wide range of interest from different actors. This calls for a comprehensive institutional framework to handle the diversity as well as to protect the rights of migrants including children even though the country has enacted various laws, legislations and policies to manage migration and protect children (Manuh et al., 2010).

Meanwhile, child wellbeing and protection have been very important for government and international organizations. Child migration in Ghana has been acknowledged to be considerable issue, but it has not been understood and integrated well into major policies and child protection programs (Anarfi and Agyei, 2009: 126). Policies intended to curtail movements of children without consideration for all aspects of the phenomenon tend to have unintended adverse consequences for the child migrant making them more vulnerable in terms of choice and opportunities. Although children are not expected to migrate unaccompanied if there are no emergencies, the 2012 census report released by the Ghana Statistical Service (GSS, 2013) reveals that, out of the over 24 million population in the country, 100,000 children aged between 10 to 17 years, are independent child migrants and 14 percent of children aged between 5-17 years are economically active. The International Labour Organization (ILO) estimates that, in developing countries including Ghana, over 250 million child migrants work in deplorable conditions (ILO, 2004). The GSS (2013) reveals that voluntary and independent migrant children move for various reasons including both economic and non- economic factors, although a number of such migrant children end up in forced labour. These children migrate to the cities including Accra, Kumasi, Secondi-Takoradi, Techiman, Tema, and Sunyani to engage in economic

ventures (GSS, 2013). However, quite a significant number of them eventually live and working on the street. Consequently, they face various degrees of risk and vulnerability (Anarfi and Agyei, 2009).

There have been major studies on child migrants in relation to the reasons for their migration and the impact on them. Most works focus on the vulnerability of children coupled with activist work that have led to policy enactment that only protect the child or restrict their movements. Those policies only seek to negotiate child migration as if children are only vulnerable at destination areas. "Children migrate and their experiences are not because they migrated, but rather the absence of a holistic policy and data to protect the rights of those who move" (Davidson and Farrow, 2007; Awumbila et al., 2008).

The present study examined the existing policies and legal instruments and institutions that manage or facilitate internal migration impacts on children. It also explored how institutions that deal with the policies have managed migration in Ghana. This would enable policy makers understand the importance of migration management taking children also into consideration in policing. The study would also enable us understand how institutions and actors coordinate and collaborate to manage the phenomenon of child migrants when policies and strategies need to be enforced.

1.3 Objectives

The general objective of the research is to examine how policies have facilitated child migration and the implications of such policies on child migrants and children left behind in Ghana.

The specific objectives are:

1. To examine legal documents, laws and policies on migration that affects children.
2. To find out if the policies and legal instruments address child issues in migration.
3. To examine how some of the various policies facilitate or mitigate child migration.
4. To examine the role of state and international organizations in protecting child migrants and analyze the challenges faced by these organizations in protecting children

To accomplish these objectives, the study will examine the following three research questions:

1. What are the characteristics of the legislations, laws and policies?
2. Does any of this address or facilitate child migration?
3. Is there any migration outcomes related to the policies?

1.4 Rationale of the Study

In our traditional society, children are valued and caring for children is done by all family members (Badasu, 2012). Care of children is a component of traditional roles of mothers and also used to maintain customary values and norms in our society (Badasu, 2012). Department of Social Development (MOWAC, 2005) explains that, children need to migrate accompanied by adults to ensure they are left in safe environment at destination area. In contemporary times, migration, urbanization and globalization have disrupted these traditional care roles leading to independent child migrants, fosterage and left behind children.

The Ghana Statistical Service (2013) explains that, relaxation in policy control after the colonial era has led to rural urban migration which has led to urbanization. Reliable data

on migration and mobility of persons within the country is not readily available and children issues concerning migration have not been fully captured. Holistic policy and data on migration in Ghana is not available for planning (Awumbila et al., 2008) much less plan for children. However, according to UNICEF (2009) the absence of data on child migrants should not be an excuse for protecting the rights of children. UNICEF (2009: 23) implores institutions and stakeholders "to cooperate and protect the rights of children since many of the worst violations of the rights are meted against migrant children which go unobserved and unrecorded". Although there are various legal frameworks within which migration issues are handled, the country do not have a comprehensive single framework to manage migration including child migration.

Independent children unaccompanied by families often risk sleeping on the street or other places to survive. It is therefore almost impossible by definition to accurately determine the number of migrant children who are not enrolled at school in the country. Despite the laws and programs available to protect children, policies have direct and indirect effect on their total wellbeing either at origin or destination. Taking the nature of Ghana's internal flow of migration, this study will help to add to the existing knowledge on the issue and support with policy response issue through collaborated efforts.

1.5 Organization of Work

This study is divided into six chapters: The first chapter was the introduction above which gave the background of the study as well as the research objectives, question and the importance of the study. Chapter two provides literature review on child migration and the outcomes of such migration on children. It also explained core concepts and theories used in the study. Chapter three provides for the sources and methods applied in the study. It explains the approaches adopted towards the study as well as ethical considerations.

Chapter four is the research data analysis and findings. This is organized thematically about the findings from the legal and policy instruments selected for the study. It explores various legal and policy frameworks used to manage child migrants and policy outcomes. The fifth chapter examined the role of state and non-state actors in protecting child migrants and the challenges in faced in policy implementation.

The final chapter gives the summary of findings, conclusions and recommendations, thus drawing the synergy between the literature and the data analyzed.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews the relevant literature of the study. It also touches on theoretical and empirical review to the causes and consequences of child migration and migration policy. The focus of the research is on internal child migration and its policy related outcomes. The literature reviewed is in the following major areas: Global trend and child migration in Ghana, key concept and theoretical framework for the study.

2.2 Child migration

Children are migrating in recent time unaccompanied for various reasons which may have positive or negative impacts on them. Globally, the United Nations Population Division explains that, there are 214 million international migrants as at 2010 in the World residing outside their country of birth (King, 2012). This figure had risen to 232 million (3.2%) international migrants as at 2013 with women comprising almost 48 percent of that figure (UNDESA, 2014). Children are part of this migration data and according to the International Migrant Children and Adolescent Survey (2012), children below the age of 20 years represent 16 percent (33 million) of the 214 million international migrants as at 2012. The survey explains that, almost 60% of these migrant children below 20 years are from less developed and developing countries compared to Europe and America.

An increasing number of children are migrating in search of security, education, protection from exploitation, survival and improve their standards of living. Child migration has not always been negative or made them vulnerable but rather improved the lives of most children especially those that migrate for education, fleeing from disaster, for health purposes and also those that survive at destination for economic reasons (Davidson and

Farrow, 2007). Until recently most literature has focused on adult male migrants but the recent feminization of migration and child mobility has received some attention by researchers and policy makers. UNICEF/MOWAC (2011) noted that, child migrants aged between 15-19 represent the majority at the international, regional and national levels with 0-4 being the least child migrants.

In Africa, UNICEF indicates that more than half of those living in poverty are children under 18 and lived in both rural and urban deprived areas. The ILO (2004) also noted that almost 75% of children in Africa are engaged in one form of work or employment and are working in deplorable states. UNICEF (2009) indicates that, young adolescents between the ages of 13-19 years in most developing countries migrate independently in Africa and the ECOWAS Sub region to engage in wage work to guarantee support for a whole family. Migration is a survival strategy to cope with extreme poverty as parents expect remittances from child workers (IOM, 2008). More than 45% of the Nigerian Population is currently under 15 years of age and 75% of that population live in rural areas under deprived conditions causing child migration into urban centres (NAPTIP report, 2012). This situation is not different in most West African countries which Ghana is included.

The Ghana Statistical Service population Census (2010) estimated a growth in the urban population of Ghana from 43.8 percent in 2000 to 50.9 percent in 2010 attributing it to inter regional migration, following a relaxation of the restrictive rural-urban migration laws of the colonial period (GSS, 2013). The Ghana Child labour Survey in 2001 estimated, about thirty-one percent of Ghana's population as at 2003 was made up of children aged 5-17 years and are engaged in economic activities with as low as 5-7 years also being economically active. The ILO/IPEC (2001) also explained that, migrant

children are almost half from rural areas and one-fifth from urban areas. ILO/IPEC (2001) again estimated that, almost 1.59 million children were working while attending school in sectors such as agriculture, fishing and forestry. The Child Labour survey in 2001 was meant to identify the challenge associated with child migration and child labour related issues in Ghana to find policy guidelines towards it.

More than a decade on, the Ghana Statistical Service Population Census report estimates more than 100,000 children are independent child migrants and migrate mainly from the three northern regions to engage in economic activities. As at 2012 almost 28.9 percent of children aged 15-19 are economically active which indicate an increase in the number of children active economically in that age bracket from 25.3 percent in 2000 (GSS, 2013).

Although according to the Children's Act 1998, Act 560, children aged from 5-14 are not supposed to engage in any form of economic activities, the 2010 census revealed that almost 11.29 percent representing 6,044,992 children are economically active with migrant children being the majority. Ghanaian children as well as non-Ghanaian children are found in agriculture, forestry, fishing, wholesale and retail trade (GSS Census Report, 2013:276). The 2012 Census report gave account to a positive relationship existing between migration and age explaining the likelihood of migration increasing as age increase. It also shows urban children in the south who migrated remain in the south compared to the North, where rural children that migrated mainly move from North to South (GSS, 2013; GCLS, 2003). Migration in children is also common in the southern sector of the country but more than half of the migrant children lived in another locality within the same southern region (UNICEF/ MOWAC, 2011). Comparatively, more young girls are migrating from the rural sectors especially the North than boys in recent times;

however, more boys are migrating from the coastal areas to communities along the Volta Lake than girls (UNICEF/MOWAC, 2011).

2.3 Definition of a child

The United Nations (UN) Convention on the Rights of the Child (CRC, 1990) defines a child in Article 1 as "any person below the age of 18 years unless the laws of a particular country set the legal age for adulthood younger. The definition has widely been accepted by many countries that have signed and ratified the convention. The 1999 African Charter on the Rights and Welfare of the Child (ACRWC) as a regional law under the AU has also accepted the definition of a child to be any person below the age of 18. Most sub-regional legislations are also no exception regarding the definition of a child. In Ghana, the 1992 Constitution also defines a child as any person below the age of 18 and thus requires parental care to protect their rights, growth, education and healthy development. The Children's Act in Ghana (1998) defines a child as it is in the 1992 Constitution and the CRC. The definition of a child as provided by the 1992 constitution of Ghana has no link with a cultural construction of a child since it does not consider the economic independence of the child. However, the Child and family Welfare Policy (2014) defines a child to be someone who is still largely dependent on an adult for necessities of life but legally any person below the age of 18. This study also defines a child as any person below the age of 18 years.

2.3.1 Child migration

Migration is defined as the movement of persons across space between one geographical unit and another involving a permanent or semi-permanent change in residence often six months or a year (King, 2012). Internal migration is the movement of persons within the

same country and often communities. Child migration then involves the movement of children from one geographical location to another over a period of time, often more than six months (IOM, 2004).

2.3.1.1 Independent child migrant

Kwankye et al. (2008) defines independent children as those living at destination without a parent or adult guardian. Independent child migrants are often used to cover children who independently take decisions, travel and migrate autonomously based on their own initiatives within the country (UNICEF, 2010). For Mitchell (2011), although he agrees that independent child migration exist in Ghana, he argues that, the term 'independent' child migration is somehow misleading as very few children migrate entirely by themselves without any family networks. In Ghana, the cultural context hardly allows children to make decisions all by themselves without the support of family relations. Therefore, according to Mitchell, family members and friends are part of the decision making to migrate and this does not make them entirely independent since they fall on networks (Mitchell, 2011:3). Mitchell proposed the usage of '*voluntary child migrant*' which encompasses movement for a variety of reasons and '*involuntary child migrant*' for those pushed or pulled by force (Mitchell, 2011). Among voluntary migrants include independent child migrants for schooling, those who migrate for economic reasons to engage in paid work, female porters that migrate independently without the influence of their parents among others. Those who migrate involuntary includes trafficked children, those pushed out by harmful traditional practices such as child and forced marriage, FGM, trokosi system status concerning migration etc. This also covers those who flout parental control advice and migrate due to networks outside area of origin (Anarfi and Kwankye, 2009).

2.4 Motivation or reasons for child migration

Like adult migration, "children migrate for diverse reasons and in a variety of ways" (Quartey and Yambilla, 2009: 250). Key factors influencing child migration are poverty, lack of employment opportunities, inadequate access to livelihood opportunities, warfare, conflict and unequal distribution of income (UNICEF, 2009; IOM, 2004; Anarfi and Kwankye, 2009). The IOM (2004) identified development disparities in terms of social welfare and economic growth also as a cause of international child migration between sending and receiving countries. In most African countries, migration is used as livelihood diversification strategies for most poor households. Socio - cultural factors such as education, family re-union, gender discrimination and human rights abuse are some other factors that facilitate child migration (Awumbila et al, 2008; UNICEF/MOWAC, 2011). Many children migrate to escape sexual abuse and stigma especially from warfare countries (UNICEF/MOWAC, 2011). Education is a key factor in migration as most children migrate to access quality and better education. Mitchell (2011) also argues that, some children migrate to attain freedom from control and independence to live un-interfered life.

Within Africa and the sub- Saharan region, relative population growth and lack of reliable data to match the increase with economic growth indicators lead to emigration to seek employment opportunities elsewhere. Quartey (2009) argues that, underlying economic reasons account for most child migration in Africa. Poverty and structural differences in economic growth of countries tend to influence migration as most Africans believe migrating out is better than staying in the continent. Adepoujou (2008) on the other hand identified irregular migration due to weak and porous border control as one major cause for child migration within the sub-region. He further explained that, child trafficking, child

smuggling and the demand for cheap labour has increase child migration (Adepoju, 2008). UNICEF (2010) also mentioned weak institutional and lack of parental care as a major cause of child migration which exposed children to risk and marginalization. UNICEF (2009) further reiterated the absent of data and comprehensive child policy as one major gap in managing the positives of migration to minimize the risk and vulnerability of children (UNICEF, 2009).

In Ghana also, economic gains are the main reason why children migrate. The decision to migrate in Ghana has often been a response to a combination of several factors including economic, social, cultural, political and environmental factors which serve as push and pull factors (Awumbila et al., 2008). Most migrant girls and women have also join the migration process from the North to Accra, Kumasi and Takoradi to engage in Kayayei (Anarfi and Kwankye, 2009). This serves as lucrative employment opportunity for the girls and truck pushing for the boys (Awumbila and Ardeyfiio-Schandorf, 2008). Although most of these girls are escaping harsh cultural practices such as forced marriage, Female Genital Mutilation, lack of quality available schools, they sometimes end up in other hazardous work. A number of those engaged in this Kayayei or head portage are children.

Other factors underlying the migration of the young children along the coastal area include poverty, high school drop -out and lack of family planning thereby putting pressure on families to give out their children leading to pockets of poverty within communities and eventually to migration (Owusu-Ansah, 1994). Some of the affected young children sometimes migrate to the fishing sectors, palm oil plantations and cocoa growing areas (IOM, 2004). According to the 2010 census report, the Northern Region has the largest number of people between the ages of 10 and 17 who mostly travel as independent child

migrants and this is also true in Western and Central regions of Ghana (GSS 2013). Migration has important implications for the livelihoods of both migrants and the people who stay behind. Livelihood strategies refer to the strategies or methods employed by actors to improve upon their living standard or make life better (Castles and Miller, 2008). Migration therefore becomes a survival strategy for children to seek better living condition and also achieve their future goal (Anarfi and Kwankye, 2009).

2. 5 Risk and vulnerability

Children migrating has not always been negative and they are not vulnerable only at destination areas but could be vulnerable and at risk at area of origin as well (Davidson and Farrow, 2007). Most children have benefited positively in migration and also accessed better care at destination areas if planned. Some positive benefits in the migration of children have been for purposes such as education, health care, employment opportunities and others such as search for freedom from abuse of rights (Frimpong- Nnuroh, 2012). Others have also migrated to foster parents that have supported in vocational and technical skills acquisitions including having access to basic social amenities to improve their living standards (Davidson and Farrow, 2007).

However, most child migrants are vulnerable who themselves need care and parental guidance in most decision making processes of their lives. Most of these migrants according to Badasu (2012) in a survey of ewe migrants in Accra prove that, nursing mothers among them did not take proper care of their babies which led to malnutrition and health related challenges for mothers and their babies. Migrant children faces risk of sexually transmitted diseases due to sexual abuse, vulnerability to rape and ignorance which creates 'babies carrying babies' and continue the poverty cycle.

Independent child migrants and forced child migrants at destinations in unfamiliar terrain are likely to be vulnerable and face some risks. According to Kwankye et al. (2008) young female potters in the urban south of Ghana face a number of difficulties which include poor housing facilities, poor health care, inadequate sanitation facilities and harassment from male colleagues (rape, assault, theft). Female porters have developed various ways of surviving, involving a collection of strategies which include the use of collective credit scheme, shelter (sleeping in open space) yet thieves and pimps control their survival. They have adopted health-seeking behaviour due to awareness raising programs in the cities, yet they remain vulnerable to rape, trafficking and forced labour (Kwankye et al, 2008).

2.6 Conceptual Consideration

2.6.1 Introduction

This chapter briefly defines key concept and theories used for the study.

2.6.2 Social Reproduction - Care, Fosterage and Adoption

The social reproduction theorist has focused exclusively on how parents care, train and transfer values and norms to their children including how childhood is perceived in societies. Montgomery (2005) explained that, social constructionist believes knowledge and value for children are universal but the construction of childhood differ from society to the other in terms of social, cultural and historical perspectives. The construction of care seems to be evolving over time from a more traditional care to institutionalized one with migration (Badasu, 2012). Orozco (2010) argues that, care has become a global issue due to migration, urbanization and also care is internationalized. Migration and urbanization have become key determinant of care, fosterage and adoption which Orozco (2010) explains is creating a "global care chain". This he defines as the interconnection of

households in different places around the world that transfer care giving task from household to another. These have been attributed to the feminization of migration, left behind children and the expansion of the care services in the global North as a result of ageing population (Orozco, 2010).

'Care is defined as the complete management and daily maintenance of life and health' (Orozco, 2010) which includes Latham's (1995) definition of care as "care giving behaviours giving from parents to children including stimulating language, other cognitive capacities and providing emotional support" (Badasu, 2012). Wong (2006) explained care are offered from older generation to younger generation such as parents taking care of their children and also care services is provided by children towards their parents in old age in a transnational migration situations. This often includes remittances which migrant children do for their parents and vice versa as trans-local arrangements (Wong, 2006). For UNICEF (2013) child care is the total protection of the future labour force being emotional, psychological, physical and social processes for the complete development of the child. This care is what is lacking in most cases when children migrate unaccompanied in Ghana. Badasu (2012) like UNICEF believes that quality care giving to migrant infants and young children is a major factor, which impacts positively or negatively on their well being and the whole society.

According to Badasu (2012) in Ghana, child care is the primary traditional responsibilities of parents and immediate family members. Yet she alluded that migration and urbanization have threatened the traditional practices of care due to changes in gender roles, causing break down in kinship lineage and support from kin leading to a significant reduction in optimum care (Badasu, 2012). Care has then been institutionalized through

fosterage since long distance parents can only perform 'care about' roles (Manuh, 2001). Esther Goody's (1982) work explains parenthood in aspects of bearing, begetting, bestowal of citizenship, nurturance, training and sponsorship (Badasu, 2012). Goody's (1982) work helps us to deconstruct parenthood as the responsibility of a 'bearer' who is the mother and 'begetting' who is the father, has the responsibility of taking care of the child by nurturing, training and sponsorship. Goody (1982) explain that, in West Africa and in Ghana for that matter, fosterage provides a means whereby links with relations are maintained, hence the nurturing, training and sponsorships are those roles in care that are relinquished to foster parents (Badasu, 2012). Migrant parents often view child care as interfering with the accumulation of wealth, which is considered necessary for meeting the needs of their children and help is therefore needed in child raising (Wong, 2006). Fosterage practice has evolved beyond day to day arrangements to one that is adopted during internal and international migration (Manuh, 2001).

