



THE STATE OF  
**CHILD PROTECTION**  
IN GHANA

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Edited by: Kwabena Frimpong-Manso & Mohammed Zayan Imoro

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## FOREWORD

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It is with pleasure that I present to you this publication on *The State of Child Protection in Ghana* compiled by Participatory Development Associates (PDA). The area of child protection is broad and includes equally important issues from the more popular concerns of child labour and sexual exploitation to mushrooming areas such as digital rights and child online protection. Though the literature is scattered with numerous publications on child welfare and protection in Ghana, few of these attempt to bring together into a single volume, studies that engage the different areas of child protection, to provide a single reference point for all with interest in the issues, particularly academics, students, practitioners, advocates and policy makers.

Over the past fifteen years, PDA has shown commitment to issues of child welfare and protection in Ghana, exemplified partly through numerous researches on child labour and slavery with organizations such as Free the Slaves (FTS). To consolidate this commitment, PDA in 2016 introduced 'Child Rights and Protection' as one of its 'Strategic Themes' for the 2016:2021 period, and to further the realization of this, instituted an annual knowledge sharing workshop on child protection beginning in 2017 to convene stakeholders within the space, share and discuss emerging knowledge on child protection and, based on the discussions, inform policy and practice. A salient concern that emerged at the maiden workshop echoed the lack of a single reference document that engages the intricate issues of child protection in Ghana. With its wealth of experience in research on children and its wide network of associates and consultants with deep knowledge on child protection in Ghana, PDA took up the ambitious task to put together this volume that attempts, through its different chapters, to engage the multidimensional concerns of child protection ranging from children in conflict with the law to issues of child protection in schools.

The first of its kind, this volume draws from the perspectives of children, state officials, school authorities and others with responsibility over the care of children to present a lucid account of the current state of child protection in Ghana. While the different chapters touch on diverse but related issues, the linkages between them highlight the intricate nature of these concerns and draw our attention to the need to coordinate different level efforts and actions, if the goal of ensuring that every Ghanaian child is protected is to be realized. For policy makers, law enforcement, public and civil servants, this publication will be a valuable resource in directing policy formulation and implementation.

To academics, students, practitioners and the general public, it is a useful guide for further research and a reference material that would remain relevant in the coming years. For advocates in particular, it is hoped that the usefulness of the contents in each chapter would serve to re-energize and galvanize efforts to bring children's protection into the centre of Ghana's development efforts, based on the clear understanding that children are the future of the country and every effort must be made to ensure their welfare and protection.

**Angela Dwamena-Aboagye**

Women's Safety and Child Protection Advocate  
Executive Director, The Ark Foundation.

## **ACKNOWLEDGEMENT**

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

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- ACRWC - Africa Charter on the Rights and Welfare of the Child
- ADR - Alternative Dispute Resolution
- AG - Attorney General
- AU - African Union
- BECE – Basic Education Certificate Examination
- CAS - Catholic Action for Street Children
- CFWP - Child and Family Welfare Policy
- CHRAJ – Commission on Human Rights and Administrative Justice
- CID – Criminal Investigations Department
- COP - Child Online Protection
- CRC - Convention on the Rights of the Child
- CSOs – Civil Society Organizations
- CST- Child Sex Tourism
- DFID- Department for International Development
- DOVVSU - Domestic Violence and Victims Support Unit
- DRC – Democratic Republic of Congo
- DSW – Department of Social Welfare
- ECOWAS – Economic Community of West African States
- FCUBE - Free Compulsory Universal Basic Education
- FGD – Focus Group Discussion
- FSE - Free Secondary Education
- GBU – Ghana Blind Union
- GCA - Global Cybersecurity Agenda
- GCLS - Ghana Child Labour Survey
- GDHS – Ghana Demographic and Health Survey
- GES - Ghana Education Service
- GLSS - Ghana Living Standards Survey
- GOG – Government of Ghana
- GSS - Ghana Statistical Service
- HIV – Human Immune Virus
- ICCPR – International Covenant Civil and Political Rights
- ICESCR – International Covenant on Economic, Social and Cultural Rights
- ICRW - International Centre for Research on Women
- ICT - Information and Communication Technology

ICT4AD - Information & Communications Technology for Accelerated Development

IJM - International Justice Mission

IPEC - International Programme for the Elimination of Child Labour

ILO - International Labour Organisation

ISPs - Internet Service Providers

ITU - International Telecommunications Union

LEAP - Livelihood Empowerment against Poverty

MDG - Millennium Development Goals

MOE -Ministry of Education

MoGCSP - Ministry of Gender, Children and Social Protection

NCA - National Communications Authority

NCCE - National Commission on Civic Education

NGO - Non-Governmental Organization

NPA - National Plan of Action

NPECLC - National Programme for the Elimination of the Worst Forms of Child Labour in Cocoa

NSPP - National Social Protection Policy

PPAG - Planned Parenthood Association of Ghana

PDA - Participatory Development Associate

RCA - Reality Check Approach

REC - Regional Economic Communities

SCC - Senior Correctional Centre

SCEF- Street Children Empowerment Foundation

SDG - Sustainable Development Goals

SER - Social Enquiry Report

SHS - Senior High School

SID - Safer Internet Day

SRH - Sexual and Reproductive Health

SSA - Sub-Saharan Africa

TIP - Trafficking in Persons

UDHR - Universal Declaration of Human Rights

UN - United Nations

UNCRC - United Nations Convention on the Rights of the Child

UNODC - United Nations Office on Crime and Drugs

WAJU - Women and Juvenile Unit

WFCL - Worst Forms of Child Labour

WHO - World Health Organization

## CONTRIBUTORS

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# INTRODUCTION

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Kwabena Frimpong-Manso and Mohammed Zayan Imoro

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It has been almost 30 years (1990) since Ghana ratified the UN Convention on the Rights of the Child (UNCRC), the first nation to do so. Since then, the country has put in place different legislations and institutional frameworks including the Children's Act, 1998 (Act 560), to ensure the adequate care and protection of children. Constituting the largest population group (38%), many Ghanaian children still engage in child labour, streetism and other livelihood activities that expose them to child abuse and exploitation, trafficking and modern-day slavery, among others.

Whilst scattered research abounds on the different issues concerning children in or at risk of contact with the child protection system, there are few reports on the state of child protection in Ghana as this study does. This four-part study aims to bridge the gaps in the literature through a selection of crosscutting issues concerning the wellbeing of children, and the current state of the child protection system in Ghana. The study is divided into sections: child work and livelihoods; child abuse and its nexus to cultural practices; child protection institutions; and an analysis on child online protection and Participatory Development Associates (PDA) child abuse tracker.

## Part One – Child Work and Livelihood

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In the first chapter, *Leaving no child behind in Ghana: is the working child protected?* Esmeranda Manful investigates children working in rural and urban locations to understand their predicaments and the role of child protection systems that cater to them. Set in the Greater Accra and Ashanti regions, this qualitative inquiry explores the reasons why children combine schooling and extracurricular activities ranging from street hawking to prostitution. The study explains that the children's livelihood choices are informed by their financial needs, availability of the jobs and access to a particular type of lifestyle. The author highlights how city officials and the general public harass and exploit children as they go about their activities. Manful notes that efforts to protect street connected children cannot merely be limited to removing them from public spaces. She outlines recommendations including sensitizing officials to adopt child friendly methods when engaging children on the streets and, increasing the visibility and accessibility of state agencies to children engaged in different forms of labour.

The second chapter, *Children, streetism and the begging economy in Ghana*, by Edem Agbe, Jonathan Antwi Hagan and Wilhelmina Tetteh narrows the lens to focus on street children in urban areas. The authors recognise that child beggars are not a homogenous group. Many beg because of economic hardships, peer influence and broken homes. For the lack of knowledge about institutions that can help them, the child beggars build social networks and connections with other street children and third parties to facilitate their activities and ensure their survival. The authors contend that this lack of knowledge highlights the gap between state institutions and their mandate to protect children, particularly those vulnerable and at risk of harm. Agbe, Hagan and Tetteh recommend that interventions that seek to address the root causes of destitution for marginalized and vulnerable people should complement the legal provisions.

## **Part Two – Child Abuse and Cultural Systems**

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The third chapter, *Child labour, trafficking and modern-day slavery*, by Joha Braimah and Alexander Afram, assesses the current trends of child trafficking, labour, and slavery across different sectors of the Ghanaian economy. The chapter shows that current interventions by both state and non-state actors have been, to some extent, successfully tackled child labour and trafficking in Ghana compared to other countries in the sub-region. They, however, warn that Ghana's current efforts still lag in meeting the 2025 target of eliminating all forms of child labour from productive activities unless efforts are intensified. Among their recommendations, Braimah and Afram call on the Government to increase support for poor and vulnerable households and increase budgetary allocations for child and social welfare programmes.

The fourth chapter, *child marriage and sexual exploitation in Ghana* by Lucy Owusu takes a different route to investigate the twin problem of child marriage and sexual exploitation in Ghana. Through a review of existing literature and policy documents, Owusu attempts to unpack the factors influencing child marriage and sexual exploitation and the efficacy of policy initiatives in curbing the menace. She notes that poverty, religious beliefs, culture, poor parenting, and broken homes are among the factors driving the problem. In her analysis, Owusu argues that while awareness on the menace has increased and more offenders continue to face sanctions, under-reporting, informal community adjudication mechanisms and poor implementation of policies conspire to frustrate efforts at curbing the occurrence. She recommends that the government should commit more resources to law enforcement and policy implementation.

## **Part Three – Institutional Systems**

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The fifth chapter, *Child protection in schools: an assessment of child protection in public basic schools in the Greater Accra Region*, by Mohammed Zayan Imoro and Clement Sefa-Nyarko, assesses the institutional structures for child protection in schools. This chapter unpacks how these structures are enforced and the procedures for addressing abuses in public basic schools. Using qualitative methods, the authors employed semi-structured in-depth interviews with school authorities, non-participant observations of the sampled schools and document analysis to arrive at their findings. Imoro and Sefa-Nyarko show that not only does child protection in schools appear to be an area of less priority for the government, but also that in the absence of a national child protection policy for schools, existing processes in the area are fragmented without clear standard practices across public schools. They also find that corporal punishment still persists in public schools despite its prohibition. In their recommendation, the authors call for a national child protection policy that prescribes and standardises practices in public schools, as well as for better implementation of policy provisions, particularly the ban on corporal punishment in schools. The study is an insightful call on all stakeholders to pay attention to the protection of children in schools.

The sixth chapter, *Juvenile justice in Ghana and its administration*, by Chris Dadzie and Victoria Ampiah evaluates the institutional structures and processes that cater to issues of child offending, reformation and rehabilitation. The authors assess the efficacy of the Juvenile Justice Act (Act 653) and the avenues to enhance its effectiveness. They observe that apart from Act 653 being laden with gaps, its current implementation is fraught with challenges. These include long delays in trials, questionable child-care and remand facilities, and ineffective rehabilitation and reintegration strategies to name a few. In view of this, Dadzie and Ampiah recommend that the government reforms the juvenile justice system to ensure the realization of the rights and protection of children within the nation's development agenda of peace and security.

## Part Four – Briefs and Spotlights

Part 4 presents readers with an analysis on the burgeoning concern of child online protection as well as an overview of PDA's Child Abuse Tracker. The child abuse tracker was set up in 2017 as a platform for reporting and tracking cases of child abuse reported in verifiable news media outlets in Ghana.

The seventh chapter, **Child Online Protection in Ghana**, by Awo Aidam Amenyah, focuses on an arguably neglected but growing concern of children's digital rights and online protection. The analysis relies on existing literature as well as legal and policy documents on internet safety. Amenyah contends that despite the utility of the internet for education, communication, and entertainment, it also presents risks to users such as cyber bullying, grooming, impersonation, and sexual harassment. Qualifying children as the most vulnerable, she maintains that different approaches are required to address these risks. The brief concludes with a plethora of recommendations, key among them is the call on government to hasten the institution of a policy framework on child online protection to guide the public and private sector in their quest to make the internet safer for the Ghanaian child.

The final chapter, **Spotlight on Child Abuse in Ghana**, by Raymond Hodor and Peter Annor Mensah, presents an overview of the Child Abuse Tracker, a breakdown of the data on abuse cases reported over the years, and progress on securing justice and rehabilitation for a sample of the cases. Their assessment sheds light on the prevalence of child abuse in supposed safe spaces such as homes and schools, and on the impediments to securing justice and rehabilitation; some of which include low levels of reporting and the slow grinding wheels of the criminal justice system among others. In their recommendations, the authors call for the deployment of more resources for use by law enforcement agencies in pursuing justice and rehabilitation particularly for cases involving juveniles.

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# PART ONE- CHILD WORK AND LIVELIHOOD

## CHAPTER ONE

### LEAVING NO CHILD BEHIND IN GHANA: IS THE WORKING CHILD PROTECTED?

Esmeranda Manful

#### Abstract

The fact that some children work in Ghana is not in dispute; the main discourse often is on the push and pull factors that have resulted in such children losing their childhood. Irrespective of the different policies and programmes in place to address the situation, solutions to the problem tend to be elusive as a result of its conceptualisation and poverty that render many families vulnerable to economic challenges. This qualitative study explored the livelihood strategies employed by working children and the availability of child protection institutions in the Greater Accra and Ashanti regions in Ghana. Using non-participant observation and in-depth interviewing methods, the views of 70 children who participated in economic activities at lorry terminals and markets were explored. The findings revealed that many children combined working with schooling, and they engaged in hawking and service provision. The choice of the livelihood activity is mainly informed by its likelihood to meet the children's financial needs, the availability of the activity, and profitability. The challenges the children faced included harassment by city officials and exploitation by customers. The study also found out that few children in the study area had knowledge of institutions that could offer them protection and services. The recommendations of the study are that lorry terminals and markets in Ghana should be made child friendly through the sensitisation of city officials on child protection issues.

## **1.1 Introduction**

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In Ghana, despite the fact that many hate to admit it, the reality is that a proportion of children have to work. Also, what stakeholders often fail to agree on is whether the activities these children engage in can be referred to as 'child labour' or 'child work', as in practice distinguishing between the two is difficult (UNICEF, 2003). To compound the issue, Ghana's ratification of the 1989 Convention on the Rights of the Child (CRC) suggests that the country aligns to the concept of children's agency, where children participate in decisions concerning themselves. In addition, the number of people living in extreme poverty in Ghana has decreased but a great proportion of families are living in poverty and it is very likely children in such families will have to work to meet their basic needs.

Further, Ghana's ratification of the CRC puts the onus on government to ensure that children are protected in all circumstances. Although significant progress has been made to protect children in Ghana, there are still some bottlenecks in the system. Government funding to support child protection services and interventions is limited and legislation is insufficiently enforced, resulting in a gap between the legal and policy framework and practice (UNICEF, 2015; Manful & McCrystal, 2011).

Childhood remains a very important stage in the development of every individual. It is the period where children should be in school, have access to health services, have ample time to play and most importantly develop their individual capacities in a safe and supportive environment. Children all over the world including Ghana have the right to thrive, develop their full potential with encouragement from their family and community. However, for some children in Ghana this is unattainable. Nearly a quarter of children aged 5-14 in Ghana are engaged in some form of economic activity (UNICEF, 2015). The children's work assists in dealing with economic shocks and/or strategies to break the family's poverty cycle. Therefore, given this background, rural and urban livelihood dynamics and welfare of children should remain an integral part of child protection.

Addressing the challenges of working children requires the combined and coordinated efforts of both State and non-State agencies. There is evidence of the efforts put in place by the State since Ghana's ratification of the CRC through the restructure of institutions, the amendment and enactment of legislation, and collaborative efforts with non-state institutions to ensure the wellbeing of children who have to fend for themselves. This chapter presents empirical findings from the main stakeholders, children who are engaged in economic activities, as to whether there are mechanisms in place that ensure their protection while they work. Although in the urban areas, 'street children' are often associated with 'child work', this chapter focuses on 'the child' who is working in urban and rural areas, by disassociating the street as the sole public space where children can engage in economic activities. It also briefly discusses the conceptualisation of 'working children', livelihood strategies of children and activities of agencies working with children in Ghana. The chapter then explores the diverse livelihood strategies of rural and urban children, and the sustainability of these strategies by providing empirical evidence of the situation of children in Greater Accra and Ashanti Regions in Ghana. The research covers children who are working in selected market centres and lorry terminals, specifically, the capitals of Accra Metropolitan Assembly and Dangbe West District in the Greater Accra Region. In Ashanti Region, the research covers Kumasi Metropolitan Assembly and Ahafo Ano North District.

## **1.2 Conceptualisation of the 'working child'**

The delineation of working children as an unacceptable social phenomenon gained more international recognition with the coming into force of the UNCRC. Yet, it was not without controversy; especially its conceptualisation. Nonetheless, the Sustainable Development Goals (SDGs), target 8.7 and 16.2, reemphasise the global commitment to eradicating all forms of child labour by 2025 (ILO, 2017). Herein again, the term 'child labour' could have varied interpretations. However, the term 'child labour' in the narrower sense refers to work that deprives children the opportunity to attend school, obliges them to leave school prematurely or requires them to combine school attendance with excessively long and heavy work. In its most extreme forms, 'child labour' involves enslavement, the separation from family, exposure to serious hazards and illnesses- often at a very early age (ILO, 2018).

Kolk and van Tulder (2001) argue that there is a continuum that ranges from acceptable to unacceptable forms of child labour; labelled respectively as 'child work' and 'child labour' (George, 1990). There are varied interpretations, but the International Labour Organisation's (ILO) legal definition provides the parameters for global adherence. In the first instance, ILO

differentiates between ‘child work’ and ‘child labour’ on the basis of the child’s age, intensity of work and the nature of industry in which the child is engaged (Das & Mukherjee, 2011). Specifically, ILO’s Convention No. 138 (1973) describes child work as ‘light work which is not likely to be harmful to [children’s] health or development, and which is not such as to prejudice their attendance at school’. While child labour is described in Convention No. 182 (1999) as ‘all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict’. Yet, these ILO’s definitions leave a large vacuum between the extreme ends of the continuum on the type of work children can be involved in. Also, the continuum gives room for varied interpretations, based on legal, economic or cultural contexts. Nevertheless, Ghana’s Children’s Act (Act 560) Section 5, sub-part 1, clearly provides the scope for the various categorisations of working children in Ghana.

From the above it can be concluded that Ghana’s conceptualisation of child labour is based on the biological age and the type of work, not the socio-cultural context that informs the child’s socialisation. However, ‘work socialisation’ is considered a normal part of life in the Ghanaian context where some families depend on all members to contribute labour for family upkeep (Adonteng-Kissi, 2018). Another indication of the variability of the conceptualisation of the ‘working child’ but the consensus is that there are some types of work that are unacceptable for young people.

In Ghana the reality is that we have children in these different categorisations of working conditions, the acceptable and unacceptable. One of the issues is how we can ensure that children in these situations have protection. Therefore, this chapter operationalises ‘working children’ as individuals below 18 years engaged in economic activities to earn an income.

## **1.3 Livelihood Strategies of Children**

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Over the last three decades, Ghana's urban population has more than tripled, rising from 4 million to nearly 14 million people, and outpacing rural population growth (World Bank, 2015). Rapid urbanisation comes with its own challenges such as poverty, pollution, overcrowding, congestion and shortage of affordable housing. However, the challenges in living conditions in urban areas can invariably undermine the wellbeing of children. Generally, the urban poor often depend on multiple diverse livelihood activities involving different employment and self-employment activities (Carletto et al., 2007).

Children of such families are also caught in the web of finding different economic activities to survive and/or complement the family's income in the informal sector. In Accra, working children are mostly engaged in cleaning of car windscreens, calling out passengers for commercial drivers, shoe shining (cobbler), and hawking diverse retail of edible and non-edible items. Some are involved in multiple activities which range from head pottering, attendants at local restaurants, and assistants to food and tea sellers, shop attendants, commercial sex work and collecting scrap (Menzin, 2018; Boafo-Arthur, 2015). In Kumasi, the livelihood activities are not different from that of Accra. Similarly, rural children also do adopt several livelihood strategies to cope with rural poverty (Anku, 2012). These livelihood activities include selling farm products in the local markets, providing services on farms, hawking and pottering. However, compared to urban areas, the livelihood activities of rural children are less diversified.

## **1.4 Institutions Responsible for Protecting Children**

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The role of welfare institutions cannot be downplayed in the process of safeguarding the protection of children. The Children's Act further provides guidelines for enforcement of the provisions in relation to child labour in the informal sector, specifically in:

Section 96. *Enforcement in the informal sector.* (1) The Social Services Sub-Committee of a District Assembly and the Department (i.e. the Department of Social Welfare) shall be responsible for the enforcement of the provisions of this Sub-Part in the informal sector.

This suggests that State institutions are to ensure that no child falls victim to any contraventions of the provisions in the legislation. For instance, the Department of Social Welfare in Kumasi has introduced sensitisation programmes in schools and communities; working in partnership with the Metro/Municipal, District Assemblies, NGO's and individuals to remove children from the street and to monitor the progress of the children removed (Awatey, 2014).

In reality, most of these children are not aware of the existence of these institutions responsible for their protection (Boafo-Arthur, 2015). Also, NGOs including Catholic Action for Street Children (CAS), Chance for Children (CFC), Street Children Empowerment Foundation (SCEF), World Vision Ghana, Save the Children and UNICEF have made strides in the development and protection of working children in Ghana. The main objective of these agencies is to eradicate child labour by introducing interventions, including provision of support enabling children to obtain education or skills to guarantee adequate standard of living for them and their families (UHCHR, 2017), specifically, removing them entirely from the working conditions. However, such children need to transition from work (part time or full time) to focus entirely on their development; in their transition they need to be protected. Also, in most cases, top-bottom approaches are adopted in the formulation of programmes without the input of the children who are supposed to be the beneficiaries of the programmes (Beauchemin, 1999). A constructive way to protect working children therefore should have children's input. Hence, research participants in this study were only working children.

## **1.5 Study setting**

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This study was conducted in two regions (Greater Accra and Ashanti). In Greater Accra the study was conducted within the Greater Accra Metropolis and Dangbe West District and in the Ashanti region the study setting was the Kumasi Metropolis and Ahafo Ano East District. These two regions were selected as a pilot to explore the livelihood strategies of children in relation to the type of social protection they receive while working.

## **1.6 Study methods**

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To better understand children's reality, the qualitative approach, using non-participant observation and in-depth interviewing methods was adopted for this study. The study was conducted in July 2018 in all the four locations. For the non-participant observation, a template was designed to observe economic activities of children who were not accompanied by adults between 5am to 7pm and 10pm to 4am in each study location. After the various activities were identified, children who were willing to participate in the study were interviewed using a semi-structured interview guide. The interviews lasted on the average 25 minutes, but it took much longer because most interview sessions had to be stopped intermittently to enable the children attend to their customers.

In all the cases, consent to participate in the interview sessions was given by the children themselves as there was no adult guardian at the time of the study. Nevertheless, all participants who volunteered were informed of the confidentiality and anonymity (all the names used in this chapter are pseudo names) of their participation and that they could curtail their respective interviews at any stage of the interview session.

## **1.7 Analysis of data**

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The interview data was analysed manually. The first step was the transcription of the interview data. Secondly, the interview data was read thoroughly to identify emerging themes which were then coded. The coded responses were collated to get a general picture of the responses. Finally, the findings were put together for interpretation.

## **1.8 Limitation of study**

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The inability of statistical generalisability of the findings is the main limitation of this study as it has a small sample size. However, the purpose of the study was to explore strategies working children adopt and the kind of protection they have while working. Therefore, the qualitative approach provides an insight for analytical generalisability.

## 1.9 Findings

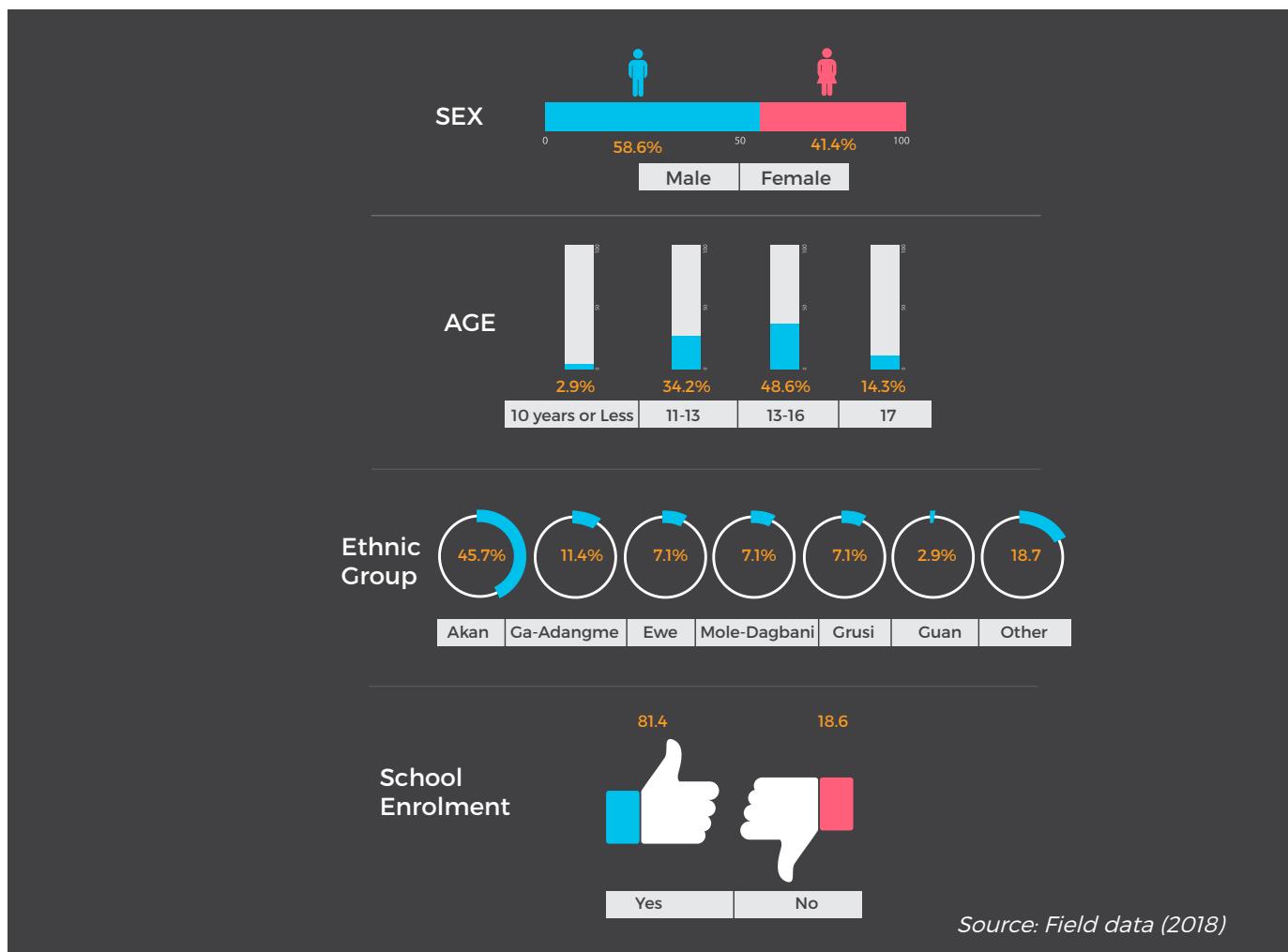
This section presents the findings of the field study. It commences with the demographic characteristics of the research participants and the emerging themes and quotes in relation to the research questions.

### 1.9.1 Demographic Characteristics of Research Participants

In all 70 children participated in this study; table 1 presents their demographics. The male population was 58.6 % and the female population was 41.4%. The age range spanned from 10 years or less to 17 years. Majority of the children interviewed were between the ages of 13-16 years, forming 48.6%. Only two 10-year olds volunteered to participate in the study.

Also, as depicted in table 1, majority of the children interviewed were Akan (45.7%). Although the study was carried out at a time many schools were on vacation, 81.4% responded they were enrolled in schools while 18.6% stated that they were not enrolled.

*Table 1.1 Demographic Characteristics of Research Participants*



## 1.9.2 Livelihood Strategies

One of the main objectives of this study was to explore the type of livelihood strategies adopted by both urban and rural children. It was observed that children participate in the informal economy engaging in varied activities. The interview data revealed that many children in this study combined schooling with work; the weekends and vacations on the other hand were common days for all participants to engage in livelihood activities. However, there were differences; some urban children also worked in the evening while some rural children worked on market days. One urban child described the strategy he adopts;

*'For me I sell these sweets during vacations but when school is in session I go to the markets after school to be a porter'. (Yao, 16 years; Accra)*

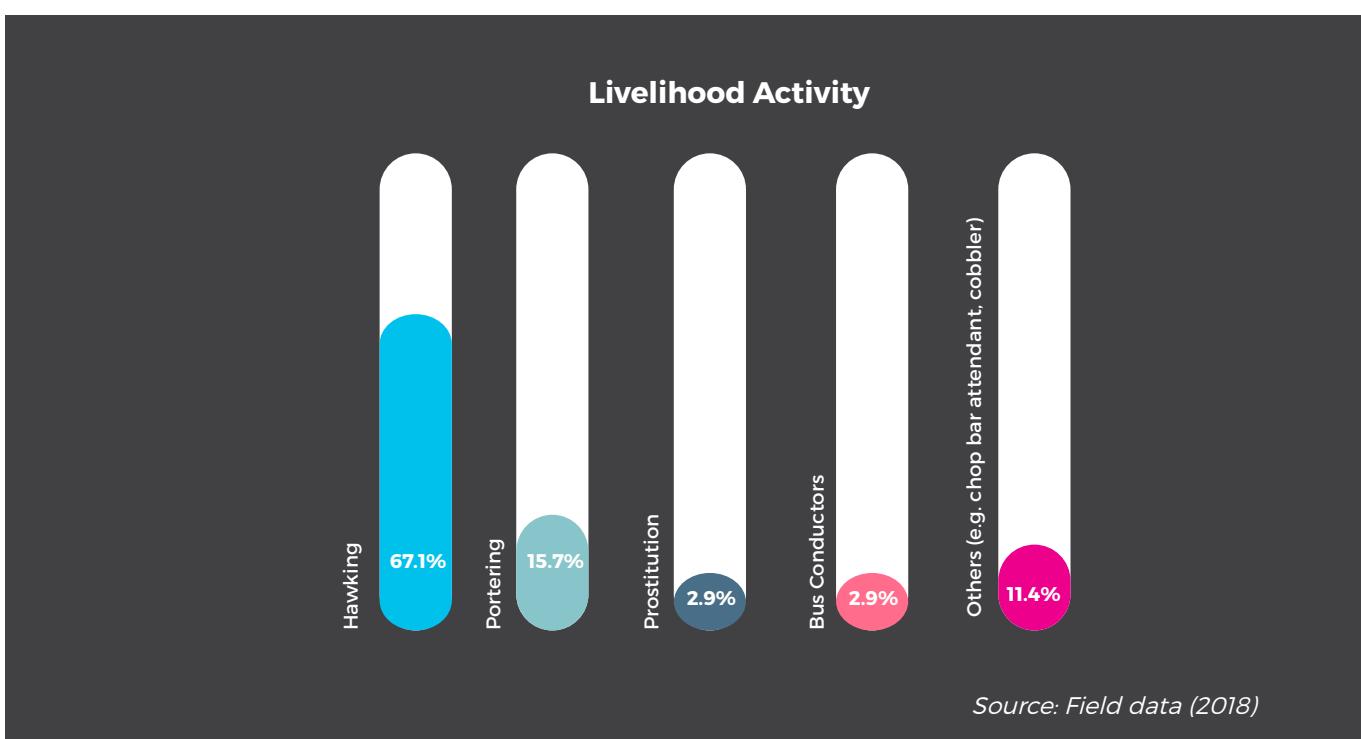
Another in a rural area also had this to say;

*'... hmm, on market days I come to the market very early in the morning before going to school and I return when school closes. However, during vacations it is easier and more profitable because I can work the whole day'. (Junior, 13 years; Tepa)*

## 1.9.3 Livelihood Activities

Another objective of the study was to identify the various livelihood activities that children are involved in as well as reasons for choosing such an activity.

Table 1.2 Livelihood activities of research participants



In both rural and urban areas in this study, hawking was the observed predominant activity that children were involved in. The items they hawked included iced sachet water, soft drinks (including 'Brukina'), disposable matches and pastries. For these activities, the time and quantity determine its categorisation as acceptable or unacceptable work based on the Children's Act. Portering was also an activity that was observed in all the four areas. However, there were few differences in the tools used; in Tepa children used wheelbarrows, in Kumasi and Accra they used head pans and in Dodowa they carried the goods without any support. Also, in Kumasi, there were males into head portering which was quite uncommon in the other locations of this study. If the loads are heavy, this activity will be described as hazardous labour based on the provision in the Children's Act.

For night activities, only few children were observed to be engaged in economic activities mainly in the two Metropolis. The children were engaged in packing or off-loading of goods, re-bagging of food stuffs including maize, rice and onions and the sale of empty boxes just to mention a few. Some were also engaged in illegal activities such as commercial sex. All these types of activities are described as hazardous labour in the Children's Act.

## **1.9.4 Reasons for Chosen Activity**

Children in the study were also asked; why did you choose this economic activity? The themes that emerged from the interview data were; meeting a financial need, availability and profitability.

### **1.9.4.1 Meeting a financial need**

One in three who participated in the study expressed that they chose to participate in their respective economic activity for financial reasons. One girl stated:

*'I sell pure water in order to get money to help my mother with my school expenses like books and uniforms for the next academic term.' (Yaa, 14 years; Kumasi)*

Another boy also stated that he engaged in the economic activity to save towards his secondary education/ He explained this by saying:

*'I am into this activity because I want to save money for SHS. Even though SHS is now free, I will still need money to buy provisions and some few items for school.' (Efo, 16 years; Accra)*

#### **1.9.4.2 Availability of economic activity**

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Others also argued that they chose the activity based on how easy it was to participate in the economic activity. One boy narrated how he got into the hawking activity;

*'You only need a friend to recommend you to the dealer and he will give you some goods to sell. I get commission on the number I sell every day.' (Akwasi, 15 years; Tepa)*

The choice of the activity also depended on what was available and required no setup funds or a particular skill set; one research participant's comment sums up this view:

*'When I came from the north to Kumasi about a year ago, head portering (Kayayei) was the only job available and it required no skills.' (Asana, 15 years; Kumasi)*

#### **1.9.4.3 Profitability**

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Some of the participants' decision to engage in their respective economic activity was informed by the anticipated profit they would make. These are what some had to say:

*'Selling poly bags is very profitable. We buy 10 jute bags for GH¢10 and sell them for GH¢ 2 per bag. So if I am able to sell all, I get GH¢10 profit. Sometimes I can make GH¢ 20 cedis a day as profit aside the money I used to buy the bags.' (Kojo, 16 years; Accra)*

Another participant's explanation of buying cheaper items to sell also reiterated what other children stated. He narrated:

*'I sell matches and it is only GH¢1. I see it to be easy to sell because of the price and people buy it easily.' (Ibrahim, 14 years; Dodowa)*

One of the few girls who admitted to being a commercial sex worker also stated;

*'The activity is lucrative because I can get about GH¢100 a night just by sleeping with three men.' (Ama, 17 years; Kumasi)*

## **1.9.5 Strategies adopted to sustain chosen livelihood**

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One of the objectives of the study was to also identify how children sustained their economic activities. The interview data revealed that majority of the children use varied strategies to sustain their chosen activities including; the times to show up at the lorry terminals or markets and good customer service to keep themselves in business. One porter in Kumasi described what he does:

*'I usually come in the evening around 5 pm because in the morning there are many children carrying loads for people so business is always bad. But in the evening most of the boys would have gone home so I get a lot of loads to carry.' (Asare, 16 years; Kumasi)*

Another soft drink vendor also described what she does, she stated:

*'I make sure my water and drinks are always chilled and arranged in order to attract people to buy them. Also, I sometimes move closer to food joints where people buy water after eating or while eating.' (Rita, 17 years; Accra)*

## **1.9.6 Challenges**

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Participants in this study were also asked the type of challenges they face in their choice of economic activity. The major themes that emerged from the data were physical injuries, harassment by city officials and the police, exploitation by clients, low patronage of their products or services and verbal abuse.

### **1.9.6.1 Physical injuries**

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One challenge mentioned by one out of four children in this study was related to physical injuries or pain. One child had this to say;

*'I do experience neck pains because of the heavy "Brukina" I carry every day. I usually take pain killers to ease the pains before the next morning.' (Awo, 11 years; Accra)*

#### **1.9.6.2 Harassment by city officials and the police**

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One in five of the research participants also had experienced an encounter with law enforcement officials. One girl narrated her experience with city officials;

*'The KMA authorities are always pressuring us to pay tolls and if you don't pay they seize your water. There are instances where you have not sold anything but yet still they will be following you to pay tolls.' (Esi, 12 years; Kumasi)*

Another also described his experience with the police in Accra, he stated;

'Sometimes you will be here and the police will raid the whole area and arrest all the people selling on the pavement. When it happens you have to run or you will be arrested.' (Tom, 16 years, Accra)

#### **1.9.6.3 Exploitation by clients**

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Furthermore, research participants in this study also mentioned that in some instances, people exploit them by not paying for their services or products. A hawker in Accra narrated his ordeal by saying;

*'Always the market women call me and use my mirror without buying and besides I can't say I won't go when they call me too. And as such you won't know who will truly buy the mirror or not.' (George, 10 years; Accra)*

Another participant who was a porter also stated;

*'Most of these market women, anytime we carry their loads, they don't want to pay us and sometimes they don't pay the actual amount we charge them.' (Kwame, 15 years; Tepa)*

#### **1.9.6.4 Low patronage**

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Some also found the low patronage of their services or products as a major challenge. One participant narrated his frustration;

*'Sometime you will walk and walk and nobody buys any of my toffees. So what I normally do is I don't come the following day just to save myself from wasting my transportation fare' (Kweku, 17 years; Kumasi)*

### **1.9.6.5 Verbal abuse**

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Another challenge research participants faced in their chosen activity was verbal abuse. A participant shared his experience;

*'As for insults it is a daily occurrence. Just this morning two people called me nasty names simply because I asked them to buy some of my poly bags.' (Kofi, 14 years; Accra)*

### **1.9.7 Institutional protection and support**

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Participants in this study were also asked if they had received any type of protection; none mentioned ever receiving any form of institutional protection. They were further asked if they had received any form of support. All of them mentioned the reliance on informal support systems, including family and friends in times of need. The support sought was mainly for food, clothes and shelter. Below are a couple of their narrations;

*'When I moved to Accra I had nowhere to sleep but my Auntie took me in so that I can also earn some money to help the family'. (Lela, 17 years; Accra)*

Another research participant stated;

*'Some of the guys have been selling in this market for a while so if there is anything I need they do help. There have been days when I had no money to buy food and they did lend me some'. (Kweku, 15 years; Dodowa)*

However, out of the 70 children interviewed, only five children in Accra knew about some institutions responsible for children. They mentioned a couple of private Non-Governmental Agencies in Accra that offer education and provide food for children who work on the street.

## **1.10 Discussion**

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Combining school with economic activities was the livelihood strategy adopted by majority of the children who participated in this study. Although their assertion could not be verified as to whether they were truly enrolled in a school, their responses are an admission of their recognition that they needed to be in school. Further, the different types of economic activities children were engaged in this study were indicative that the working children fell into all the different types of child labour in the Children's Act, both acceptable and unacceptable. Another evidence is that working children could not be described using only one variable. The livelihood strategies identified in this study were not different from what other researchers have highlighted

(Menzin, 2018; Boafo-Arthur, 2015; Awatey, 2014); this confirms that children in Ghana engage in economic activities that require little or no skills set in the informal sector. Another indication is that it will be difficult to regulate their activities as often since they are not organised and are participating in the economic activity individually. Therefore, such children will be difficult to reach and provide protection when abused.

Further, the challenges highlighted by the working children in this study attest to the fact that such children need protection. These vulnerable children are being pulled into the adult world of work but in the process, some city officials and police officers use adult criteria to make them conform to the rules; with no designated agency or individual to protect their interest these ills will be perpetuated. Also, the exploitation and verbal abuse by their customers and clients affect working children both financially and emotionally; yet they do not have any recourse to demand they are treated with dignity.

The Ministry of Gender, Children and Social Protection (MoGCSP) and Department of Social Welfare have a responsibility of developing and implementing programmes respectively that directly target the welfare and protection of all children in Ghana. They have collaborated with other State and non-State agencies to achieve a lot for Ghanaian children. Yet, there is no safety net for children who have been made vulnerable due to poverty; resulting in their participation in economic activities. The findings in this study suggest that much still has to be done to protect children who have to work to meet their basic needs as majority of the research participants did not have any knowledge of institutions that have responsibilities to protect working children. Although, their inability to identify any agency which they could seek support from could be as a result of their fleeting and non-permanency in a particular space for their economic activities, it is indicative that such agencies are invisible at the lorry terminals and markets.

### **1.10.1 Policy Recommendations**

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Many of the children who participated in this study did not have knowledge of the existence of institutions that are responsible for their protection. It is therefore recommended that these institutions, whether State or non-State, should increase their visibility at the markets and bus stations through frequent programmes and activities. Also, as highlighted, there are acceptable types of work for children; therefore, Municipalities and Districts have to strive and make the lorry parks and marketplaces child friendly at no cost to their budgets. One strategy they could adopt is to sensitise the city guards and revenue collectors on child protection issues and the available services for redress in each community; this is to prevent them from abusing the children and also for children to have the confidence to report abuse cases to the city officials.

## **1.11 Conclusion**

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Participation of children in economic activities is driven largely by vulnerabilities caused by poverty. Some children in Ghana have to engage in economic activities to survive or complement their families' income. This study revealed that children, both in the urban and rural areas, are mostly in the informal sector engaged in hawking varied edible and inedible items, and service provision. The public space appeared to provide an opportunity for livelihood strategies for the children because they use the space for economic purposes though differently. Social networks were also found to be a useful asset to the working children as they derived companionship, protection and job allocations via these networks.

However, the 'working child' had no protection in the study areas. This study revealed that the presence of agencies that can protect the interest of children was largely absent in the two public spaces, lorry terminals and markets. Therefore, it is recommended that to ensure that every child in Ghana is assured of protection; efforts have to be made by both State and non-State agencies to put in place protection mechanisms for working children. The findings also revealed that based on the Children's Act, some of the children are engaged in acceptable type of work whilst others were engaged in hazardous labour. Therefore, protecting the 'working child' cannot be limited to their removal from the public space but also has to include how to protect those who the law permits to participate in economic activities.

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# CHAPTER TWO

## CHILDREN, STREETISM AND THE BEGGING ECONOMY IN GHANA

Jonathan Antwi Hagan, Wilhemina Tetteh and Edem Agbe

### Abstract

Over the past few decades, Ghana has witnessed an outstanding rise in the number of children who spend time on the streets. Some authors estimate that the number of street children in Accra (the country's capital) alone is about 20,000. Drawing from qualitative empirical evidence from three regions in Ghana (Greater Accra, Ashanti and Northern), the study employs the Reality Check Approach (RCA) to provide insight into children who spend time on the streets as beggars by looking at the drivers of child begging, the actors and beneficiaries of child begging and the state institutional measures to curb the situation. The findings show that child beggars range from those who live on the streets to those who come daily to beg. Factors such as peer influence, poverty, broken homes, parental neglect and the desire for independence influenced the children's decision to live on the streets and engage in begging. To guide their operations and ensure their safety, children form networks and connections with other street children. The study recommends that initiatives to build the capacities of the poor and help them escape poverty should complement the current legal attempts to take children off the streets.

### 2.1 Introduction

Children are the custodians of the future; thus, the continuous existence of tomorrow's world is dependent on its children. The socialization of children is, therefore, crucial to the development of any society. When a child loses his basic rights to survival and nurturing, it is a missed opportunity because their ability to develop into creative individuals and their social, cultural and economic contributions to the society are lost (UNICEF, 2012).

Child protection is the preserve of the family, society and the state. In the past, traditional systems of reciprocity and fostering eased out hardships on impoverished parents and orphaned children. As society evolves, there have been shifts in the economy, which has threatened the traditional systems of child protection and that of the state. Many children are faced with care deficit while most of them find themselves being exploited for economic gains (Nukunya, 2003; Oppong 2004).

The problem of street children has lasted for about two decades. The capital city of Ghana – Accra – alone records about 20,000 street children. The Consortium for Street Children, on the other hand, estimates that there are 21,140 street children, 6,000 street babies and 7,170 street mothers under the age of 20 in Accra. The situation is quite alarming because if the street, which is full of hardships, harshness and uncertainties, socializes the future generation, what kind of future should one be anticipating? The study thus focuses on street children, particularly on children who beg. The recent development of children trooping to the cities in the country has led to a proliferation of studies on street children in Ghana.

Despite the number of studies conducted on street children in Ghana, most of these studies are limited by their geographical spread of the issue of streetism and methodological approaches employed. What is known currently on street children in Ghana is largely derived from studies involving single case studies and/or non-participant observations. There is a surprising paucity of empirical studies, specifically relating to child streetism and begging in Ghana, that employs active participant observation in more than one geographic location. The study sets out to ascertain the drivers of child begging, examine the nature of child street begging, identify who the actors and economic beneficiaries of child begging are, and finally examine statutory measures fashioned to curb children begging on the streets in the country.

## **2.2 Who is a child?**

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Ghana identifies with two main conceptual definitions of a child: the social and legal perspectives (GoG, 2014). Children are most often distinguished from adults in society based on characteristics such as the physique, engagement in livelihood activity, childbearing and provision of care (for a family). The 1992 Constitution of Ghana and the 1998 Children's Act of Ghana, on the other hand, define a child as an individual below the age of 18 years. The new sociology of childhood clears the nuances between the dominant conceptualization of children as either natural or cultural to children being fashioned as a result of social and cultural interactions. A child from this point of view is defined from within a given society. Thus the immaturity of a child is biological and inevitably inherited from nature, nevertheless the (im)maturity of an individual precedes from culture (Mizen, 2018).

In 2015, the Ministry of Gender Children and Social Protection (MoGCSP) came up with two contrasting definitions of who a child is in the Child and Family Welfare Policy (MoGCSP, 2015). The policy identifies with both the social and the legal definitions of a child: a child is anyone below the age of 18 and also, a child is anyone who depends on an adult for survival (MoGCSP,

2015). Inferring from the two definitions, an individual who is 20 years ceases to be a child in the legal framework, yet if he or she is dependent on an adult for survival, then that individual could also be identified as a child. Efforts at designing products for children must begin with a clear working definition of a child. For the purpose of this report, a child is an individual who is below 18 years and also depends on or is supervised by a parent or a responsible person in society.

According to Lam (2008), children have been denied their agency due to the dominant definition of a child which is juxtaposed with the definition of an adult. Children are envisioned as people who depend on an adult, ignoring the fact that the child is an individual in his or her own right. He argues that childhood is a self-contained state with distinctive features which is worthy of consideration in their own right, rather than as an incomplete state of incompetence relative to the complete adult state. Children are social actors who shape and are shaped by their circumstances. Children as individuals have agency; they operate in their own social world, act upon their capacity in accordance to their own understanding of the social world and what they make out of their own predicaments (Mizen & Owusu-Kusi, 2013). Shanahan (2003), therefore, argues that looking at street children as the deficient other erodes the child of his or her agency and highlights their vulnerability. The agency of a street child can be restored by evaluating the street child as an actor in the social, economic and political sphere, who constructs meaning and effects change in the world, be it negative or positive (Mizen & Owusu-Kusi, 2013).

## **2.3 Street children in Ghana**

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The term street child sparks contestations on how to classify street children. The contestation to some extent results from seeing street children as a homogenous group. However, recent recognition of street children as a heterogeneous group has resulted in some welfare organizations like Save the Children and UNICEF redefining the term street children (Panter-Brick, 2002). According to Bar-On (1997), streetism is a generic term that describes children in relation to the street, public and to some extent their family. The widely used definition of the term is the one devised by the United Nations at the regional forum of a street child in Cote D'Ivoire: a child for whom the street has become a habitual and/or source of livelihood and who is inadequately protected, supervised or directed by responsible adults (ICCB, 1985).

The challenge with the UN definition of who a street child is, undermines children's role as agents in shaping their lives (Quarshie, 2011). Although there is the need to recognize the agency of children, their agency should not take away their need for protection and care from an elderly and responsible adult in society and to a larger extent the state. Asante (2016), in his study on street children in Ghana, recommends the need for effective community parenting programs and proactive reconciliation structures. This underscores the need for children to be under the supervision of responsible adults.

It is generally believed that there is a high and increasing number of street children, particularly in developing countries. However, the figures presented are usually inflated, this resulting from the lack of a standard definition for street children (Lusk, 1992). The phenomenon of street children is a problem which is present in both developed and developing countries although it is much prevalent in developing countries. Boakye-Boateng (2008) posits that it is the greatest problem of social welfare in the world at large and Africa in particular. The condition of children living and working on the streets has become a social problem making people conscious of the gravity of the issue.

Street children have been categorized into children "on" or "in" the streets and children "of" the streets. Children "on" or "in" the streets refer to children who are engaged in some form of economic activity on the streets for purposes of the upkeep of their families. This category has family connections, live at home and may attend school but are sent to the streets by parents or caregivers or go on their own to supplement the family income. On the other hand, children of the streets are individuals who see the streets as their homes. They may have family ties but seek shelter, food and a sense of family among their companions on the streets or they may have completely broken ties with their families and live on the streets. Lorry stations, markets, entertainment centres, among other public spaces, constitute shelter for them. They often constitute the smaller group and are also involved in economic activity (Kanssangbata, 2008; Glauser, 2015).

Again, street children have been sub-categorized into street living children, street working children and children living with their families. Street living children represent children, who live on their own on the streets. Children, who spend time on the street working to earn money for themselves or their families and do have a home to return to at night, form the street working child subcategory. The last category are children, who by default, live with their families on the streets (Department of Social Welfare, 2011).

The 2011 Census on Street Children in Accra classifies the sources of street children within the region into four different groups namely, children born on the street, migrant children, urban poor and the street mother (Department of Social Welfare, 2011). Children born on the streets constitute children who live with their families (usually a mother) on the streets. Migrant children are those who migrated to city streets from rural and peri-urban areas. These children earn their livelihoods on the street. They are often under no form of adult supervision. Urban poor children are those who work on the streets to supplement family income and also to fend for themselves. They mostly spend the night at home and some are enrolled in school. The street mother is any girl below the age of eighteen who lives on the street with children or a child (ibid.).

The International Labour Organization (ILO) outlines three causes of the phenomenon of street children: immediate, underlying and structural causes. The immediate causes consist of a sudden drop in family income, loss of support from an adult family member due to illness, death, abandonment or an episode in domestic violence. Secondly, the underlying causes represent chronic impoverishment, cultural expectations, desire for consumer goods or the lure of bright city lights. Lastly, the structural causes are those related to developmental shocks, structural adjustment, regional inequalities and social exclusion (Ennew &Swart-Kruger, 2003).

## **2.4 Begging in Ghana**

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Lynch 2005, in his study defined begging as the solicitation of a voluntary unilateral gift, most often money, in a public place. Begging was identified by colonial and post-colonial Ghanaian governments as unlawful and this position was validated through the law. In the early days of March 1957, Governor C.N. Arden-Clarke signed the control of Beggars and Destitute Ordinance. This was replaced with the Beggars and Destitute Decree in 1969 which is still in force. According to the decree, a person who is caught begging can be arrested and is liable to conviction of either a fine or imprisonment or both. Also, anyone who wanders or places him/herself in a place for the purpose of begging was already regarded as an offender (Weiss, 2007). The question is how many beggars or people who encourage others to beg are aware of the law. Sayibu's (2016) research in Tamale confirms that most beggars are not aware of the law against begging. Begging is, therefore, thriving and considered as a livelihood activity in most cities in Ghana despite the law.