The act of fosterage can be defined as the institutionalized delegation of nurturance and or educational elements of the parental role (Goody 1982: 16). The Children's Act part IV, Section 62 give in details issues relating to adoption and fosterage stating any person above 21 of a high moral standard can be a foster- parent (Children's Act, Section 62). Fosterage is a form of arrangements under which children are transferred from a parental home to one where neither parents live (Abu, 2012). Abu (2012) explained that there is voluntary fostering which is often for the purpose of nurturance, training and reinforcing kinship ties in the traditional Ghanaian society; and also Crisis fostering which occur out of necessity, such as family crises, death or divorce of the biological family of the fostered child (Goody, 1982; Nukunya, 1969).

However, this form of fosterage has been abused in other contexts that have seen children in exploitative labour and abusive working conditions. According to the MOWAC (2005), fosterage in Ghana account for the high prevalence of child labour and trafficking of children. The MOWAC (2005) explains that most parent give out their children to well to do family members for training and education as the main purpose. In reciprocity, the children partake in household chores and also as part of their upbringing. However the system has been abused with recruiters and other middle men with the intention of exploiting the system posing as foster- parent. Some Foster parents often abuse such children and even neglect their education defusing the original norms and values on fosterage. Anarfi and Kwankye (2009) in their work on independent child migrants agreed that, fosterage system have been abused and children are being exploited. Trafficking and child labour is on the ascendency due to fosterage even though the Children's Act clearly explains the kind of work a child can engage in. Frempong- Nnuroh recounted the nature of trafficking and abuse of children being exploited and lured to be taking to the communities along the Volta Lake to work in fishing, domestic work, commercial sex work, and some even used for ritual purposes under the pretence of fosterage and training children in his study in the Ellebelle Nzima, Central Region. (Frempong-Nnuoroh, 2012: 122). He also cautioned that with the current awareness raising and policy formulation in recent time's foster parents that abuse children could face sanctions in the area of origin and destination.

Some persons go further to adopt children to take care of them especially in situations of crises fosterage. There is a clear distinction between adoption and fosterage. In fosterage, parental responsibilities are delegated but the child still ultimately belongs to the parents. In adoption, all available parental rights are transferred to the new adopted family which

often goes beyond the kin relations but includes friends, strangers and the state (Frempong-Nnuroh, 2012). Adoption often has legal connotation and in policy as it involves the transfer of jural and moral reciprocities from natal family to pro- natal parents' (Frempong-Nnuroh, 2012). The Children's Act Sub- Section II of part IV explains the legal procedures for Adoption in the country. Section 67 allows a person 25 years of age to adopt a child but the foster parent must be at least 21 years older than the child going to be adopted (Children's Act, section 67). Goody (1982:34) explains that adoption is often the way to provide care for vulnerable children in times of crises to provide parental care for those who needs it. Fosterage and adoption can serve as a push and a pull factor in migration as parents quest to give utmost care to their children encourage them to live with well to do kin members to nurture and train them. Urbanization and women in the labour market have created the demand for domestic helps which also serve as a job opportunity for young children being a pull factor.

2.6.3 Governance and Cooperation

This theoretical framework is adopted from Alexander Betts on the issues of international cooperation and global migration Governance. Alexander Betts (2013) explain that migration has been managed by different actors and institutions but needs cooperation and providing guidelines of standardized rules and principles to manage it. Governance in migration includes a

“sum of many ways individuals and institutions, manage their common affairs and how these formal institutions and regimes are empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest” (Commission on Global Governance 1995:2).

As at now, there is neither a comprehensive legal framework managing migration in the World no a UN institutional body regulating international migration despite trans-

boundary nature of migration (Betts, 2013: 8). IOM (2008) also explains the absence of a migration policy in Ghana also has led to migration in Ghana being managed at different levels where actions and agreements are made by key actors to regulate migration. Various institutions have come together to manage all aspects of migration in the country. Grieco (1990) explains that, issue of cooperation and collaboration in seem to be very important in migration management where Government, NGOs and private actors need to find solutions in area of concern. Cooperation in its simplest form is a process where different individual entities work together in harmony to develop strategies of action to achieve a goal or to solve complex problems (Grieco, 1990). Cooperation and collaboration of efforts is important and ensures concerted efforts towards resource utilization, awareness creation efforts, development of a legal framework and also the implementation and enforcement structures that can jointly manage child migration.

2.6.4 Migration policy

A Policy is defined as a broad statement of goals and often documented as a reference point to achieve a clearly defined objective. Yehezkel Dror (1989) defines a policy as the notion of policy making which attempts to influence the probability of future situations. Public policies are often what government do, why he does it and which area of difference it makes as well as what government should do and should not do which can be both positive and negative (Thomas Dye, 1966). Like Dye, Easton sees public policy as the impact of government activities and the authoritative allocation of values and resources (David Easton, 1958).

Migration Policies often includes selected line of action or declaration of an intention to manage migration. It includes a course of action or inaction followed by individuals, group

of actors in dealing with a problem or a matter of concern (IOM, 2004). 'The total actions of state, supra-state and sub-state interventions in migration processes at national and international level' (IOM, 2004). Thus, migration policy addresses all forms of mobility to, from and through a State's territory including policies towards its citizens, foreign nationals and addressing diasporas and migrant community (IOM, 2004). The Jewish Scholar Dror explained it to be a very complex and dynamic process whose various components makes contributions to it (Dror, 1989). Migration policy decides major guidelines for actions and directions mainly by governmental organizations and these guidelines on policies aim in the future, by achieving what is in the public interest by the best possible means (UNICEF, 2011). The various definitions shows common ideas that policy issues are about processes, a series, or patterns of government activities and decisions that are designed to remedy a public problem either real or imagined. It is often formulated, implemented and evaluated by authorities in the migration chain. Of course migration policies are subject to change on the basis of new or better information about its effects. This includes for instance in Ghana, the attempts made to correct colonial policies on migration that have until now led to north south migration. It also includes new formulated Diaspora engagements to harness the positives in migration and having policies like the Savanna Accelerated Development Agenda (SADA) to correct the imbalances between the north and the south.

Private policies on the other hand include actions which are taken by individuals or private persons to migrate or not to migrate. Personal factors, intervening opportunities, stick and stay factors will influence individual's decision to migrate or not to migrate. A better understanding of migration policies by individuals concerning it consequences will allow

informed decision by individuals. Government's decision is very crucial due to the fact that every enacted policy have the tendency to influence migration in contemporary times.

2.6.5 Policy Analysis

Policy analysis on the other hand is determining which of the various policies will most achieve a given set of goals in light of the relations between the policies and the goals. There are two main approaches to policy analysis. The first is the descriptive approach, which attempt to explain policies and their development including its formulation in the real world. Dror (1989) as cited in Teye (2008) thinks that policy making involves rational and extra-rational levels in decision making. At the rational stage, the policy maker follows the set of steps outlined by the rationality models such as information gathering. At the extra rational level, decision making will involve bargaining (Dror, 1989: 312).

The second is a prescriptive approach which explains the policy as formulated by government but also identifies gaps and suggests ways by which policies can be enhanced (Teye, 2008). Anderson (1975) explains it involves several steps which includes knowing the problem, and setting of goals. It then continues with other alternatives consequences and the final alternative based on rational cost is picked (Anderson, 1975). Newland reiterated that, prescriptive analyses are often analytical in nature since selected policy is then tested and re-evaluated (Newland, 2007). Newland (2007) explains migration policy also goes through steps such as agenda setting which involves the process of getting common ideas among stakeholders and an understanding of different types of migration issues at stake. It follows consensus building through communication and, eventually, position convergence and changes in concrete laws, policies or practices governing how migration is managed at all levels (Newland, 2007:15).

This shows policy analysis is in hierarchical and rational order and often makes the process cumbersome (Hogwood and Gun, 1984). Policy makers are often limited since they do not have access to information and being rational have diverse interpretation (De Haas, 2008). Migration decisions often go beyond policy formulation since individuals often make private decisions, hence the policy maker could still face challenges for the fact that he/she has to work as part of an organisation where coordination is usually not perfect (Teye, 2008).

The UN Task Team (2012) argues that policy analysis in migration provides a flexible channel for dealing with trans- boundary issues such as migration that has social, economic, and political implications and policy makers need to find means to manage migration to maximize benefits and minimize costs. The UN Task team on the post 2015 agenda explains migration policies and institutions that analyse them must include "the exercise of political and administrative authority at all levels to manage a country's affairs" (2012: 27). This comprises the migration processes and how citizens express their interests, exercise their legal rights and obligations. The UN team made reference to migration policy formulation and implementation as "a process of creating and sustaining an inclusive and responsive political environment" that encourages regular migration for development. With this, effectiveness of policies depends on the institutional and human capacities for governance and good public policies and strategies are attained, especially in service delivery (UN Task Team for post 2015 agenda, 2012). This study is not meant to suggest alternative policy but seek to assess how policy actors and the policy impact child migration. This study has therefore examined some policies that have direct and indirect impact in managing child migration in Ghana.

2.6.6 Organisational Theories

Given that policy implementation is often formally assigned to one or more state agencies, policy analysis inherently also involves organisational analysis (Parsons, 1995; Teye 2008). A number of theories of organisations were therefore reviewed. One of such models that will be useful for the analysis is **Structural Contingency Theory** which posits that organisations have different contextual factors and hence there is no best way to organise. Organisations that have structures that more closely match the requirements of the context tend to be more effective. This theory recognises how the environment of an organisation affects its performance (Pfeffer, 1982). A useful element of this model is related to the fact that it recognises how the context or environment within which policy implementation organisations work can affect them.

The explanations will also partly be based on **Systems Model of Organisational Analysis**, which considers organisations as open systems, which engage in various modes of exchange with their environment (Locket and Spear, 1980). Every organisation is part of a larger system, made up of other organisations. The performance of any focal organisation must be analysed in relation to its interactions with other organisations in the environment. In this study, the various organisations that are collaborating to implement migration policy can be seen as interacting elements of a bigger system. Harmonious interactions among them will result in better management of child migration.

The **Resource Dependence Theory** will also be useful in explaining the findings of this study. The model was first propounded by Aldrich and Pfeffer (1976) and later refined by Pfeffer and Salancik (1978) and Pfeffer (1982). The main tenet of the model is that because organisations are not internally self-sufficient, they depend on some actors within

the environment for resources. These inter-dependencies affect the performance of organisations, since they receive pressures from actors with whom they are interconnected (Pfeffer, 1982: 193). There are two dimensions of the theory. First, it argues that due to resource constraints, organisations respond more to those groups/organisations in the environment that have power and control over important resources. The second dimension argues that since focal organisations also have their goals, they comply with external demands only when there is no alternative (Pfeffer and Salancik, 1978: 44). Based on this model, an attempt will be made to examine how resource constraints affect ability of policy implementation organisations.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

For the purposes of this study, two approaches to policy analysis were employed. They included policy analysis based on descriptive and prescriptive model of analysis and organizational theory. Then qualitative research approach was also used to collect additional data and information for the aspect of the study that examined the role of institutions and organizations in the implementation of the policies and legal frameworks. The approaches used and the methodology are described in this chapter for the study which follows procedures to analyze the data collected (Kitchin and Tate, 2000, p.6). The chapter also explains ethical issues, data analysis and finally ends with the research experiences and limitations of the study.

3.2 Sources and methods of data collection

The major source of data for the study was secondary data that included the policies and legal frameworks on migration. The study main focus was on legal and constitutional frameworks such as the 1992 Constitution of Ghana, the Children's Act of 1998, Act 560, the Human Trafficking Act of 2005, Act 694, the Ghana Immigration Act of 2000, Act 573 among others. The Study also made use of policy documents such as the 1994 Revised Population Policy and the National Child and Family Policy.

The study selected some legal frameworks and policies based on those related to children and migration. The relevant ones were selected out of a pool of policies and legal frameworks that Ghana has on child migration.

Additional source of data involved primary data collection by means of interview. An interview guide in the form of in-depth semi structured interview was used for the study. The interviews also involved professional conversations between the interviewer and interviewees for the creation of knowledge (Clark, 2009). The interview guide was used to keep interaction with the research participants focused and by asking all participants relatively similar questions. The interview guide aimed at exploring and attempting to address the issues raised in the research questions and objectives. One-on-one interview was conducted on 15 participants. All the interviews were recorded and themes were drawn out in relations to the study objectives. This gave room for flexibility using the interview guide to probe further and clarify issues as well as place the researcher in control of the interview (Clarke 2009). It also allowed for further clarifications which hitherto were not part of the interview guide but were relevant to the subject matter.

The whole research work made use of field notes also to keep important points noted in discussions and interviews. The field notes captured issues from officials who did not want to be recorded or be on tape. I also recorded in writing interviews and discussions during informal conversations with my respondents and other actors other than my research respondents that were useful.

3.3 The Qualitative Research

Qualitative research method was used for the study as it best fit the phenomenon under study. Quinn and Cochran (2002:23) explain that, "qualitative research is characterized by a description of phenomenon which relate to understanding social life to generate words rather than numbers". Qualitative research approach is used to understand and explore deeper differences in people's behaviours, and their attitudes towards issues and situations

(Quinn and Cochran, 2002). Bryman (2001) agrees that, qualitative research approach uses words unlike quantitative research that involves figures and statistics which enable the researcher to quantify in figures the results or findings. Bryman (2001) further explained that, this enables the researcher to compare data and statistically do analysis of peoples behaviours and attitudes to answer the research questions. However, qualitative research is especially effective in obtaining culturally specific information about the values, opinions, behaviors, and social contexts of particular populations. Bryman (2007) explains that, the researcher using qualitative approach often uses open ended questions to ask questions through one-on-one in -depth interview and focused group discussions to gather data.

Qualitative research methods often use participant observation, in-depth interviews, and focus group discussions which are the three most common approaches used. Each of the three methods is particularly appropriate for obtaining a specific type of data (Kitchen and Tate, 2001). Of relevance to this study, in-depth interview was used to enable the researcher to explore personal perspectives and experiences of the respondents on migration issues in Ghana including their opinions on existing policies. This approach helps the researcher to engage and explore sensitive issues on government policy response to child migration in Ghana. It also allows participants to express their answers in their own words and ways through the interview (Creswell and Tashakkori, 2007).

Using qualitative approach allowed the study to gain new insight and knowledge of the phenomenon under study such as discovering there is a migration unit under the Child labour Unit and the upcoming launching of the new National Migration Policy by the Migration Unit. An additional advantage of qualitative research is its 'ability to provide

complex textual descriptions of how people experience a given research issue' (Creswell et al, 2003). Thus, this study had the opportunity of using textual and non- numeric analytic method to gather data by a flexible means. These include interview, documentations, discussions, academic books and articles, laws and policies.

Despite the merit in using qualitative method, it is not good for generalization and also it is limited in observing general patterns of behavior unlike quantitative research approach which entails the use of statistical techniques for analyzing quantifiable large data, hence, useful for generalizations and predictions. Quantitative research approach is however very rigid and the voices of participants are not heard unlike qualitative method (Teye, 2012)

Using either qualitative or quantitative methods has its own merits and limitations in any research. Taking the nature of the study within the limited available period, qualitative research approach was used in the research. Desk top review of laws and policies were analyzed in a descriptive way. Data was also collected through in-depth interview to find out if policy implementers that use migration related policies and handle issues relating to children are able to implement the policies to coherently manage child migration well. This qualitative method was considered the best for this study to investigate the phenomenon under study.

3.3.1 Sample

A purposive sampling technique was used to select respondents who have knowledge and first hand practical experience in using laws and policies to manage migration in Ghana. I used only purposive sampling technique to get the participants although I know the limitation is a possibility of denying other views from other key informants (Creswell et

al., 2003). However, this technique for the study enabled me to select key participants based on the various roles they play in managing migration, which involved utilizing well informed people knowledgeable about the phenomenon under investigation. Interviewing participants allowed in describing and analysing themes in the data collected and also corresponding the information gathered from informants' perspective with the literature. A sample size of 15 key informants was used in this study based on theoretical saturation point. This simply means a situation where more data collected do not bring any new additional information.

3.3.2 Interviewee

The Fifteen (15) respondents for the study were drawn from the United Nation agencies, Ministries, Departments and Agencies (MDAs), and Non- Governmental Organizations (NGOs) whose work involve managing migration issues. One interviewee was chosen from each organization and participants are professionals known on the field and part of stakeholders in management of internal migration directly or indirectly.

The institutions selected are provided below;

- a. The UN Agencies and international organizations are mainly responsible for supporting governments in their policy formulation, funding for programs and projects, giving technical advice to government and also support to government agencies to implement direct and indirect projects that fall within their mandates. One official each from the United Nations Children Emergency Fund (UNICEF) and the International Organization for Migration (IOM) were selected from this category.
- b. Ministries are responsible for policy formulation, including programs and activities as their core mandate demand. They also monitor their key agencies to implement

- their programs. An official each from the Ministry of Gender, Children and Social Protection (MOGCSP), and Ministry of Interior (Migration Unit) were selected for the purpose of the study.
- c. Again, a participant each was selected from the Department and Agencies such as the Department of Social Welfare (DSW) now Department of Social Development (DSD), the Child Labour Unit (CLU), Department of Children (DOC) and the Human Trafficking Secretariat (HTS). They often implement government policies and disseminate government information to the grassroots.
 - d. The study also sought information from Security agencies including the Ghana Police Service (GPS) and the Ghana Immigration Service (GIS) where an officer each was interviewed. These are key agencies that ensure safety and security for all citizens including migrants. They also embark on interception, rescue and prosecution of offenders.
 - e. A participant each was selected from Five NGOs including the Ghana Agriculture Workers Union (GAWU), Right to be Free, 'Se Eye Wo Ba Anka' (SEWA) Foundation, Child Rights International (CRI) and Partners in Community Development Projects (PACODEP). These institutions work in the area of migration from diverse angles. Their work ranges from awareness-raising in receiving and sending migrant communities to rescue and reintegration of migrants.

These institutions have direct impact and outcomes for child migrants in terms of policy formulations and processes. The interviewees were mainly experts in child protection playing varying important roles and were selected based on their roles and responsibilities as key actors in managing migration in Ghana.

3.3.3 Data analysis

Analysis of the policies and legal frameworks were done with the objective of the study in mind, their relevance for child migration and for child well being. The interviews were recorded on tape, transcribed into written text, manually coded and analyzed. This was done to mainly understand the outcomes of child migration in relation to the literature. It also includes understanding the legal frameworks and institutions in relation to the outcomes for children. The information obtained was put in themes and discussed.

3.4 Ethical considerations

Informed consent was sought from participants before the interviews were conducted. Their participation was therefore, voluntary, that is out of their own free will. 'Informed consent is a mechanism for ensuring that people understand what it means to participate in a particular research study so they can decide in a conscious, deliberate way whether they want to participate' (Clarke, 2009). Informed consent is one of the most important tools for ensuring respondents are not coerced to partake in a study during research. Participants in my study were informed about the purpose of study including the research aims, methods, topics and what the data will be used for. The interviewees were informed that they had the right to ask for clarifications or opt out of the research at any time. They were also informed that, the interviews would be recorded. They were concerned if the information provided will be given to the media but I assured them that, the data will be used solely for educational purposes as stated.

Issues relating to confidentiality arose especially with the government institutions interviewed to ensure information given is used solely for the intended purpose. Throughout the process of data collection, I assured my participants that the information

given to me will be confidential and none of it will be released to the media or anyone who is not connected with or related to the research. Some will prefer their real names are not mentioned at this sensitive areas. The names used in this dissertation are pseudonyms.

3.5 Challenges and limitation of the study

Migration is a very complex area of study as well as child related issues due to the magnitude of cross cutting areas in dealing with them. If the study had been a long term research, some children would have been interviewed. However, key experts that deal with children in migration issues were interviewed to get the information needed for the study.

Secondly, the study made use of key experts who deal in areas of child migration issues and booking appointment and keeping it was difficult because my key informants had tight and busy schedules. This resulted in change in appointment dates or prolonged waiting.

CHAPTER FOUR

EVOLUTION AND DESCRIPTION OF RELEVANT POLICIES FOR MANAGING MIGRATION OF CHILDREN

4.1 Introduction

This chapter deals with some legal frameworks for managing child migration in Ghana. Given that Ghana does not have any specific migration policy on children, the chapter discusses laws, policies and other legal frameworks that deal with child migration. The chapter, however, begins with a discussion that directly or indirectly deals with migration policies. In this chapter, various legislative instruments for managing child migration are presented.

4.2 Migration policies in Ghana

Ghana is a democratic country and is being governed by its 1992 Constitution serving as a guide for all other legal documents. Until recently, Ghana did not have national migration policy governing the movements and mobility of persons. A national migration policy is now being developed for the country. In the meantime, in the absence of a comprehensive migration policy, the country depends on different legislations to govern different aspects of migration, including child migration as well as protection of children left behind.

4.2.1 Development Policies and child migration before 1990s

Various legal frameworks and institutions that are managing migration in Ghana have evolved from a more or less restrictive regulatory framework to a more flexible developmental approach (Manuh et al, 2010). Ghana after colonial rule which used the Colonial Ordinance Act passed the Aliens Act 1963, Act 160 under the heading "Entry into Ghana" (Manuh et al, 2010).

The early post independence era, under Nkrumah, saw the introduction of social policies and liberal migration policies which led to rapid expansions of industries. Most families migrated with their children as well since human labour was needed in resource rich areas such as the coastal and forest belts of Ghana (Quartey, 2009). Most migrant families allowed their children to work in the agricultural sector, especially the cocoa industry. This led to child labour as children became source of cheap labour. Developmental projects, like the building of the Akosombo Dam and the Tema Port, also led to mass rural-urban migration including the displacement of families (Shillington, 1992). The creation of the dam had significant impact on children and their migratory processes. This includes creating employment for families around the Volta Lake, a source of apprenticeship and livelihood for some children, improving farming activities, fishing which have also created jobs for fish mongers among others. It also led to children working in the fishing industry on the Volta Lake that affected their education negatively, causing trafficking of children and child labour in fishing industry (IOM, 2004). Fishermen and fishmongers along the Volta Lake migrate in search of better economic opportunities; and this often leads to seasonal migration (ILO, 2004). Although, this movement are often supposed to be temporary and seasonal, most fishermen recruit children to the destination while their own children were left behind at the sending community (Quartey, 2009).

Political change and policies affect children in diverse ways if they are not taken into consideration. The Busia Government introduced the Aliens Compliance Order in 1970 as economic conditions began to deteriorate and foreigners' presence was considered as a contributing factor. Over one million Africans were expelled from Ghana to Nigeria, Mali, Togo and Burkina Faso; and Nigeria was the most affected (Shillington, 1992:18).

Shillington (1992) explained that political instability resulting from coup d'etat led to fast eroding salaries and high inflation in the country in the 1970s. Many Ghanaians who could no longer stay in the poor economic situation emigrated to Ivory Coast to work in the plantations and many more went to Nigeria with the oil boom in prices (Anarfi and Kwankye, 2009; Yaro, 2010; Shillington, 1992). This created left behind children and the HIV/AIDS disease also killed many parents from Ivory Coast that resulted in Orphans and Vulnerable Children (OVCs) (Anarfi and Kwankye, 2009). A policy to address OVCs was adopted as late as 2008.

In the 1980s, the Government embarked on Economic Recovery Programs and Structural Adjustment Programs that led to cuts in social interventions and subsidies. Awumbila et al (2008) explained that Ghana became an emigration country as a number of Ghanaians migrated out of the country than immigrants. Although the program itself was not intended to address migration issues, the repercussions of the policy interventions led to migration. These brought about increasing diversity and complexity not only in internal mobility patterns but also in international movements; thus making Ghana to simultaneously experience internal migration, immigration, transit migration and emigration (Awumbila et al, 2008). One of the outcomes of this programme is the widening of the development gap between northern and southern Ghana, which resulted in the migration of young people especially females from northern Ghana to southern Ghana to work as head porters (*kayayei*) in the south. They are usually independent child migrants who need protection.(see further as discussed in the literature review in Chapter two)

By 1992, Ghana entered into democracy and the 1992 Constitution was adapted in 'Spirit' and 'Solemn ' declaration to protect the rights and freedom of its citizens and also

encourage justice and accountability. The outcome of the Constitution also led to political stabilization which has seen transfer of political power from one government to another and also from a different political party to another until now and various enactments of laws, subsidiary legislations, policies and programs to protect the rights and freedoms of citizens, including children in the country.

4.3 Contemporary policies for managing child migration

After the 1992 Constitution, Ghana entered into many international protocols, treaties and laws and some aspects led to the formulation of policies that have both direct and indirect role in migration management. Most of these laws were more or less integrated into other state laws and policies that have undeviating components across social, economic and political levels (MOWAC/UNICEF, 2009). Issues relating to human rights protection, human resource development and protecting vulnerable groups have been important under Ghana's democracy. Protecting the rights of migrant children became key since they have been part of the vulnerable groups in the Ghanaian society as they experience violations of their rights and are denied opportunity to development to a large extent (MOWAC/UNICEF, 2009). Migration also often leads to severe exposure of children to poverty, lack of care, and exposure to physical and emotional abuse at destination areas and also at origin when left behind (Brown, 2002).

Some legal frameworks on migration for protecting children are discussed in the succeeding sections:

4.3.1 The 1992 Constitution and management of child migration

The 1992 Constitution provides array of rights in it to protect children and all citizens of Ghana (Bluwey, 2002). Ghana has experienced both civilian and military rule that had various social, political, economic and cultural impact on the country. Democracy was needed to end the political instability that led to various forms of migration and state coercion until 1992 when the Constitution was enacted. The Constitution is aimed, among others, to prevent abuse and tyrannical rule by governments and improve rule of law (Bluwey, 2002). It is also meant to restrain the arbitrary use of power and provide for the legal rights and protection of its citizens. The constitution protects by all persons both migrants and non- migrants. Both citizens and the government have the responsibility of protecting the rights of children as enshrined in the Constitution (UNICEF, 2011).

Chapter five of the 1992 Constitution lists various fundamental human rights and freedoms that protect all citizens and children. All persons irrespective of their age, religion, place of origin or migration status are respected and protected. Children everywhere whether migrants or not are guided and protected by this same constitution that protect them against discrimination of all kinds (UNICEF, 2011). It sought to protect the individual from state abuse and the larger society by enshrining rights such as the right to life, freedom from torture, right to recognition before the law. The 1992 Constitution also grants economic, social and cultural rights including the right to work and be paid equal pay whether you are a migrant or not, the right to protection against unemployment, join trade union, access adequate standards of living including freedom of religion (Benneh, 2005). These rights, according to Benneh (2005) are all inalienable. They all serve as the cornerstone of protecting the rights of migrant children and all other

individuals which imposes obligations on the states in the exercise of their domestic sovereignty or jurisdiction (Manuh et al, 2010).

As Ghana is a signatory to International protocols and instruments, the human rights issues in Chapter five of the 1992 Constitution also assume international status in relation to the United Nations Universal Declaration of Human Rights (U.D.H.R.), 1948, whose objective was to act “as a common standard to protect an individual and people's rights”. The U.D.H.R. and its two other relevant instruments are set to provide rights and freedoms to all persons. The International Covenant on Civil and Political Rights (ICCPR) (1966) provides legal binding rules on the protection of the individual irrespective of where they reside inside or outside their country. The International Convention on the Economic, Social and Cultural Rights (ICESCR) (1966) also gives citizens their right on economic, social and cultural issues which were also adopted into the constitutions. The African Charter on Human and Peoples Rights (1981) is the African Union version of the treaty. However, Africans live as a collective unit which is recognized in the Charter to reflect our traditions and culture but the same principles of rights protection as stated in the U.D.H.R. These legal frameworks guided the various rights scribed in chapter five of the 1992 constitution since it was a global call to protect rights of all individuals.

The 1992 Constitution also calls for the creation of comprehensive legal frameworks that guarantee the rights and freedoms of children in accordance to such international laws. Chapter six of the Constitution obliges Ghana to enact appropriate laws to ensure the promotion and protection of the rights and freedoms of all children. This includes migrant children and other vulnerable groups whose rights are at risk of being violated and are not in a position to defend themselves (MOWAC/UNICEF, 2009). Although some provisions

in the constitution such as Article 16 prohibit child engagement in any form of forced labour, slavery, servitude and also to abolish all customary practices that prevent child well being, the U.D.H.R which is the international human rights instrument also encourage governments to be guided by other international instruments that protect children specific (UNICEF, 2011). In this case it is the Convention on the Right of the Child (CRC) 1989 and the African Charter on the Rights and Welfare of the Child (ACRWC) 1990 that guides countries on policy and legislation actions concerning children and their welfare.

This encouraged government in response to Article 28 of the Constitution for states and government to act in the best interest of the child. To this end government of Ghana enacted the Children's Act, Act 560 in 1998, Human Trafficking Act in 2005 and many more to have specific provisions that can protect children irrespective of their place of origin and destination.

4.3.2 The Children's Act of 1998, Act 560

The 1st World Summit on Children held in 1990 in New York set goals and standards among other objectives to ensure that children are protected and their rights to survival, progress, development and participation are accorded by all governments in the world (UNICEF, 2005). Ghana partook in this summit and prepared a National Program of Action (NPA) titled "The Child Cannot Wait" to ensure necessary steps and actions are taken to protect children irrespective of their place of origin and destination (MOWAC/UNICEF, 2009). The NPA covered the period between 1992 to 2002 for program implementation and institutional establishments to revise all legislations and policies that protect children (GOG, 1992). The international community advocates for the promotion of the rights of children through international pressures and donor driven funds

for projects. Under the NPA the Ghana National Council on Children (GNCC) now the Department of Children was strengthened to take measures that protects the rights of children (MOWAC Report, 2007). This Department has since been concerned about the wellbeing of child migrants in the country.

According to the MOWAC report, (2007) before the enactment of the Children's Act, Ghana joined world leaders in 1990 to a global summit to adopt the United Nations (UN) Convention on the Rights of the Child (CRC) (1989) following the nature of abuse and harm that are meted out against children in various countries (GOG,1992). The situation of children in the context of migration issues were also raised since they are diverse group, including both left behind children and independent child migrants (MOWAC, 2005). The nature of internal migration of young children unaccompanied placed some children at risk of human rights violations. Some policies, laws and institutional practices often may lead to discrimination and these aspects are not well captured in policy when there are imbalances in development programs for children in the country (UNICEF/MOWAC, 2009; Awumbila et al, 2008).

Most children tend to migrate to either join their families internally or independently leading to various degree of vulnerability such as labour exploitation and domestic abuse (Anarfi and Kwankye, 2009). Ghana was the first country in the world to ratify the Convention on the Rights of the Child (CRC) in February 1990 (UNICEF/MOWAC, 2009) as a step to protect children. Ghana also signed the African Charter on the Rights and Welfare of the Child (ACRWC) in 1990 and ratified it on 15th July, 2005. Ghana again was the first state to report on progress made in the implementation of the NPA on

the CRC to the UN Committee on the CRC in 1995. The government ensured child related issues are on government budgets as majority of programs were donor driven.

The CRC which was the legal frameworks contain a set of universal rights that set standards and the welfare principles to ensure the best interest of the child (UNICEF, 2007). It also set the minimum standards in which context governments and states must respect the rights of children within their jurisdiction (CRC, 1989). Irrespective of where children find themselves, there should be no discrimination of any kind on any grounds of age, sex, nationality, or the status of the child's parent or legal guardians (CRC, 1989). The CRC have an array of legally- binding universal rights applicable to all children irrespective of a child's migration status such as political, social, economic and cultural rights with clear principles regarding children across the globe.

Amidst such international pressure, Ghana enacted 'The Children's Act 1998, Act 560' as a form of intense pressure from international organizations and civil society groups to protect children from abuse and promote their rights. Ghana was also to take appropriate steps to strengthen law enforcement and commitment towards policy implementation. The Act received assent on 30th December, 1998 for the GNCC to implement it to the fullest. The Child Rights Regulations of 2002 is the Legislative Instrument (L.I 1705) on the Act meant to strengthen and interpreted sections that were not clearly spelt out (MOWAC Report, 2007).

The Children's Act of 1998, Act 560 is one of the most comprehensive specific legal frameworks protecting the rights of children including migrant children in Ghana. The Children's Act has one common goal that is to ensure every child in the country is safe,

protected and fully developed to a better person. One major purpose of the Act is on law reforms and more broadly the Children's Act aimed to promote:

1. Legislations and law reforms to protect the rights of children and ensure the survival, protection and full development of the child.
2. Offer care and protection by the state, family and institutions by providing the child with a safe environment.
3. Offer better options in judicial and juvenile adjudication in protecting children in conflict with the law and offer relevant support for them through training, family tribunal reforms
4. Responsible parenting, care, custody, access to children and child maintenance to proved effective nurturing of children in society.
5. Enhance fosterage and adoption to eliminate all aspects of discrimination and abuse
6. Prohibition of children in child labour and guidance in the employment of children in the country in order to avoid any form of child labour and exploitation of children (Children's Act 1998, Act 560).

As a major objective, most laws and legal documents were amended to promote standard legal definitions including the universal definition of a Child under Section 1 as 'a person below the age of eighteen years'. This definition is the same in the 1992 Constitution and the Juvenile Justice Act. However, it did not take into consideration the cultural definition of a child where in the Ghanaian context as part of the socialization process, economic independence is also a determinant of childhood such that, if one continues to live under the roof of their parents they are recognized as persons that still need parental protection

(MOGCSP, 2013). This in effect also means a migrant child who leaves their parent lacks parental care and support. They may not to be treated as children (UNICEF, 2011).

Due to some cultural impediment that do not allow the total implementation of the law, a National Plan of Action (NPA) was drawn to promote positive cultural values and traditions to effectively protect children and also discourage those that are inconsistent with rights, duties and obligations (MOGCSP, 2013). The NPA aimed at the passage of legislations, policy formulation, media campaign, advocacy and sensitization, research and data collection for development, developing standard operating procedures and also support education for vulnerable groups (MOGCSP, 2013). What makes the NPA effective is its recognition of the fact that, child rights whether migrants or not can best be protected if the welfare principles are upheld. Section 2 of the Children's Act enshrines the welfare principles which include 'non discrimination' and the 'best interest of the child'. It states that, 'the best interest of the child shall be paramount in any matter concerning a child' (Children's Act, 1998).

Children also have the rights to grow up with their parents and family and grow up in a caring and peaceful environment unless it is proved in court that living with their parents are detrimental to their growth (Children's Act, 1998). These have helped in enhancing peoples' perceptions and conceptions about the negative socio - cultural practices that affect child development in society (UNICEF, 2011). Although the law is comprehensive and may protect the rights of children, the reality in practice is different. Cultural practices and traditions often make it difficult to realize the principle and its strength such that socialization processes are different from the aims of the legal instrument and norms are often upheld above the law (Belsar, 2005). For instance, under the law, there were various

programs initiated to protect migrant children such as "*Operation End Child Kayayei*" aimed at reaching to young independent migrant children working in the cities as head porters to return them back to their home- origin communities (MOWAC/UNICEF, 2009). To ensure that they remain at the origin, child protection teams were established in communities in the north to stop them from migrating. According to the Assistant Research Officer in the Department of Children, Child Protection Committees (CPC) were established and are still in place but children are migrating due to the weakened extended family systems (Interview, DOC, July, 2015). However, the Policy intervention under the NPA did not address the root causes of migration such as poverty, which is one of the leading causes regarding more streams of child migration. Another program by the government and the ILO/ IPEC also initiated "*Operation Send them Back Home*" which was meant to rescue migrant children trafficked and in labour exploitation along the Volta Lake (UNICEF, 2011). This also did not succeed since the NPA did not address issues relating to livelihood creation for families but only prohibit employment of children.

The NPA also seek to achieve data collection and research on children. The first Survey on child labour was in 2001. It was supported by the International Labour Organization (ILO) to collect data on the nature of child labour but not really other related areas concerning migration. Yet issues concerning migrant children were discovered as more than half of children involved in child labour are migrant children (GSS, ILO/IPEC, 2003). The data collection was possible through a collaborated effort by the Ministry of Employment and Labour relations, MOGCSP, Ghana Statistical Service and supported by ILO/ IPEC project. Also the GSS now collect data on child labour and migrant children during censuses and surveys. Yet a reliable data on migrant children are not available (Awumbila et al, 2008). Also most of the research and data collection activities are donor-

driven programs that do not take into consideration, governments future sustainable plans for continuity (Davidson and Farrow, 2007).

Ghana has enhanced its policy environment in furtherance of the improvement of the protection of the child. This led to the formulation of complementary policies that seek to facilitate the implementation of children's rights (UNICEF, 2011). This included the Criminal Code Amendment Act of 1998, Act 554 that reviews the criminal justice system to protect children from criminal responsibility. Issues of sexual offence such as rape, defilement, incest, abduction and other matters are offence against the state. The passage of these pieces of legislation led to positive impact on protecting children and also prosecuting offenders.

However, the inability of the Children's Act to protect children in all diverse ways led successive governments under pressure from international organizations to adopt specific laws and policies to protect migrant children in specific areas such as the Human Trafficking Act, the Labour Act, Child and family policy.

4.3.3 Human Trafficking Act of 2005, Act 694

The trafficking of human beings within and across borders led to the passage of the Human Trafficking Act of 2005, Act 694. It is used to manage migration especially in areas of forced migration of children. This follows the global concern still about the nature of exploitation in children and the removal of some children from their place of abode to another without their will for exploitation despite the fact that, the Children's Act has sections prohibiting child labour and trafficking of children for any purposes but trafficking has been going on (ILO, 2004; GAWU,2015).

The Government of Ghana has therefore taken measures to deal with the problem of trafficking primarily through the passage of the Human Trafficking Act of 2005, ACT 694 on 9th December, 2005 to help rescue, rehabilitate, re-integrate and re-unite the victims of trafficking (Human Trafficking Act, 2005, Act 694). The Act was enacted in the wake of various global influence and pressure on government to have separate laws to protect children that are being exploited. The Trafficking/ Palermo Protocol adopted by the UN in Palermo, Italy in 2000 particularly encourage concerned governments to criminalize trafficking in all forms (ILO, 2004). These instruments also urge governments to take effective measures in the amendments of domestic legislation to provide penalties such as substantial imprisonment and fines in order to combat criminal activities related to trafficking. Governments are urged within the provisions to support and allocate resources to strengthen preventive actions; education, sensitization and public awareness campaigns at national and grass-roots levels, with substantial international cooperation (Newland, 2007).