Aside the law being against the act, begging is stigmatized and devalued in the Ghanaian society. Families detest having their relations beg for alms because of the stigma which extends to the larger family. The poor therefore engage in begging at places which are not close to their families (Sayibu, 2016). Begging has been elevated into a lucrative business where one is able to make easy tax-free income (Weiss, 2007). Kassah (2008) argues that the high prevalence of begging may be as a result of how beggars justify the act. In his studies on disabled beggars in Ghana, Kassah concludes that disabled persons justify begging as work because of their condition and the difficulties they face in their employment, schools, and society at large. Thus, begging has become a means of income supplementation which is necessary for survival (Bello et al 2012).

## **2.5 Child Street begging**

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Child begging has been labelled by the International Labour Organization (ILO) as one of the gravest forms of child exploitation which is also a form of child labour<sup>1</sup> . The ILO defines child labour as work that deprives children of their childhood, their potential and their dignity, which is harmful to their physical and mental development (Delap, 2009). The 2009 Anti-Slavery International report on Forced Child Begging suggests that children beg as a result of being forced to do so or out of their own free will. Children may be forced to beg either from family members or as a result of being trafficked into begging. Forced child begging is an illicit activity. The report splits forced child begging into two categories; children who are forced to beg by their families and children who are forced to beg by a third party, either due to being trafficked or any other means (Delap 2009).

In Senegal, there are numerous talibes (koranic students or disciples) on the streets who are engaged in begging. Children, especially boys who go for training, do not pay for accommodation, studies and food. Instead, they are sent on a daily basis to beg for alms on the streets for their tutor (ibid.). The begging business requires the ability to court public sympathy in order to get good business. Children are used in that regard (Owusu-Sekyere et al, 2018).

Again, children could indulge in begging as aids to physically challenged persons especial those who are visually impaired. In the Dodoma Municipality in Tanzania, for instance, Seni (2017) observed that visually impaired adult beggars are guided by young children between the ages of five and thirteen. These children could either be related to the beggars or could be neighbours to them.

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<sup>1</sup>[https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/anti-slavery\\_international\\_2009\\_-\\_begging\\_for\\_change\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/anti-slavery_international_2009_-_begging_for_change_en_1.pdf)

They assist with or without payment and their activities spurn throughout the day. As children are used as guides to blind beggars, it is detrimental to their development since they are vulnerable and more so do not access basic education. These children according to Seni (2017) do end up as beggars in their adulthood.

Using children as beggars, according to Owusu-Sekyere et al. (2018), has become a social and economic construction that mediates how poverty is dealt with in livelihood challenges. Children are forced to beg mostly for single parents or non-biological relatives due to poverty (Owusu-Sekyere et al., 2018). In Tamale for instance, Sayibu (2016) accounts that children who assist blind beggars are often sent to these families to be fostered. Their involvement in the act is compatible with the notion of being a good child.

## 2.6 The state and child protection in Ghana

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Children are held in high esteem in Ghana and for this reason, successive governments have come up with child protection<sup>2</sup> policies to serve the best interest of children (Oduro, 2012). These policies for children date back to the colonial era, where policies like the Children Care and Reformation Ordinance of 1928, laid the foundation for the establishment of the Department of Social Welfare (DSW) to reform and train juvenile delinquents in 1940 (Apt & Blavo, 1992; Apt et al, 1998).

After independence, the Nkrumah government made provisions to initiate child-sensitive policies like the Education Act of 1961 and also created the Maintenance of Child Decree in 1979 (Baldassar et al., 2014; Frimpong-Manso, 2014). Ghana is the first African country to ratify the United Nations Convention on the Rights of the Child (UNCRC) in 1990. The 1992 Constitution mandated the enactment of child-sensitive legislation, which was guided by the UNCRC. In furtherance of protecting children in Ghana, the Children's Act of 1998 (Act 560) was enacted. However, the Children's Act has been heavily critiqued by academics and practitioners alike. Laird (2002) contends that the resemblance of the Children's Act of Ghana to that of England was influenced by aid, hence it is not sufficiently contextualized, making it liable to challenges. E. Manful and P. J. McCrystal (2011), on the other hand, posit that, better child protection policies go beyond the legal rights provision and must include adequate institutional resources. It is worth mentioning that, the enactment of the Children's Act sets the tone for child protection in Ghana. The Government of Ghana, through the MoGCSP<sup>3</sup>, has instituted a number of child protection

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<sup>2</sup> Child Protection per the national standard refers to measures put in place to guarantee the right of all children to a life free from violence, abuse, exploitation and neglect (See GoG, 2014)

interventions and policies. The flagship intervention is the Livelihood Empowerment Against Poverty (LEAP), rolled out in 2008 with support from the World Bank and the Department for International Development (DFID) to provide conditional cash transfer to poor and vulnerable households. Other interventions include the national health insurance which is linked to LEAP, school feeding programme and capitation grant. The capitation grants and school feeding programme are interventions instituted to ensure the enjoyment of the right to education by children in Ghana. These initiatives were established with the notion of a trickledown effect; thus, beneficiaries of LEAP will have a stable short-term financial stability making their wards benefit in terms of good health care, reduced infant mortality and education (Debrah, 2013). Most recent among the interventions of MoGCSP is the Operation Get off the Street for a Better Life. This is to get about 300,000 Ghanaians off the street of the country (Myjoyonline, 2017).

The National Social Protection Policy (NSPP) serves as a framework for delivering social protection holistically. The NSPP seeks to properly target those in society who really need the protection (See MoGCSP, 2015). It is a comprehensive document that integrates both economic protection interventions such as the LEAP and transformative social protection interventions such as National Health Insurance Scheme for the vulnerable and poor, capitation grants and the school feeding programme (Abebrese, 2011; Devereux & Sabates-Wheeler, 2004). The MoGCSP in partnership with UNICEF came up with the Child and Family Welfare Policy (CFWP) in 2015 to have a policy system which is fit specifically for Ghana. The main rationale of the policy is to provide guidance to reform the child and family welfare programs and activities and establish a coherent system for child protection (MoGCSP, 2015).

Ghana has so many child-related policies, yet the irony is that there are a lot of children who do not benefit from them. This could be as a result of improper implementation of policies or lack of funds to continue the initiatives. The challenge with social protection in Ghana is that those who really need them do not get access to them (Abebrese, 2011). Debrah (2013) has also pointed out that the failure to address cultural issues that perpetuate poverty is a problem with the LEAP programme. Furthermore, while the legal and policy issues relating to child protection and welfare are intact, there is generally a disconnection between what happens on the ground in terms of enforcement and application respectively. Therefore, this study seeks to provide a comprehensive review on the issue of child begging in Ghana and also develop a framework that will serve as a guide to the relevant stakeholders in terms of designing an intervention to protect the interest of children in Ghana.

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<sup>3</sup> The Ministry of Gender, Children and Social protection is the government agency mandated to coordinate national social protection policy and efforts of which children are a key part in their activities (See MoGCSP, 2015)

## **2.7 Methodology**

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This study employs qualitative research method as a means to better understand child begging in Ghana. Qualitative research methodologies enable researchers to delve into the social complexities to precisely explore and appreciate the social process, belief systems and lived experience of individuals as well as the wider society and its structures therein (Boateng, 2018). The Reality Check Approach (RCA) is the primary participatory research methodology used in this study. Although a number of studies have been conducted on child begging in Ghana with some using qualitative research methods, these studies employed methodological approaches that do not avail themselves for a much deeper understanding of the issue of child begging in the country, hence the use of the reality check approach in this study.

The reality check approach is a process through which trained researchers gather relevant information from research participants through day-night immersions, open conversations and participant observations. In other words, the approach enables the researcher to live with their participants rather than visit them. This then enables the researcher to appreciate the life of the researched. Unlike participant observation, the reality check approach is characterized by co-learning and creating of knowledge/information, conversation and not interview (no note taking). It focuses on the researched at the household level and not individuals and it involves inclusion.

A key benefit of the approach is that it dwells more on the interactions taking place in an informal nature in the environment being researched. This makes the data collection process unobstructed, with participants being involved without having in mind that they are being studied or are involved in a study. Hence participants see no need to filter their conversations because of the presence of an outsider. The approach also avails itself to conversation and observation to be carried out not for beggars alone but also people they interact with, both at home and on the street, where they work daily. This was made possible because researchers blended in without being identified as such. A considerable amount of time and energy was invested in training researchers so they were mindful of behaviour and attitude that may undermine the trust they established with those they interacted with.

## **2.7.1 Location and participants**

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The study was conducted in three different cities in Ghana, namely, Accra, Kumasi and Tamale. Begging thrives in cities; these locations were chosen because they are major cities in Ghana, thus they serve as destinations for most beggars. Also, most studies on child begging centred on one location; this study, because of its objectives, went further to include two other locations to ensure a wider geographical reach. Efforts were made to ensure that different locations were selected within a given city. Two areas were used in Accra and Tamale whereas in Kumasi only one location was used.

Three research teams composed of two members each in Kumasi and Tamale, and four members in Accra were used for the study with one team for each location. The data collection process took place in September 2018 over a three-week period, comprising four days in each location. There was a two-day training for each research team on how to use the approach. The study was carried out with a sample size of eleven (11) participants. This number was composed of both child beggars who are Ghanaians (6) and non-Ghanaian child beggars (5). The researchers did not take notes in front of the participants, but there was a daily debriefing session for RCA members.

## **2.8 Data analysis**

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RCA is not theory informed. The study did not start with preconceived set of research questions or framework, but rather allowed for issues to emerge from the interaction during the study period, thus to enable emic (insider) perspectives and realities on the issue of study to emerge and also reduce the degree of etic (outsider) interpretation or validation.

## **2.9 Findings**

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The findings of the study are arranged according to themes in an order that emerged from the data collected. The study was conducted with a total of 11 participants; nonetheless, only 6 of the participants went through the reality check approach. The non-Ghanaians were not involved in the reality check approach; however, data was collected from them through informal discussions at their respective stations (street). This was because the non-Ghanaians could only speak Hausa. With some limited sign language, help of hawkers on the streets and the use of pidgin English, we managed to communicate with them. In some cases, for example, in Kumasi, some migrant beggars could speak Twi which enhanced communication. For the purposes of confidentiality, the names used in the report are not the real names of the participants.

The first section of the findings looks at categories and drivers of child begging.

The second section provides information on the dynamics of child begging based on a conversation that brought to bear the characteristics of the diverse forms of child begging existing in Ghana. The final section sheds light on the institution that supports beggars in Ghana as well as begging strategies and street networks children create while they are on the street to facilitate their survival.

The research team stayed with the families for 4 days on the street and 3 nights in their homes/places of sleep. The nature of the methodology enabled us to interact with more than one child and family, both on the street, where they work during the day and also at night at their place of sleep. In most cases, when the child and family do not have a place to sleep, their place of sleep is usually where other people living on the streets sleep, hence we engaged in conversations with them as well. The age range of the children we found on the streets was between the ages of 3 to 16. But the really young children – those below age 5 - were not involved in begging. Throughout the study, it was observed that they (young children) played all day while their older siblings assisted people to beg on the street. Our conversations with the younger children as well as their parents revealed that, these young children had never been enrolled in school as a result of the fact that their parents practically lived and earned on the streets.

The findings of the study also indicate that some of the children begging on the street are students while others have never set foot in a classroom. Most of the children who said they were students either came to the street to beg on weekends or when they were on vacations. In Accra for example, with the exception of children from the northern region living and begging in Accra, the rest were not residents of Accra.

### **2.9.1 Categories of child begging in Ghana**

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The findings from our study identified two main groups of children who beg on the streets of Ghana; Ghanaian, and non-Ghanaian children. These groups of children are either with their parents or alone. The non-Ghanaian children migrated from countries like Niger and Nigeria. There are diverse reasons why immigrants choose to migrate to Ghana. Aside the fact that Ghanaians are hospitable, another reason which emerged from the participants is that Allah played an important role in directing them to Ghana. This was mostly obtained from conversations with the “supposed”<sup>4</sup> parents of the children.

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<sup>4</sup> The study had could not verify the credibility of the claim, by the parents.

Also, there is the category of non-Ghanaian children who have been trafficked into the country by third parties. The children are then brought into the country to serve as beggars. To cover their tracks, money is occasionally sent to the children's parents back home. There are also groups of children who have migrated with their parents into the country to beg for alms or beg and sell at the same time. Some of the things they sell include cola nuts, shoe polish and cotton ear buds. Ghanaian child beggars are either migrants from rural or peri-urban areas to the major cities in the country. These children either beg on their own or serve as aids for disabled (often visually impaired) beggars.

***Hamza Mohamed,***

*"Mohamed is a 9-year-old boy who has come from Nigeria with his mother and two sisters to work and make money. He mentioned that they will go back to Nigeria so they can continue with school. Mohamed indicated that living in Ghana is not as they (Himself and the mother) thought it will be. Things are very difficult here and there is no money in Ghana so they will leave this December for Nigeria".*

### **2.9.2 Drivers of child begging in Ghana**

There are several reasons for which children move to the streets to beg. The findings of the study identified three main reasons behind the children's choice of moving to the streets to beg. The main reason is economic hardships, specifically poverty. Economic conditions make it difficult for the children and their parents to make a living, forcing them to go on to the streets to beg for money. Most of the children who are involved in the study were assisting blind beggars, who turn out to be their parents or family relations. Nonetheless, there are some children who beg on their own or assist people with whom they have no family ties. It was evident from the study that the children, whom economic hardship forced to the street, go willingly. They do that so that their family would have food to eat at the end of the day. This was mostly associated with children who beg with their biological parents.

Through observations and interviews, the study identified that begging is one of the lucrative jobs in Ghana; hence families are pushing their children into the act. For instance, parents who have a lot of children go into contractual agreements with disabled beggars for their children to serve as aids. The generated income for the day is then divided into three, the one who is being assisted takes two-thirds of the money while one-third of the money goes to the child who assisted the disabled to work. Sometimes it is members of the extended family who give their kin (children) to these beggars with disabilities who are members of the larger extended family.

*One of the children, a friend of Mohamed Abu, used to live with his father in the northern part of the country as a student. His mother, on the other hand, lives in Accra with the rest of his brothers and sisters. Mohamed's friend came to visit his mother in Accra, and when school resumed, and he went back to the north. He came back to Accra with the reason that he will not go to school again but would rather stay in Accra with his mother. He is now in Accra with the mother and he assists blind people to beg just like his other brothers do. He has 4 siblings in all and three of them are in the business of assisting blind and other persons with disability to beg in the streets of Accra. Although his mother has no disability, she is not employed, but rather supervises the work that her children do.*

The study also identified that biological parents also beg with their children to earn income for the larger family. Ahmed assists his father to beg in order to make some money for his family. He thrives on the income generated from the activity to build a house and also to feed the family. Social networks of the children are also a cause of children begging on the street. Having encountered the streets and its freedom from adult supervision, children beggars influence their friends and inculcate them into the act of street begging. Some children beggars see it as a means of moving away from domestic crisis. Some are just deviants who have willingly left home to beg on the street by following their peers. The notion of making quick money and the creation of solid bonds on the streets enforce streetism. Finally, broken home is another driver of begging.

### **2.9.3 Dynamics of child begging**

There are dynamics involved in street begging. These dynamics can be put into three main categories. Children on the streets, children of the street, and children in transition (from either children on, to children of the street or vice versa).

Children on the street comprise children who are on the street for a time period. Thus, these children only come to the street in the morning and they leave the street in the evening for their homes. They mostly come to the street in the morning around 5:00am and leave at 5:00pm. Some of the children are also students but come to beg when school is not in session. Within this category of street children, the time frame for which they beg may or may not, affect their educational schedule, nonetheless it might have an influence on their education. Those who are involved in begging, while school is still in session, miss out on school. On the other hand, there are those who are on the street during this time period, but when school is in session, they stop begging and come to the street to beg only on weekends.

In this category, the children can further be grouped into daily child beggars (they don't go to school at all) and then seasonal child beggars, (this group of children are on the street during off agricultural seasons or vacation).

Abena falls within the category of children on the street. There were some other street children within this category who live with their parents but still come to the street to work as beggars/ aids and leave to their homes in the evening. Most of the foreigners that we had conversation with also fall within this category. With the help of a street hawker who understands Hausa, we got to know that these foreigners have a place that they all converge in the evening. It is noteworthy that, with the children on the street subcategory, the children are all not deviants. Their family is aware of the activity the children are involved in, or they themselves are involved in the activity (Family is a driver of children being drawn into begging in Ghana) Sometimes, some of the children do not want to go into begging but their parents force them into it, or they do not have an option when they are asked to do it, given that it is the activity that feeds them.

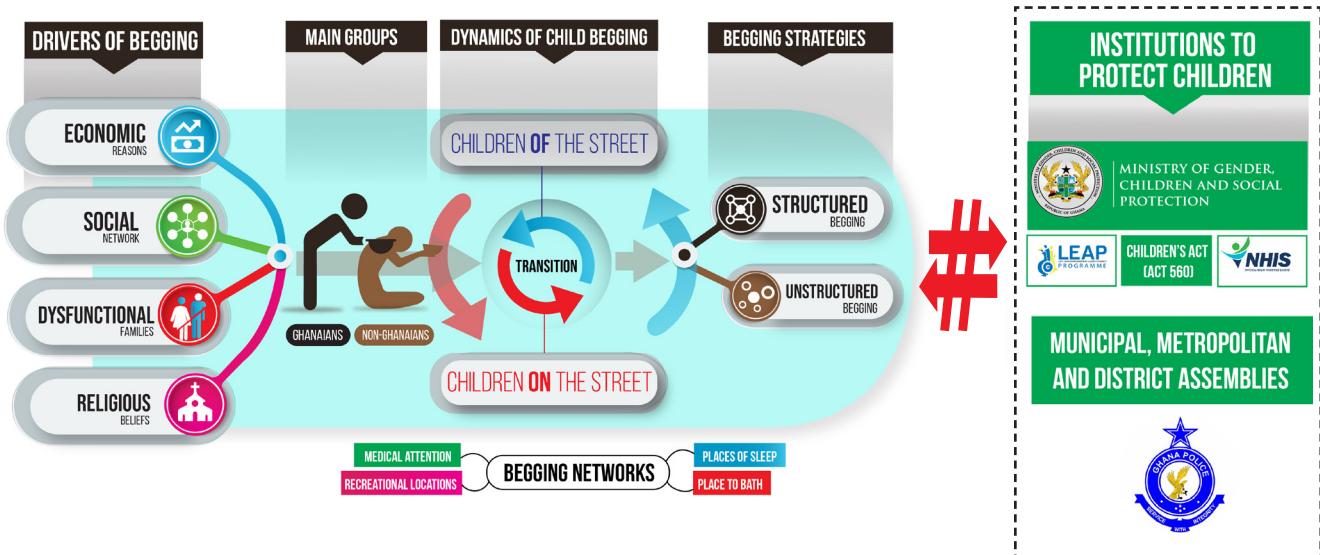
Children of the street are children for whom the street is their permanent place of living. These children may either be born or raised on the street or have moved to stay on the streets presently for one reason or the other. For this group of children, they do not have a place they call a home, but rather sleep in front of shops in the city either in nets or under/on top of the tables in marketplaces. These children do not go to school, all they do is to beg on the street and engage in other informal economic activities like cleaning car windscreens. There are also children who fall within the grey area of this group of child beggars. Children in this category are only on the street when school is not in session, during this period they depict all the characteristics of children of the street.

The inability of institutional measures and policies to address the issue of children beggars makes children create enough street networks and gradually grow into children of the street. The living conditions of most children beggars are very fluid; hence they easily move from being children on the street to children of the street. Some of the children move from being children of the street to children on the street when their parents save enough money to rent rooms. The challenge with this mode of accommodation is that they find themselves in the informal space. Therefore, there is still a high chance for them to lose their spaces of sleep. This is because the accommodations are mostly found within slum locations. This group of child beggars are known as beggars in transition. The last group of people who are in this sub-category of street children are deviants who have moved from home to the streets. Under this category, the family of the child may or may not be a factor in their action to move to the street.

Some have moved to the street because of peer pressure. The daily earnings of children are high compared to what they get when they are at home. This then pulls some children to follow their peers on to the street. In our study, the participants indicated that they make between GHS 20.00 – GHS 50.00 daily. According to Alenoma and Sciences (2012), the growing number of children on the street could be a result of the perceived high amount of money they make on the street.

The last category of children who are manipulated for the purposes of begging in Ghana is twin children. With twin begging, one will normally find twins with their (supposed mother) on the street with a bowl in front of her begging for alms. This kind of begging usually involves young children, sometimes below age 2 being used to beg. Twins are believed to be special beings; hence there is the belief that when they give to twins, they will receive some special form of blessings. As such people then go onto the street with the twins to beg.

**Figure 2.1 Overview of the Begging Economy in Ghana**



Source: Authors construction from field data.

## 2.9.4 Begging networks

Street children have engendered a number of connections with other street children and third parties to facilitate their survival on the street. These connections include service providers. An example of such can be seen in the health-seeking behaviours of these children. It was observed that, during ill health (street children or street living parents), their first point of call is not the hospital or the licensed chemical seller, but unauthorized drug vendors. Children, sometimes accompanied by their parents, go to these unauthorized sellers and describe to them how they feel after which a drug prescription is made to help relieve them of their pain.

Also, it was observed that the children rely on their street networks a lot in times of crises. These networks are not only from other street children but others who engage in other economic activities on the street. Although most of the participants in this study had national health insurance cards, they had all expired. Most of these children are thus examined by other unauthorized persons on the street when they are sick. The hospitals and pharmacies are only patronized depending on the severity of the health condition. Street children also create connections to ensure their protection and also for needed support. The connections they create on the street, for instance, helps in securing places to sleep and bath, among many others, when the need be.

## **2.9.5 Begging strategies**

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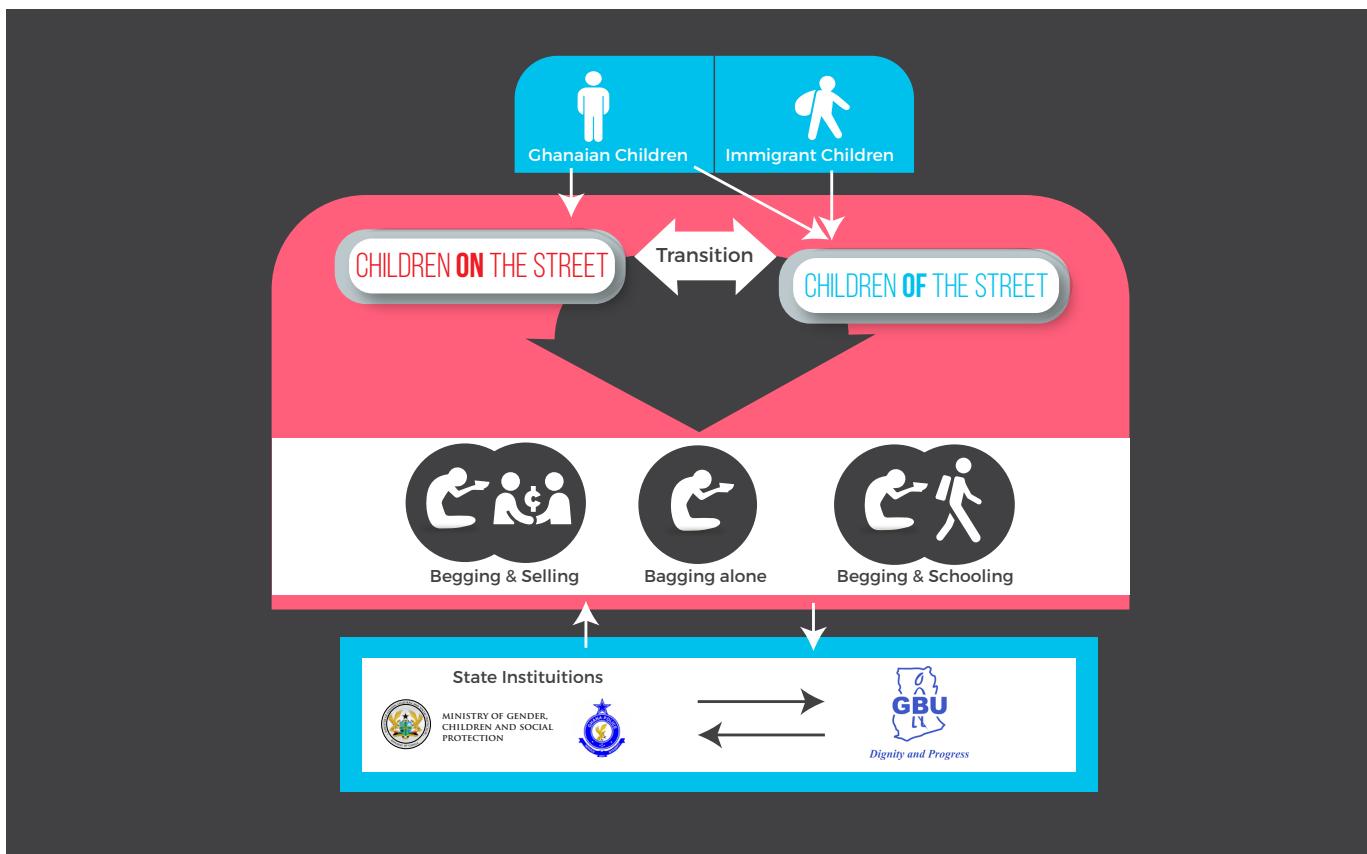
Begging is an activity that demands skill. Therefore, there is the need to develop strategies in to win sympathy or aggression in order to demand for what one needs to survive. The study identified two distinct begging strategies; structured and unstructured. The structured form of begging was predominant in the northern part of the country whereas the unstructured form of begging took place in the southern belt. In an Islamic community where almsgiving is encouraged, it is not surprising that begging would thrive on the religious belief of charity. The beggar gets substance whereas the alms giver receives blessings from God. It is thus an interesting sight to see beggars flood into a mosque to pray and immediately after prayer starts (begging).

The morality of religious men is tested. You need to practice the pillars of Islam. Structured begging is such that there are leaders in the begging community who demonstrate power. In Tamale where begging is structured, children aid their adult beggars on school days but interestingly are permitted to go to Makaranta (Islamic school) on weekends. The religious education of these children is thus enhanced to the detriment of the social development. With the unstructured begging, the people usually find themselves at a different location in a particular city or in different cities. In our study, there were some children who beg with their parents both in Accra and Kumasi. They go to Kumasi during vacations and they are in Accra when school is in session. With the unstructured begging, there are no rules that guide their activities everybody who begs decides what to do when they feel it is right.