The Human Trafficking Act of 2005 (ACT 694) of Ghana adopted the definition from the Palermo Protocol and domesticated a number of recommendations. The definition according to the Human Trafficking Act (2005) of Ghana states that:

“Human trafficking means the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by, the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or giving or receiving payments and benefits to achieve consent. Exploitation shall include at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (Human Trafficking Act 694, 2005:3).

Human Trafficking then is not an isolated act; it is a combination or a series of acts taking place in a country, and in areas of origin, transit or destinations. The Human Trafficking

Act earlier definition did not interpret exploitation which was the end purpose for trafficked victims. The Amendment to the Act was done in 2009, Act 784 to strengthen the definition to include exploitation. It also amended section 35 by substituting 'extradited' to 'deport'. Again Section 41 on issues relating to regulations (L.I.) by adding formal educations and skill training (Human Trafficking Amended Act of 2009, Act 784).

The objective of the law is to ensure the safety of persons including migrant children from being removed from their place of abode to engage in exploitative activities such as child labour and prostitution (MOGCSP, 2015). The overall aim of the Act provides prohibitions and offences relating to trafficking, complaints, arrest, rescue, rehabilitation and reintegration of children. The Human Trafficking Act, 2005 (Act 694) provides protection to both children and adults against trafficking following its parent protocol (Palermo).

The Ghana law covers six broad areas, namely;

1. Criminalization of Human Trafficking,
2. Complaint and Arrest,
3. Rescue, Rehabilitation and reintegration,
4. Creation of a Human Trafficking Fund,
5. Section 28 of the Act establishes a Human Trafficking Management Board and
6. Miscellaneous

The Board has been inaugurated and is fully in operation. The Human Trafficking Secretariat under MOGCSP is the agency responsible for the implementation of the Act. The Board's roles in the Act (Human Trafficking Act 2005, Act 694:30) among others include;

- a) to advice on policy issues under the Act and make recommendation for a National Plan of Action (NPA) to combat Trafficking in Persons.
- b) to propose and promote strategies to prevent and combat trafficking in persons

- c) provide assistance on the investigation and prosecution of trafficking cases
- d) prepare guidelines for disbursement from the funds and handle all other matters related to human trafficking (Human Trafficking Act 2005, Act 694:30).

According to an official at H.T Secretariat, the Human Trafficking Act did not have a specific tenure of office for the Board. This has made the situation volatile as every change in Government means a change in the Board. She explained the Board has been dissolved more than three times and reconstituted just from 2010 (Interview with HTS official, June 2015). The study reveals that the Trafficking Act is very strong but the absence of a subsidiary legislation as stipulated in Section 41 is hindering its full implementation to combat trafficking. However, the official at the HT Secretariat said, the Subsidiary Legislation often called LI has been passed and is waiting for the 21 days for Parliamentary approval (Interview, an official, HTS, June, 2015).

The study also shows that Ghana is still a source, transit and a destination country of child trafficking for the purposes of forced labour and commercial sexual exploitation (TIP report, 2014; MOGCSP, 2015). This is because according to Edward Amuzu, LRC, the Act was formulated from a purely criminal point of view and it lacks a holistic approach. He stated that;

“The Act contains little information about important issues such as rehabilitation and reintegration, and it is clear that the drafters of Act 694 did not put enough emphasis on the human rights of the victims” (Fact finding Danish Report, 2008).

There is also a need for additional work regarding protection of victims who are ready to give evidence in court against traffickers (Fact finding Danish Report, 2008). Viewing trafficking merely as a criminal offence alone tends to relegate the related motivational and cultural factors that still keep the supply cycle and demand for trafficked persons.

4.3.3.1 Inability of policies to control child trafficking

Irrespective of the interventions made, there is both internal and external trafficking in children in Ghana, and internal trafficking is more prevalent. The movement of internally trafficked persons is either urban-urban, rural-urban, or from rural-rural; that is one rural area to another, as from farming to fishing communities (TIP Report, 2014). Most internal trafficked victims are for the purpose of forced labour within the country in fishing, small scale mining (*galamsey*), domestic servitude, street hawking, begging, agricultural work, domestic work, carrying loads or head portage; young people involved are popularly called '*Kayayei*' within Ghana (UNICEF, 2011). As discussed earlier both the Children's Act and the 1992 Constitution prohibits child labour. Despite this, migrant children are still engaged in these sectors but enforcement has been weak. The official from IOM explained that;

"Combating trafficking in the communities is difficult to eradicate because of the culture of community 'caring' of children. This makes it difficult for offenders to be punished and the victims refused to own up and thereby abuse and exploitation of victims who are most often vulnerable migrant children who do not have anyone to turn to" (Interview with, IOM, July, 2015).

He reiterated that this occurs because of our traditional fosterage systems and family oriented nature of the country (see 2.11.4, lit review on fosterage).

However, these explanations fail to consider the deep legitimate traditional motivational push and pull factors including culture and right which makes this policy outcome for children very instrumental as to the right approach to battle this trafficking in the Ghanaian society. In Ghana generally, children have been working throughout the ages, as an integral part of the socialization process and a means of transmitting acquired skills from parents/guardians to a child (Abu, 2012). This is actually in accordance with the African Charter on the Rights and Welfare of the Child (1990) which allows children to

participate freely in social and cultural activities to enhance children's total development in society (ACRWC, 1990). Fosterage is a normal phenomenon where poor parent give out their children to live with other guardians that have the resources and to care for them (Abu, 2012). This traditional social system is rather being abused by some adults all over the country. Section 4 of the HT Act states that, 'a person who uses a trafficked person commits an offence and is liable on a summary conviction to a term of imprisonment of not less than five years' (Human Trafficking Act of 2005, Act 694). Human trafficking denies the rights of the individual due to the inhumane act perpetrated against trafficked victims (UNICEF, 2011). PACODEP, an NGO working in the area of rescue and rehabilitation which has rescued migrant children exploited in communities along the Volta Lake, puts it this way;

"people should understand that trafficking and child labour is a criminal act, a violation of human rights, and awareness-raising will make victims to step forward and file complaints. The concern over the issue of trafficking in children exists due to the fact that, little children as young as 4 years are being migrated to fishing communities to fish and girls used to support domestic work which has a human rights dimension yet we say is fosterage" (Interview, PACODEP July,2015).

Meanwhile, most parents give their consent for their children to be trafficked for amount of money and reduce their economic burden either knowingly or unknowingly. The Police are given powers under the Act to arrest and punish offenders and also protect the rights of migrant children rescued but our culture such as fosterage, child care and the laws are at power play (Interview, PACODEP, July,2015). Although the police can arrest, there have been re-trafficking of rescued children which is the outcome for the livelihood aspects in the law. The Official at IOM said;

"in fact it is sometimes difficult to understand, you rescue and you think it is poverty so you empower the family with funds and something for them to make a living, the next time you visit the family, they have trafficked the same child and others again. Those in the community that here our support also traffic their children which makes it difficult to even punish them" (Interview, IOM official, July 2015).

Supporting families that are vulnerable often leads to more children being made vulnerable as a strategy to survive leading to force migration of these children into exploitative work (ILO, 2004). This suggests that some attempts often made by policy implementers to find a solution to a problem can also create another challenge. This often leads to prescriptive policies where government officials and actors know the gaps, challenges and steps to be taken but are limited with information and often do not make rational choices but hasty decisions in terms of policies (see page 24 as discussed in the Literature Review.)

4.3.4 Refugee Law

Ghana's refugee law provides for the status of a refugee in Ghana and deals with matters ranging from the definition of a refugee, the granting of a refugee status and protecting the rights of refugees including migrant children that are forced to leave their place of origin. Ghana's Refugee Law of 1992 (PNDCL 305 D) takes inspiration from aspects of the OAU (AU) protocol relating to refugee status of 1967 and the 1951 Convention for refugees. Matters relating to refugee and asylum seeking children have also been enshrined in the 1951 Refugee Law and its Optional Protocol of 1967. The law has been very instrumental in the management of international migration as refugees form one component of migrants. The 1951 Refugee Convention (UNHCR, 1950) spells out that a refugee is someone;

who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country” (UNHCR, 1950:3).

The O.A.U agreed in 1969 that the term ‘refugee’ shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously

disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality (Manuh, 2010). Until a request for refuge has been accepted, the person is referred to as an asylum seeker. When the asylum seekers protection is accepted he or she is officially referred to as a refugee and enjoys refugee status (Aleinikoff, 2008). States are obliged under Article 33 of the UN 1951 Convention on refugees concerning the rule of 'non-refoulement' which entreat states not to return or expel refugees to the country of origin where the person is being persecuted except in order to preserve national security or public health (UNHCR, 1951 Convention). The means by which asylum seekers access a country's borders does not necessarily invalidate their entitlement to apply for protection and it should not influence the outcome of the refugee status determination process (Article 31 of the 1951 Convention on refugees)

In Ghana, all the definition and principles bind on the country to adhere to them. However, on issues of internal migration, Ghana laws provide for the care and protection of children temporarily or permanently deprived of their family environment under the Children's Act (MOGCSP report, 2013). The 1951 Convention and the African Charter on the Rights and Welfare of the Child (ACRWC) article 23 and 25 mandate the country to accord similar rights and protection to children who are not citizens and for some reasons finds themselves on the soil of Ghana (MOGCSP report, 2013). Although the study focuses on internal migration, foreign children found in Ghana are also protected by the refugee Law, however, in the Ghanaian context specific, migrant children who are internally displaced (IDPs), separated or unaccompanied due to conflict or disaster are given special protection and assistance by the State (MOGCSP,2013).

The Refugee Act of 1992, (PNDCL 305) establishes the Ghana Refugee Board to manage refugee situation in Ghana with the duty of managing all activities relating to refugees and IDPS in the country. At the policy institutional level, the Ministry of the Interior controls the Board and their activities, including matters relating to the presence of refugees in the country, children in situations of emergency (CSE) owing to their vulnerability (interview; Ministry of Interior, June, 2015; MOWAC, 2011). Issues relating to armed conflict or serious war have not been experienced in the country (MOGCSP report, 2013). Ghana has generally been a peaceful country as a result of good governance, democracy and peaceful co-existence. However there have been few pockets of conflicts occasionally that have resulted in children being internally displaced. They are often as a result of chieftaincy rule or land conflicts. They often serve as a push factor in migration of children from such regions of the country. These areas include Bawku, Nkonya- Alavanyo, Yendi and Peki-Tsit (interview; Ministry of Interior, June, 2015; MOWAC, 2011).

A refugee child who has been admitted and granted a refugee status is issued an identity card, a residential permit and a United Nation's Travel document where appropriate (MOGCSP report, 2013). The Ghana Refugee Board, NADMO, the Ghana Immigration Service (GIS) and UN Agencies provide support for the Department of Social Development (DSD) to take special care of IDPs and refugee children found in the country. DSD provide for shelter, food, counseling and other emotional support services for such children (MOWAC, 2011). 'There are remnants of refugees from Liberia, Sierra Leon and La Cote D'Ivoire still in the country but the actual numbers are not known according to the GIS' (Interview with GIS -ASHTIP Official , June, 2015).

Chapter three of the 1992 Constitution explains who can be a citizen of Ghana apart from Ghanaian nationals. Article 6 also add other migrant children found in Ghana in clause (3) which states that 'a child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth' while clause (4) also states 'a child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana (1992 Constitution). During the study, it was inquired from an official from Ministry of Interior according to the above article and the ACRWC, the foreign children begging on the street have not been given equal rights of protection. The explanation was that;

"such children are neither citizen nor are they refugees and as long as their presence in the country does not pose any threat, they are okay to be in the country" (Interview, Ministry of interior, June, 2015).

4.3.5 The Ghana Immigration Law

The Ghana Immigration Act of 2000, Act 573 and its regulations (L.I. 1691) are very important laws in managing migration in the country. The Act is the only law directly meant to manage migration into the country in all aspects. The Act broadly deals with five key areas mainly;

1. entry and departure,
2. residence and employment of foreign nationals in Ghana,
3. deportation related issues, exemption, detention and petition,
4. offences including procedures to acquire citizenship in the country and
5. miscellaneous provisions.

The Ghana Immigration Act has evolved over time since the colonial time until date with the aim of harnessing the benefits of migration for development and also reducing the negative impacts (Manuh et al., 2010). Before Ghana attained independence from British rule and government, the Service was known as the Immigration and Passport Unit under the auspices of the Colonial Police Force under the British rule in the Gold Coast. The

Colonial Ordinance Act was used to mainly regulate civil servant that came into Ghana (Manuh et al., 2010). After Ghana gained Independence in 1957, many from the sub region and foreign nationals entered into Ghana mainly due to the growth of the economy and the Nkrumah led emancipation and freedom of the African continent. This increased the number of tourist's visitors, businessmen and other Africans into Ghana (Shillington, 1992). Hence, migration needed to be controlled and harness the best out it which led to a cabinet decision in 1960 to move the Immigration and Passport Unit to the Ministry of the Interior. However, the Ministry of Foreign Affairs took over the issuing of passports. Just three years later, the Aliens Act 1963 (Act 160) was enacted to give the Immigration Service legal backing to operate under the title " Residence and Employment of Aliens in Ghana" (Manuh et al., 2010). The Act saw among many others in 1969 the expulsion of many other foreigners under the Busia Government when the Aliens Compliance Order of 1969 was enforced (Shillington, 1992).

Under the PNDC Government, the Ghana Immigration Service was established in 1989 under PNDC law 226 (GIS, 2011). The Ghana Immigration Service (GIS) is responsible by law to enforce the Act and protect the borders of the country. It is generally responsible for the control and movement of people to and from Ghana. It is charged with the responsibility of enforcement of all the enactments relating to the entry, residence, and employment of all foreigners in Ghana (Manuh, 2010). The major law under which it operates is the Immigration Act 2000, Act 573 and other enactments relating to migration and border security This was mainly the fact that, the earlier laws were enacted in a particular historical context and there was the need to upgrade the laws to conform with international obligations such as the ECOWAS treaty and its protocols (Manuh et al., 2010).

The increasing rate of migration into the country, and other migration-related activities, led to the expanded mandate of the service by the passage of the Ghana Immigration Act of 2000, Act 573, allowing for the GIS to include giving indefinite residence and right of abode for foreigners. The law allows the GIS to issue residence permits and perform investigative functions for the issuance of work permits through the Immigration Quota Certificate (IQC) under the Ministry of the Interior (GIS, 2011). The GIS processes applications for Ghanaian citizenship either through marriage or naturalization. It is mandated to prosecute immigrants who flout the immigration laws and also the removal of prohibited immigrants. It is also responsible for patrolling Ghana's borders to prevent inadmissible persons from entering the country and work in close collaboration with the anti-human trafficking institution.

The current Act then repealed the Aliens Act, 1963, Act 160 which part one covers most of the repealed provisions such as issues relating to embarkation and disembarkation. The Act also repealed the Aliens (Amendment) Act 1965 Act 265, Aliens (Amendment) Decree 1974 NRC 259 and Aliens (Commencement) Instrument 1963 (L.I.247) (Manuh et al., 2010).

Despite all these functions and responsibilities, the Ghana Immigration Act has limited control on internal migration. The law focused more on managing foreign migrants until Ghana ratified the Smuggling of Migrants and the Trafficking Protocol in February, 2012. The Immigration Amendment Act, 2012, Act 848 was passed in June, 2012 and made migrant smuggling and trafficking an offence (MOGCSP 2015). This also mandated the Ghana Immigration Service to establish Units to fight trafficking in persons and any other irregular migration of which children are part. This then enabled the Ghana Immigration

service to actively combat trafficking in persons and also engage in sensitization and awareness raising programs on irregular migration (MOGCSP, 2015). Several activities have been made to rescue children suspected to be trafficked or are being trafficked across the borders of the country. According to an official in GIS,

"despite the interventions that we have put in place, it is often difficult to tell at the border who lives within the country and who is not as families move in and out making it difficult to fight child irregular migration at those border towns" (Interview, GIS- ASHTIP, June,2015).

4.3.6 Labour Act

The Labour Act of 2003 Act 651 was passed on 8th October, 2003 to guarantee the rights of every person in Ghana to employment but prohibit the employment of young persons. The aim of the law is to protect all employers and employees in the country. The labour Act consolidates laws and enactments from the constitution, the children's act and provisions made in the ILO conventions (Hodges and Baah, 2006). The Labour Act covers all employers and employees except those in security and strategic positions such as the armed forces. The major overview of the law is on the establishment of public and private employment centers, employment of young persons, women, fair and unfair treatment, among others (Hodges and Baah, 2006). It is also responsible for issues of forced labour, occupational, health and safety among others. It then made special provisions to ensure migrant children are not employed if they have not attain the minimum age for employment as stated in the Children's Act and the ILO Convention 138 on minimum age (GAWU, 2014). Under section 58 (1) states a young person shall not be engaged in any type of employment or work likely to expose the person to physical or moral hazard.

Ghana joined the International Labour Organization in 1957 and immediately the then CPP Government ratified many of the ILO Conventions including Convention No. 29 and

105 that abolished force labor among others (ILO, 2004). Section 116 of the Labour Act of 2003, Act 651 prohibits forced labour and section 122 also calls for the establishment of labour inspection officers who ensures children are not employed in unauthorized areas (Labour Act of 2003, Act 651). The ILO Conventions are minimum standards set for countries and once it is ratified by a country, it is binding for it to be ratified under international laws which mean countries must bring their laws into conformity with the convention. Ghana continued to ratify most of the conventions under successive governments. The ILO has over 180 conventions and protocols to regulate and guide work ethics (ILO, 2004). Later Ghana ratified the ILO Convention NO. 182 on worst forms of child labour in 1999 which is the official UN comprehensive legal framework concerning the prohibition and for countries to take immediate actions to eliminate child labour. Ghana has signed the ILO Convention no 138 on the minimum age for employment in 1973. The definition for child labour by the Labour Act is derived from the UNCRC (1990), the ILO Convention 138, and 182 and the Ghana Children's Act.

The Ministry of Labour and Employment Relations is the responsible agency for implementing the law through policy formulations, regulations and settling industrial disputes (MMYE/ NAPLEC, 2006). The Ministry of Labor and Employment has the Labor Department which has 62 public employment centers throughout the country. The Act establishes a Labour Inspection Officer with the powers to ensure all persons are adhering to the application of the law and advice accordingly (Labour Act 2003, Act 651).

However, issues relating to child employment and labour have often endangered their health, morals and overall development. Although not all works that are performed is termed child labour, majority of them are perfumed outside the home making it hazardous,

dangerous and exploitative for children in the country (MMYE/ NAPLEC, 2006). Despite the fact that, Part five of the Act prohibit child labour and degrading treatment of any form that deprives the child of its health, education or development. Any contravention of the rights of the child that causes physical or mental harm is "child abuse". The Act does not allow any person to engage a child in night work, begging or receiving of alms, offering anything for sale or otherwise, or is found in any street, premises or place for the purpose of begging or receiving alms (Labour Act 2003, Act 651, Section 17). However, most migrant children are found in this arena of work which contradicts the Act and has raise concern for further policing.

Aside the legal interventions made by the state, the US Department of Labour also write and grade countries on their efforts to reduce child labour and exert sanctions on countries that use children whether migrants or not (USTIP Report, 2014). There was pressure from international and civil societies for government to regulate and provide interventions to prevent children from engaging in worst forms of child labour (UNICEF, 2011). Due to this pressure, in 2000, the Government of Ghana and the ILO signed a Memorandum of Understanding (MOU) in March 2000 with Ministry of Employment and Social Welfare (MESW) for a technical cooperation under the ILO/IPEC projects (MMYE/NAPLEC, 2006). The program prevented and supported over 25,000 children from entering into child labour. This was followed by the ILO - LUTHRENA project titled Trafficking in children for labour exploitation in West Africa and lasted from 2002 to 2007 (GAWU, 2015). The project, to some extent helped to reduce vulnerability of trafficked victims. Almost 900 child victims were rescued and 1000 more were enrolled in school. Community surveillance teams were set up to monitor enrolment and retention of children

in schools. The West African Cocoa and Commercial Agriculture Project (WACAP) from 2003 to 2006 Project also supported child labour elimination (GAWU, 2015).

The Ghana Government became committed to sustain child labour elimination in the country. This with support from ILO/IPEC project drew a National Plan of Action to end child labour by 2015. The NPA provides a comprehensive framework to significantly reduce worst forms of child labour as well coordinates various interventions to combat child labour. Child Labour Unit under the Labour Department to the implementation of many projects and programs to intervene in families that have the high tendencies of having children migrating and also trafficked victims (GAWU, 2015). This led to the strengthening of the Child Labour Unit oversee and coordinate the implementation and monitoring of the national Plan of Action for the Elimination of the Worst forms of Child Labour from 2009 to 2015 (TIP Report, 2014). The Unit established a National Steering committee to make inputs and support the full implementation of the NPA.

The Government also established the National Program for the Elimination of Child Labour in Cocoa (NAPLEC) as a specific measure to rescue migrant children and place them in school in cocoa growing communities (MMYE/NAPLEC, 2006). It also sought to educate parents on the hazards of sending their children to work on cocoa farms instead of going to school. The project was also under MESW through the Labour Department and being implemented by the Child Labour Unit (CLU). The Child labour monitoring Systems (GCLMS) was done to allow the tracking and collection of data on children engaged in Labour (GAWU, 2015). According to an interview with the Child Labour Unit officer (2015) Child Protection Committees (CPC) were established in almost 600 communities to ensure:

- children are not being used to engage in hazardous work
- children do not migrate but stay in school as a duty by the community and chiefs
- migrant children are not allowed to come into those communities to be engaged in any form of hazardous work and lastly
- report trafficking of children into those communities to chiefs and leaders on child protection committees (interview CLU official, 2015).

The government of Ghana sees the elimination of worst forms of child labour as a priority for improving standard of living and sustainable development to end the poverty cycle in households (MOGCSP, 2015). Some activist explains that, quality education and its availability is the sure way to end child labour. However, most migrant children do not have access to the very Free Compulsory Basic Education (FCUBE) that are enshrined in article 25 of the 1992 Constitution which is a Constitutional right for all children.

4.3.7 Domestic Violence Act

Despite various laws and legislations that were enacted to protect children, it was observed that women and girls are abused and exploited in different ways. Again, cultural norms and traditions still impeded the progress of girls and women in Ghana and globally (MOGCSP, 2013). In terms of legislations, one of the most effective tools for promoting women and children's rights is the Conventions on the Elimination of all forms of Discrimination Against Women (CEDAW) (1979). The CEDAW Convention laid out in very detail the duties that, states and institutions are committed to promote women's equality in all areas of life, both the private and public spheres (MOGCSP, 2015). The Protocol to the African Charter on the Rights of Women in Africa is the African Continent equivalent of the CEDAW often called the Banjul Charter. Significantly, the Protocol provides for a helpful cultural context on the African continent and the diverse regional

differences and culture is also an impediment to the achievement of the full rights of women and girls around the globe (MOGCSP, 2015)

There are other legislations that protect the rights of children, although its main objectives were not meant to manage aspects of migration. However, they have direct and indirect impact in managing migration of children in the country which the Domestic Violence Act is one of them. The Domestic Violence (DV) Act of 2007, Act 732 was enacted purposefully to protect women and children from all forms of abuse, discrimination and harm (MOGCSP, 2013). The Act was not intended to manage migration but support the efforts of criminalizing some offences meted against children especially migrant children who are mostly abused. The Act also calls for the abolition of harmful traditional practices that abuse the rights of children and women in any form in the country (DV Act of 2007, Act 732). It received presidential assent on 3rd May, 2007 to prohibit all forms of violence against women and children and this help to protect migrant children from any form of intimidation, sexual harassment and abuse in the domestic spheres (DV Act of 2007, Act 732:1). Violence in the home and against children is one major push factor in child migration including traditional practices that affect children like forced marriage and female genital mutilation (FGM). Most migrant children at the destination also faces various degree of abuse especially those in domestic services and related sectors (MOGCSP, 2015). Section 35 of the DV Act establishes a DV Management Board and a DV Secretariat to implement the Act with the responsible Ministry being MOGCSP. Belsar (2005) argues that migrant children are more vulnerable to abuse because, they are often without functional education or other alternatives which makes their survival and building their self esteem low. Brown (2002) then suggested that, the DV Act is strong since it is the only law that permeate the domestic spheres to protect the rights of all. For

him this has reduced the level of abuse often meted out to girls who often find themselves hidden in areas that were not seen such as domestic employment, child forced marriage in the homes, trokosi which is culture and right issues among others (Brown, 2002).

4.4 ECOWAS and African protocols that address migration of children

Before and after the adoption of the 1992 Constitution, Ghana has acceded to various international and regional protocols that have various impacts on migration including those that protect the rights of children. Ghana has some bilateral and multilateral agreements with its neighbouring countries to combat trafficking of children under the policy document titled ' Operation Bia" (interview with AHTU official, June, 2015). This is carried out every year by a joint operation between the Ghana Police Service (GPS-AHTU), GIS and INTERPOL of neighbouring, Nigeria and Burkina Faso to stop child trafficking and also rescue children in force labour within the border of a country (interview with AHTU official, June, 2015).

Ghana as part of the Economic Community of West African States (ECOWAS) sub region has obligations to support regional integration as the key objective of the body when it was formed in 1975 (Manuh et al., 2010). Article 27 established community citizenship that could be acquired automatically by all nationals within the community (Adepoju, 2008). Member States ratified the ECOWAS Protocol on Free Movement of Persons and the Right of Residence and Establishment in 1980 which guaranteed free entry of Community citizens without visa for 90 days (Adepoju, 2008). Within the protocol are obligations to promote regular migration, protect our borders and also stop trafficking of humans including children are part. Adepoju (2008) explains how children frequently cross borders easily and adults habitually abuse the 90 day provision of the ECOWAS free

movement protocol as migrants enter the country and identification and necessary documents concerning children are not often provided (Adepoju,2008). The porous nature of border and other unmanned entry and exit points leads to irregular/illegal migration of children and trafficking in children within the ECOWAS sub - region.

Ghana joined other African countries to adopt a Migration Policy Framework for Africa in light of the challenges posed by migration and its ramifications in the continent. The AU Policy was adopted during the ninth ordinary session in June 2006 in Banjul, Gambia with 9 key thematic migration areas ranging from labor and border management, irregular and force displacement, human rights of migrants and internal migration, migration and development including inter- state cooperation and partnership (AU, 2006:1). The policy framework aims to provide the necessary guidelines to assist governments in the AU in the formulation of their own national and regional migration policies as well as their implementation in accordance with their own priorities and resources (AU, 2006). The policy framework is comprehensive and provides recommendations for States but it is non - binding on States.

4.5 Other Development Policies and Child migration

4.5.1 National Revised Population Policy

There are other policies that have direct impact on migration such as the 1994 National Population Policy which was revised and sought among other objectives to achieve an even distribution of rural- urban population, monitor international migration and stem the brain drain of professional and skilled persons leaving the country (Asare, 2012; IOM, 2009; Manuh et al., 2010). Manuh et al (2010) noted that it is one of the first national migration policy documents to recognize the role of migration in development. In

addition, the Ghana Poverty Reduction Strategy papers (GPRS 1 and GPRS II) provide comprehensive strategy to reduce poverty (IOM, 2009). It highlights issues of internal migration especially rural urban migration in which children are involved and the emigration of health sector workers. The policy also sought for measures to fight human trafficking especially in children and females.

4.5.2 Child and Family Welfare Policy

The Child and Family Welfare Policy which was launched on 14th July, 2015 is very current aimed at the protection and promoting the well being of children. The Policy is guided by national and international laws and principles on the welfare of the child. The policy seeks, among other things, to design child and family welfare programs and activities to effectively prevent and protect children from any form of violence or abuse (GOG/MOGCSP, 2015). The policy takes into consideration that, the child is a very integral part of the family such that, the child's welfare cannot be complete without the support of the family. The policy is therefore concerned with both legal frameworks that protect children and also the informal structures such as those based on culture and tradition that also take part in the protection of the child (GOG/MOGCSP, 2015). This will help protect migrant children irrespective of where they find themselves since the policy takes into consideration community participation and how childhood is constructed in Ghanaian society to best protect the interest of the child (GOG/MOGCSP, 2015). The Policy is also under the Ministry of Gender, Children and Social Protection.

4.6 Ghana National Migration Policy and Child Migration

One of my key findings during the data collection is that, Ghana currently has a National Migration Policy meant to be a holistic policy to manage migration for the first time in the

country since independence. The Director for the Migration Unit (interview, June, 2015) said that the element of migration and development became paramount after Ghana was admitted by the IOM as an active partner in the global discussion on migration in November 2005. Government with support from IOM then established the migration Unit fully in July 2008 to coordinate the activities of all governmental institutions whose activities affect or are affected by migration (Interview with NMU official, June, 2015). The policy is now placed under the Ministry of the Interior with the National Migration Unit to coordinate migration issues in the country. An interview with the Director for the Migration Unit indicates that, cabinet has approved the policy and it is going to be launched in July, 2015. This will include advocacy and sensitization about the policy and also dissemination to key stakeholders (Interview with an official, Ministry of Interior, NMU, June, 2015).

The policy among other aims, seeks to identify various options for managing migration for wealth creation and link migration and development in the country. The Policy like the AU migration policy have nine key thematic areas that include migration patterns in Ghana, border management, forced displacement, diasporas and transnational issues among others. A quick overview of the policy shows that children have been made passive and subsumed under the heading migration and gender. Child migration was only discussed under vulnerable groups lumping all child migrants as vulnerable. The GSS (2013) 2010 population census report revealed most children are economically active. This means the contributions of those working at minimum working age must be identified in the migration process to effectively harness the benefits of migration to them and the country at large. The policy seeks to protect children, adolescent, youth and children with disability by addressing the challenges they confront in their migration experience.

However, a follow up on the policy revealed that, the launching is still pending and postponed to March 2016 waiting donor support since there was delay in release of funds from government.

" I thought we could launch and disseminate this documents, but government has still not release funds, the donor support too have not been forth coming since they have done their part" (Interview, official, NMU- MOI, June 2015).

Furthermore, the official at MOI expressed that,

"since the interview is on child migration and has drawn their attention to the fact that the policy may have not dealt comprehensively with child migration issues, they will later make amendment after looking at various legal frameworks protecting children to incorporate children issues fully into the policy" (Interview, official MOI, June, 2015).

4.7 Inability of policy to fully protect migrant children and outcomes

4.7.1 Motivation for child migration: Poverty or desire

Despite the laws and policies, the study found that children are consistently migrating alone even though they are expected to migrate accompanied. The study revealed that other government and state actors' policies and actions often cause migration especially rural-urban migration due to difference in economic development. A significant number of these children are forced to migrate through deceit although the HT Act of 2005 is enacted. Most child migrants migrate voluntarily, often in search of livelihood and employment opportunities to provide for themselves and their households. Similarly, Anarfi and Agyei (2009) believed that like adults, children migrate due to several reasons but poverty has been given as one of the factors pushing children to migrate. More children are migrating which has been aggravated and exacerbated by rural poverty an issues most migration policies hardly address. This they alleged has led to more and severe exploitation of children particularly migrant children (Anarfi and Appiah, 2009).

Almost all my interviewees mentioned poverty and the quest to better ones live as the reasons and motivation for child migration. In an interview with the official at Right to be Free, Emma (2015) believed that;

child migration is a survival and coping strategy employed by households in response to poverty and harsh economic conditions. Policy interventions must then focus also on the full and total economic wellbeing of the child (Interview with Emma, June, 2015).

The official for SEWA Foundation, Johnny (2015) expressed that;

the desire to better ones life and search for job opportunities in cities and other places that are naturally endowed is one of the causes for the emergence of child trafficking and forced labour even though there are laws to protect children (Interview, June, 2015).

He further expressed that parent go to the extent of selling their children and receive peanut in exchange due to poverty. The official from Rural Workers Organizational Program of GAWU, (2015) also believes that;

the quest for cheap labour and child vulnerability make it easier for migrant children to fall victim to exploitation and forced labour all because their parents are poor' (Interview with Tee, GAWU, June, 2015)

The parents of children who often migrate may be poor, unemployed, and poverty pushes children to work. The interview reveals that parents often push and force their children to move out and work to bring income to the household for survival. This desire by parents is driven by poverty, ignorance and lack of job opportunities in their communities of origin. Despite interventions from government such as the implementation of the Ghana Poverty Reduction Strategies (GPRS I & II) which was meant to provide a comprehensive approach to poverty reduction, the Livelihood Empowerment Against Poverty (LEAP) also a cash transfer program that support poor households in Ghana and the Millennium Development Goals (MDGs) are all measures for poverty to drop, yet women and girls

have been the poorest in society and the most affected by economic and social hardship (interview with MOGCSP official, June, 2015).

However, though poverty may be said to cause migration, migration itself tend to cause poverty in communities and families. In instances where parents have migrated and do not remit, it often leads to greater poverty on children left behind (Awumbila & Ardayfio-Schandorf, 2008). Thus, such children then have a need and desire to earn income for their basic needs which is one outcome of migration among left behind children. An official from Department of Social Development (2015) expressed how difficult it is to punish parental neglect, child abuse and trafficking due to government inability to provide shelter. In contrast, an official from the Anti Human Trafficking Unit, (2015) expressed that;

"poverty cannot continue to be an excuse for parent to shed off their responsibilities and push their children to work which is against the laws. Look at it this way ooo, criminals are always prosecuted when they commit an offence, do we say that because they have large family size they should go? So you see traffickers and parents who leave their children to engage in exploitative labour should be punished no matter what" (interview, AHTU- GPS, June, 2015).

The Programs officer at the PPMED, Collins explained that, the issue of child migrant especially the Kayayei has drawn even the attention of Parliament and political parties at the 2012 election] due to the deplorable condition under which they leave. However gender and children issues including people that are vulnerable, have the least allocation on the budgets in the country (interview, MOGCSP, June, 2015).

4.7.2 Vulnerability and sectors of engagement by migrant children

An Official at Care Reforms at the DSD said, "children are not suppose to migrate unaccompanied lest we expose them to risks and vulnerabilities that affect their growth and development" (Aikins, DSD, June 2015). Donsor (2015) reiterated that, some of the

laws have led to some benefits for migrant children to flee from harsh conditions, harmful traditional practices and are making it in the cities. Some have been fortunate to get government and NGO supports to carry out vocational training and acquired skills for themselves. Others are also engaged in petty trading and other income generating activities which are very positive. He further expressed that those who make it are few but majority of them suffer risks and exploitation amidst the quest to make it (Interview with an official, IOM, July, 2015).

Migration has several implications for children, families, households and the nation. Kubi (2015) expressed that 'children migrating on their own are vulnerable to abuse, discrimination and also perpetuate the poverty cycle particularly in their household' (Interview, CRI, July, 2015). The respondent from UNICEF expressed that, despite the available laws in Ghana, many children experience abuse in various forms such that those who migrant without any support end up on the street (interview with Hilary, UNICEF, June, 2015). Most of these girls are adolescent girls who live on the streets of the cities and lack basic needs. They are exposed to rape and sexual exploitation as well as coerced to engage in unlawful sexual activities. Children in the rural and urban center are all at risk in diverse forms, however, migrant children face greater risk and abuse as they become vulnerable when they migrate. Children are explained to be getting pregnant and giving birth to children without any proper care and affection for these children being born (Interview, official from UNICEF, 2015).

Trafficking of migrant children came up strongly in the study by both government and non- government actors. Majority of the trafficked victims are particularly girls between the ages of 7 and 17years who came from the northern part of the country and got their

hopes dashed through deceit and through coercion where most of these children are placed in exploitative labour. The interviewee at the Child Labour Unit revealed that although trafficking in children is an aspect of worst forms of child labour, it has its unique nature and the level of exploitation varies depending on the inhumane treatment meted out against these children. The study found out that, the end of the BECE graduation period is the peak period for recruiters and some others migrate to unknown destinations (interview, CLU, June, 2015). The official from CLU expressed that most of the children are girls that end up in domestic servitude. Kwame, a child labour expert explained that, domestic helps are different from those in domestic servitude in a way, such that domestic helps are employed, paid and catered for without abuse. However, those in domestic servitude are slaves and being abused in many instances, including working for long hours.

The study also confirms most migrant children are engaged in some form of employment the ILO, the Children's Act and the NPA have classified as ' Worst forms of child labour' and such work is seen as dangerous to the welfare of children. Some of the sectors that the study revealed included stone quarrying and small scale mining, shepherding of cattle's, fishing, agriculture, domestic servitude, chop bar and canteens, ritual servitude, child prostitution and commercial sex work, street hawking, kayayei, begging and leading persons with disability. These areas of work by children have been classified by the ILO convention 182 as worst forms of child labour that must be eliminated. The minimum age for work also adopted from the ILO convention 138 has been ratified and domesticated into our Ghanaian laws. The Children's Act fixed age 15 as the minimum age for employment for all persons. Section 87 of the Children's Act explains that, no child will be engaged in any exploitative labour or work that will deprive the child of its education, development or health. The Act gives examples of hazardous, dangerous or morally

corrupt work such as going to sea, mining, quarrying, head portarage of heavy loads, working in the bar, commercial sexual work or placing children in hotels and bars exposing them to immoral behaviour as mentioned by my respondent. Irrespective of this policy outlines, some migrant children end up in such work, some voluntary and others forced.

Most of the respondents singled out the migration of young girls from the North to engage in 'Kayayei' or head portage and trafficked children for fishing as a gendered issue. Just like the girls migrate to engage in kayayei, boys are trafficked to fishing communities by family members and they live in deplorable conditions. In both conditions, children are forced to work long hours under hazardous conditions which affect their mental, physical and educational development without receiving any remuneration for their hard work.

4.8. Chapter Conclusion

There is no specific policy for addressing issues of child migration in Ghana. A number of legislative instruments are applied together to protect children during migration situations. These legislative instruments were developed incrementally. The evolution of policies for governing child migration resonates with what is referred to as *Muddling Through* or *disjointed incrementalism* (Lindblom, 1959; Teye, 2008). The policy formulation processes go through a succession of incremental changes and it also involves trial and errors. Child migration issues are also managed by various policies some of which contradict each other and will make implementation more difficult. According to Grainger and Konteh (2007), such situations where different legislative instruments are used to manage an issue may bring about various forms of *ambiguities* and *contradictions* which make policy implementation difficult. The launch of the Ghana Migration Policy as one

comprehensive policy document may be able to address some gaps regarding the use of several policies and legal instruments to manage child migration.