## 2.9.6 Rivalry on the street

As indicated above, there are two distinct groups of beggars on the streets of most cities in the country. There are the Ghanaians and those who have come from other countries. It was expected that, given that they both work on the street, they will look out for each other, nevertheless, our study indicated otherwise. There is tension between the Ghanaian beggars and the foreigners. The Ghanaian beggars have the perception that the presence of the foreign beggars is a threat to their success. Ghanaians are hospitable to foreigners after all. One of the lamentations of the foreign beggars was that, the Ghanaian children beggars always pushed their children aside when they both target a car.

*Figure 2.2 Child Begging Ecosystem in Ghana*



## **Discussion**

### **2.9.7 Impact of the street on the development of the child**

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Children, according to the definition of MoGCSP (2015), are individuals below the age of 18. Although they have a role to play in their development and upbringing (see P. Mizen & Ofori-Kusi, 2013; Shanahan, 2003), care and guidance from a responsible parent or guardian is quintessential to their development and upbringing (see ICCB, 1985). It was evident in our study that the children on the street lack the needed protection and guidance from a responsible adult. In our study, it was identified that when children move to the street, be it children on the street or children of the street, their agency tends to play a key role in their development. Street children more often than not have little or no responsible adults to play the supervisory role in their life. Their socialization is by the networks they make on the street. This upbringing affects the way children are nurtured.

For instance, during the period of immersion in both Accra and Kumasi, it was identified that the parents or guardians do not have control of what the children do when they return from work. All the parents do is that they give the children money for their evening meal, and then the children leave to play. In the case of children of the street, the location of the places is not the best for nurturing children. In Accra, these children and the people they aid or their parents sleep in front of stores without any form of protection. In Kumasi, on the other hand, they sleep in the yard of an abandoned train station at Adum. Children tend to find themselves in the same space with different people such as prostitutes, gamblers and drug addicts. As children are exposed to these kinds of people, they learn new habits. Exposing children to these categories of people contributes to nurturing children into half adults who are difficult to control.

### **2.9.8 Child protection in Ghana**

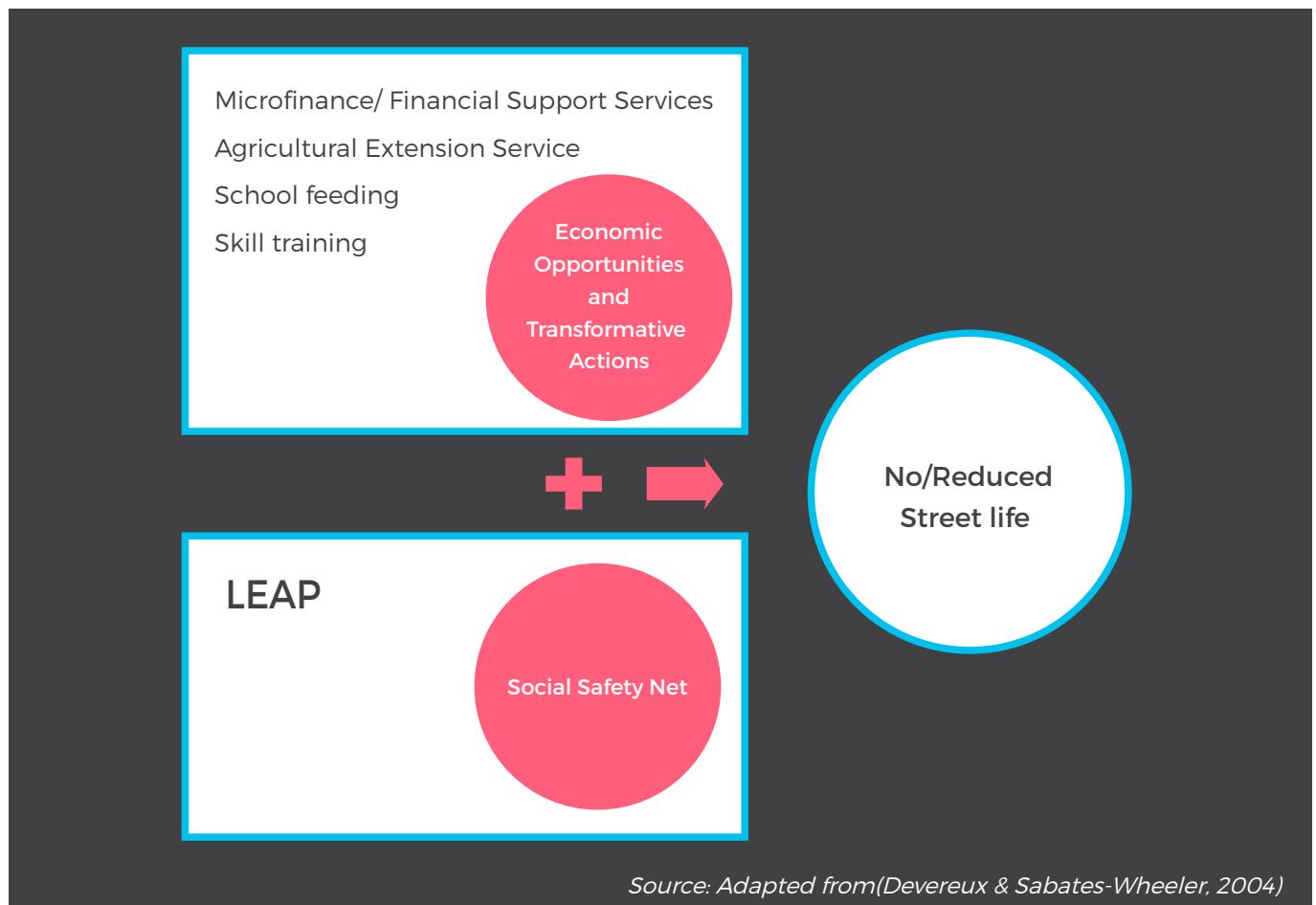
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Not much has been done about making those who really need help to get the help they need to make them not to go to the streets. All the participants involved in the study indicated that they did not know any state institution responsible for child protection and no state institution had come to their aid. However, one of the children mentioned that his mother got some benefits from their district assembly through the Ghana Blind Union. He further lamented that, the district works with them through the Ghana Blind Union, but the leaders of the union took all the benefits that were meant for the members of the association. Ghana, as a country, has a number of policies and interventions that work to protect children and ensure sound upbringing.

Recent among these policies is the Child and Family Welfare policy and the Operation get off the streets for a better future plan which is still in the pipeline. Nonetheless, most of the policy relies on LEAP as a means to relieve families momentarily of poverty.

The issue with this approach is that the people who really need help do not get to benefit from LEAP. Also, the intervention does not seem to address the root cause of poverty. Some participants, though disabled, were actively involved in economic activities, but due to economic constraints and the need to take care of their children, have resorted to the street to beg. There is also another group of children who either live with their parent or other family relation. Their family may not meet the requirement to benefit from the LEAP because of their economic status so their children are involved in contractual begging. Efforts to rid child beggars off the streets of the country must go beyond conditional cash transfer (economic protection) framed as social protection to what is called transformative social protection (see Devereux & Sabates-Wheeler, 2004). Transformative social protection moves beyond providing cash to some group of people in society to understanding the reason behind why the people who are benefiting from the social protection are in their current condition and then add other interventions to the economic intervention and not only rely on the cash transfer as a means to move people out of poverty.

**Figure 2.3 Transformative Social Protection**



Conditional cash transfer, though necessary, is not a sufficient condition for social protection. Figure 1.2 provides an overview of a transformative social protection framework to guide efforts by the relevant institutions in the fight to remove/reduce street children in Ghana. This framework not only aims at providing economic support to people but rather to eliminate the cause of the reason for which children are sent to the street to beg. By building on the conditional cash transfer, parents and guardians are then given additional support to enable them sustainably care for themselves and their children.

Inability to enforce the legal aspects of child protection also has an effect on children being drawn to the street. E. Manful and P. McCrystal (2011), contend that there is a gap between the legal intent on child protection and practical issues of child protection on the ground. Although the Children's Act of 1998 Act 560 details the several ways through which the interest of children will be protected, what is happening on the ground is far from what the act stipulates. Furthermore, begging is a crime in Ghana and police officers do not need a warrant to arrest the beggar. However, during our study, there were locations that we found police going about their activities as beggars also did same. Are the police oblivious of the law? Owusu-Sekyere, Jengre, and Alhassan (2018), in their study on child begging in Ghana, confirmed that although begging is a criminal act in Ghana, there is low interest by the law enforcing agencies in curbing the act. The inability to enforce the legal component of child protection has been linked to the underfunding of state institutions. The Ministry of Gender Children and Social Protection has underscored that a reason why child protection from the state has made little impact in the country is because, funds and other logistical resource allocation is inadequate for full implementation. For instance, in 2014, allocation to the promotion and protecting the Child Rights Programme of the DSW was 1.53 percent of the total allocation to the Ministry of which 74 percent of that budget was allocated for compensation of employees of the department (GoG, 2014).

## **2.10 Conclusion**

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The study identified that begging is a lucrative activity that people engage in either to supplement their income or as their main economic activity. For parents who give their children out to be used as an aid for the physically challenged, begging served as an alternative livelihood strategy. On the other hand, parents who beg with their children see begging as their main livelihood activity. Though begging is used by these people as their source of livelihood, the welfare of the children they use in the activity is not a priority to them; what is of importance is the income they make at the end of the day. Ghana, as a country, has policies and interventions that lay out efforts to address issues of child protection.

However, these have made little impact in addressing the issues of begging and to a greater extent child begging. A key issue that came up from the study is that, the LEAP is being used as the silver bullet to address the issue of begging. Though important, that alone cannot ameliorate the living conditions of people who are involved in begging and prevent children from being used to beg. To ensure that begging is a thing of the past or reduced in Ghana, there are calls for both a preventive and protective measure against penury which pushes people into begging. There should also be full and effective implementation of the legal prohibition on begging. The legal component should form the foundation towards the enactment of other interventions that seek to address the root cause of destitution for marginalized and vulnerable people.

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## PART 2 – CHILD ABUSE AND CULTURAL SYSTEMS

### CHAPTER THREE

#### CHILD LABOUR, TRAFFICKING AND MODERN-DAY SLAVERY IN GHANA

Alexander Afram and Joha Braimah

#### Abstract

Ghana has been categorized by the US Department of State as both origin and destination for human trafficking, including a significant number of vulnerable children. While the country has improved its ranking from tier 2 watch list in 2016 to tier 2 in the 2017 trafficking in persons report by the Global Slavery Index, there are still significant numbers of children falling into trafficking in Ghana in different sectors of the economy including agriculture, industry, mining and a host of illegal activities including forced marriages and child sexual exploitation. This report builds on existing studies on child labour, child trafficking and modern-day slavery in Ghana by highlighting the gains, the remaining challenges and the possible solutions to eliminate child exploitation conditions from the Ghanaian society. It uses a desktop approach by reviewing local and international reports to ascertain the existing child labour and trafficking trends and incidences in Ghana. The findings indicate the past interventions towards eliminating child labour, hazardous child work and child trafficking from the various economic sectors in Ghana have yielded mixed results. On one breath, Ghana is ahead of its SSA neighbours in terms of reducing the number of children whose childhood has been taken away by virtue of excessive and forced labour. Despite this noticeable progress, Ghana is not on course and may miss out on the agenda 2025 target of eliminating all forms of child labour from production activities unless extra new efforts are put in place to tackle the socially ingrained practice at national, institutional and local levels. It is recommended that the interagency collaborations between state and non-state actors are strengthened to improve the outcomes of child labour elimination initiatives. Again, the government is encouraged to improve support to poor and vulnerable households as well as increase budgetary allocation to the child and social protection programmes.

#### 3.1 Introduction

This report builds on existing studies on child labour, child trafficking and modern-day slavery in Ghana by highlighting the gains, the challenges and the possible solutions to eliminating child exploitation conditions from the Ghanaian society. It attempts to harmonise findings on progress made in the fight against child exploitation from different sectors by different organizations - including state and non-state organizations. The report later focuses on the agriculture sector since it harbours more child labourers than any other sector in Ghana.

Again, the report documents the strengths and weaknesses of existing programs and legal frameworks to eliminate child trafficking and labour from social and economic spaces and offers new recommendations to take the fight against child exploitation to the next level. By so doing, the report contributes to filling the knowledge gap that exists on child exploitation dynamics in Ghana due to under-reporting of cases in most socioeconomic spaces and lack of reliable data in real time by mandated state institutions.

## **3.2 Background**

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Children in various forms of labour is a worldwide problem (ILO, 2017). Globally, it is estimated that about 218 million children are in employment; out of which 152 million are engaged in child labour, while 73 million are in hazardous work (ILO, 2017). Children aged 5 to 11 years are the most affected, constituting approximately 48% of all children in labour and hazardous work worldwide (*ibid*). Again, the world over, an estimated 10 million children are believed to be in slavery, arising from trafficking into such exploitative acts as debt bondage, domestic servitude, prostitution and forced marriage (ILO, 2017; Anti-slavery International, 2018). Again, globally, more male children (88 million) are in labour than female children (64 million). Though child related exploitations are a worldwide problem, the menace is more pronounced in the developing world than the developed world for reasons such as poverty, unemployment, high fertility rates, weak social support systems and weak institutional enforcement (ILO, 2017; Dammert, 2017).

Three continents - Asia, Africa and South America harbour close to 90% of the world's child labourers and slaves (ILO, 2017). Among these regional groupings, however, sub-Saharan Africa (SSA) has the highest rate of child labour and trafficking prevalence (ILO, 2018). In percentage terms, 19.6% of children representing 72 million aged 5 to 17 years in Africa are still in labour, while 8.6% (32 million) are estimated to be in hazardous work. In contrast the equivalent rates for child labour and trafficking in Asia and the Pacific is 7.4% (62million), while the Americas have a rate of 5.3% (11million) (ILO, 2018). What is more alarming is the fact that trends in child slavery and labour cases in SSA have taken an upward spiral from 2012 in sharp contrast to trends in Asia and Latin America, which have seen a steady downward trend in child labour and trafficking prevalence rates.

In Ghana, child labour and hazardous child work are both pervasive. Ghana has been described by the US Department of State as both origin and destination for human trafficking. While the country has improved its ranking from tier 2 watch list in 2016 to tier 2 in the 2017 trafficking in persons report by the Global Slavery Index, there are still significant numbers of children falling into trafficking in Ghana in different sectors of the economy including agriculture, industry, mining and a host of illegal activities including forced marriages and child sexual exploitation. According to the Walk Free Foundation, a conservative estimate of 708,000 children were estimated to be working in Ghana's high to medium cocoa producing areas alone in 2017, of which about 1,000 were subjected to forced labour (Walk Free Foundation, 2018)<sup>6</sup>. Aside the fact that these represent aggravated human rights infringements against children, there is also the risk of missing out on about 8 interlinked goals of the Sustainable Development Goals (SDGs) by 2030. Therefore, there is the need to join forces to eliminate all remaining forms of child exploitation in various socioeconomic spaces in Ghana, and in so doing, Africa.

### 3.3 Conceptual definitions

The 1992 Constitution of Ghana and the Children's Act of 1998 (Act 560) define a child as any one below the age of 18 (Children's Act of Ghana, 1998; Constitution of the Republic of Ghana, 1992). However, childhood in the Ghanaian context, and in relation to the family, is a period when a person is under the authority, control and care of some persons considered as adults in society (Child and Family Welfare Policy, 2018). In this report however, the constitutional definition of a child is used, therefore, wherever a child is mentioned, it is referring to persons below the age of 18, even though we acknowledge that in Ghana, childhood does not necessarily end at 18. Figure 3.1 summarises relations between the different terms.

**Figure 3.1 Framework for defining child labour, hazardous child work and children in employment**



<sup>6</sup> The Global Slavery Index 2018, Walk Free Foundation

**Children in employment:** Not all children in employment are classified as child labourers. Some work activities of children are considered as light work and not bad for children's growth and development. Light work is permissible for children 12 to 14 years (ILO, 2017). The term Children in employment, however, refers to all children whether in light labour, child labour, hazardous labour or worst forms of child labour. Children in employment are those engaged in any economic activity for at least one hour during the reference period or for a cumulative working hour not exceeding 14 hours in a seven-day period (ILO, 2017; ILO, UNICEF & World Bank, 2018). Economic activity covers all market production and certain types of non-market production (principally the production of goods and services for own use). It includes forms of work in both the formal and informal economy; inside and outside family settings; work for pay or profit (in cash or in-kind, part-time, or full-time), or as domestic work outside the child's own household for an employer-with or without pay.

**Child labour:** Child labour is a narrower concept than employment and child labourers are a subset of children in employment. Child labour excludes all those children in employment who are working only a few hours a week in permitted light work and those children above the minimum working age whose work is not classified as hazardous or as any other worst form of child labour (ILO, UNICEF & World Bank, 2018).

**Hazardous child work:** Hazardous work by children is defined as any activity or occupation that, by its nature or type, has or leads to adverse effects on the child's safety, health, and moral development. Hazardous work may include night work and long hours of work; work involving exposure to physical, psychological, or sexual abuse; work underground, under water, at dangerous heights, or in confined spaces; work with dangerous machinery, equipment, and tools; work that involves the manual handling or transport of heavy loads; and work in an unhealthy environment that may, for example, expose children to hazardous substances, agents, or processes, or to temperatures, noise levels, or vibrations damaging their health (ILO, UNICEF & World Bank, 2018)

### **3.4 Child labour trafficking in Ghana**

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Child trafficking, a form of human trafficking, is a fundamental child rights abuse under international, regional, sub regional and national laws. Human trafficking is the broad term used to describe situations of labour bondage, forced labour including prostitution, domestic servitude and to an extent organ harvesting (Palermo Protocol, 2000). While human trafficking may be found in every country on the globe and everyone is at risk, vulnerable populations often

affected by it include women, children, people with disabilities and poor households. Different countries may have different legal definitions of human trafficking but they all draw inspiration from the global Palermo Protocol which defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation for the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Palermo Protocol, 2000).

Globally, there are more people trafficked or in modern day slavery today than there was at any time in history. The global slavery index compiled by ILO/Walk Free Foundation estimates 40.3 million men, women, and children were in modern day slavery globally in 2018 (Walk Free Foundation, 2018). Women and girls however constitute majority of the victims of modern slavery as they make up an estimated 71% of those affected.

Child labour trafficking in Ghana can be found in various sectors including mining, domestic work and commercial sexual exploitation (Hamenoo et al, 2018; Tetteh, 2011; Lawrence, 2010). It is however predominant in the agriculture sector. In Ghana, an estimated number of victims of trafficking in agriculture is quoted as 133,000 per the ILO/Walk Free Foundation global trafficking index. Again, an estimated 21,000 children are said to be enslaved in the fishing industry along Lake Volta. Similar to many criminal activities, the operations of human traffickers are clandestine hence getting reliable national figures on the scale of the problem is daunting and especially for children. Available studies from civil society however indicates a large number of children in slavery-like situations. A two-phased baseline study of child trafficking and child labour in 34 communities in 6 districts of Ghana across 3 regions conducted by Free the Slaves (NGO) identified child trafficking prevalent rate of 35.2% (Free the Slaves, 2017). A similar study published by the International Justice Mission (IJM) on child trafficking along the Volta Lake found that about 58% of children working in fishing in southern Volta were forced into labor (IJM, 2016).

The Government of Ghana in 2005 enacted the Human Trafficking Act to combat the growing problem of human trafficking and child trafficking. The Act was followed 10 years later by a Legislative Instrument (LI. 2219) in an effort to standardize implementation of the ACT. The effort of Ghana in combating human trafficking has been somewhat on a shaky path. A careful look at Ghana's effort at combating human trafficking on the Trafficking in Persons (TIP) report shows

that, Ghana has been stable on the TIP ranking at Tier 2 with three occasional downgrades to Tier 2 watch list in 2009, 2016 and 2017 (US Department of State/Trafficking in Persons Report, 2018). This pattern shows that since the Human Act was enacted in 2005, Ghana's ranking has been either stable or declining with no significant improvement beyond rising back to a previously occupied rank.

### **3.5 Incidence and trends in child labour and modern-day slavery in Ghana**

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Referring to the most current national data on child labour, the Ghana Living Standards Survey (GLSS) round 6 by Ghana Statistical Service (GSS) report on child labour estimates that, about 2.5 million children between the ages of 5-17 (28.5%) are involved in economic activities. About 1.9 million children between the ages of 5-17 (21.8%) are involved in child labour, and 1.2 million children between the ages of 5-17 (14.2%) are engaged in hazardous activities out of a population of 8.7 million children (GSS, 2014). The same report gives 9 years as the average working age in Ghana (Owusu, 2018). This, according to the Ministry of Employment and Labour Relations, represented an increase over that of the 2003 Ghana Child Labour Survey (GCLS 2003) of 1.27 million child labourers, out of a population of six million children (Addo, 2017).

In terms of age group, the data shows that a greater proportion of children (84.2%) within the age group 5-7 years worked as skilled/fishery workers compared to their counterparts in the other age groups. Less than one-fifth of children in all the age groups worked as service and sales workers. At the regional level, more than half of the working children were engaged as agriculture and fishery workers except in the Greater Accra region where only 7.2 percent were engaged in this occupation. On the other hand, a higher proportion of children (68.8%) in the Greater Accra region were engaged as sales and service workers. These are suggestively children who work or sell along the streets. The distribution of working children between 5-17 years by industrial classification of economic activities shows that more than three-quarters (77.2%) of the working children were engaged in agriculture, forestry and fishery industries, with an additional 12.4% engaged in wholesale and retail trade, whereas only 3.8% were engaged in manufacturing. (GSS, 2014)

Child labour in Ghana tends to have gender distribution patterns. According GLSS 6 data, the proportion of males (83.7%) who work in the agriculture, forestry and fishing industry was higher than females (70.0%). On the other hand, the proportion of females who were engaged in wholesale and retail trade (17.3%) was higher than males (7.9%). A slightly higher proportion of females (4.4%) than males (3.2%) were engaged in manufacturing. The proportion of females in the accommodation and food service industry was 5.2 percent compared to 1.5 percent of males in the same industry (GSS, 2014).

At the local level, the proportion of children engaged in agriculture was higher in rural areas (87.5%) than in urban areas (50.8%). Higher proportions of children in rural savannah (92.7%) and rural forest (84.3%) were engaged in the agriculture sector compared to the rural coastal (74.2%). The proportion of working children engaged in the wholesale and retail trade industry in Accra was more than twice the proportion in other urban areas - 52.3% in Greater Accra Metropolitan Assembly and 25.8% in other urban areas (CSS, 2014).

Though the number of children involved in child labour, hazardous labour and worst forms of child labour in Ghana is believed to have reduced over the years in both percentage and absolute terms, much still needs to be done to be able to meet the global objective of eliminating all forms of child involvement from the production value-chain by the year 2025.

### **3.6 Spotlight on the agricultural sector**

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The agricultural sector together hosts nearly 80% of child labourers across the various subdivisions - crop production, fishing and animal husbandry. The dominance of child work, child labour and worst forms of child labour in the agriculture sector may be due to some inherent socioeconomic and cultural realities in most parts of Ghana. First, is the fact that agriculture employs majority of Ghanaian households hence it is likely that children from these households will be engaged in the profession of their parents or guardians, which is farming. Second, majority of agricultural workers in Ghana are low income earners whose farming methods are largely labour intensive. Yet, because income levels are low, most farmers consider hiring labour as expensive. They thus turn to children, either their own children or someone else's children as source of cheap labour for farming work. For some households, it is also a means to cut down on household expenditure in order to save money for the family's upkeep, including paying for school expenses of the same children. In Ghana, two sectors in agriculture - cocoa production and fishing have however been highlighted as the main culprits for child exploitation (hazardous work and worst forms of child labour), though child labour in general happens in all sectors of agriculture. These two sectors are discussed below.

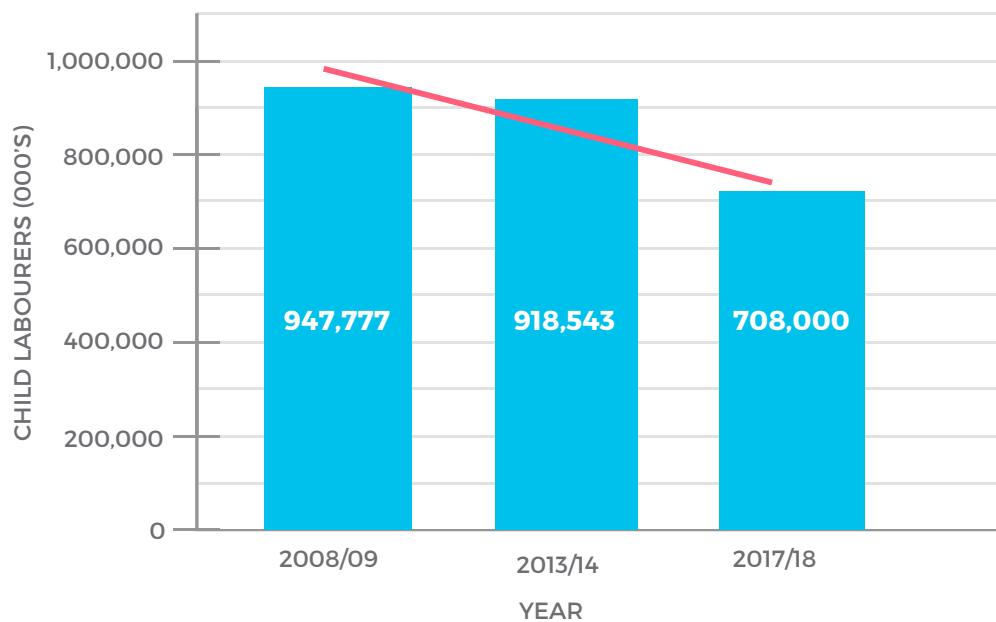
#### **3.6.1 Cocoa**

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Ghana is the second largest exporter of cocoa, and together with Cote d'Ivoire, the world's leading producer, producing two-thirds of the world's total cocoa beans annually. The production of cocoa in Ghana however is in the hands of private smallholder farmers who primarily rely on family or household members as sources of labour for farm work. Children of cocoa farmers

have therefore been involved traditionally at different levels of cocoa production. The range of work include, weeding, spraying, harvesting and conveying of dry beans to weighing centres. According to the recent data published by the Cocoa Barometer, about 2.1 million children are still trapped in labour, ranging from mere child work to worst forms of child labour in Ghana and Côte d'Ivoire (Fountain & Hütz-Adams 2018). In Ghana alone, about 708,000 children are still working in the cocoa sector, of which not less than 1,000 are believed to be in forced labour, despite decades of conglomerated efforts to eliminate child labour from the cocoa production value-chain (Walk Free Foundation, 2018). This is not to discount efforts by stakeholders to eliminate the practice. Indeed, there have been sustained significant declines since 2008 in terms of children working in Ghana's cocoa sector. For instance, in the 2013–2014 harvest season, an estimated 918,543 children aged 5 to 17 were working in the cocoa sector, representing a 6.4% decline in the number of child labourers in cocoa production since the 2008/2009 season when 947,777 children were estimated to be working in Ghana's cocoa sector (US Department of Labour, 2017; Tulane University, 2015). See figure 3.2 for further details.

**Figure 3.2 children labourers in the cocoa sector of Ghana 2008-2018**



Source: Walk Free Foundation, 2018; Tulane University, 2015.

Though the observed decline in the absolute number of children working in the cocoa sector is impressive and worth recommending, available projections indicate that Ghana will entirely miss the sector objective of eliminating child labour in cocoa production by 2025 and not even meet its commitment of reducing the practice by 70% by 2020 (Fountain & Hütz-Adams, 2018).

### **3.6.2 Fishing**

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Available data and research findings indicate that the fishing sector has the highest number of child labourers, including trafficked children and children in hazardous work. It is also the sector where progress has been slowest in terms of ending such abuses against children. The range of abuse commonly reported in the fishing industry include forced and hazardous work on seas and on inland waters, sexual exploitation and forced marriages, long hours of work in fishing boats and in preparing the catch, etc. A baseline assessment conducted by the International Justice Mission (IJM) in 2015 found that 58% of children working in fishing on the Volta Lake were trafficked into forced labour, while one-fifth of the children were six years or younger. The perpetrators of child labour in the fishing industry also include both family members and external traffickers. Fisher folk usually use their children as cheap labour. Again, as explained above, children are also transported into fishing communities from other vulnerable communities across different regions of Ghana. A key point to highlight is that, work in the fishing industry is generally considered as hazardous, therefore, even if children (especially boys) are not coerced to work, they may still be engaged in risky activities such as diving, paddling, setting traps, pulling nets, etc. on the high seas or inland water bodies, and these activities are considered hazardous, considering the average age of children involved in child work in fishing.

## **3.7 Legal regime and Institutional frameworks**

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Ghana's effort in addressing child labour, child trafficking and modern-day slavery is lauded internationally. The country was the first to ratify the United Nation's Convention on the Right of the Child (UNCRC) in 1990. Since then, Ghana has demonstrated its commitment to safeguarding the rights of children through the signing of other key international instruments including the Africa Charter on the Rights and Welfare of Children (ACRWC), ILO Convention No. 138, 1973 on Minimum Age of employment and ILO Convention No. 182, 1999 on Worst Forms of Child Labour, the African Charter on the Rights and Welfare of the Child (1990), the Palermo Protocols (2000), among other relevant international treaties for the elimination of child trafficking, child labour and modern-day slavery.

At the national level, the 1992 Constitution recognises the rights and safety of Ghanaian children and by extension, all children within the territory of Ghana. Furtherance to the 1992 Constitution, the Children's Act, 1998 (Act 560), the Human Trafficking Act, 2005 (Act 694), the Domestic Violence Act, 2007 (Act 732), The Criminal Code, 1960 (Act 29) and the Criminal Code (Amendment) Act,

1998 (Act 554) have been developed by the government of Ghana as provisions to address various forms of abuses and criminalities meted to children, including child labour, child trafficking, and hazardous work. In addition to these impressive legal frameworks, various policies have been put in place to enhance the development of children. (International Cocoa Initiative, 2017)

### **3.8 Progress towards combating child labour, trafficking and modern-day slavery in Ghana**

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Many children in Ghana are vulnerable to human trafficking, and some are subjected to forced child labour within the fishing, domestic service, street hawking, begging, pottering, quarrying, artisanal gold mining, and agricultural sector due to economic hardships (U.S. Embassy in Ghana, 2017). Ghana, since ratifying the ILO convention 182 has undertaken various initiatives with support from the ILO's International Programme for the Elimination of Child Labour (IPEC), international and national non-governmental organizations in addressing child labour and its accompanying problems. These initiatives were backed by the development of policies and legislations and the implementation of actions in identifying, withdrawing and rehabilitating child labourers and children in Worst Forms of Child Labour. The ILO Convention 182 and all other ensuing conventions prohibit worst forms of child labour, defined to include all forms of slavery and slavery-like practices; child prostitution and pornography; trafficking and forcing children into illegal activities and exposing children to hazardous work (Baidoo, 2014)

The government of Ghana, since the year 2000, has signed a Memorandum of Understanding with the ILO's International Programme on the Elimination of Child Labour (IPEC), which had been initiated in 1992 with the goal of eliminating child labour by strengthening national capacities for addressing the menace. One notable milestone included the development of the National Programme for the Elimination of the Worst Forms of Child Labour in Cocoa (NPECLC) and the National Plan of Action (NPA) for the Elimination of (the worst forms of) Child Labour in Ghana (2008-2015).The NPECLC and the NPA were in pursuance of the requirement that ratifying states of the ILO convention 182 should put in place effective time bound measures to eliminate WFCL by 2016 ( Baidoo, 2014). Accordingly, the NPA was rooted in the Medium Term Development Policy Framework (2010-2013) and other sectoral policies which are relevant for ensuring the welfare of children (MESW, 2009).

As at 2018, Ghana's ranking on human trafficking in persons has improved marginally from Tier-2 'watch list' to Tier-2. Thus, even though Ghana does not meet the minim requirements for the elimination of trafficking in persons, which includes significant number of children, the country

is noted for making significant progress on this front. The institution of pro-poor intervention programmes such as the Livelihood Empowerment against Poverty (LEAP) and Free Compulsory Universal Basic Education (FCUBE) and recently Free Secondary Education (FSE) agenda, have ensured more children have access to education, irrespective of socioeconomic standing in society. This is because poverty has proven to be a major barrier to fighting child exploitation, especially at the family and household levels. Again, available research has established that supply-side interventions such as education have much greater impact on reducing child labour than interventions based on resource transfers such as cash transfers and income generating or micro-entrepreneurial activities (Dammert, 2017; Edmonds, 2008; Fors, 2012). Thus, there are better prospects to eliminate child exploitation in Ghana if government and stakeholder institutions leverage on existing social programs on free and compulsory education for all children. State institutions such as the police and Social Welfare Department in collaboration with nongovernmental organisations working in child protection, have stepped up efforts in clamping down on child trafficking and child labour in known sectors such as cocoa production, fishing, child marriage and child sexual exploitation.

### **3.9 Institutional gaps and constraints to ending child labour, trafficking and modern-day slavery**

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Ghana has a number of legal frameworks aimed at combating child trafficking and eliminating child labour from its various production sectors. These laws, when fully implemented or enforced, could steer the country to achieving child labour and trafficking elimination targets. One main challenge is the ability to wholly enforce the existing laws. State institutions have traditionally been ineffective, or slow to act due to capacity constraints arising from logistical and human resource constraints. The police and the Social Welfare Department do not have adequate resources and personnel to fully carry out surveillance, rescue and prosecution duties to protect children from exploitation and to deter perpetrators from continuing the act.

Another challenge in the fight against child labour is the culturally entrenched practice where children serve as source of labour for household and family businesses. This makes it extremely difficult to address child labour cases (some of which are hazardous) that occur at the family level. For this reason, child labour in cocoa, fishing and family businesses are extremely difficult to eliminate because parents and guardians of victims do not see child labour as a bad thing, thus making it difficult to draw the line between child work (light work) and child labour at the family level.

Again, the court system in Ghana has traditionally been slow to adjudicating cases and prescribing punishments to law breakers, partly due to weaknesses in the justice delivery system - inadequate number of personnel to handle increasing number of cases and logistical challenges to process cases on time. This laxity in the justice system also extends to child abuse cases, as culprits do not get punished early enough to deter others from the criminal acts. Lack of trust or confidence in the justice system sometimes also demotivates victims or rescuing workers from pursuing child trafficking perpetrators at the courts. Efficiency in the justice delivery system as well as stiffer punishment for child trafficking offenders could serve as deterrent to people, including family members, from child exploitation.

There is also the problem that child labour figures may not accurately reflect the situation on the ground and may unquestionably be undervaluing the extent of the problem. This is due to the fact that account is not taken of the "hidden" instances of child Labour arising mainly from children working in the informal sector. Thus, details about children's activities in that sector are not well recorded and often do not feature well in child labour estimates ( Archampong, 2001; Walk Free Foundation, 2018).

### **3.10 Conclusions**

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Compared to its sub-Saharan neighbours, Ghana has made significant progress in combating child labour, hazardous child work and worst forms of child labour in its employment and socioeconomic spaces. These efforts are evident at both policy or institutional as well as implementation fronts. Three sectors in Ghana receive almost all child labourers - agriculture, services and mining. Consistent with the global trend, the agricultural sector has the majority of child labourers comprising 78.7% of all estimated child labour and worst forms of child labour cases, followed by services 17.6% and industry 3.7% (Bureau of International Labour, 2017).

Past intervention towards eliminating child labour, hazardous child work and child trafficking from the various economic sectors in Ghana have yielded mixed results. On the one breath, Ghana is ahead of its SSA neighbours in terms of reducing the number of children whose childhood has been taken away by virtue of excessive and forced labour. Despite this noticeable progress, Ghana is not on course and may miss out on the agenda 2025 of eliminating all forms of child labour from production activities unless extra new effort is put in place to tackle the socially ingrained practice at both national, institutional and local levels. This has been well highlighted in the 2018 Cocoa Barometer report for Ghana and Cote d'Ivoire in which both countries seem to be lagging behind towards achieving set targets.

*Not a single company or government is anywhere near the sector-wide objective to eliminate child labour. It is high time for efforts to be increased. In that light, it is important to stress that child labour is a symptom of deeper problems; without tackling systemic poverty and a lack of local infrastructure, child labour will not be eradicated (Fountain & Hutz-Adams, 2018, 2018. pp. 15).*

Poverty has been highlighted as a key underlying cause of continuous perpetuation of child labour (Fountain & Hutz-Adams, 2018; Dammert et al., 2017; GSS 2014; ILO, 2017). Other known causes of child labour include absence of and access to good schools in rural areas, inadequate local infrastructure, and lack of awareness of the negative consequences of child labour, among others. Winning the war on child labour requires multi-sectoral and stakeholder collaborations to design and implement appropriate mix of interventions that effectively address the fundamental causes elucidated above.

### **3.11 Recommendations**

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**Strengthening educational outcomes:** Here, Ghana is already doing well in terms of providing access to education for all children. However, much needs to be done to improve access to quality education to enhance learning outcomes and returns to schooling as this could serve as motivating factor for parents to keep their children in school as against using them for work or giving them out for work in exchange for money. Evidence from Brazil and Mexico, which are both child labour elimination success stories, indicate that expanding access to education and improving the quality of schooling was an important determinant in getting children out of work and into school. Again, expanding access to education and improving school quality in the past in the two countries was an important factor in making the current generation of parents appreciate the benefits of schooling.

**Interagency coordination and collaboration:** interagency collaboration among state and non-state actors in child protection is essential to meeting child protection outcomes - of which child labour and child trafficking are central. The introduction of the Child and Family Welfare Policy (CFWP) in 2015 acknowledges the need for intense collaboration and coordination among actors to achieve set targets. Following from the CFWP, interventions such as the strengthening workforce initiative have been introduced by UNICEF, together with designated government agencies, to improve collaboration and coordination among different groups of child protection actors. However, gaps still remain as many actors in child protection, especially in child trafficking and related abuses, are working more in isolation than they are working together. Therefore,

**strengthening collaboration between institutions working to eliminate child labour is needed.**

**Improve budgetary allocation to child protection:** low capacity arising from lack of adequate logistics and human resources are among the main reasons for failure of mandated state agencies to enforce child protection laws and to pursue perpetrators of child labour and child trafficking. Inadequate number of staff and lack of resources to undertake outreach activities, for example, are among the main reasons the social welfare department consistently remains ineffective to undertake sensitization activities and unable to adequately handle child abuse cases that get reported to them. Several studies and evaluation reports have also identified low capacities of the mandated state agencies as a major constraint to success. Building the capacities of these state departments and resourcing them well are important to fighting child labour and trafficking in the various localities across Ghana.

**Strengthen social protection for poor and vulnerable households:** poverty and related socioeconomic vulnerabilities have been identified as the main underlying causes of child labour and child trafficking. Parents who trade their children for money do so because of poverty, likewise households that commission children into child labour and hazardous work. Fighting these child exploitations effectively requires dealing with the fundamental vulnerabilities of poverty that pushes children into such inhumane conditions. This will require strengthening existing social safety nets such as the LEAP, school feeding program, etc. The recent introduction of free secondary education is a further boost, however, there is the need to introduce new interventions or strengthen existing ones to cushion further all households living in extreme poverty in both urban and rural settings.

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# **CHAPTER FOUR**

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## **CHILD MARRIAGE AND SEXUAL EXPLOITATION IN GHANA**

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Lucy Owusu

### **Abstract**

The aim of the chapter is to examine the phenomenon of child marriage and sexual exploitation in Ghana. It draws on the available research literature, policy documents, and a range of secondary information to explore the multiple and complex factors influencing child marriage and sexual exploitation of children. The chapter further examines on-going policy efforts, progress and challenges associated with ending child marriage and sexual exploitation in Ghana. Overall, the chapter reveals that child marriage and sexual exploitation are prevalent in Ghana, are influenced by multiple interlocking factors including poverty, religion, and culture, parental neglect/lack of supervision, broken homes and inability of children to pursue education. The impacts of child marriage are enormous spanning the economic, social and psychological development of the child. Existing legal frameworks and campaigns, have to some extent, contributed to raising awareness about the menace of child marriage and sexual exploitation and sanctions for offenders. However, issues such as under-reporting, the use of informal community governing structures to deal with cases, together with low budgetary allocations and logistical constraints faced by key institutions, affect the full implementation of existing legal frameworks. I recommend government commitment to resource existing institutions to enforce existing laws together with continuous awareness creation by civil society actors and parents, as part of efforts to further reduce the menace of child marriage and sexual exploitation in Ghana.

### **4.1 Introduction**

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This chapter sets out to explore child marriage and sexual exploitation in Ghana. It seeks to, among other things, assess how these two interrelated social dilemmas deny children their rights and prevent them from a full childhood experience. The aim is to provide direction for development practice to focus research attention that could engender empirically rich and contextualized evidence-based information to inform sustainable policies and interventions to protect children. It also provides direction and paths for informing the future state of child protection annual reports. The main sources of information for the chapter are journal articles, institutional reports and media reported cases of child marriage and sexual exploitations.

The chapter is divided into two interrelated parts. The first part examines how the issue of child marriage as a social quandary may deny children particularly young girl's enjoyment of their basic rights. It brings to light the driving factors underpinning child marriage as well as the health and socio-economic outcomes when a young boy or girl under 18 years is coerced to assume the responsibilities of husband or wife. It discusses the important role that culture and religion may play in foregrounding child marriage. I also discuss existing laws, policies and programmes and the extent to which initiatives have played out in protecting children from being married off during their childhood days.

Secondly, the issue of child sexual exploitation is discussed, focusing specifically on the various ways and spaces through which children may be sexually exploited, including child sex tourism (CST), child trafficking, child sexual exploitation on the street, school sexual abuse as well as children who experience sexual harassment in their immediate environment, particularly in the homes. I discuss highlights of constitutional provisions to protect children from CSE/A in the Ghanaian context, which leads to a conclusion and some suggestions for policy.

## **4.2 Definitions/operationalisation of key terms**

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A child in this paper is defined as any person below the age of 18 years. This definition follows the UN Convention on the Right of the Child. However, the definition of a child varies from one society to the other. For instance, the Africa Youth Charter of the AU defines a person between the ages 15-17 as a minor.

Child marriage is defined in the study as the marriage of a girl or boy before the age of 18 years. It includes both formal marriages and informal unions in which children under the age of 18 live with a partner as if married. I use interchangeably the term child marriage and early marriage. Early marriage refers to a marriage where even though one of the parties to the marriage may not have reached the minimum marriageable age, maturity status is conferred at marriage through a legal process of emancipation. However, child marriage is believed to be a direct/indirect form of child sexual exploitation.

Child sexual exploitation in this context refers to a type of sexual abuse, in which there is sexual exploitation of children for money, power or status.

#### **4.3 Global context and framing of child marriage and sexual exploitation**

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Child marriage and sexual exploitation are two mutually reinforcing challenges of our time. An estimated 280 million girls below the age of 18 are at risk of getting married, 22 million are already married, 15million marry every year, approximately 41,000 girls get married each day, 28 girls get married every minute and every two seconds a girl gets married as well as 700 million women alive today were married in childhood (UNICEF, 2015). Approximately 1 in 3 girls are married before attaining age 18, and 1 in 7 marry before age 15 (Svanemyr et al., 2012). The 2014 UNICEF statistics show that 156 million men, who are alive today, married before the age of 18years while 33million were married before the age of 15 (UNICEF, 2014). This, according to UNICEF, represents a significant decrease when comparing current figures to three decades ago.

Despite the decline, child marriage is still high in places such as South East Asia and West Africa (Nguyen & Wodon, 2015). A 2001 UNICEF breakdown of child marriage data showed that in Bangladesh, 65% of children under 18years were married off, Nepal 57%, Afghanistan 54%, and India almost 50%. In Africa, the rates are more prevalent in the Central and Western as compared to the Northern and Eastern corridors. An estimated 40% and 49% of girls under 19 were married in Central and West Africa respectively, compared to 27% in East and 20% in North and South Africa. Country-specific studies show that child marriage is more prevalent in Nigeria (Adedokun et al., 2011) due in part to the high population rate of the country.

While some countries (e.g. Sudan, Philippines) legally permit marriage of children, generally, international legal frameworks on Child Rights consider child marriage an adverse social phenomenon (UNICEF, 2015). The different legal frameworks reflecting diverse cultural backgrounds of different countries in the world means applying a single global framework is fundamentally flawed in explaining and addressing the phenomenon of child marriage across the cultural divide. At the regional, sub-regional and national levels, complex issues such as culture, religion and the perceived over-arching roles of the state may inhibit efforts in protecting children. Pursuant to this, the World Bank suggests that achieving the SDG on eliminating child marriage requires a more pragmatic approach rather than mere existence of laws (Chata & Wodon, 2016).

According to a report by International Centre for Research on Women (ICRW) (2013), the limited opportunities available to young boys and girls, traditional beliefs, and familial economic situations or status are the structural factors that influence the occurrence of early marriages, especially in developing countries. In areas where child marriage is common, especially in Africa, it is deeply rooted in societal norms and values; hence some ethnic groups do not accept terms such as early or forced marriage associated with child brides (Somerset, 2000). Thus, in some societies, before a female child is born, parents may indulge in betrothing girls and take the marriage dowries in exchange. Such families become indebted. A current child bride in Ghana shares her ordeal:

*"When I was given birth to they said when I grow I will be given to him ..." (Current child bride, Northern region) (University of Ghana and World Vision Ghana, 2017)*

Contract marriages are permitted by traditions and cultures that disregard any consent of the child bride or groom involved (WILDAF, 2014). The relationship between religion and child marriage is more complex. Stakeholders both at the international and national level face challenges in defending and protecting children whose childhood rights are denied to become mothers or wives. A typical example is in Nigeria where early marriage is permissible by Islamic religion (Bamgbose, 2002). Child marriage is more prevalent in Islamic societies, where the legal age for marriage can be as early as 6 years in Afghanistan, 13 years in Iran, 8 years in Yemen, and 16 years in Qatar (Bamgbose, 2002).

It is important to also emphasize that the prevalence of child marriage is not limited to tradition and religion. Income poverty is an essential driving factor which is paving the way for diverse ethnic groups that currently do not encourage the practice of early marriage especially in West Africa, to force children into early marriage (Otoo-Oyortey & Pobi, 2003; ICRW, 2013).

Global projections suggest that Africa will have the largest proportion of child brides by 2050. An estimated 310 million of children are expected to be married by the year 2050 in Africa (UNICEF, 2015). Out of 41 countries worldwide with a child marriage of about 30% prevalence rate, 30 are located in Africa. Since the 1990s, there has been a worldwide effort through global developmental frameworks such as the MDGS and SDGS, international conventions, declarations, regional protocols and campaign programmes aimed at reducing and possibly eradicating child marriage. These efforts over the years have yielded progress in the fight for child protection against all forms of child abuse and exploitations. In the African sub-region, AU and ECOWAS, through diverse protocols and campaigns, have collaborated with international organizations to develop interventions and preventive strategies to reduce child marriage. Appendix 1 outlines AU and

ECOWAS strategic efforts to ending child marriage. Though many individual countries within the AU and ECOWAS are signatories to African Human Rights Framework for the Eradication of Child Marriage, it is not clear how many of the countries are committed to implementing and ensuring enforcement of these protocols and regulations. It reflects the slow or steady rate of reduction of child marriage in Africa. To achieve the agenda 2063 of ending child marriage in Africa, it requires the AU to devise context specific measures and strategies for individual countries to be accountable to their commitment to ending the child marriage phenomenon. Child marriage is a form of sexual exploitation. ILO estimated that, on average, 20% out of 1.2 million trafficked children were sexually exploited worldwide (ECPAT and The Body Shop, 2009). The WHO also reports that at least 1 in 5 women and 1 in 13 men have been sexually abused when they were children (WHO, 2016). In less resourced regions like Sub-Saharan Africa (SSA) and part of Asia, the situation of child protection is generally poor and Child Sexual Exploitation is very alarming (East, Central and Southern African Health Community, 2011). Issues such as poverty, conflict and displacements, low levels of human development and weak institutional systems exacerbate child abuses in these regions (The African Child Policy Forum & Save the Children Sweden, 2006). Religious beliefs and cultural practices, which are dominant in these regions, render children at a high risk to CSE often via child marriages, Trokosi and the marginalization of female children in the society (Ahmed et al., 2009; ECPAT International, 2014).

Several studies in SSA show an increasing number of children in commercial sex prostitution because of child trafficking, child marriage, child labour, and streetism. Similarly, the high value and authority placed on men in the family, schools, religious institutions and work place, breeds grounds for CSE as girls become vulnerable to male perpetrators (Lalor, 2008; Chege & Sifuna, 2006). Though the problem of under-reporting of CSE is a global phenomenon, the situation is much more complex and worse in poor regions like SSA and Asia. Thus, in the developing countries, data on CSE are poorly gathered. Existing information is based on reports of individual and institutional case studies on various ways in which children are abused sexually rather than continental estimates. However, in 2012 UNODC reported that between 2007 and 2010, 36% of children from Africa and Middle East were trafficked purposely for sexual exploitation (UNODC 2012 cited in ECPAT, 2014). In SSA, CSE/A are common in countries that have experienced conflict and war in whichever form. Such social and economic crises render children as orphans who most often become victims of traffickers who force them into prostitutions and commercial sex exploitations in hotels, bars and brothels (UN Reports, 2003, UNICEF, 2005) for monetary gains. For instance, in 2004, 820,000 children became orphans in Rwanda in which over 100,000 of them were found to engage in prostitution to support their families (UNICEF, 2005). Embroiling conflict zones such as DRC, Burundi, and Central Africa Republic, Rwanda, Nigeria, and Uganda,

that have experienced conflicts and war, rendered thousands of young women and children into a horrific incidence of rape and sexual violence (Liebling-Kalfani & Bake, 2010). Child sexual violence has also been reported to be common in camps in many of these conflict zones (UNICEF, 2015).

#### **4.4 Child Marriage in Ghana**

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Ghana ranks 61st in the world with high prevalence of child marriage. Meanwhile, child marriage looks an unpopular issue in Ghana at face value because it is not discussed as a vital child protection problem affecting many children in the country and there are seemingly inadequate measures to empower young girls to understand their rights. While available data suggest that child marriage persists in all the 10 administrative regions, it is highly prevalent in the three northern regions (UNFPA, 2012; UNICEF, 2015; GDHS, 2014 and MICS, 2011, see table 1). The national incidence of child marriage among women 18-49 years is 27% with a rural rate of 34% compared to 19.4 percent in the urban areas (GDHS, 2014). The survey further reports that girls between 20-24 years who were married by age 18 is 21% nationally. In other words, 1 out of 5 girls in Ghana marry before their 18th birthday. Thus approximately 260 000 girls are affected in the country. However, for girls in the three northern regions, the rate is 1 out of 3 girls (34%). In 2011, 1 out of 4 women (27%) married under 18 years (MICS 2011). Although some marriages take place before age 15 years, it is rare for girls in Ghana with a national prevalence of 5% compared to 21% of marriages under 18 years (UNICEF 2017). The 2010 census indicates that about 5.6% and 5.2% boys and girls respectively between ages 12-14 years were married, with a double incidence of 9.2% for girls between 15-19 years (Ghana Statistical Service, 2013).

*Table 4.1 Regional trends of women between 20-49 married/in union by age 18years*

<b>Challenge</b>	<b>MICS 2011(%)</b>	<b>DHS (2014)</b>
Upper East	39.2	36.1
Upper West	36.3	37.3
Northern	27.4	39.6
Eastern	27.2	27.5
Central	31.2	29.5
Brong Ahafo	29.1	23.9
Ashanti	30.5	25.9
Greater Accra	12.2	8.5
Volta	29.3	25.9
Western	36.7	32.9
National	27	27.2

*Source: MoCCSP, 2016*

Computed data from the GDHS 2014 by the University of Ghana and World Vision Ghana (2017) suggests that many girls marry before age 15; among current brides (49%) compared to matured (26%) child brides. As shown in Table 2, girls are married off as early as age 10 for matured brides.