CHAPTER FIVE

IMPLEMENTATION OF POLICIES GOVERNING MIGRATION OF CHILDREN IN GHANA

5.1 Introduction

This chapter explains how child-related policies on migration have been implemented in Ghana. The findings are from both secondary and primary data collated for the study. It is on how various organizations collaborate to implement the various child-related policies on migration in Ghana. In so doing, the chapter also examined the challenges confronting such organizations in the implementation of the policies.

5.2 Major Policy actors and institutions

Most of the stakeholders handling issues regarding child migration collaborate with each other and those playing coordinating roles also do so well. In the absence of a national migration policy, Ghana regulates migration issues through numerous policies and these policies are being implemented by institutions and organizations that legislate, regulate, implement and enforce laws and policies on migration.

Due to the diverse nature of migration, the actors and stakeholders involved in migration are several and from different backgrounds because of the cross-cutting nature of migration. These range from UN Agencies, international organizations, MDAs, academic research institutions, Non-Governmental Organizations, civil society, and many others including individuals who are also actors in migration. Thus, the organizational arrangement for the implementation of laws on migration resonates with the *systems model, presented in chapter 2* (see also Locket and Spear, 1980). It is expected that harmonious interactions of all organisations will be required for effective policy

implementation. The study was therefore on those institutions that handle issues relating to children including their roles and responsibilities as well as the collaborations between them towards migration management. In the sections that follow, the roles played by specific organizations are discussed.

5.2.1 United Nations (UN) Agencies

The study revealed there is collaboration between the government agencies and UN systems, especially UNICEF and the ILO which were selected for the study in the management of migration in diverse ways. Their activities and roles are cross-cutting in terms of donor support and funding for government policy formulation, implementation and evaluation (MOGCSP, 2015). The UN Systems offer technical advice to the government for implementing child-related interventions and programs, and supporting non- governmental organization. Both ILO and UNICEF contribute to policy formulation and implementation by providing data, research findings and evidence, funds and resources as well as advocacy, capacity building and training for officials that formulate and implement the policies (MOWAC/UNICEF, 2011). In fact some officials interviewed indicated that; UNICEF supported the Department of Children, under MOGCSP on the development of the Child and Family Policy that was launched on 14th July, 2015 (interview with officials DOC, 2015; UNICEF, 2011). The Policy aims at ensuring the full cognitive, physical and social growth of the child recognizing the cultural definition of a child and also supporting an up- coming policy to end forced and early marriage. It also makes provisions for children to be protected in the family and migrant children adopted or living with foster parents (MOGCSP, 2015). The official interviewed at UNICEF stated;

“We have done so many things both in the past and now, hmmm but for migration specific on children, I think it is collaboration when we supported the Anti- Human

Trafficking Unit with funds, logistics and all they may need to establish Units in all the regions in the Police Service to reduce trafficking.... another thing is the launch for the child Policy that Gender Ministry organized, we sponsored aspects of it (Interview, Hilary, UNICEF, June, 2015).

These interventions also include providing support for government and non government agencies to support street children through rescue, rehabilitation and reintegration of survivors. An official from PACODEP reiterated, "We have strong child protection committees (CPCs) to ensure young children are kept in school so that they do not migrate... These committees receive training, capacity building, and sometimes training materials for community sensitization from our donor partners" (Interview, PACODEP, 2015). UNICEF also support government budgets and various boards that support and regulate migrant's children such as the Human Trafficking Management Board, and the sector committee on the National Plan of Action Against worst forms of child labour (MOWAC/UNICEF, 2011).

5.2.2 The International Labour Orgnization (ILO)

The ILO has brought to an end most of its programs and projects in Ghana but still provides technical support to state and non- state actors to mange labour related issues. It has been in Ghana for more decades and has provided protection and support to migrant children through diverse projects and programs (GAWU, 2015). The ILO ensures their laws and regulations such as the ILO Convention 138 on the minimum age for employment and 182 on worst forms of child labour are implemented to the fullest (GAWU, 2015). An official in the Child Labour Unit noted that, 'the ILO supported to rescue more than 979 children in trafficking, a lot more migrant children from the cocoa growing communities (interview with CLU official, June, 2015). The findings of this

study indicate most activities of the Child Labour Unit in one way or the other is supported financially by donors such as the ILO. An official at the CLU highlighted that:

"...We collaborate with lots of agencies, some for rescue and others for training, but you know, funds is very key. We depend on donors and almost all our activities are donor driven, especially from ILO. They supported us when the US States Department of labour had blacklisted Ghana's cocoa and gold sector for using child labour. This was very disturbing and the child labour unit and MOGCSP alone could not handle the situation. They supported the Ministry of Employment to have National Action Plan to Eliminate Child Labour in the Cocoa Sector (NAPLEC) to end child labour in the cocoa sector only. It went well and Ghana is free" (Interview, official from Child Labour Unit, June, 2015).

The ILO also supported in capacity building programs that strengthen the staff capabilities at the Child Labour Unit to effectively coordinate and implement the NPA. A CLU official stated that:

"Specifically, the NPA is ending in 2015 and all these from drafting to in implementation were supported by ILO and UNICEF. They are still helping us to sustain the implementation of the NPA and hopefully by the end of the year we look forward to finish which is also a five year plan" (an interview with Betta, CLU, June, 2015).

Currently, some of the programs from the ILO yet to end include supporting the General Agriculture workers Union (GAWU) on a project at Kpandor Torkor to undertake a project to set all children being used for fishing free and support their education in school.

Tee in an interview expressed that:

"as we work in the area of agriculture and fishing which has been one of the sectors migrant children are working, ILO support our programs and projects only when we have sections that will rescue and remove the children working in these sectors in the districts we are going to implement our projects. So we must ensure the communities become child labour free, and employ only adults, if not no support for us" (Interview with Tee, ILO Projects coordinator for GAWU, June, 2015)

The ILO designed *Local Collective Agreement* programs with community members in order to prevent, rescue and rehabilitate migrant children and even children in the community found in hazardous work to give them formal education (Interview with Tee, ILO Project Coordinator for GAWU, June, 2015). According to the interviewee, the

Collective Agreement is a local work place policy agreement developed by workers and their employers to guide their world of work. He said;

"as you may already be aware, we work with most of the ILO conventions and majority of our work is based on the tripartite and decent work for all. In kpondor Torkor we design a collective agreement with the community. So this has been done in the community which is the employer, the communities and us, GAWU. The policy helps us to monitor every child through the community members themselves. This is to ensure children do not engage in child labour as a matter of local policy"(interview, GAWU, June, 2015).

According to the GAWU, the outcome of this local policy is that, all the children in the community are placed in school and can work only after school. They are also expected to report all suspected child trafficking cases to the project community representative. This has achieved maximum results and any NGO that need to work in the community must support the protection of children in any positive way. Tee emphasized that:

"We made progress because we made the community own the project, the Nana will make a proclamation during durber, and the chief ensure that there is no child labour in those communities. The proclamation of the chief is used a propaganda to deter labour employees and any other parent that want to exploit their children (Interview, GAWU, June, 2015).

The ILO collaborates with both Government and Non- Governmental Organizations to ensure policies are effectively implemented through donor funds and technical assistance including country reports to put pressure on government to remove children from hazardous work (ILO, 2004)

5.2.3 The International Organization for Migration (IOM)

The IOM has been a major cornerstone in protecting and promotion of the rights of migrant children and addressing forced migration by providing humanitarian assistance and emergencies (IOM, 2015). IOM Ghana has been responsible for providing technical assistance and guidance in areas of voluntary return and reintegration, counter-trafficking and general assistance for vulnerable migrants, including children in slavery-like

activities. The IOM since 2008 has supported the MOGCSP to rescue over 870 children engaged in forced labour in communities along the Volta Lake especially Kete Krachi and Yeiji (IOM, 2015). The official noted that;

"We have done a lot and IOM exist to support in many things, eerrr where do I start, ok, eerr currently, as at November 2012, IOM launched a new initiative aimed at building the capacity of local communities to address and prevent child trafficking and protection violations occurring in the Volta region of Ghana. With support from the United Nations Children's Fund (UNICEF), IOM developed a toolkit piloted in 6 communities in Ketu South & North and South Tongu Districts of Volta Region and 4 communities in the Shama District in the Western Region between 2013 and 2014. Programme partners include UNICEF, Ministry of Gender, Children and Social Protection, the sector Ministries of Health and Education and the District Assemblies" (interview, official from IOM, July, 2015).

It was also found out that, the IOM has also developed child protection facilitation toolkit with 12 modules designed, developed and shared with local government authorities. The Toolkit is titled "Free to be me" and it is part of a project where local community stakeholder network is formed to be trained using the toolkit as a standard operating procedures for the community (interview with IOM official, July, 2015). Those trained will then use the toolkit to train leaders to fight child trafficking and other child abuses/exploitations at the grassroots' level. IOM has also collaborated with the Anti Human Trafficking Unit of the Ghana Police Service to rescue and reintegrated 180 children in 15 communities. They supported the children with all their needs such as school supplies (text books, pens, pencils, erasers, rulers and sharpeners) and monitored accordingly (interview with IOM official, July, 2015). A total of 7,389 community members were sensitized during the toolkit roll-out in selected communities while a total of 30 community volunteers were trained in the Volta and Western Regions during 104 toolkit training sessions the various regions (interview with IOM official, July, 2015).

5.3 Government Agencies

Some governmental agencies and departments in Ghana also play some critical roles in the management of migration. Those purposively identified and findings from the interviews conducted with them are presented in the succeeding sections

5.3.1 Ministry of Interior (MOI)

The Ministry of the Interior is responsible for the formulation of policies relating to migration in Ghana. It currently holds the National Migration Unit that oversees policy issues. The study found out that the Ministry of the Interior ensures effective and efficient crime prevention and detention as well as improve institutional capacity. Some key institutions under this ministry are the Ghana Police service, the Ghana Immigration Service, the Ghana Prisons and National Fire Service, the Ghana Refugee Board, the National Commission on Small Arms, the National Disaster Management organization (NADMO), Narcotics Control Board and the Migration Unit (Interview with NMU- MOI official, June 2015).

The Ministry of the Interior is responsible for policy formulation, planning, monitoring and evaluation of policies that regulate migration to and from Ghana. The Ministry coordinates all the above mentioned institutions under them to ensure migration issues are managed effectively (Interview with NMU- MOI official, June 2015). Internal peace and security is also controlled by them including supervising the GIS and GPS to effectively protect migrants and also enforce law and order.

5.3.2 Ghana Immigration Service

The Ghana Immigration Service was established by the Immigration Service Law, 1989 (PNDC 226). It is generally responsible for the control and movement of people to and from Ghana. The major law under which it operates is the Immigration Act 2000, Act 573 and the Ghana Immigration Amendment Act 2012, Act 828 on migrant smuggling and trafficking enactments relating to migration and border security. The GIS is also responsible for patrolling Ghana's borders to prevent irregular migration and the trafficking of children (GIS, 2010). An interview with the GIS official (June, 2015) reveals that the GIS protect migrant children mainly through the Migration Management Bureau, which consists of 3 divisions mentioned below as;

1. The Anti-Human Trafficking Section which has a specific mandate to develop and effectively target operational activities to combat human trafficking in Ghana (GIS, 2010). The Anti-Human Trafficking Desk of the GIS was set up in July 2006 in line with counter-trafficking efforts and the Economic Community for West African States (ECOWAS) Plan of Action against Trafficking in Persons. According to an official at GIS, the desk functions to coordinate capacity building programmes and mainstream counter-trafficking measures into the operations of the GIS (Interview with Menz, GIS- ASHTIP, June, 2015). They rescue migrant children that cross the border and arrest offenders who smuggle this children. This it does through collaboration with MOGCSP, Department of Social Welfare and other national agencies, UN Agencies and Civil Society Organizations (CSOs).
2. The Migration Information Bureau also seek to raise awareness on the dangers in embarking on irregular migration to curb illegal migration and promote legal migration through the gathering and dissemination of information, and
3. The Refugee unit that seeks to provide protection for refugees including children and to seek permanent solution for problems of refugees in Ghana. This is done in

collaboration with all key institutions represented on the Refugee Board (Interview with Menz, GIS- ASHTIP, June, 2015).

5.3.3 Anti- Human Trafficking Unit of the Ghana Police Service,

The Anti- Human Trafficking Unit under the Ghana Police Service is also an institution that rescue victims and prosecute offenders of trafficking. The Police work with the Attorney generals department and the judicial system to criminalize trafficking offences. The Anti Human Trafficking Unit (AHTU) has been able to rescue almost 769 children since 2012 and prosecuted 37 offenders (Interview with AHTU official, June, 2015). They have also intercepted busses as an intervention in collaboration with Challenging Heights, an NGO to prevent hundreds of children from being trafficked and exploited (Interview with AHTU official, June, 2015). Rescued children are rehabilitated at the Department of Social Development and prepared later for reintegration with their families (MOGCSP, 2015). However, the AHTU expressed family and political interference is a major challenge in protecting migrant children. The official at the AHTU explained that:

"we have been able to prosecute 37 offenders since that time (2012), however the interference from some political officials do not allow us to fully implement the Human Trafficking Act. You arrest them and some DCEs will come and take them from the police station especially the communities along the Volta Lake that sees issues of child labour and trafficking to be normal. They recruit they recruit the children from central and northern rural areas there and bring them. They don't use their own children, so this children are mostly migrant but we can't stop them because of the politicians who dont understand this things" (Interview, GPS, AHTU, June, 2015).

The police also ensure that the rights of migrant children are protected by arresting persons that abuse their rights. They also liaise with the Domestic Violence and Victim Support Unit (DOVVSU) to support in the domestic abuse of domestic servants that are abused (MOWAC/UNICEF, 2011). The AHTU explained that, some of the cases reported are often not in the Human Trafficking Act such as non-maintenance of domestic helps

that are employed in the homes. The official expressed that, the Domestic Violence Act is then used to support some of the cases which do not fall within the purview of the Unit. This is done through referral of cases to the DOVVSU for prosecution. She explained;

" we often refer the minor cases such sexual harassment, child abuse and the like.... and in trafficking if the end result which is exploitation is not achieved, it is difficult to punish the offender, so we use the DOVVSU to help punish other offences the Human trafficking law did not define (interview with Queen, AHTU-GPS, June, 2015)

5.3.4 Ministry of Gender, Children and Social Protection (MOGCSP)

The Ministry of Gender, Children and Social Protection (MOGCSP) was established by an executive (E.11) in 2013 to expand its responsibilities to include Social Protection (MOGCSP, 2015). The Ministry is responsible for the welfare of women, children and the vulnerable in society. It formulates and implements policies and has a coordinating role that helps protect migrant children (MOGCSP, 2015). In this regard, the MOGCSP report to the UN Committee (2015) reveals that the Ministry oversees other key institutions like;

1. The Department of Children responsible for the full and holistic protection of the rights of children including migrant children and the implementation of the Children's Act.
2. The Ministry has the Human Trafficking Secretariat (HTS) that implement the Human Trafficking Act, Act 694 and also coordinates the activities of the Human trafficking Management Board. The secretariat coordinates issues of prevention, protection and rehabilitation of rescued migrant children. It also engage in awareness raising programs on trafficking and child labour (MOGCSP, 2015).
3. The Department of Social Welfare now Department of Social Development (DSD) is one of the oldest departments created in Ghana as far back as 1946. It was established to address and focus on juvenile delinquency, children in conflict with the law and the family. Through three core programs mainly child rights

promotion and protection, community care and justice administration, migrant children are protected and supported by the Department (MOGCSP, 2015). The DSD is responsible for rehabilitating rescued trafficked children as stated under section 30 of the HT Act. It also engages in family tracing of migrant children identified and rescued to reunite at the area of origin. The Department also coordinates and controls all NGOs including those that work in the area of migrant children to ensure standards are enforced in protecting the vulnerable (UNICEF, 2011). They ensure rescued children are not abused by these institutions as they train foster parents (Fifth base parent). The official at DSD (2015) stated that,

"children must not migrate unaccompanied. Yet people are recruiting persons living with disability into the cities to come and beg. They also recruit young children to lead and guide these persons with disability making these children more vulnerable to trafficking. Therefore to protect the rights of children, families need to be strengthened to ensure children stay with their families instead of migrating.

The DSD and the Department of Children collaborates to effectively protect the rights of children by using the welfare principles enshrined in the Children's Act.

5.3.5 Ministry of Employment and Labour Relations (ME&LR).

The Labour Department under the Ministry of Employment and Labour Relations is another key institution responsible for child labour issues in all sectors that involve child migrant workers. With support from ILO, the child Labour Unit developed a comprehensive National Plan of Action to eliminate all worst forms of child labour in Ghana (GAWU, 2015). The official at the Child Labour Unit which is under the Labour Department explained that, the Unit was established specifically to coordinate all interventions meant to eliminate child labour in the country. The Unit is also obliged to write reports as part of international obligations on efforts made to end child labour. The official indicated that;

'ILO is supporting the implementation of the NPA which is supposed to end this year 2015 as a target indicator for Ghana to reduce child labour by 2015 in the MDGs. We are drafting a new five year plan' (Interview, CLU, June, 2015).

The study shows the CLU developed the hazardous child labour framework for the Ghana cocoa sector to drive research and interventions (GAWU, 2015). The Unit also coordinate with NAPLEC, another Unit created at the Ministry to specifically ensure child labour in the cocoa sector is eliminated and migrant children are placed in school. The CLU joins the globe to celebrate the world day against child labour every 12th of June. The official reiterated;

"we just celebrated the World Day against child labour in Kete Krachi. We chose the place because it is a flash point for child labour. The program was successful as some three children heard about it and came to be rescued. We gave the children to PACODEP and as you can see, the things packed here are interventions we are sending to PACODEP for the rescued children (Interview, CLU, June, 2015).

5.4 Non- Governmental Organization

The interview revealed some NGOs such as Right To Be Free uses policies related migration for advocacy network concerning migration and diaspora issues. They train and build capacity of stakeholders in the migration industry. The official who works with Right to be Free explained briefly that:

"the organization has played important roles in areas of migration such as a bit of labor migration. ...we've done something a little on the issue of domestic servant in the area of migration, domestic workers and then we are working on diaspora issues now. Currently am chairing some committee on the Diaspora issues at the Foreign Affairs. Another is human trafficking, which deals with children migrating from another place to another place and then adult too (Interview, Right to Be Free, June, 2015).

NGOs also collaborate with other government and non government institutions to rescue, rehabilitate and reintegrate. Since right to be free did not have a shelter, he explained that in areas of trafficking, they often work with PACODEP.

PACODEP is an NGO located in the Kete Krachi, Volta Region, working on issues of child labour and trafficking. They work in receiving communities along the Volta Lake that use migrant children in the fishing sector as child labourers. They collaborate with government and non-government institutions to rescue, rehabilitate and reintegrate victims (Interview, PACODEP, June, 2015). They also assist in intercepting of migrant children perceived to be intended for child labour and trafficking. The interviewee at the institution indicated that,

"they could not effectively play their role effectively if the Ghana Police Service have not been present in various communities. He said, in executing our role, we also interfere in other person's daily bread, especially the traffickers working in the fishing sectors. So we need to work with the police so that we can embark on our rescue and reintegration role effectively for the best interest of the child" (Interview with Paa, June, 2015).

The General Agriculture Workers Union (GAWU) is also another non-governmental organization that protects migrant children in the agricultural sector. It was established in 1959 by a group of agric establishment in different fields such as cocoa, rubber, shea butter and later other agricultural establishment joined (GAWU, 2015). It is under the Ghana Trade Union (TUC) that ensures farmers and all persons working in the agric sector work under safe and hygienic conditions. Most of their projects are supported by the ILO. Currently working on a pilot project at kpondor Torkor to completely eliminate child labour and force labour in the community by the end of December (Interview with Tee, GAWU official, June, 2015).