**Table 4.2 Child brides who entered into marital unions at the various ages (%) in GDHS 2014**

Age at first marriage	Current child bride	Matured child-bride	Child bride
10	0.0	1.1	1.1
11	3.8	1.6	1.6
12	8.2	3.7	2.7
13	12.9	6.6	6.6
14	24.4	12.6	12.7
15	18.7	21.1	21.1
16	25.9	25.7	25.7
17	6.1	27.7	27.5

*Source: University of Ghana and World Vision Ghana, 2017*

Some studies however suggest that, the age at first marriage is gradually increasing (UNFPA (2011 and WILDAF 2014) which brings hope for Ghana. According to Tsekpo et al., (2016) ...“forced early marriages are among the marital arrangements that are often contracted for trafficked children especially around Yeji in the Pru District”. In an event where the girl child becomes pregnant, some parents or guardians shirk their responsibilities and force them to marry the man who impregnated them, which makes such children become slaves to their master (Tsekpo et al., 2016 see box 1). Although this practice is not enforced by law, it is a common phenomenon along some of the poor coastal and farming communities in Ghana.

*“Some parents/people even push their children to go and do it [have sexual relationships]. Even in my community at the beach, they don’t see anything wrong with it. They think that if the man has money and can take care of that child, what is the problem? They say that they don’t have money to take care of their own children, so if they find someone who can, they don’t mind at all. Even in the town, there are children who are going to school but are staying with men, teachers, masons, taxi drivers. And the parents approve of it. The same thing happens in those communities. [Interview with Municipal Girls Education Officer at Winneba, October 14 2016]*

*“My mother sent us to our father because she said she didn’t have money. When my mother sent us to Yeji, my father also refused to take care of us because he said he had no money. He therefore asked me to work with a man so I can get money and then continue schooling”. [Interview with 16-year-old girl at Winneba, October 13 2016]*

*Source: Challenging Heights, 2016*

## **4.5 Causes of child marriage in Ghana**

Child marriage in Ghana is influenced by multifaceted factors. The reasons why people practice early marriage in Ghana are not different from those at the global level. However, some segmentation and add-ons are peculiar to Ghana. The causes range from location, economic situation and religion to limited educational opportunities for young girls.

To begin with, evidence suggests that the location of young girls poses a significant risk for becoming a child bride. From a spatial perspective, child marriage appears to be higher in the three northern regions. Research has shown that girls from rural Northern Ghana are twice more likely to become child brides than those in urban areas (UNFPA, 2012). For the period between 2006 and 2011, the MICS reported an increase rate of 30.6% to 36.2% in rural child marriage while it reduced from 20.5% in 2006 to 19.4% in 2011 for urban locations (UNICEF 2015). Moreover, girls from poorer rural households are four times more likely to marry than those from the richest households.

In Ghana, both the GDHS and the Ghana Living Standards Survey depict that poverty is much higher in the three northern regions than the southern territories (CSS, 2012). Consistently, the available data show that child marriage is more common in Northern Ghana than the south. In effect, there appears to be a strong relationship between economic status and child marriage (UNFPA, 2011 and WILDAF 2014). It is estimated that 41.2% of poorer women marry before age 18years with an increased rate of 32.5% in 2006 compared to a reduction from 14.6 to 11.5% for the same period for wealthy counterparts (MICS 2006 and MICS 2011). According to a World Vision report, the economic related drivers are broad but centre more on parents' standard of living and children's material needs (University of Ghana and world Vision Ghana, 2017). Box 2 below presents experiences of some parents and child brides.

### ***Box 2. Experiences of parents and child brides***

*"... When she completed school I didn't get enough money for her to continue her education. A man wanted to marry her, so I informed him that if he could help her continue her education after marrying her, then that's fine. This is because I didn't have money, but I just can't allow him to take her. ..." (Mother of child bride, Upper East region)*

*"... Girls in this community become pregnant and they don't grow before they marry. The fault is from the parents and poverty. When a girl is 12 years, her menses starts and she needs money to buy sanitary pads. Since her parents cannot afford it she will go out and find a man who will flatter her and give GH5 to her*

*to buy the pad. At night she will go back to the man and this is what brings teenage pregnancy. ...." (FGD participant, Upper East region)*

*"... yes I wanted to go to school but my father refused and gave me out for marriage in exchange for cattle.*

*..." (Mature Bride no longer married, Upper East region)*

*"... when I was schooling my parents couldn't provide me all of my needs and that is why I got myself a man to assist me financially..." (Current child bride, Brong Ahafo region)*

*"... Sometimes the girls give themselves up because they have no one to help them. ...." (FGD participant, Volta region)*

*"... The money becomes the incentive. When an uneducated girl gets married and gets so much money, her female friend who is in school, may also want the same thing. She may now choose to get married, because she stands to benefit a lot, which she might not get when she goes to school. ...." (Father of child bride, Volta region)*

*"...We also know that in some communities where the girl child is not as valued as the boy child they think she will become a wife or a mother anyway so she is better off being married early. ...." (MoGCSP)*

*Source: University of Ghana and World Vision Ghana, (2017)*

Clearly, the experiences shared above depict the complex reasons why many young girls are married off very early at the expense of being in school. The bride price retrieved from most young girls' marriages is sometimes used by their families to pay off debt or household daily expenditures (Jain & Kurz, 2007; Selby, 2008; Alhassan, 2013). Parents, especially single mothers, encourage and or push their daughters into early marriage in return for financial gains because of the dire poverty situation of households (UNICEF, 2001). In most cases, poor households in Ghana have been noted to give their daughters to early marriage in order to relieve themselves from economic stress (Tsekpo et al., 2016; Selby, 2008). Girls are seen as both financial burdens and economic relief in low-income families in Ghana. Their upkeep and education are associated with financial burden for families while the bride price that wealthy men pay to such families as part of the marriage process serves as income to pay off debts and acquire wealth (Alhassan, 2013, WILDAF, 2014, University of Ghana & World Vision Ghana, 2017).

In addition to poverty and meeting household needs, culture, traditions and religion are equally contributing factors to child marriage in Ghana. In fact, marriage is perceived to be an institution of honour in most Ghanaian societies (Nukunya, 1992).

An avalanche of empirical studies has revealed that, culture has the potency to influence the age at marriage. Child marriage is more common in communities where traditions and beliefs are inclined towards it (Alhassan, 2013; Bayisenge, 2010). Culturally it is believed that marrying off a girl at an early age provides care and protection and this transfers the responsibility of caring for girls from fathers to future spouses (Adedokun, et al., 2011).

In most cases, early marriage is also practiced to maintain the value of virginity of girls before marriage. Families often marry off their girls early to avoid societal ridicule, disapproval, and/or family shame (UNFPA, 2012; Alhassan, 2013; Somerest, 2000). Empirical studies suggest that early marriage is considered an option for young girls in order to control children's' sexuality. Indeed, traditional norms or values may frown on illicit or pre-marital sex, and this encourages parents to push their girl child into marriage. Thus, while norms mostly stigmatize the girl child, boys may have the wherewithal to assert their masculinity (Alhassan, 2013 & Adedokun et al., 2011; Nour, 2009; Bayisenge, 2010; Fant, 2008). This is the main reason why some ethnic groups in Ghana practice Female Genital Mutilation (Ras-Work, 2006; Oduro et al., 2006; and Selby, 2008). Also, nobility rites such as Dipo and Bragoro<sup>7</sup> equally advertise young women as matured for marriage but fail to take into consideration the varied age at which individual girls may experience their first menstrual cycle (Kearin, 2013; Steegstra, 2005). According to Bayisenge (2010), child marriage is practiced as a means to prevent barrenness in some parts of northern Ghana.

The literature reveals that Moslems dominate most of the societies in Ghana, where child marriage is practiced. Majority of the victims of female genital mutilation are reported to have come from Islamic homes (Bayisenge, 2010). With religion frowning on sexual promiscuity, some religious people prefer that, children marry at younger age to prevent predisposing them to illicit and pre-marital sex (Oduro et al., 2006). In some traditional societies, the African tradition and religion combine perfectly with traditional beliefs in support of child marriage (Ras-Work, 2006 & Oduro et al., 2006). While other religions, apart from Islam, practice child marriage, there is a huge research gap in identifying such groups and quantifying the numbers.

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<sup>7</sup> **Dipo** is a Ghanaian traditional festival celebrated by the people of Odumase in the Eastern region. The festival is celebrated in April.<sup>[1]</sup> The festival is used to usher into puberty, girls who are virgins and it signifies that a lady who partakes in it is of age to be married. Bragoro, as a rite of passage from childhood to adulthood, is offered the context for secrets of womanhood to be shared only among women. It is a spiritually-based ritual that honours the woman, her role as a woman and makes her feel special as such

Studies reveal that girls who marry at an early age tend to end up with more domestic duties, which bring no economic returns to their parents and families (Svanemyr et al., 2012 & Fant, 2008). This discrimination against girls and their associated low educational status in many societies reinforces the factors that influence early marriage among girls. Many cultures have the belief and fear that the education of girls is a threat to men (Svanemyr et al., 2012 & Ras-Work, 2006). The Ghana Statistical Service report indicates that girls in schools are less likely to get married compared with their counterparts who are not in school (GSS, 2012). The argument is that their goals of getting educated drive them to move higher on the academic ladder, and by the time they complete tertiary education, they would have become matured in age, secure well-paid jobs, and ready to marry as well.

Apart from the broader issues of economy, culture, religion, and education, other studies have revealed issues among families that push young girls into early marriage in Ghana. Broken homes, parental neglect and lack of supervision, teenage pregnancy and pre-marital sex, all contribute to child marriage in Ghana (Challenging Heights, 2016, University of Ghana and world Vision Ghana, 2017, Action Aid Ghana, 2015). Tribal conflict in parts of Northern Ghana has led to higher migration rates among rural youths. Migration of young girls to the southern part of Ghana creates avenues for exposure to street dangers that result in teenage pregnancies and early marriages. Due to the irregular income and financial burden associated with pregnancy and childcare, many girls are forced by their parents or guardians to live with men who impregnate them for financial support (Apusigah and Mohammed, 2005). Additionally, the lack of law enforcement in prosecuting child marriage cases due to the difficulty in determining the rightful age of victims and interference by prominent people in society suggests that future occurrences may go unpunished (Action Aid, 2010).

## **4.6 Child sexual exploitation in Ghana: trends and dynamics**

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Ghana, like many other countries, is embattled with how to protect its future generation from the abuses, which deprive and deny them the right and freedom as children. Though there is no accurate data to depict the true figures of various child abuses in Ghana, it is a glaring fact that many children suffer violent sexual exploitation. According to a 2017 Criminal Investigations Department Annual Crime Statistics report, over 1000 children are defiled each year, which translates into 3 children daily. In 1998 and 1999, research indicated that the prevalence of child sexual abuse in Ghana was between 7 and 33% respectively (Pappoe & Ardayfio-Schandorf 1998 and Coker-Appiah and Cusack 1999). In 2009, the Domestic Violence Victims Support Unit (DOVVSU) shared that child sexual abuse increased from 1128 in 2002 to 1600 in 2009.

These figures are just a tip of the iceberg of prevalence of CSE in Ghana (UNICEF 2011). Thus, in Ghana, CSE is epidemically silent and under-reported due to stigmatization, protection of family integrity, and the lack of trust in authorities (De Groot et al, 2018; ECPAT, 2014; Action Aid, 2013a). There is the lack of accessible empirical research on the issue of child sexual exploitation due to inadequate ability and means to publish such information in public.

However, the few existing researches indicate that poverty is a major contributing factor that puts most children into such an exploitative act either willingly or forcibly (CRRECENT, 2010). Studies (eg. Department of Social Welfare and UNICEF 2011 and Tsekpo et al, 2016) have also revealed that lack of parental care and inadequate supervision, drug and alcohol addiction, peer pressure, and parental neglect are important driving factors that contribute to sexual exploitation of children. Also orphans in the care of family relatives who are supposed to receive care and protection in recent times tend to be sexually harassed and abused by caregivers (Department of Social Welfare and UNICEF 2011).

An important space where child sexual exploitation is reported to be common is the tourism industry. Despite the important role that the tourism sector plays in the economy of Ghana Mensah-Ansah et al (2011), the sector is undoubtedly a ground for sexually exploitative activities (GNCRC, 2015). An extensive study by GNCRC (2015) on CSEC has revealed interesting findings on how tourist communities have become hubs for young girls to involve in commercial sex work to sexually satisfy both local and foreigners who visit such places.

The perpetrators who are mostly tourists, migrant workers, entertainers and businessmen (GNCRC, 2015) are both short- and long-term visitors as well as those who make regular visits to such destinations (ECPAT International, 2008). It is reported that the age of such victims can be as early as 9 years. Table 1 shows the various ages of children in Child Sex Tourism (CST) across various tourist communities. The findings by GNCRC again suggest that 25% of the children surveyed got involved in the CST on their own, 29% were coerced by exploiters, but for 27% of the victims, offenders used gifts to lure them while 17.7% were influenced by their peers. The hotspots for such activities are beach resorts in the country where there are frequent visits of both local and foreign nationals during normal sightseeing and holiday celebrations (GNCRC, 2015).

**Table 4 3 Minimum Age of CST victims**

Minimum Age of CST		
Minimum Age	Frequency	Percentage
9	2	6.7
10	4	13.3
11	6	20.0
12	8	26.7
13	4	13.3
14	4	13.3
15	1	3.3
16	1	3.3
Total	30	100.0

*Source: GNCRC, 2015*

In this sector, boys are not left out in the sexual abuse and exploitation quandary. Studies show that abandoned and neglected boys are at risk of being sexually exploited by some foreign businessmen and tourists in the country (GNCRC, 2015; International Needs Ghana, 2010). The story of Kofi who was sacked from home by an uncle who could not provide for his needs buttresses this point:

*"I was introduced to a Chinese man who owns a construction company, to work with him. In no time, he started sexually harassing me any time we were alone. He touched and played with my penis whenever we were alone in the car and sometimes at his house. He advanced from playing with my penis and wanted to have sex with me but I could not stand this and had to run away. I was afraid to report the incident to my colleagues at work or anyone because the man had guns in his car and at home. I later faked sickness and stopped working with him." (GNCRC, 2015)*

It is also believed that some girls find themselves in this act when they flee from some harmful cultural practices such as child marriage and FGM particularly from rural communities in the north. As a result of challenges they face, they get involved in CST to supplement earnings from the 'kayaye' business (ECPAT International, 2014 and GNCRC, 2015). Below are some experiences across various tourist towns and how it manifests:

*I got involved in sex work when I was 14 years old. My parents left for Lagos in Nigeria and I was staying with my grand mum who could not provide for my needs. I had to drop out of school at class 3 and started selling on the street to take care of myself. A friend I met on the street introduced me to a man who she said will help me if only I do as he says. The man took me out bought food and drinks for me and later took me to brothel*

*and had sex with me and gave me money (GHC 20.00) The same friend said she will introduce me to more of such friends if I agree to give her part of the money I make and then she can protect me from being cheated. I agreed initially but later found out that she was cheating me so I joined a group of girls who go out at night to look for their own "customers". I started this in Cape Coast, went to Accra (Fadama) and now I am based in European town. This is how I survive. I have had sexual encounters with a lot of men including Chinese, Korean and Japanese. The white men pay better than the local men" (GNCRC, 2015).*

At the same time reports on sexual exploitation of children and adolescents point to schools and religious places (Mgalla et al., 1998). In Ghana, for instance, though there is the lack of empirical survey on the prevalence of sexual abuse in schools, media reports suggest incidence of child sexual exploitation in lower primary and SHS with teachers being the main perpetrators of such acts. A study by Plan Ghana, (2009) in some selected schools discovered that out of the 100 schoolchildren surveyed, 14% were sexually abused and 53% of such abuses occurred in the school environment while 47% occurred at home. As indicated by Lalor (2004) and Bowman and Brundige (2014), CSA in the home and community has not received a great deal of critical attention in most African countries including Ghana. School, which is expected to be a protecting ground for children, tends rather to be a risky environment for sexual abuse.

In fact, sexual exploitation of children, be it at home or school, is becoming more visible in Ghana recently. Teachers and administrative staff of schools capitalize on the vulnerabilities of school children and sexually exploit them (CRRECENT, 2009; Bowman & Brundige, 2014 and Gyesaw and Ankomah, 2013). Such victims are not able to report their perpetrators owing to threats to fail victims in school examinations (Agu et al., 2018). Box 3 presents some notable incidences reported in the media recently,

***Box 3. Some media reported cases of child sexual abuse and exploitation in Ghana***

### **School environment related**

*.... "A 42-year-old teacher, who allegedly had countless sexual intercourse with a 15-year-old Junior High School (JHS) girl at Abokobi, has been granted bail by an Accra Circuit Court..." (31st July 2018) Chanaweb.*

*..... "a 9 year old girl whose teacher sexually abused her after school had closed. The report had it that after the school had closed, the teacher delayed the girl for everyone to leave the school premises and then put the child on a teacher's table and then attempted to penetrate*

*but realizing the difficulty in penetrating he then decided to finger the child so violently and in the course of the act the girl fell from the table causing serious injury to the head. The report indicated that the girl finds it difficult to walk, eat and even attend to nature as a parent shared her ordeals in an interview granted to the Adom Fm news team. In terms of filing a case at the police station, the mother was not happy with the manner in which the police were handling the situation which led to the report to the media to bring the case to public scene ".....(6th September 2018). AOM FM 6PM NEWS*

## **Home/relatives/immediate environment**

*.... " A 38-year-old man, Agyei Simon, has defiled his 13 year-old stepsister multiple times at Kasoa in the Central region..." (24 September, 2018) Chananweb. Arrested and detained.*

*... "A distraught family at Adjen Kotoku in the Greater Accra Region is calling for justice after their 9-year-old class four pupil was defiled by a young man, 2 years ago.....".(19th September 2018) Chananweb. Still waiting for justice to be served*

*.... " A 34-year-old baker has been remanded in custody by an Accra Circuit Court for having carnal knowledge of a 13-year-old girl at Madina New Road, Accra. Danso, who works for the victim's grandmother, allegedly had anal sex with her on four occasions...." (14th September, 2018) Chananweb. Perpetrator in police custody.*

*. "Man defiles, impregnates daughter; set to make her his second wife" (5th July 2018) Chananweb*

*....."A six-year-old boy is fighting for his life after being sodomized by a fellow 19-year-old boy in Accra" (21st June 2018) Chananweb.*

*"A 12 and 10 year old siblings, whose father had been abusing them sexually, unfortunately impregnated the 12 year old. The reported indicated that the girl had to go through CS to be able to deliver the baby. Meanwhile the father is serving a prison sentence at the Nsawam prisons" (6th September, 2018) Adom FM, 6PM News*

*Religious environment is no exception of CSE*

.. “The family of a 17-year-old Junior High School form two student has appealed to the general public to help apprehend a pastor who allegedly raped her....”(13TH July 2018) Chanaweb.

... “Pastor allegedly rapes 8-year-old girl”...(12 June, 2018) Chanaweb.

Available literature further suggests that most child sexual exploitation on the street emanate from rural-urban migration (GNCRC, 2015). Children on the street of the capital cities in various regions in Ghana, who encounter sexual exploitation, are rural-urban migrants (ECPAT International, 2014).

Issues of poverty, parental neglect, a lack of educational services and support schemes from government, push children to find seemingly better life in urban areas (International Needs Ghana, 2011). In fact, stories told by children living on the street regarding their risk of sexual abuse and exploitation call for a more strategic approach to rid the street of such children. Apart from instances where men just pounce on the girls while asleep, some street boys actually intoxicate girls and later rape them. Boakye-Boaten ‘in a 2008 study, shared some intriguing experiences of street children in Accra on their sexual lives. Abi, a 15-year-old girl, claimed that:

*“Sometimes, the boys strip you naked when you are sleeping and rape you. Some of the girls agree to sleep with them and others don’t, so they wait till you are fast asleep. They come between 1 and 2 a.m. to strip you naked and do whatever they want to do to you...” (Abi).*

This was a girl who had lived on the street for about a year and half who had no plans of returning back home irrespective of the dangers she encounters. An interesting scenario of how some of these sexual encounters manifest was shared as;

*“I suppose since you came around, you have heard people using the phrase, ‘I have collected your John’?...Ok, sometimes, the girls collect money from the boys to have sex with them, they then runaway that is the girls, without performing their part of the deal. That is when they use the phrase, ‘I have collected your John’. There are prostitutes there you can pay to have sex with. As for some of the girls, the guys come to ask them to be their girlfriends. In that sense you can’t harass them if you give them money and they refuse you sex” (BJ).*

In the case of CSE among trafficked children within the shores of Ghana, the Volta lake is a significant hub where children, mostly boys, are sold or used to settle family debt to fishermen and undergo all forms of sexual abuse by their masters (Tsekpo et al., 2016, ; World Vision Ghana, 2017). These children have no exit points as they are taken far from their originating communities (Compassion, 2018). It has always been the courtesy of NGOs and Civil Society Organizations, who through their operation, have rescued some of the children from the abuses they encounter. Indeed, Ghanaian children need protection! It is about time government and civil society organizations stop the rhetoric and long presentations and act swiftly to remedy the situation.

#### **4.7 Impacts of child marriage and sexual exploitation**

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Child marriage and sexual exploitation have long-term negative effects on children (MoGCSP, 2016) that manifest in diverse ways. Some studies suggest that child marriage marginally has positive effect on family wealth acquisition through the bride price for the marriage which provides access to basic needs (ECPACT, 2014). Other reports indicate that marriage generally is perceived as prestigious and of great honour in Ghana hence parents marry their children off, irrespective of the age (University of Ghana and World Vision Ghana, 2017, Nukunya 1992, Alhassan, 2013). However, studies suggest that maternal mortality and other health risks, loss of education as girls become school drop-outs, poverty and its related social evils, diminishing of Ghana's socio-economic prosperity and development, sexual abuse and domestic violence, are many adverse effects of child marriage (University of Ghana and World Vision Ghana, 2017, Groot et al, 2018).

In addition to the above mentioned impacts, studies from Ghana indicate that sexual exploitation can lead to the following consequences, both in the immediate and longer term: contraction of sexually transmitted diseases (HIV), unplanned pregnancies, unsafe abortion, gynaecological complications and physical injury (De Groot et al, 2018). Other studies mention depression, nightmares, low self-esteem, and anxiety for victims, fear, anger, bitterness, regressive behaviours, hostility and self-injurious behaviours (Behrendt, et al, 2008 and Killian & Brakarsh, 2004). The above impacts have the potential to affect the psychosocial, economic, and material development of child victims and above all their fundamental human rights. The next part looks at the legal frameworks on child marriage in Ghana.

## **4.8 Legal frameworks on child marriage and sexual exploitation in Ghana**

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There have been some policy and legislative reforms to address the phenomenon of child marriage and sexual exploitation in Ghana. According to the provisions in the 1992 Constitution and the 1998 Children's Act (1998), child marriage and sexual exploitation of children are considered illegal in Ghana. In addition to frowning on exploitation of children, the provisions in the constitution and other national frameworks set the legal age for marriage at 18 years for both Ghanaian boys and girls. However, children can marry at age 16 with parental consent. According to the provisions in Section 14 (1) (a) (b) and (c) of the Children's Act, "No person shall force a child to be betrothed; to be the subject of a dowry transaction; or to be married...anybody who contravenes this provision commits an offense and is liable on summary conviction to a fine not exceeding 5 million cedis or to a term of imprisonment not exceeding one year or both." Additionally, Section 101 of the Criminal Offenses Act 1960 (Act 29) prohibits the sexual exploitation of children under age 16 years. These are sound laws that could protect the Ghanaian child from exploitation and early marriage but expected results are far from convincing (MoGCSP, 2016). In the National Strategic Framework on ending Child Marriage, the Ministry of Gender, Children and Social Protection stated that the major reasons why these laws are not functioning as expected in Ghana are the weak enforcement and implementation by the key institutions.

In addition to these national laws and provisions in the constitution, several agencies have been mandated with the responsibility to deal with issues of child marriage and sexual exploitation in Ghana. For example, in 2014, the Ministry of Gender, Children and Social Protection (MoGCSP) established the Child Marriage Unit to promote and coordinate national initiatives aimed at ending these intertwined social problems. The unit is charged with the responsibilities of establishing an Advisory Committee on Ending Child Marriage and sexual exploitation of children. The committee is composed of key influential individuals within respective communities and technically competent officials to provide guidance on interventions being proposed by the Ministry to halt these phenomena. The formation of a network of stakeholders for sharing experiences on best practices, lessons learnt and guidance on what works and what strategies do not work, culminated in the launching of Ending Child Marriage Campaign in February 2016, to officially kick start the country's efforts towards eliminating child marriage. The unit is also charged to engage with young people to get their ideas on how to end child marriage and sexual exploitation as well as engagement with the African Union and other actors at the continental level to share and learn from other African countries in their efforts to end Child marriage. Again, some Goodwill Ambassadors and the media are involved in sensitizing the public on the problems of child marriage through videos and documentaries.

Furthermore, the National Commission on Civic Education (NCCE) is another government agency mandated to help solve the problem of child marriage, sexual exploitation and teenage pregnancies. In 2014, NCCE commissioned research on the nature and extent of child marriage in Ghana to make informed decisions on their engagements with communities on issues of child marriage (MoGCSP, 2016). Other government actors include the Ministry of Health and Ghana Health Service (2014) whose activities, among others, is to ensure the provision of comprehensive sex education in schools through Sexual and Reproductive Health (SRH) Clubs and integration into the education curriculum.

However, there has been reluctance by some teachers to provide instruction on this subject despite its inclusion in the educational curriculum. These institutions are also expected to roll out the following activities; Community sensitization on SRH for both boys and girls, engagement with traditional authorities to consider the needs of adolescents; outreach activities at 'hotspots' (eg. galamsey communities and large market centres) on teen pregnancy; engagement with parents on sexual reproductive health of adolescents; revision of the service policy for reproductive health services to include sexually active teens; training of service providers to be more receptive as well as adolescent friendly and scaling up of Abortion Care Service as prescribed by law. The Ghana Education Service also provides education on the effects of child marriage, sexual exploitation and teenage pregnancy to children and parents. Through the provision of scholarships, campaigns, guidance and counselling services, GES aims to contribute its quota to helping curb the phenomena of child marriage and sexual exploitation.