SEWA (Se Eye Wo Ba Anka) foundation and is one institutions whose work protect the rights of migrant children. They embark on advocacy, rescue and reintegration processes. Their main advocacy is currently towards the irregular migration of young girls to Kuwait and Qatar. SEWA collaborates with Christian Faith base organization like the Christian

Council, the Catholic Relief Services, Salvation Army to embark on advocacy and sensitization through documentary on the dangers of forced labour in children (Interview, June, 2015).

Child's Right International (CRI) is also a child rights advocate institution. They mainly ensure the rights of children as enshrined in the Children's Act is followed. They operate mainly through media advocacy, research in sexual abuse and rights of street and migrant children in the country (Interview, July, 2015).

5.5 Challenges and limitations by institutions

Most of the challenges confronting the institutions were similar. They include lack of collaboration among stakeholders, the absence of and weak database on migration, lack of logistics, inadequate staffing, inability of government to release allocated budgeted funds for activities, lack of funding to complete projects. Logistics and resource constraints were other common challenges confronting all the agencies. The challenges are discussed in the succeeding sections.

5.5.1 Lack of Political Will

Most government Ministries, Agencies and Departments indicated that, there is lack of political will on the part of governments to end child labour and adequately protect the rights of children as a major challenge. They also pointed out that, there is interference of governments in law implementation and enforcement and it is one reason why migrant children rights are being abused. An official of the Child Labour Unit stated that:

'Government on one hand want to look good in the eyes of donors as if they are doing all things possible to end child migration which in the end might stop child labour and exploitation, yet they refuse to take action. They contradict themselves

and interfere in prosecution processes by making issues political' (Interview, Child Labour Unit, June 2015).

Another official also noted:

" We made arrest in the Volta Region, the next day, the offenders are out. The DCE has set them free and the policemen cannot do anything about it' (Interview, PACODEP, July, 2015).

The politicians on one hand are a hindrance to law enforcement which makes it difficult to curb irregular migration especially trafficking in children and abuse of children. Some also expressed that, government offer lip service and refuse to deliver on their promises to release the required needed funds and logistics to protect all children including migrant children by following the laws to the later. The findings here highlight what is referred to as policy *ambiguities by deception* (Grainger and Knoteh, 2007). This situation arises because of internationalization of the policy process. In most cases, governments of Africa are not willing to commit scarce funds to implement some international laws, such as those needed to protect children, which they sign so the governments continue to give excuses as to why the laws are not fully implemented. According to Teye (2008), some of these laws are signed just to enable governments of Africa to access development support from donors. As Rees (1990: 417) noted elsewhere some of the policies can be “interpreted as a token gesture, designed to diffuse political conflict, without making any real change in the status quo”.

5.5.2 Weak coordination and collaboration

The Major institutions in charge of migration related issues expressed weak coordination and collaboration among key stakeholders. The study revealed that there seem to be the involvement of many Government Ministries and agencies performing similar overlapping roles. This has led to the absence of a clear lead agency role and coordination affecting implementations of laws and policies. For instance, the Department of Children and

Department of Social Development have some overlapping roles that often make it difficult who is really responsible in protecting vulnerable children. The child labour unit and the Human Trafficking secretariat often conflict in roles in combating child labour and trafficking in children as they intertwine and one is as a result of the other. Similarly, my key informants revealed that some of the key national agencies like the Ghana Immigration Service and the Ghana Police Service have conflict in terms of who has to handle human trafficking related matters and the mandate to prosecute traffickers. Although MOGCSP has to play its coordinating role very effectively to clear all doubt, the Ministry has not been able to coordinate as expected creating the inadequate data collection systems and proper records of migration issues in the country which has resulted in fragmentation of policy making.

These challenges are usually common with a systems approach to policy implementation (Locket and Spear, 1980). It is expected that when various organisations interact together to implement policy, there must be clear guidelines to regulate the entire supra system. This is, however, difficult especially when different organisations have different operating procedures. Managing child migration even becomes more difficult because formal state organisations must work with informal institutions, such as community organisations to provide information in trafficking etc. At the community level, actions are often influenced by both formal and informal rules and this can produce contradictions (Machado and Burns, 1998). For instance, in some cases children may be brought to other regions for purpose of marriage which is sanctioned by traditional rules.

5.5.3 Lack of capacity

Some of the institutions also have weak capacity to adequately implement their role effectively and efficiently. The study found out that, constant postings and transfers of officers in various institutions affect the discharge of their duties since they constantly need to be trained. The Ghana Police Service Anti -Human Trafficking Unit faced this challenge as well as the Ministry of the Interior. The official at the Migration Unit expressed concern of the transfer of their staffs whose capacities have been built to manage and understand the implementation of the Migration policy. Another official at the Human Trafficking Secretariat (HTS) said the limited number of staffs does not enable them play the coordinating role as the lead institution to implement the Human Trafficking Act 2005, which is a major key challenge. The official indicated'

"we are a two man secretariat expected to implement the law as well as respond to international demand of reporting. This is a strain, yet there is a ban on recruitment which means we have to cope in the situation' (Interview, official at HTS, June, 2015).

This statement lends credence to the resource dependency model which posits that because organisations are not internally self-sufficient, they depend on some actors within the environment for resources. These inter-dependencies affect the performance of organisations (Pfeffer, 1982: 193). In this case, the organisations are unable to protect child migrant effectively because the government does not provide them all the need support. There is also enough evidence to suggest that most officers have little involvement and knowledge on the migration policies and even laws they work with, hence are not able to effectively apply it. Most of the NGOs like Child Rights International and even some government agencies were not aware of the Migration policy being developed at the Migration Unit.

5.5.4 Contradictions in definitions: the legal definition for a child and socio cultural context of who is a child

Legally, the Children's Act 1998, Act 560 and the 1992 Constitution of Ghana explains that 'a child is any person below the age of 18 as also enshrined in article 1 of the UN Convention on the Rights of the Child (CRC, 1999), but countries can set the legal age for adulthood a little younger. The Juvenile Justice Act, 2003 of Ghana, Act 653 also peg the age of a juvenile at 18 years of age. In respect to these legal definitions, children anywhere in Ghana should be protected and not discriminated against. The Act spells out the rights and responsibilities of children which give them the right to survival and protection. All these legal frameworks seek to set standards in handling children everywhere in the country whether migrant or not. However inconsistencies in laws and policies often create challenges in handling children especially migrant children.

In Ghana, the 1992 Constitution, for instance, does not allow a person below 18 years of age to have legal backing to marry, drink alcohol or vote, yet a young girl can give sexual consent at age 16 as stipulated in the Children's Act. The cultural context of an adolescent mean different in various societies in Ghana, such that, young children as low as 14 and 15 are forced into marriage. Meanwhile, the Adolescent Reproductive Health policy (2000) explains sexual relations and pregnancies involving women under the age of 18 years entail risks to both mother and child. The policy emphasized that teenagers face more risk in seeking health care and parental consent due to norms and values associated with sex. Both the criminal code Amendment Act 554 and the Children's Act stipulate the age for sexual consent to be 16 and teenage pregnancy and sexual assault on girls 16 to 17 among migrant children are difficult to handle according to some interviewees. These

contradictions in the laws and policies on issues relating to sexual abuse and consent makes protecting migrant children challenging.

The social construct of a child in Ghana varies in terms of culture, value, religion and ethnicity. The study reveals in some cases a person is considered as a child as far as he or she continues to depend on his or her parents for basic and educational needs regardless of his or her age. Urban families and rich families' definition for a child may vary from a rural poor family since economic dependence and liberation also account for the definition. The value placed on a child also differs and even though the law may define who a child is, the family interpret the definitions differently. Economic independence is what determines the maturity of a person but not his or her age. Migration has therefore become a platform for children to work in order to attain economic and social independence. For instance, the study revealed that migration is used among young boys to earn a living, make money to marry and pay for dowry while young girls from the Northern region also use migration as a medium to save capital to support in the marriage ceremony (Interview with an official DOC, 2015).

The definition of a child as provided by the 1992 constitution of Ghana has no link with a cultural construction of a child since it does not consider the economic independence of the child. An official at DSD also noted that protecting children becomes difficult when policy actors do not understand basic principles and definition (Interview with Aikins, DSD, June, 2015). Concepts and definitions like child labour, child work, its worst forms, child abuse and trafficking becomes very difficult for the masses to understand. An interview with an official from DOC (2015) indicates that, "the policies and laws in Ghana are very good but sometimes too technical for the lay person to understand". The

Children's Act, section 87 prohibits all forms of child labour. However, these are the work being performed by migrant children. He explained that, institutions know under the law, children are not suppose to engage in those work, yet family livelihoods and poverty leads to the exploitation of these same children we seek to protect (Interview with Slim, June, 2015).

The sources of contradictions as presented here can best be understood in relation to the concept of 'complex organisations' (Machado and Burns, 1998), a situation that occurs where formal and informal rules operate together. For instance, informal rules on marriage, fostering, and work are different from formal rules that regulate marriage. In relation to the Structural Contingency Theory (Pfeffer, 1982), one can argue that the traditional environment within which most state organisations work affect their performance.

5.5.5 Donor driven policy and programs

Key informants revealed that, currently most policies, programs and project are donor driven and have time bound limit to end. Most programs and policies have not fully protected children because donors have special interest different from our cultural context.

The official for GAWU said that;

"In terms of policy yes we have done a lot to protect children, but in practice no because there are isolated programs and project running that are more accountable to the donor than the people and their structures. These always worsened community interventions since programs are not sustainable because donors have their interest other than community will" (Interview, GAWU, June, 2015).

In terms of budget allocation and release of funds, the Programs Officer at the planning policy, monitoring and evaluation expressed that Government allocation is often inadequate such that, most project are donor driven. An official at AHTU says, 'all the ten

regions of the AHTU were supported by UNICEF such that, restocking for new materials sometimes becomes a challenge' (interview, June, 2015). The Head of the HTS also supported the argument that the current Legislative Instrument (L.I.) on Human Trafficking was sponsored by UNICEF including the development of the National Plan of Action. Those in the NGO sector like PACODEP also further stated that:

"support from government is often not fourth coming and depend on donors. This often do not lead to sustainability and the full implementation of projects since programs often wrap up without achieving it said target"(Interview with Paa, July,2015.

These support Aldrich and Pfeffer's (1976) idea of the *'Resource Dependency Theory'* that organizations are not internally self- sufficient. They often depend on some actors within their environment for resources which is often the case for most Government agencies (see Lit. Review, page 27). The interview also revealed that most policies were funded by donors and they dictate the content of the policy which do not necessary reflect the acceptable practices of the country. Most of my interviewees indicated that, they often go through tough time writing proposals that just please donors especially in the area of child rights, and their best interest in order to get funds. However, due to the cumbersome nature in implementing donor driven projects makes in the government sector after funds are sourced makes it challenging. For instance, in a discussion with one government official at the Department of Children when asked if the best interest of the child can be realised answered:

“you know our culture often allows children to be seen but not to express their opinions, yet all this rights in the policy have to be there, we can hardly see the impact since culture is at play. However, such areas are donor driven and come with lots of cash for government (Discussions with an official at DOC, July, 2015).

In such circumstances, Teye (2008) mentioned that it is “ambiguity by delusion”, where the executive does not make any clear provision for implementing the policy. Most institutions have gone through change and alignment through international donor

recommendations and support. Yet government is often unable to sustain projects and programs which see the collapse or few support in those areas. Example is the human trafficking secretariat housing the National Data Base on child trafficking in Ghana and have since not been updated after the British Council Supported the program. Again, some NGO involved in rescue and advocacy for trafficking has folded up to other donor support areas such as health. An official from MOGCSO noted that;

'we had programs like NGO- GOG forum on trafficking meant to collect data from key partners, but lack of support again from donor partners has ended it since the program of UNICEF in that area has ended' (Interview, MOGCSP, June, 2015).

5.5.6 The Law in theory and in practice: protecting the rights of children

The study also revealed that, although the various legal frameworks and policies seem very comprehensive, in practice there is disconnection between the laws as a writing document and practices in the way policy actors and the society understand these laws in our traditional and cultural settings in dealing with child migration in the country. Most of the enacted laws are top -down approach where every action concerning it is done at the national level without the involvement of those who will really be using the laws (Interview with Tee, Gawu, June, 2015).The study found out that, child related issues whether migrants or not comes down to child's rights related and their welfare in both origin and destination. The laws are not fully able to protect these rights of children due to traditional and cultural context at the way children are socially constructed and valued.

Issues that came up is the absent of shelter and government facilities to care for victims and migrant children in practice was reiterated in this manner by the Child Labour Unit.

"For due to lack of shelter and money, we sometimes refuse to rescue children, since this children are suppose to be removed to a better place, but government do not give us the budgeted funds to undertake our job and rescuing them will not be in their best interest so we allow them to be" (Interview CLU, 2nd June, 2015).

Other key informants also expressed how in practice they are constrained to implement the laws and policies to protect the rights of children because of government inability to release budgeted funds.

Although the laws and policies are available to protect children, institutions responsible to implement the laws and policies are unable to comprehensively do so due to government inability to provide all necessary and available resources to institutions. This Lindbolm (1959) as cited in Teye (2008) explains is *disjointed policy making* since only some aspects of alternatives for dealing with a problem are identified which differ marginally from the existing policies and what is expected from policy makers. Lindbolm (1959) further explains that, partisan politics makes policy making a *disjointed incrementalism* because there are often no clearly identified problem and no clear set goals to be attained but often trial and errors due to international pressure (Teye, 2008).

5.6 Chapter summary

Migration policy implementation on children cuts across both government actors and non government actors. There is constant collaboration and partnership among stakeholders in order to achieve maximum impacts and outcomes in child migration. However, institutions face challenges in the implementation of policies. Culture and tradition serve as a barrier to fully implement policies effectively in Ghana as well as lack of political will to end the risk involved in child migration. The study reveals that most of the laws are comprehensive but in practice weak since norms, tradition and culture interfere in finding lasting solutions for the total protection of children.

Hogwood and Gunn (1984) as cited in Teye (2010) identified this complex situation as the *ideal type of model in policy analysis* which they explained it to be the imagined or mental constructs that tackle areas which do not exist in real life but can help policy makers formulate around issues as what is ought to be (Hogwood and Gunn 1984: Teye, 2008). This ideal type Betts called '*embeddedness*' in migration (Betts, 2011: 14). Betts (2011) explained 'embeddedness' to be a situation where an area of social life does not exist as a recognized and compartmentalized area but is an integrated part of the larger social system". Betts in his examples mentioned norms, values and culture that shape a states' behaviour in area of migration which in this study has revealed (Betts, 2011).

CHAPTER SIX

SUMMARY, CONCLUSIONS OF FINDINGS AND RECOMMENDATIONS

6.1 Introductions

Despite the participation of children in migration in Ghana, there has been no comprehensive migration policy that addresses issues on child migration in the country. The studies done so far indicate the vulnerability of child migrants and the need for policy to address them. There are different types of policies and legal instruments that are on migration. However, the present study examines the policies and legal instruments that are directly and indirectly on migration in Ghana. The general objective was to examine how these policies have facilitated child migration and the implications of such policies on child migrants and children left behind. Its specific objective were to describe the legal documents, laws and policies on migration that directly or indirectly affect children, explore how some of them address issues of migration concerning children and examine the role that some state and international organizations play in protecting child migrants and analyze the challenges faced by these institutions in protecting these children among others.

In addition to analyzing the policies and examining how they influence issues on child migrations, a qualitative study on policy implementers was done to find out their experiences in the implementation of policy and its outcomes. This chapter summarizes the area of study and draws relevant conclusions. It then suggests recommendations as emanated from the study.

6.2 Major Findings

The study found out that the Children's Act is the main legal document used to manage issues relating to child migration in the country which migrant children are inclusive. Other legal frameworks mentioned included the Human Trafficking Act, the 1992 Constitution, the Domestic Violence Act, and the National Plan of Action for the Elimination of Worst Forms of Child Labour as part of the main legal frameworks stakeholders use to handle issues concerning migrant children in the country. However, The Children's Act which is the legal policy framework that protects children in the country has not universally protected every child since norms, tradition and values often interfere with policy implementations as well as time bound donor support project which often leads to abrupt end and lack of ownership of projects.

Although there are also benefits in migration for children as found out by the study, the policies and legal instruments are often directed at addressing the risks and negative impact of migration among children. Therefore all the policies sought among their objectives to prevent or solve issues concerning migrant children. However, depending on the kind of challenge a migrant child might face, other legal documents which are not meant to manage migration such as the Domestic Violence Act of 2007 and the Criminal Code Amendment Act can be used and quoted during prosecution to protect the rights of migrant children. This shows that, a comprehensive policy is required to address issues of children in migration.

Ghana now is in the process of launching a new national migration policy. An examination on the aspects of children by means of interview with the officials responsible for the policy development indicated that a number of aspects on child migration have not been

comprehensively addressed in the policy. A review of all policies that address child related issues will be condensed to better child migration issues in the country, thus the vulnerable group and also as persons benefiting from migration.

There are various policy actors and policy implementing agencies in Ghana. This comprises of UN Agencies, international organizations, MDAs, NGOs, CSOs and private individual actors. Both the UN and international organizations often collaborate with government agencies to protect migrant children by supporting with funds, logistics, giving technical support to state and non- state actors. They also supported many policy formulation processes such as the children's Act, Child and Family Policy and the National Migration Unit. The policies cut across and some have common characteristics, aims and goals which lead to cross sector policy implementation and used by different institutions to handle child migration. Meanwhile, policy actors face some challenges in the implementation of policies ranging from their own limitations as well as states and non state actors. Government Ministries, Department and Agencies disseminate, enforce and implement the policies. Their actions and inactions have policy outcome on child migration

The study found out that most policies are made at the national level and it makes it difficult for those at the district and grass roots level to understand what these policies are meant to do. Although some communities often know that laws exist child protection, wellbeing and against human trafficking, but their activities are rooted and grounded in traditions and norms making it difficult to accept and respect the laws totally. These explain the hindrance in law enforcement with practical example being child related abuses that are solved at the family level instead of the law court.

Issues relating to adoption and fosterage are also some traditional practices that expose children to the risk of trafficking and other exploitation. The Child and Family Welfare Policy came in time and handy to address some of these key challenge by looking at the child not only in the legal context, but viewing a child as part of a family and community which put the shared responsibility of protecting the child by both the parents, family, community and the states.

6.3 Conclusion

There are so many policies and legal frameworks with aspects that address child migration. In implementing them to address issues on child migration, aspects of various ones are required to complement each other. Since some of them originate from international sources, implementing them is challenged by traditional norms and practices that contradict them. For example child trafficking is challenged by traditional practices of fosterage and adoption. Another example is the cultural interpretation of a child and socialization in our traditional environment that leads to child labour and exploitation. However the legal definition of a child adopted from the international laws is the challenged by our cultural definition of who a child is.

Again, policy implementers are faced with challenges in applying fully the policies and legal instrument on issues of child migration. These challenges came about due to lack of funds, logistics and office equipments to work with and protect migrant children. It also included low knowledge base on the various laws among stakeholders and also the general public.

Donor support in areas of migration has been very effective towards policy formulations, further enactments and amendment of laws and policies that protect children including migrant children. The study however, found out there is often no community participation in policy formulation since it emanates from the national level. Most of the implementation of such policies are also donor driven which are time bound programs. Government often do not have sustainable plans to continue such projects when donor support ends.

6.4 Recommendation

The following recommendations are made based on the findings;

1. All laws and policies on migration that address child migrants should be reviewed and condensed into a comprehensive framework for addressing child migration in Ghana. This could be placed in the Ghana National Migration Policy when it is revised in the future.
2. Policies and legal frameworks originating from international sources should be revised to suit the realities of children's experience of migration in Ghana. For example, children aged 15 to 17 years who migrate, participate in the labour force and have no disadvantages or harmful consequences should be protected so that they can also have their education, develop and acquire better skills. By this approach, the benefits of migration to children will eventually benefit the country.
3. A stronger political commitment on the part of government should support international organizations, NGOs and others who address problems faced by child migrants.
4. A more developed collaborative system should be developed to enhance the various roles played by the implementers. Eventually, there can be harmonization

of definitions and actions to avoid contradictions in law enforcement. For example the definition of who is a child.

5. The Child and Family Welfare Policy (2015) should be disseminated to key stakeholders and awareness-raising and sensitization programs organized on the dangers and risk of child migration. This will help communities have stronger child protection systems.

REFERENCES

- Abu, K. (2012). "Child Fostering in Tamale Thirty years Ago" in Oppong, C., Badasu, D. M., Waerness(eds) *Child Care in a Globalizing World: Perspectives from Ghana*, Institutes of African Studies, University of Ghana, Legon
- Adepoju, A. (2003). "Review of Research and Data on Human Trafficking in Sub-Saharan Africa", in *Data and Research on Human Trafficking: A global Survey*, ed. F. Laczko and E. Gozdzia, Geneva: International Organization for Migration.
- Adepoju, A. (2005) "Patterns of Migration in West Africa". In Takyiwaa Manuh(ed), *International Migration and Development in contemporary Ghana and West Africa*.
- Aldrich, H. E., & Pfeffer, J. (1976). "Environment of organisations" *Annual Review of Sociology* pp. 79-105.
- Anarfi et al (2003). Migration from and to Ghana: A Background Paper. Development of Research Center on Migration, Globalization and poverty. University of Sussex, Brighton
- Anarfi, J. K., & Agyi, J. (2009). " To move or not to move: the decision making process of child migrants from Northern to Southern Ghana". In Anarfi, J. and Kwankye, S. *Independent Migration of Children in Ghana*, Regional Institute for Population Studies, University of Ghana, Legon.
- Anarfi, J., & Kwankye, S. (2009) *Independent Migration of Children in Ghana*. Regional Institute for Population Studies, University of Ghana, Legon.
- Asare, P. (2012). " *Labour Migration in Ghana*". International Affairs Officer, GTUC.
- Avevor, D. (2014). Ghana: Waging War on Human Trafficking, available at <http://www.modernghana.com/news/483748/1/waging-war-on-human-trafficking.html> accessed on 13th May, 2014
- African Charter on the Rights and Welfare of the Child (1990) entered into force on 29th November, 1999 http://www.africa-Union.org/Official_documents/Treaties_%20Conventions_%20Protocols/A.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf [accessed on 20th June, 2014 at 11:10pm]

- African Union Convention Governing the specific aspects of Refugee problems in Africa (1969). Addis Ababa, Banjul
- Anderson, J. E. (1975). *Public Policy Making*. New York: Praeger Publishers.
- Awumbila, M., Manuh, T., Quartey, P., Addoquaye Tagoe, C., & Bosiakoh, T. A. (2008). *Migration Country Paper: Ghana*. Center for Migration Studies, University of Ghana: Accra
- Awumbila, M., & Ardeyfiio -Schandorf, E. (2008). Gendered Poverty, Migration and Livelihood Strategy of female Porters in Accra, Ghana. *Norwegian Journal of Geography*, 62, 171-179.
- Badasu, D. M. (2012). 'Child Care Among Ewe Migrants in the City of Accra: Cases of Crises' in *Child Care in a Globalizing World: Perspectives from Ghana*. Pp 243-266. Institutes of Africa Studies, university of Ghana, Legon, Accra
- Belsaer, P. (2005). *Forced Labour and Human Trafficking: Estimating the Profits*. International Labour Office, Geneva.
- Betts, A. (2011). *Global Migration Governance*, Oxford: Oxford University Press.
- Benneh, E.Y. (2005). The International Legal Regime and Migration Policies of Ghana. The ECOWAS Sub-Region and Recipient Countries in T. Manuh (ed) *At Home in the World? International Migration and Development in Contemporary Ghana and West Africa*, Accra: Sub-Saharan Publishers.
- Bluwey, G. K. (2002). *Political Science: An Introduction*. Legon Center for International Affairs (LECIA), University of Ghana, Legon.
- Brown, C. K. (2002). *Sexual Abuse of School Children in Ghana*, Center for Development Studies, University of Cape Coast.
- Bryman, A. (2001). *Social Research Methods*. London, England: Oxford University Press.
- Bryman, A. (2007). Barriers to integrating quantitative and qualitative research. *Journal of Mixed Methods Research*, 1(1), 8-22
- Castles and Miller (2008). *The Age of Migration: International Population Movements in the Modern World (4th ed.)*. Palgrave: Macmillan.

- Clarke, P. (2009). Understanding the experience of stroke: A mixed-method research agenda. *The Gerontologist*, 49, 293-302.
- Creswell, J. W., & Tashakkori, A. (2007). Developing publishable mixed methods manuscripts [editorial] . *Journal of Mixed Methods Research*, 1(2), 107-111.
- Creswell, J. W., Plano Clark, V. L., Gutmann, M. L., & Hanson, W. E. (2003). Advances in mixed methods research designs. In A. Tashakkori & C. Teddlie (Eds.), *Handbook of mixed methods in social & behavioral research* (pp 209-240). Thousand Oaks, CA: Sage.
- Davidson, O. J., & Farrow, F. (2007). *Child Migration and the Construction of Vulnerability*. School of Sociology and Social Policy, University of Nottingham, Save the Children, Sweden.
- Dror, Y. (1989). *Public Policy-making Re-examined*, Second Edition (New Brunswick: Transaction Publishers).
- Dye, T. R. (1966). *Politics, Economics and the Public*. New York: Rand-McNally.
- Easton, D. (1958) *The perception of authority and political change*. In Friedrich, C, J. (ed) *Authority*, Cambridge Ma: Harvard.
- Easton, D. (1965). *A Systems Analysis of Political Life* New York: John Wiley.
- Frimpong -Nnuroh, D. (2012). Kinship Fostering and Social Parenthood in Ellembele, Nzima in *Child Care in a Globalizing World: Perspectives from Ghana*. Pp 105-123. Institutes of Africa Studies, university of Ghana, Legon, Accra
- Ghana Statistical Service, ILO/IPEC,(2003). *Ghana Child Labour Survey*. Accra.
- Ghana Statistical Services (2013). 2010 Population and Housing Census: National Analytical Report, Ghana Statistical Service, Accra.
- Goody, E. N. (1982). *Parenthood and Social Reproduction Fostering and Occupational Roles in West Africa*. Cambridge: Cambridge University Press.
- Grainger, A., & Konteh, W. (2007). *Autonomy, ambiguity and symbolism in African Politics: The development of Forest Policy in Sierra Leone*.

- Grieco, J. (1990). *Cooperation Among Nations: Europe, America and Non-Tariff Barriers to Trade*, Cornell: University Press, 1990
- Government of Ghana, (2003). *Ghana Poverty Reduction Strategy: An Agenda for Growth and Prosperity*. Analysis and Policy Statement, National Development Planning Commission, Accra.
- Government of Ghana, MOWAC, UNICEF, (2011). *A situational Analysis of Ghanaian Children and Women: A call for Reducing Disparities and Improving Equity*. Accra, Ghana.
- Government of Ghana, Ministry of Gender, Children and Social Protection (MOGCS) (2015). *Republic of Ghana's Final Response to the Un Committee on The Rights of The Child consolidated Report Ghana*, Accra
- Hogwood, B.W., & Gunn, L. A. (1984). *Policy Analysis for the Real World*. London: Oxford University Press.
- Howard, N. (2008). *Independent Child Migration in Southern Benin: An Ethnographic Challenge to the 'Pathological' Paradigm*. Research Workshop on Independent Child and Youth Migrants, Migration, DRC. University of Oxford.
- De Haas, H. (2008). *Migration and Development: A Theoretical Perspective*. International Migration Institute, University of Oxford:Oxford
- ILO, (2004). *A Comparative Analysis: Girl Child Labour in Agricultural, Domestic Work and Sexual Exploitation: The Case of Ghana, Ecuador and the Philippines*. Vol 2. ILO, Geneva.
- International Labour Organization/ International Program on the Elimination of Child Labour (ILO-IPEC), (2001), *Combating Trafficking in Children for Labor Exploitation in West and Central Africa: Synthesis Report based on studies in Benin, Burkina Faso, Cameroon, Cot D' Ivoire, Gabon, Ghana, Mali, Nigeria and Togo*: Geneva
- International Organization for Migration (2004). *Human Trafficking and Statistics: the State of the Art*, UN Economic Commission for Statisticians, Europe (Session on Gender Statistics)
- International Organization for Migration (2007). *Compendium of International Migration Law Instruments*, Richard Perruchoud and Katarina Tomolova, eds. The Hague: Asser Press.

- International Organization for Migration (2008a). *Migration and Development: Achieving Policy Coherence*. IOM Migration Research Series, No. 34. Geneva: International Organization for Migration.
- International Organization for Migration (IOM) (2005). Contributions of International Organization for Migration to the Seventh Coordination Meeting. Geneva
- International Organization for Migration (IOM) (2006). A Global Strategy of Migration for Development: Beyond the MIDA Approach to Mobilizing and Sharing of Human and Financial Resources of Overseas African Community. Geneva
- International Organization for Migration (IOM) (2015). website for <http://www.iom.int/cms/activities> (Accessed on 17th April, 2015, 5:40pm)
- International Organization for Migration (IOM) (2004). *Migration Policy framework for Sub-Saharan Africa, Eightieth Session*. IOM Publications, Geneva.
- International Organization for Migration (IOM) (2005). “World Migration 2005: Costs and Benefits of International Migration.” *In IOM World Migration Report Series*, edited by I. Omelaniuk: International Organization for Migration
- International Organization for Migration (IOM) (2004). *Essentials of migration management: A guide for policy makers and practitioners*. Geneva: IOM
- King, R. (2012). *Theories and Typologies of Migration: An Overview and a Primer*. Willy Brandt Series of Working Papers in International Migration and Ethnic Relations 3/12. Malmo Institute for Studies of Migration, Diversity and Welfare. Malmo University.
- Kwankye, S. O., Anarfi, J. K., Tagoe, C. A., & Castaldo, A. (2008). *Independent North-South child migration in Ghana: The decision making process*. Working paper T-29, Sussex, UK: Development research center on Migration, Globalizations and Poverty. University of Sussex.
- Kwankye, S. O. (2011). Independent North South Child Migration as a Parental Investment in Northern Ghana. Regional Institute for Population Studies, University of Ghana, Legon, Ghana.
- Kitchin, R.. & Tate, N. (2000). *Conducting Research in Human Geography: Theory, Methodology and Practice*, London and New York: Prentice Hall.

- Latham, M. C. (1995). UNICEF- Cornes Colloquium on Care and Nutrition of the young child- overview, *Food Nutrition Bulletin*, 64,82-85
- Litchfield, J., & Waddigton, H. (2003). *Migration and poverty in Ghana: Evidence from the Ghana Living Standard survey*, working paper, Issue 10.
- Lockett, M., & Spear, R. (1890). *Organization as Systems*. Eds Milton Keynes: Open University Press.
- Lindblom, C. E. (1959). *The Science of muddling through*, *Public Administration Review* No. 19
- Machado, N. I., & Burns, T. R. (1998). *Complex social organization: Multiple Organization modes, structural incongruence, and mechanisms of integration*. *Public Administration*, 335 - 385
- Manuh, T. (2001). Ghanaian migrants in Toronto. Care of Kin and Gender Relations. *Research Review*, 17, 17-26.
- Manuh, T., Benneh, Y., Gebe, Y., Anebo, F., & Agyei, J.(2010). *Legal and Institutional Dimensions of Migration in Ghana*. Technical Paper series No. 4, Center for Migration Studies, University of Ghana, Legon.
- Ministry of Gender, Children and Social Protection (MOGCSP), (2013). *Compilation Report to the Committee on the African Charter on the Rights and Welfare of the Child*, Accra
- Ministry of Manpower, Youth and Employment, (2006). *Pilot labour survey in cocoa production in Ghana*. NAPLEC, Accra
- Ministry of Women and Children's Affairs (MOWAC), (2005). *FACTSHEET: The Human Trafficking Act (Act 694), 2005*, Compiled by Sylvester Kyei-Gyamfi, Department of Children (DOC), Accra
- Ministry of Women and Children's Affairs (MOWAC) and UNICEF, (2009). *Children in Ghana*, Accra
- Ministry of Women and Children's Affairs (MOWAC) (2011). *Report of th Fifty- Fifth Session of the Commision on the Status of Women*. UN Headquarters, New York.
- Mitchell, I. M. (2011). *Child migration in Ghana: Issues, Risks and Opportunities*. Center for International Governance Innovation (CIGI), African Portal. Backgrounder No. 7.

- Montgomery, J. D. (2005). *The Structure of Norms and Relations in Patronage Systems*. Mimeo Department of Sociology, University of Wisconsin
- National Agency for the Prohibition of Trafficking in Persons (NAPTIP). *The Dynamics and Context of Trafficking in Persons: A National Perspective*. Nigeria, Abuja.
- Newland, K. (2007). *The Governance of International Migration: Mechanism, processes and Institutions*. Global Commission on International Migration (GCIM). Paper Analysis and Research Programs. Migration Policy Institute.
- Nukunya, G. K. (1969). *Kinship and Marriage Among the Anlo Ewe*. London School of Economics Monographs on Social Anthropology. No. 37. London: the Athlone Press
- Orozco, A. P. (2010). *Global Care Chains: Toward a rights- based global care regime?* UN International Research and Training Institute for Advancement of Women (INSTRAW)
- Owusu-Ansah, D. (1994). *Urban- Rural Disparities: A Country Study*, Library of Congress, Federal Research Division.
- Palermo /Trafficking Protocol (2000) UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (2000)-Available at http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf [Accessed on 9th May, 2011]
- Protection of Victims of Trafficking in Ghana, Study from Danish Immigration Service's Fact-Finding Mission to Accra, Ghana, February 25 to March 6 2008. Published on June 2008 Copenhagen
- Parsons, W. (1995). *Public Policy: An Introduction to the Theory and Practice of Policy Analysis*.
- Pfeffer, J. (1982). *Organizations and Organization Theory*. London. Pitman
- Pfeffer, J., & Salancik, G. R. (1978). *The External Control of Organisations: A Resource Dependence Perspective* (New York: Harper and Row).
- Quartey, P. (2009). *Migration in Ghana: A country profile*. International Organization for Migration (IOM): Geneva.

Shillington, K. (1992). *Ghana and the Rawlings factor*. Macmillan press, London

Teye, J. (2012). *Benefits, Challenges, and Dynamism of Positionalities, Associated with Mixed Methods Research in Developing Countries: Evidence From Ghana*. Journal of Mixed Research Methods: SAGE Publications.

Teye, J. K. (2008). *Forest Resource Management in Ghana: An Analysis of Policy and Institutions*, Phd Thesis, School of Geography, University of Leeds, UK.

The Government of Ghana, 1992 Constitution of Ghana.

- The Children's Act of 1998, Act 560
- The Criminal Code of 1960, Act 29 and its Amendment Act of 2003, Act 646
- The Human Trafficking Act of 2005, Act 694
- The Domestic Violence Act of 2007, Act 732
- The Ghana Immigration Act of 2000, Act 573
- The Refugee Law of 1992, PNDCL 305D
- The Labour Act of 2003, Act 651
- The Juvenile Justice Act of 2003, Act 653
- The Adolescent Reproductive Health Policy (2000)
- The Child and Family Welfare Policy (2014)
- The National Programme of Action (1992)

Trafficking In Persons (TIP) Report (2014). United States of America Department of Labour Reoprt. (Accessed online at United States Department of State Trafficking in Persons Report, 2014, available at <http://www.state.gov/g/tip/rls/tiprpt/2014/> [Accessed on April 5th 2015])

UNDESA (2014). The State of the World Population.

UNDESA, UNDP, UNESCO (2012). *Thematic Think Piece: Governance and Development*. UN Systems Task Team on the Post 2015 UN Development Agenda. Human Development Report. New York.

UNICEF, (2009). *Children's work and Independent Child Migration: A Critical Review*. Innocenti Working Paper No. 19, Innocenti Research Center, eds Edmonds, Eric and Maheshwor, Shrestha

UNICEF, (2011). Annual Report 2011, UNICEF Division of Communication, New York, USA

UNHCR (1950). Convention and Protocol Relating to the Status of Refugees. <http://www.unhcr.org/refworld/html> (accessed on June 25th, 2015)

United Nations Trafficking/ Palermo Protocol, (2000)-Available at http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf [Accessed on June 26th, 2015]

United Nations Universal Declaration on Human Rights (1948)

Wong, M. (2006). *The Gendered Politics of Remittances in Ghanaian Transnational Families*. *Economic Geography*, 82, pp 355-382

Yaro, J. (2010). *Migration in West Africa: Patterns, Issues and Challenges*. Centre for Migration Studies, Legon.

APPENDIX**Appendix: Interview Guide****INTERVIEW GUIDE FOR OFFICIALS/ INSTITUTIONS THAT MANAGE****CHILD RELATED MIGRATION ISSUES**

I am a post graduate student of the Centre for Migration Studies of University of Ghana, Legon. As part of my academic requirement, I am embarking on a research for my dissertation, MA in Migration Studies. The Research Work aims at describing and assessing some existing legal and institutional mechanisms used to manage child migration in Ghana. The research topic is on "**Children in migration and migration policy: The Ghanaian context**". I would be grateful if you could take time off your busy schedule and willingly cooperate to answer the following questions. Your participation in the interview that may last for an hour is very important for the completion of the research. If at any point in the interview, you need further clarification or opt out, please let me know. You are assured that any information provided will be treated confidential and used solely for academic purposes. No aspects of the information will be passed on to a third party and the information will be used for the purposes stated.

Thank you for your co-operation.

IDENTIFICATION

Number :

Institution :

position :

Tel. Number :

Email :

Nationality :

Date of Interview:.....

1. Can you please give me a brief background of this institution and reason for establishment?
2. What aspects or forms of migration issues do you handle? (probe further for areas)
3. Have you handled migration issues relating to children? In what aspects and how?
4. Do you think authorities have adequately considered the situation of child migration in Ghana? Why are children migrating voluntarily or are forced to migrate?
5. What do you think can be done to address child voluntary and involuntary migration?
6. Are you aware of any sectors or work migrant children are engaging in? Are they at risk or vulnerable?
7. What are some of the legal frameworks/ laws that guide managing children in migration? (Probe for policy outcomes, impact and effects)
8. How many legal frameworks do you use to manage any aspects of children in migration?
9. Do you collaborate with other agencies/ institutions in managing child migration?
10. Do you think the rights of migrants' children are protected?
11. Are you aware of a migration policy in Ghana?
12. Which institution can be best placed to manage migration including child migration in Ghana?
13. What are the challenges being faced by the institutions in rendering of services?
14. Any documents to share with me?

Thank you for your cooperation.