While these institutions are working assiduously to curb the problem of child sexual exploitation and child marriage in the country, issues of inadequate staffing, low budgetary allocation, remuneration, training and development as well as logistical challenges continue to affect the operations of the key institutions (CHRAJ, 2018). In all, the use of the laws and the strategic programmes and campaign by government institutions, NGOs, CSOs and international partnerships, have to some extent contributed to protecting several children in Ghana from all forms of abuse including child marriage and child sexual exploitation. It has been argued that these efforts have promoted awareness creation on child marriage and sexual exploitation. For instance, the consideration given to Ghana within the ECOWAS to spearhead the end child marriage campaign in the region has contributed to various activities promoting child marriage awareness in the country. Again, as part of AU regional campaign, Ghana launched the National Campaign to end child marriage in Ghana in 2016, which has become an annual celebration to re-inform and educate people about the need to protect young girls from being married early. The partnership activities of UNFPA, UNICEF, Girls Not Brides, World Vision and Action Aid with

local NGOs such as Planned Parenthood Association of Ghana (PPAG), Seek to Save Foundation, Department of Social Welfare, Hats Community Empowerment Programme, and Challenging Heights, have practically salvaged and rescued thousands of children who have been victims of all kinds of abuses in the country. The retention of girls in school, which forms the core goal of many child marriage advocates in Ghana, has contributed to keeping many girls in school as a means to delay early marriages. As part of efforts to protect children from sexual exploitations, the Domestic Violence Unit of the Ghana Police Service has prosecuted many offenders. And in the process, several of these perpetrators have been sentenced to prison terms. This has deterred others, though there is a huge gap in the prosecution process.

However, there are challenges in enforcement and implementation of these laws and policies. The challenges centre on the fact that, some affected children do not report child marriage and sexual exploitation cases due to inadequate awareness, social pressure and culture. There is also the lack of evidence when parents withdraw cases (CHRUJ, 2018). The absence of birth certificates to prove the age of the affected child due to inconsistent and multiple ID cards used in the country do not allow for proper investigation and enforcement of laws (MoGCSP, 2016, Action Aid Ghana, 2015, Child Not Bride and UNICEF, 2015). The law enforcement agencies have also emphasised concerns of limited access to services in the justice sector, limited resources for law enforcement and implementing agencies (DOVVSU, 2017 and CHRUJ, 2018). Moreover, issues of corrupt practices, where perpetrators bribe judicial staff to either lose files or postpone or adjourn cases indefinitely, also exist and impact on progress. Again, research indicates that most parents and households resort to using informal traditional structures or community actors such as opinion leaders, assemblymen, chiefs, and queen mothers, as a medium to resolve issues of child exploitation rather than allowing the legal system to take its course. This presents a difficulty for law enforcement agencies to act. While this system of informal resolution may sometimes, stipulate punishment for perpetrators, in most cases, offenders go unpunished owing to communal living arrangements, while affected children receive little or no support in the long-term (Department of social Welfare and UNICEF, 2011).

***Box 4: Strategic Direction on child marriage (2017-2026)***

**The MoGCSP Strategic Direction (2017-2026)**

*The overall goal of this new strategic direction is a society without child marriage by 2030.*

*The Strategic Objectives are to:*

- 1. Empower girls and boys to be better able to prevent and respond to child marriage.*
- 2. Influence positive change in communities' beliefs and attitudes and social norms that drive child marriage.*

- 3. Accelerate access to quality education, sexual and reproductive health information and services and other opportunities.*
- 4. Ensure national laws, policy frameworks and mechanisms related to ending child marriage are in place and effectively enforced and implemented.*
- 5. Increase the quality and amount of data and evidence available to inform policy and programming*

*Source: (MoGCSP 2016)*

## **4.9 Conclusion**

This chapter has situated the issue of child marriage and sexual exploitation within the broader socio-economic, cultural and policy contexts of Ghana. It has explored the factors associated with child marriage and sexual exploitation of children. The chapter has suggested that the associated burden of child marriage and sexual exploitation are enormous for children. Child marriage and sexual exploitation affect the personal, socio-economic, and psychological development of children. The chapter has shown that several institutional frameworks, initiatives, campaigns and laws exist to curb the issue of child marriage and sexual exploitation in Ghana. These frameworks have, to some extent, contributed to raising awareness about the phenomenon of child marriage and sexual exploitation as well as providing punishment for offenders and perpetrators. However, issues of under-reporting of child sexual exploitation and marriage, use of informal community structures to deal with cases, as well as low budgetary allocations, human resource capacity, remuneration and logistical constraints of the key institutions, affect the full implementation of existing legal frameworks. Ending child marriage requires the support of all in society. Firstly, government commitment to resource existing institutions remains fundamental. Continuous awareness creation by civil society actors together with parents' supervision of children will also be needed.

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## **APPENDIX**

### **African Human Rights Framework for the Eradication of Child Marriage**

The African Charter on the Rights and Welfare of the Child (1990) requires that “1. State Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular: (a) those customs and practices prejudicial to the health or life of the child; and (b) those customs and practices discriminatory to the child on the grounds of sex or other status; 2. Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory” (article 21).

The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol, 2003) determines that “State Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards. State Parties shall take all necessary legislative and other measures to eliminate such practices” (article 5). Article 6 focuses on the issue of marriage, requiring State Parties to “ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that: no marriage shall take place without the free and full consent of both parties; the minimum age of marriage for women shall be 18 years.”

Several other African Union legal and policy frameworks directly relate to the eradication of child marriage, namely:

- **The African Youth Charter**
- **The African Union Continental Policy Framework on Sexual Reproductive Health and Rights and the Maputo Plan of Action for Its Implementation**
- **The African Union Campaign on Accelerated Reduction of Maternal, Newborn and Child Mortality in Africa (CARMMA)**
- **The Charter for African Cultural Renaissance**
- **The African Women’s Decade**

The Fifth Strategic Priority of the African Union’s Strategic Plan 2014–2017 as

## PART 3 – INSTITUTIONAL SYSTEMS

# CHAPTER FIVE

### CHILD PROTECTION IN SCHOOLS: AN ASSESSMENT OF PUBLIC BASIC SCHOOLS IN THE GREATER ACCRA REGION

Mohammed Zayan Imoro and Clement Sefa-Nyarko

#### Abstract

This chapter sets out to assess how children are protected within basic schools in Ghana. Using a qualitative approach, it draws on document analysis, in-depth interviews and non-participant observation in selected primary schools in the Greater Accra Region to understand the realities of child protection in public basic schools. We found that among others, not only was there no overarching child protection policy for public basic schools in Ghana, but the policy approaches that guided child protection in schools appeared to be fragmented, resulting in poor coordination in engaging effective preventive and reactive measures at the school level. This also meant a lot of discretion for school authorities, who were less proactive on child protection issues, and resorted to ad hoc reactive measures when problems emerged in the care of the child. The introduction of a child protection policy specific to schools, the production of a child protection manual based on the said policy, and frequent training on child safeguarding and protection for teachers, are among the recommendations proposed in the chapter.

#### 5.1 Introduction

Touting the achievements of Goal 2 of the Millennium Development Goals (MDGs) on access to primary education, the United Nations (UN) in its 2015 MDG Report noted that basic school enrolment had reached 91 percent in developing countries, with a 20 percent increase in net enrolment between 2000 and 2015 in sub-Saharan Africa alone.<sup>8</sup> Building on this outcome, the Sustainable Development Goals (SDGs) aim to further improve free access to quality education for all in both primary and secondary schools by 2030. While increasing access to and improving quality of education are non-negotiable development objectives, the task does not end there. Children need to feel and be protected in schools too; and educational systems should be designed to serve this purpose.

<sup>8</sup> Un.org. (2015). The Millennium Development Goals Report 2015. [online] Available at: [http://www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdfs/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdfs/MDG%202015%20rev%20(July%201).pdf)

The imperativeness to secure adequate child protection systems in schools rests partly on its potential to influence learning outcomes. The experiences of children in schools – pleasant or unpleasant –correlate to their development. UNICEF identifies unpleasant experiences in schools to include “shivering in cold, unheated buildings or sweltering in hot airless ones”.<sup>9</sup> It also includes active compulsive experiences like being forced to stand in unfurnished classrooms, being hungry, or thirsty or unwell without being attended to, as well as “being frightened by the threat of punishment, humiliation, bullying or even violence at the hands of teachers and fellow pupils”.<sup>10</sup> These experiences often lead to low concentration, depression, anxiety, social isolation and absenteeism, thus significantly impacting the child’s learning capabilities and development.<sup>11</sup>

Gender dynamics in schools also affect the safety, wellbeing and learning outcomes of children. Broader literature on gender and education suggest that even the most ideal pedagogy in a well-resourced school may produce very little learning outcomes for girls if they are constantly exposed to “sexist norms and practices that deny [them] access” to some programmes.<sup>12</sup> Similarly, a school environment that is insensitive to the needs of children with disabilities can make the learning experience more difficult.

This chapter set out to assess how children are protected within basic schools in Ghana. This includes an assessment of the institutional framework - laws and policies, as well as how these are enforced and implemented within basic schools. We postulate that intrinsic in the Convention on the Rights of the Child (CRC) is the need to protect children in schools. The legal and policy framework on child protection grounds the state in a position to protect the wellbeing and quality of life of all children. We discuss the institutional necessity for child protection in schools in the first part of the essay and attempt to assess it's application in Ghana in the second part. The rest of the chapter is structured as follows: Section One presents the national legal and policy frameworks on child protection in schools, followed by the methodology used to gather and analyse the primary data from basic schools in the Greater Accra Region. The findings are presented and discussed in Section Two. The concluding section considers key recommendations based on best practices that will be essential for child protection in schools.

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<sup>9</sup> Page 3 UNICEF (2009). Manual for Child Friendly Schools. UNICEF Division of Communication, New York.

<sup>10</sup> UNICEF (2009), Op. Cit.

<sup>11</sup> Dunne, M., Sabates, R., Bosumtwi-Sam, C. and Owusu, A. (2013). Peer Relations, Violence and School Attendance: Analyses of Bullying in Senior High Schools in Ghana. *Journal of Development Studies*, 49(2), pp.285-300.

<sup>12</sup> Quote from page 8 of Tikly, L. and Barrett, A. (2011). Social justice, capabilities and the quality of education in low income countries. *International Journal of Educational Development*, 31(1), pp.3-14.

## **5.2 Ghana's legal and policy frameworks on child protection**

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Child protection has long been an area of prime importance in the Ghanaian society. In the pre-colonial days, it manifested mainly through informal institutions such as the extended family and the value of reciprocity that made the care and protection of every child the responsibility of the family and entire community.<sup>13</sup> The postcolonial trajectory has altered this landscape, focusing more on formal institutions and legislation. Internationally, Ghana ratified the UN Convention on the Rights of the Child 1989 (CRC) in 1990, which led to more formal attempts to streamline the child protection system through instruments such as Article 28 of the 1992 Constitution of Ghana and the Children's Act 1998 (Act 560). Ghana is also signatory to the African Charter on the Rights and Welfare of the Child (hereon referred to as Children's Charter), among other international legal instruments with focus on the child. These instruments provide the broad strokes that have guided area specific initiatives, either through laws and policies such as the Labour Act, 2003 (Act 651), or the Justice for Children Policy.

While the international instruments do not make explicit mention of child protection in schools, some of their provisions allude to it. Article 19(1) of the CRC, for example, provides that

*“State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”.*

Article 20 of the Children's Charter also states that

*“Parents or other persons responsible for the child should always act in the best interest of the child.”*

In both provisions, educators fall within the category of persons having care over/responsibility for the child.

Article 28 of the 1992 Constitution of Ghana provides the broad strokes for the current child protection system and instruments – the Children's Act 1998 (Act 560) and the Juvenile Justice Act (Act 653). To operationalise the provisions in these Acts, two main policies were further enacted; the Child and Family Welfare Policy and the Justice for Children Policy.

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<sup>13</sup> Frimpong-Manso, K. (2014). Child welfare in Ghana: the past, present and future. Journal of Educational and Social Research. doi:10.5901/

The Child and Family Welfare Policy aims to structure and coordinate welfare systems to enhance the wellbeing of children, prevent abuses and protect children from harm. The policy, beyond identifying the school as one of its priority areas for child protection, tasks the Ministry of Education to reform its curriculum to reflect child protection issues, build the capacity of teachers to protect children, promote guidance and counselling in all educational institutions and adopt measures to identify, prevent and address child protection issues in educational institutions.

The Justice for Children Policy also aims to establish a well-structured and coordinated justice system for children that not only enhances the wellbeing of the child, but also prevents violence, exploitation, abuse and harm. In line with this, the policy tasks the Ghana Education Service (GES), through the Ministry of Education, to: a) structure the curriculum of teacher-training colleges to include information on child rights and justice for children, b) adopt programs to help reintegrate child offenders into the school system through support probation programs, c) integrate child protection into programs of the counselling unit, d) institute systems through which criminal issues relating to children are referred to the police, and e) prohibit corporal punishment in schools.

These frameworks play a role in assessing the practicalities and impact of the law on behaviour in schools. The chapter assesses the operationalisation of some of these provisions in public schools.

### **5.3 Methodology**

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This qualitative study draws primarily from semi-structured in-depth interviews with school authorities, non-participatory observation of the selected schools and document analysis of exiting literature as well as government policies to arrive at its findings. A total of nine public basic schools in the Greater Accra region were selected. In each school, the head teacher and guidance/counselling officer were interviewed; thus, a total of eighteen (18) persons were interviewed. The interviews were conducted between November 2018 and February 2019.

The schools were selected through a combination of methods. First, the BECE performance ranking of all basic schools in the Greater Accra region was grouped into high, average and low performing schools. Simple random sampling was then used to select three schools from each group. The rational was to help draw linkages or correlations between child protection systems and practices on the one hand, and the academic performance of the schools on the other.

To begin, the research team sought permission from the Basic Division Unit of the Ghana Education Service to gain access to the selected schools. The team then informed the head teachers of the selected schools about the study and dates were scheduled for the various interviews. All participants were notified of their rights to confidentiality and anonymity associated with the study as well as their rights to discontinue the interview at any point, before or during the process. Examples of questions asked include: *Does the school have a documented child protection policy? Has there ever been any child protection training for staff or students? Is corporal punishment still practiced in this school?*

## 5.4 Study Limitations

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One significant limitation is the small scope of the study. Exclusively sampling schools in the Greater Accra Region, and the small sample size, of nine schools, bars any attempts at generalization. Another limitation is that the perspectives of children – the main beneficiaries – were not sought, which in effect, excludes important insights that could have contrasted or corroborated information from the school authorities. Nonetheless, the perspectives from the school authorities, despite the possibility of inaccuracies, provide relevant qualitative insights that can inform policy and serve as a foundation for further studies.

## 5.5 Findings and Discussions

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The significance of the findings of this study hinges on two important and interrelated normative factors that are functions of time and influence. First, with the exception of the home, the average school-going child spends more time in the school than in any other institution.<sup>14</sup> This embeds the child within the school environment, profoundly influencing not only their experience as students, but from a capabilities perspective, how they convert their abilities into functions regardless of the quality of education received. Second, the embeddedness of the child within the school environment gives teachers and other school staff close and consistent contact with the child. This bestows a ‘duty of care’ on the former to protect the child from physical, emotional and psychological abuse and to act in ways that promote the best interest of the child. As Bessant (2013:141) notes, “the relationship between the student and teacher is fiduciary in nature, and as such, imposes duties on educators to act in ways that protect the student’s interests”. Given this reality, the realization of the traditional objective of the school can be hampered in the absence of an effective child protection system in schools.

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<sup>14</sup> Crosson-Tower, C. (2003). The Role of Educators in Preventing and Responding to Child Abuse and Neglect. US Department of Health and Human Services. Office on Child Abuse and Neglect.

The rest of the analysis is in three parts: an assessment of child protection structures and procedures; prevalence of abuses; and the state of the infrastructure in the schools.

### **5.5.1 Child Protection Structures and Procedures**

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A key objective of the study was to ascertain whether the schools had established structures and procedures for dealing with issues of child protection and how these were operationalised. The team sought to understand whether these structures, if in existence, were regulations from the Ghana Education Service (GES), or structures put in place by the schools themselves. The team also inquired about the guidance and counselling units in the various schools, their activities, and whether there were specific school authorities mandated to handle child protection concerns besides the guidance and counselling unit.

The study found that school authorities, through their own discretion, relied on national legal and policy directives they view appropriate for the task, however inadequate these may be. Responses from the school authorities revealed that none of the schools visited had a documented child protection policy that laid out procedures or guidelines for dealing with abuses and other child protection issues. Many of the head teachers claimed to rely on national policies and guidelines from GES to address abuses and any related concerns. Despite this, the study found that there was no consensus on the specific national policy being used and whether the decision to rely on any such document was a directive from GES.

For example, while one head teacher intimated that the practices in his school were guided by the Domestic Violence Act (ACT 732), another said his school relied on the Child and Family Welfare Policy. Others mentioned the GES Code of Conduct for Teachers, and guidance and counselling protocols, among others. Yet, the Domestic Violence Act (ACT 732), a law enacted to set clear preventive and reactive measures against violence within a specific institution – the family – does not suffice for a much broader mandate – child protection – within the school, an entirely different institution.

It is worth noting that differences exist between private and public institutions. Some private schools such as Lincoln International School have a child protection policy that guides staff in the health, safety and care concerns of their students. The independence of private basic schools makes it possible for them to adopt such policies with relative ease. Public schools have little autonomy to make or enact their own policies without GES approval. Thus, it is clear that, what is lacking is an integrated national roadmap and a reference document that is specific to child protection in schools to guide the actions of teachers and students alike.

## **5.5.2 Guidance and Counselling Unit**

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Out of the nine schools sampled, eight had an established guidance and counselling unit manned by at least one teacher. In these schools, the unit de facto handles many issues on child welfare, including career advisory services, rehabilitation for abused victims, and advice for student offenders among others. Given this important role, some schools place priority on their guidance and counselling units, ensuring that they were well resourced for their activities. In one school for example, there were five experienced staff running the unit, with the unit head holding a Master of Arts degree in guidance and counselling. The school also had a specific facility for the unit, which also doubled as the district guidance and counselling office, providing support for other schools in the district. Another school had a gender person attached to the unit to handle gender sensitive issues. Interestingly, most of the schools with well functioning guidance and counseling units were among the top performing schools in the BECE.

Despite these laudable practices in some schools, the situation appeared different in others. Some schools did not have a specific class or facility set aside for the unit, which means guidance and counselling officers had to undertake their duties either in the classroom or staffroom. This raises concerns of privacy for students who seek the services of the unit. Moreover, the presence of other teachers in the staffroom is likely to deter some students from seeking the services of the unit, even when they really need this. Even more worrying was the fact that one of the schools, as at the time of the study, had no guidance and counselling officer since the officer went on retirement. Efforts to replace this officer had produced little results. Incidentally, most of the schools in these situations were among the less than average performing schools in the 2018 BECE. This may not be enough to establish any correlations, but the observation remains noteworthy.

## **5.5.3 Prevalence of Abuse**

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In addition to assessing the availability of child protection structures and procedures within schools, an assessment of the types of abuse that can occur in the school environment was also undertaken. An integral component of child protection is the prevention of abuse of various forms and reacting appropriately to secure justice and rehabilitation, should these occur. To undertake a decent assessment of the situation and provide actionable recommendations, the study sought to ascertain the prevalence of student abuse, and the forms in which these took. The responses gathered from the interviews showed that abuses of various forms towards students were quite common in the basic schools and could be categorized as follows: student-to-student abuse, teacher-to-student abuse and abuse from external sources.

### **5.5.3.1 Student-to-Student Abuse**

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Our findings show that the most common form of abuse is that involving students as both culprits and victims. These include verbal abuse such as insults and derogatory language, as well as physical abuses such as bullying of junior students by senior students and physical assaults. These occur in the daily interactions of students with one another and in some occasions, lead to far reaching impacts on the victims. A head teacher in one of the school's recalled one such occasion.

*"Just recently there was one incident where a student kicked another student for insulting him, causing a fracture in his ankle, so we had to rush [him] to the hospital. So we had to inform the child's mother if he had an insurance cover, but he did not. So when it happens this way, the school has to bear some part of the cost and the parents bear the rest." (Response from in-depth interview)*

In addition to the physical abuses, the respondents also noted that there were reported incidents of student to student sexual abuse, albeit not as frequently as the other forms of physical and verbal abuses. Some notable ones included cases of oral sex and homosexuality. The study found that most of these cases were handled internally by the school authorities. In rare situations, however, parents were invited to discuss how to tackle and resolve such issues. What follows is an instructive response from one of the interviewees.

*"When it [cases of sexual relations] involves students, we invite them and address the issue. Sometimes we invite the parents. Most of the cases are handled in the classroom. When we had a case involving students who were engaging in homosexual acts, we invited the parents to assist in addressing the issue. A counsellor was also invited from the district."*

### **5.5.3.2 Teacher-to-Student Abuse**

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When asked about the prevalence of student abuse perpetrated by teachers or other school authorities, most respondents were quick to note that there were either few or no such cases reported. These responses were not surprising, given that the main respondents were school authorities whom we did not expect to impugn their own characters. Nonetheless there were a few candid responses that give an indication of the existence of such abuses and how they are handled. Some head teachers acknowledged that there had been reports from students about acts of verbal and physical abuse against them by teachers. Verbal and physical abuses were the most pronounced and often the offending teachers only departed with words of caution. There were also isolated incidents of teachers engaged in sexual relations with children. Interestingly the teachers involved also only received words of caution.

*"There has been an instance where a teacher was engaged in sexual relationship with a student. He was cautioned and he eventually left the school." (Response from in-depth interview)*

The idea of sexual relations between teachers and basic school students raises both ethical and legal concerns. Ethical because conflicts of interest and preferential treatment may, and often, arise if the teacher directly instructs such a student in class or bears responsibility for their discipline on some level. Moreover, the Criminal and Other Offences Act 1960 (Act 29) puts the age of sexual consent at sixteen (16) years and since most basic school students are below age sixteen, a high probability does exist that many such teacher-student sexual relations will thus contravene the law. Admittedly, some basic school students are above age sixteen; these are the exception. However, given both ethical and legal concerns, it is quite worrying that issues are not dealt with in a much more severe and decisive manner. Giving words of caution to offending teachers does not only reduce the gravity of the situation, but also serves less as deterrence to others.

There were also isolated cases of students verbally abusing teachers. This was reported in one of the selected schools as a one-off incident reported by one of the teachers. Such cases were handled internally through the head teachers.

### **5.5.3.3 Abuse from External Sources**

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The abuses found under this category were further categorized into abuse from home, kidnapping and other external threats.

#### **Abuse from Home**

Another key finding of the study was that school authorities sometimes had the added responsibility of assisting students who experienced abuse in their homes. When such cases are brought to the attention of the school authorities, depending on the gravity of the situation, the issue is either discussed with the parents/relative or reported to the police for investigation. One headmaster had this to say:

*There was a case involving a student who got impregnated by an uncle and the father took money from this uncle. I got to know of it and I anonymously called [the police] for his arrest. (Response from in-depth interview)*

## **Kidnapping and other external threats/abuses to students**

School authorities also noted in the study that reports of kidnappings and attempted kidnappings had become more pronounced in recent times. Most of these reports were made by parents whose children either didn't return home after school or were seen to have been picked up by other persons purporting to have been instructed by the parents to pick up the children. Unfortunately, this occurred frequently, and one head teacher recalled a recent kidnapping attempt:

*"Last Monday there was a kidnap threat involving two children from the primary school and the person had to run away. So, we've advised the students to always walk in groups. We always make sure we monitor their movements." (Response from in-depth interview)*

Most of these cases were reported instantly to the police for investigation. The authorities blamed the absence of fence walls around their schools as a key factor that accounted for the attempted kidnappings (more on this later).

### **5.5.4 Procedure for handling abuse cases**

For most of the schools, the standard procedure in any case involving student abuse is to first report to a member of staff, ideally the class teacher of the victim. The teacher, upon hearing the case, weighs the gravity of the offence and decides whether to involve the head teacher or the guidance and counselling unit. Often, cases involving verbal abuse or minor physical assault are handled by the teachers while those resulting in serious physical injuries or perceived by the teacher to have broader ramifications are reported to the head teacher. Most of the time, cases get resolved internally either by the teachers directly in charge or through the interference of the head teacher, and only taken to the guidance and counselling unit or the disciplinary committee when necessary.

On rare occasions however, some head teachers invite parents and/or the police to aid in the resolution of some issues. The study identified these cases as those either bordering on sexual abuse or threats from outside the school. These excerpts from some interviews are instructive.

*"When we had a case involving students who were engaging in homosexual acts, we invited the parents to assist in addressing the issue, a counsellor was also invited from the district." (Response from in-depth interview)*

Another head teacher had this to say:

*"We've had an instance where a mentally challenged (person) came to the school to harass the teachers and the headmaster had to report the case to the police."*  
*(Response from in-depth interview)*

### **5.5.5 Corporal Punishment**

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Aside soft reprimands by school authorities, the study further found that corporal punishment, defined as caning or flogging, was still practiced in all the schools visited as indicated by the various head teachers. It should be noted that this is in clear contravention of the Justice for Children Policy which clearly prohibits the use of corporal punishment in schools. The contention of the head teachers was that, the credible threat of the use of the cane serves as a deterrent against indiscipline and helps to foster learning in the classroom. This contention is quite debatable. Corporal punishment, as a mode of instilling discipline, relies mainly on fear and the deterrence fear evokes. This, to some degree, makes it unsustainable. Moreover, to say the least, caning can be construed as a form of physical abuse.

Indeed, the persistence of this practise raises basic questions of enforceability and implementation of laws and policies in the education sector. The Justice for Children Policy which outlawed corporal punishment was instituted in 2015 and three years after, caning still remained an integral component of the disciplinary procedures in public basic schools. The problem was not that the school authorities were unaware of the ban, but they still practiced it based on the perceived, however erroneous, utility of corporal punishment in instilling discipline in students.

### **5.5.6 Teaching and Learning Facilities**

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A correlation between the physical infrastructure and learning outcomes was also assessed in the study. The objective was to ascertain whether the teaching and learning facilities available in the basic schools were safe and conducive for teaching and learning. Part of this includes the availability of well-ventilated classrooms, decent toilets and how accessible these were for persons with disability.

From our observations, it appeared most of the schools were housed in a combination of fairly new structures and some old structures possibly dating back to the 1960's (early days of independence). In many of the schools, the classrooms of the primary pupils were in the new buildings while those of the Junior High School (JHS) were in the older facilities. We observed that many of the older structures had poor ventilation systems with few windows and no fans in the classrooms. Some of the teachers bemoaned the excessive heat the students felt in the classrooms during teaching hours and noted that the situation was worse in some overpopulated classrooms.

The plight of physically impaired students appeared to be worse under these conditions as most schools did not have disability friendly structures, especially for the storey buildings. In such situations, specific classrooms on the ground floors were allocated to the class of the physically challenged students. This was the situation in four of the selected schools visited. While this accommodation allows for their continuous participation in the learning process, it still does not take away the fact that the other floors in such buildings remain inaccessible to the physically challenged. Moreover, the existence of such inaccessible facilities goes against the spirit of the Inclusive Education Policy that seeks to, among others, make the learning experience much easier for persons with disability.

Regarding toilet facilities, we observed a number of situations across the schools visited. While some schools boasted enough toilet facilities to serve the entire staff and student population, other schools had no visible toilet facility on campus and students had to leave the school premises to find places of convenience. Between these polar ends were the schools that had less than enough toilet facilities, with some in very deplorable and arguably fatal conditions. One head teacher had this to say:

*'The toilet facility in the school is a death trap. It has become full but the engineers from the assembly who came to work on it indicated that it wasn't constructed with quality materials and it can collapse at any time.' (Response from in-depth interview)*

Even more disturbing was the fact that, of the nine schools visited, only two had disability friendly toilet facilities. Interestingly, most of the schools that did not have disability friendly toilets had at least one physically challenged person who constantly had to be aided by other students or staff when accessing these facilities, a very uncomfortable situation for anybody. It could even be inferred that this discomfort in accessing toilets may make physically impaired persons reluctant to use such facilities unless it became extremely necessary.

Another interesting issue that emerged during our observations and interviews was the lack of fence-walls in many of the schools. While the existence of a fence-wall may not be directly related to learning outcomes, their impact on child protection appears within our context to be more direct, not least for controlling student movements and who gets access to the school premise. In schools with large student populations, controlling the movement of students in and out of campus, especially during school hours, presents a serious difficulty for school authorities. This becomes even more difficult in schools located in and around the central business district or well populated areas where students can easily disappear in crowds when they take off their school uniforms. Many head teachers complained that truancy among students has always been high and the absence of the fence walls contributes to this. One head teacher said:

*"Because we don't have a fence around the school, some students tend to sneak into town during break time and end up not coming back to school. People have also encroached on the land because we don't have a wall." (Response from in-depth interview)*

In another school, we observed that some classrooms were located further away from the main school block and a number of mentally challenged persons had set up bed places near these classrooms, often harassing students and teachers.

Dealing with mentally deranged persons appears to be less of a problem when faced with more imminent threats of kidnappings. According to a number of head teachers, the absence of fence-walls made it much easier for kidnappers to study the school premise, scope out their targets and move to action, especially during closing hours, posing to have been instructed by a parent or guardian to pick up the child. Others simply wait around the school premise and target students who skip class. The situation is further complicated by the fact that in most public basic schools, most students go to school and return home unescorted by a parent or guardian and usually walk in groups. Moreover, most students take advantage of the absence of the fence walls to skip classes or leave school before the appropriate closing time, making them very likely victims of kidnapping. This appears quite worrying, given the recent increase in kidnapping cases in some cities in the country. Given this, it is not surprising that basic schools have become targets for kidnappers. It only remains shocking that little has been done to improve the security around basic school campuses and to protect students from such occurrences.

## **5.6 Conclusions and Way Forward**

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Overall, the study conducted highlighted the primary issues from institutional provisions, such as the child protection units in schools, to the physical infrastructure conducive for learning. A critical observation of the shortcomings of the Ghana Education Service was woven throughout the study in two ways. One challenge GES faces is that of management and the inability to coordinate child protection efforts in public schools. Another challenge is related to enforcing obligations under its policies. Specifically, in relation to student punishment, there is an obligation under the Justice for Children Policy to ensure the abolishing of corporal punishment. The rationale for corporal punishment must also be questioned in its contribution to child abuse. As we posited, not only is corporal punishment a form of physical and emotional abuse, but as a form of punishment that relies on fear, it does not prove to be a sustainable avenue for instilling discipline in students.

While progress has been made by the government in highlighting the key role of educators, GES and the Ministry for Gender Children and Social Protection (MoGCSP) in the Child and Family Welfare Policy and the Justice for Children Policy in protecting children in schools, it is important to note that the task remains far from complete and more needs to be done at the policy levels. The fragmentation of the policy approaches to child protection in schools has resulted in poor coordination in engaging effective preventive and reactive measures. This study calls for the introduction and implementation of a specific school child protection policy, the responsibility for which should rest on the Ministry of Education (MOE) and the MoGCSP. This will intensify focus and allow for targeted action in safeguarding and protecting children in schools. In addition, a child protection manual, for both teachers and students is long overdue, for both private and public schools in Ghana and the GES should take the lead in drafting one for the public schools while providing guidelines for private schools to do same. This should be supported with a modification of the curriculum in teacher training institutions to allow for specific courses and training on child protection, and this should be mandatory for all undergoing such training.

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# CHAPTER SIX

## JUVENILE JUSTICE SYSTEM IN GHANA AND ITS ADMINISTRATION

Chris Dadzie and Victoria Ampiah

### Abstract

The goal of this study is to assess the state of Ghana's Juvenile Justice System by evaluating its legal framework, particularly the Juvenile Justice Act, 2003 (Act 653), its implementation, and interventions for enhancing the effectiveness of the system. Data was collected from documentary sources, interviews, and discussions involving public officials, staff, children in a correctional centre, and civil society actors. It was found that gaps exist in the law, significant challenges in implementation including trial and support process, remand and correctional facilities for transformation, rehabilitation and re-integration of juvenile and young offenders into the community. It was also observed that there are current multi-faceted attempts at improving the juvenile justice environment. The key learning is that the choices in policy, legislative and institutional reform of the juvenile justice system should align seamlessly to the overall quest for the realisation of rights and protection of children within the development of the nation's peace and security.

### 6.1 Introduction

One of the key subjects for ensuring the realization of human rights and rule of law is access to justice; and children's wellbeing and protection. These have been acknowledged as vital for sustenance of a nation's human resource and development.<sup>15</sup> The innate vulnerability of children has been recognised to increase upon contact with the law; hence the need to make separate and special arrangements for handling children, who come into conflict with the law. Ghana has sought to evolve its juvenile justice delivery on a basis of compliance with international, regional and its own constitutional obligations. However, more effort needs to be made to bring the nation's performance to required standards.

### 6.2 Rationale and objectives of the study

The rule of law requires adequate access to justice for all persons, especially vulnerable groups like children. Increased attention has been paid globally and in Ghana to juvenile justice by both state and non-state actors. However, the juvenile system in Ghana still faces several challenges.

<sup>15</sup> Ghana Youth Policy, 2010

Measures for achieving an appropriate level of access to justice include sustained monitoring and comprehensive review of gaps between law, government reports and actual practice. Accordingly, there is a need for holistic research-based evidence to glean the best practices for handling current concerns and sustained, seamless improvement of juvenile justice delivery. This study aims at strengthening protection for children who come into conflict with the law through assessing the country's juvenile justice system and generating requisite reform options. Specific objectives are to evaluate the law, investigations and trial processes, public institutions and facilities, and non-state supporting actors in the juvenile justice system. The study is expected to provide an accessible reference document of real-time information and recommendations and stimulate further research to inform policy and sustained public dialogue on juvenile justice.

## **6.3 Methodology and Data Collection**

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A descriptive study design was used to describe, analyse and interpret existing conditions contributing to the effectiveness or otherwise of the juvenile justice system. Data was collected through a literature review (research studies, journals, official records, international, regional and national human rights and policy documents), key informant interviews, and focus group discussions.

Respondents were purposively sampled because of their involvement in the justice system. These included public and civil society persons in research, practice, policy and law reform, the courts and prosecution, police service and training. There were interviews with staff and three focus group discussions with inmates from the Senior Correctional Centre (SCC). Contact with respondents was guided by ethical considerations of providing full information on study objectives and assurance of confidentiality based on which respondents could make informed decisions to decline or voluntarily choose to participate in the study.

Data has been presented and grouped under analyses of the law, implementation of the juvenile justice system in terms of institutions, including the oversight bodies, juvenile courts, correctional centres and remand homes, family and CSOs support; investigation and trial processes. Conclusions and recommendations are made from literature and empirical data on juvenile justice administration.

## **6.4 Scope**

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The study was carried out over a period of four months in 2018. Direct interaction was limited to persons and institutions that were physically located in the Greater Accra Region, which may not entirely be representative of structures throughout Ghana. Further research on juvenile justice administration is recommended for other parts of the country.

## **6.5 International and Regional Standards on Juvenile Justice**

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This part presents an overview of international and Africa regional standards and instruments that give a basis for or apply specifically to juvenile justice.

### **6.5.1 Foundational Documents**

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The Universal Declaration of Human Rights, 1948 (UDHR), the Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights (ICCPR and ICESCR, 1966) form the basis for international human rights law and best practice. The UDHR constitutes a common standard of achievement for all peoples: equality and equal protection by the law, and other rights. The international system set up mechanisms to deal specifically with different groups and issues, for example, the Convention against Torture, Inhuman or Degrading Treatment or Punishment (1984) and its Optional Protocol that institute inspection of places of detention by independent bodies.

### **6.5.2 Convention on the Rights of the Child (1989); African Charter on the Rights and Welfare of the Child (1990)**

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The United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) make extensive provisions for child protection and juvenile justice, with the ACRWC advocating consideration of the socio-economic, cultural and developmental context of the African child<sup>16</sup>. Both instruments set child protection on a human rights-basis, the principle of the child's best interests being the primary consideration in all matters.

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<sup>16</sup> Nyantakyi, 2014

<sup>17</sup> UNCRC, Article 40(1)

In specific reference to a child alleged to have infringed the law, UNCRC and ACRWC provide for the child's right to special treatment "*in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age.*"<sup>17</sup>

The essential aim of the treatment of every such child shall be toward reformation, re-integration into family and social rehabilitation<sup>18</sup>.

Arrest and detention or imprisonment shall be used only as a last resort and for the shortest period of time; the child has the right to challenge and be given a prompt decision on the legality of deprivation of his or her liberty; places of detention should be separated from adults; and the child should be protected from torture, degrading treatment or punishment. Guarantees include being presumed innocent until proven guilty; prompt access to legal and other appropriate assistance; family contact; privacy; trial without delay; no capital punishment or life imprisonment without possibility of release; and appeal to a higher court (UNCRC Article 37).

### **6.5.3 Other Mechanisms**

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African Commission on Human and People's Rights (The Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa, 2002)

This declaration calls for strategies to reduce the prison population, including wider use of systematic alternatives to penal prosecution, such as diversion in cases of minor offences for young offenders; co-operation between police, prison services and courts for expeditious trials; restorative justice approaches such as victim offender mediation, sanctions like community service, probation and correctional supervision; positive, well planned programmes to develop detained offenders' potential to lead crime-free lives and be reintegrated into society (Plan #1); sensitization and involvement of families, community and CSOs in rehabilitation and development programmes including half way houses.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty ("The Havana Rules", 1990)

These rules emphasise the presumption of innocence during investigations and trial of a juvenile, expeditious trial processes, the need to avoid the use of detention and rather foster integration into society (# 3, 17).

United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules" adopted in 1985)

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<sup>18</sup>ACRWC, Article 17(3)

The Beijing Rules set out basic rights of juveniles, including separating them from adults, while in detention (#13); advocate monitoring of the justice system and research to inform policy reform (#30); specialised training for police officers primarily dealing with juvenile crime, and special police units particularly in larger cities (# 12).

## 6.6 Ghana National Framework

### 6.6.1 Evolution of Ghana's Juvenile Justice System

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The initial identifiable statutory provision concerning juvenile offenders was the 1936 Child and Reformation Ordinance under the British colonial administration. It gave judges and the magistrates a special mandate to commit children under the age of 16 years found guilty of crimes to imprisonment in a training school for boys administered by the Salvation Army in Kaupe Mampong. However, there were no regulations for conduct and period of training, and without power to deal with specific criminal offences committed by juveniles, the police chose which cases to prosecute.

Various laws were passed to improve the situation. The Probation of Offenders Ordinance (1944) enabled the courts to suspend a sentence and make probation orders based on such considerations as the offender's youthful age, health, mental state, character, home surroundings, the nature and extenuating circumstances under which the offense was committed. Osafu Sampong (2002) opines that the Court (Amendment) Ordinance "revolutionized the judicial treatment of a juvenile as a person under sixteen" by giving the governor power to constitute special courts and panel of magistrates, procedure and jurisdiction of cases and committal to fit persons or remand homes. The Industrial Schools and Borstal Institutions Ordinance of 1945 provided for the establishment of remand homes and detention institutions for "young persons" aged 17-21 years. Later, the status and roles were defined for the child, community, State and parents or guardians in the child's welfare and development. The greatest innovation was the inclusion, for official consideration by juvenile courts, of non-offenders, the orphaned and destitute, wandering and begging or any child exposed to moral or physical danger. The Department of Social Welfare (DSW) was responsible for juvenile delinquency issues and detention facilities until the Prison's Service took over in 1958.

After Ghana's independence, the Criminal Procedure Code, 1960, (Act 30) consolidated all provisions on juveniles in earlier laws, and later operated alongside the Children's Act, 1998 (Act 560) until the passage of the Juvenile Justice Act, (Act 653) in 2003.

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<sup>19</sup> Osafu Sampong, 2002, Treatment of Juvenile Offenders (reference incomplete)

## **6.6.2 Ghana's Current Juvenile Justice Legal Framework**

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Ghana's current juvenile justice system is better understood in the context of it being an integral part of the whole judicial structure<sup>19</sup> and also founded on the nation's constitutional ethos and respect for international and regional commitments.

Ghana ratified the UNCRC in 1990<sup>20</sup> and has since sought to comply with its reporting regimes and integration into national laws, including revision of all laws affecting children. Accordingly, by Article 28 of the 1992 Constitution, Parliament enacted the Children's Act 1998, (Act 560) to provide more comprehensively for the protection of children's rights generally, with a limited mention of juvenile justice.<sup>21</sup>

These moves reflect a shift in philosophy regarding children and has resulted in the removal of provisions on juveniles from the Criminal Procedure Code, 1960 (Act 30) and establishing improved, separate legal regime for children who come into contact or in conflict with the law,<sup>22</sup> from the all-inclusive Juvenile Justice Act, 2003, (Act 653).

## **6.7 Analysis of Current Laws affecting Juvenile Justice**

### **6.7.1 Criminal Procedure Code, 1960 (Act 30)**

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Amidst procedure for dealing with offences generally, Act 30 had provisions on juveniles and young persons inserted.<sup>23</sup> The Code was criticized<sup>24</sup> for its provision in section 378 that, "the detention order is the authority for the detention until the expiration of three years from the date of the order", which had generally been read as fixing the period of detention at 3 years irrespective of the offence. This has been said to encourage juveniles to increase their ages so that they are moved out of the juvenile justice regime in the hope of lower sentences for the same offence in adult prisons. These provisions have been improved upon by Act 653.

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<sup>20</sup> Office of the U N High Commissioner for Human Rights, Status of the Ratification of the Principles

<sup>21</sup> Act 560, Quasi-Judicial and Judicial Child Adjudication, Sub-Part I – Child Panels - Sections 27-32

<sup>22</sup> Mensa-Bonsu H.J.A.N. (2017) Ghana. In: Decker S., Marteache N. (eds) International Handbook of Juvenile Justice. Springer, Cham

<sup>23</sup> Act 30, 1960, Sections 295, 300(4), 314, 367(f), 414, and Parts IX, X and XI on Procedure in Juvenile Courts, Probation and Discharge of Offenders, Industrial Schools and Borstal Institutions.

<sup>24</sup> Osafo Sampong, 2002

## **6.7.2 Children's Act, 1998 (Act 560)**

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Act 560 was passed to ensure the best interest of every child, set out the responsibilities of parents and the State, especially the district assemblies, and provides for the child's basic rights. This Act therefore sets up a firm base for protection of all children, including those who come into conflict with the law. Act 560's provisions that relate to juvenile justice are the Child Panels set up by the District Assemblies under the Quasi-judicial and Judicial Child Adjudication (S. 27-30). The Child Panel is made up of community members for mediation of civil and minor criminal matters which concern a child, where the circumstances of the offence are not aggravated. A community guidance order may be imposed on a child for purposes of reform, and a Child Panel is obliged to caution a child offender that similar behaviour may subject him/her to the juvenile justice system.

## **6.8 Legal Analysis of Juvenile Justice Act, 2003, (Act 653)**

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### Improvement on Act 30

Act 653 improves on some of the provisions on juvenile justice that were in the Criminal Procedure Code, 1960 (Act 30):

**Purpose:** The long title asserts a fitting aim that Act 653 is "*to provide a juvenile justice system, to protect the rights of juveniles, ensure an appropriate and individual response to juvenile offenders, and provide for young offenders and for connected purposes.*"

**Age and treatment of juveniles:** Section 1 raises the age of a juvenile from under 17 years in the Code to under eighteen years. There is a clear statement that a juvenile shall be dealt with in a manner which is different from an adult, and all considerations shall be premised on the best interest of a juvenile (S. 2); the rights include privacy throughout a juvenile's contact with the law, family presence, choice to remain silent; legal representation and legal aid.

**Renaming of Centres:** Act 653 changed the names of the facilities from "Industrial Schools" and "Borstal Institutions" to Junior and Senior Correctional Centres (S 39). This appropriately reflects standards for projecting juvenile justice delivery as a reformatory concept. **Duration of Remand:** Where bail is not granted, the court may commit the juvenile to the care of parents, guardian, close relative or any willing fit person, or to a remand home within a reasonable distance from the court. A remand warrant shall last a maximum period of seven days and shall not be renewed without appearance of the juvenile at the hearing (S. 23).

The Code (S. 344) did not indicate the duration of remand. Act 653 improves on the Code by providing that the total period of a juvenile's remand shall not exceed three months, except for six months in the case of a capital offence.

**Duration of Detention in a Centre:** Act 653 deals with the gap in the Code (Act 30) by making specific provision for graduated terms of detention that take into consideration the age of the offender and offence. The detention period shall not exceed three months for a juvenile offender under the age of sixteen years; six months for a juvenile offender of or above sixteen years but under eighteen years; twenty-four months for a young offender of or above the age of eighteen years; or three years for a serious offence (S. 46). The Juvenile or High Court may extend the period but not beyond one year for the offender attaining twenty-one years (S. 47).

(Note: S. 46, subsections 2, 3, 4, 5, 7, 8 do not deal with duration and should either be separated from S. 46 or its title should be expanded to include them.)

**Death Sentence:** Also faulted is S. 295 of the Code that in lieu of the death sentence, a juvenile shall be detained "*during the pleasure of the President*". Act 653 prohibits any such punishment (S.32).

**Inspections:** Act 653 specifically mentions CHRAJ (S. 42) and this aligns with international norms for national human rights institutions to monitor detention facilities.

### **Other Appropriate Provisions**

**Arrest:** Section 4 stipulates the accepted standard for arrest of juveniles - to be made with due regard to the dignity and well-being of the juvenile and minimum force shall be used; searches shall be conducted with decency, by a police officer or adult of the same sex as the juvenile (S.10). A private person who makes an arrest is required to immediately hand over the juvenile to the police (S. 6). Whoever effects an arrest is obliged to inform the juvenile of the reason for the arrest, including content of a warrant (S. 8).

**Parents, Relatives:** Act 653 appropriately provides for parents' involvement in the juvenile justice process. On arrest, the police shall inform (or the district probation officer shall trace) a parent, guardian or close relative of the juvenile (S.11). Parents are to be present during interviews (S. 13); may appeal against detention and other court orders; provide security, pay fines and damages (S. 28, 30); enable child's committal to a fit person by proving their inability to control him/her (S. 34); and contribute to maintenance of the juvenile in detention (S. 58).

## **6.9 Alternatives to Arrest and Trial: Caution, Recognisance Diversion**

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The Act provides several options for releasing a juvenile, based on the circumstances of the offence and best interest of the juvenile:

**Caution** – A police officer may use a caution instead of arrest of a juvenile (S. 12).

**Referral to Child Panel** – A social enquiry report (SER) may recommend that a minor offence by a juvenile before the court be referred to a Child Panel under the Children's Act (S.24(4)).

**Diversion**– After considering a SER, a court may divert a juvenile charged with a minor offence away from the criminal justice system to promote an individual response by the juvenile to the harm caused, as well as family and community involvement for reformation and reintegration of the juvenile. The Act details the Minimum Standard of Diversion to include suitability to juvenile's age and maturity; promoting his/her dignity, well-being, self-esteem and ability to contribute to society; the measure shall not be inhuman or degrading, exploitative, harmful or hazardous, or interfering with schooling of the juvenile (S. 25-27).

Provision of diversion has been lauded as an innovation to avoid stigmatisation and other negative effects of the criminal justice system on a juvenile<sup>25</sup>.

### **Alternatives to Sentence or Detention**

**Recognisance** – After arrest and interview, a juvenile is released on self-recognition (or by a relative or other responsible person), on agreeing to appear before the court when summoned (S.14).

**Care** – The court may commit the offender to the care of a relative or other fit person, where the parent or guardian proves that he or she is unable to control the juvenile (S. 29(1)(d); S. 34).

**Probation** – A juvenile offender may be released on probation instead of being sentenced for the offence (S. 29(1), (c)) on consideration of the nature of the offence, offender's character, antecedents and home surroundings provided in the SER (S. 31(2)).

**Discharge** – The police may withdraw the charge at any stage of proceedings and the juvenile may be discharged or acquitted (S. 20(4); the court may discharge a juvenile conditionally or unconditionally (S. 29(1)(a, b)); the Minister's discharge may be by licence, subject to the offender's supervision, by a probation officer; or at any time, for any reason or appropriate conditions (S. 51; 53).

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<sup>25</sup> Sampong, O., 2002, Treatment of Juvenile Offenders

**Bail:** When a juvenile appears before a juvenile court charged with any offence, after enquiry, unless there is a serious danger to the juvenile or the community, the court may release the juvenile on bail on conditions that are not excessive or harsh. And refusal of bail should be on reasonable grounds which the court shall record as well as inform the applicant of the right to apply for bail in the High Court (S. 21).

## **Detention**

At a Police Station - Act 653 again aligns with international standards and on detention. A juvenile shall be separated from, and not allowed to associate with persons other than juveniles of the same sex, a relative, a lawyer or a public officer, or be kept in a part of a police station specially designated for juveniles and under conditions reasonably required for the welfare of the juvenile. Pre-trial detention - A police facility may be used only where the juvenile is not released on recognisance under section 14 or within forty-eight hours after arrest (S. 23).

Detention in a Centre; Right of Appeal - On conviction, the court may order the detention (lawful custody) of the juvenile or young offender at a centre; the offender may appeal against a detention order (S. 43).

## **6.10 Gaps in the Juvenile Justice Act**

Despite significant improvements on juvenile justice by Act 653, a number of gaps are noted.

### **Scope and Subjects of Act 653**

The short title indicates that the Act is to provide for juveniles and young offenders, Section 1 immediately defines a “juvenile” but “young offender” is not mentioned until Section 39 on establishment of Correctional Centres.

There should have been definitions and other mention at the beginning for both categories to set a clear stage as to how the Act intended to deal with the “juvenile” (a child) and the “young person” (an adult)<sup>26</sup>; and indicate clearly why a particular category of adult is being hosted in a law specifically dedicated to children; or simply state that the young person is part of the Act only for purposes of detention in facilities other than prisons.

### **6.10.1 Right to Legal Advice and Representation**

*“At least one parent, a guardian or a close relative of a juvenile shall be informed of the arrest of the juvenile by the police as soon as possible after the arrest and the juvenile shall have right of access to legal advice” S. 11(1).*

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<sup>26</sup> Act 653, Sections 40, 60

This provision guarantees the juvenile's right of access to legal advice, and the section's wording suggests that this right ensues upon arrest. However, it does not state that the juvenile should be informed about this right immediately, unlike the requirement in Section 22 (c) (d) that specifies that the juvenile should be informed about the right to legal representation and Legal aid at the commencement of court proceedings.

Moreover, it is not stated how the right of access to legal advice is to be realised for the juvenile in Ghana, whereas Article 17(2) (iii) of the African Charter on the Rights and Welfare of the Child states that "*State Parties... shall ensure that every child accused of infringing the penal law shall be afforded legal ... assistance*"; the UNCRC Article 37(d) (d) provides that "*Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance...; and the*" Beijing Rules 7.1 "*the right to counsel... shall be guaranteed at all stages of proceedings.*"

From Ghana's international commitments and its own constitutional standards, the provision in Act 653 should mean that it is the State that has a responsibility to afford the juvenile the realisation of the right to prompt access to legal counsel, throughout his/her contact with the law, and inform the juvenile about that right. Further, the law should be specifically set out to make it easy to implement, particularly in view of the observation that most of the juveniles in Ghana are from deprived background circumstances and therefore cannot afford to access legal counsel by themselves or their families.<sup>27</sup> The Act should be appropriately reviewed thus: 'the right to legal representation should be afforded by the State, promptly, and to cover the whole period of the juvenile being in conflict with the law; the juvenile should be informed of the right to assistance especially the legal advice, aid and representation (alongside those listed in Section 22), at first contact with the police.'

## **6.10.2 Interview of Juvenile; Exclusion of Legal Counsel; Section 13(3)**

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Section 13(1) properly provides that the juvenile should not be questioned or interviewed by the police in relation to an alleged offence unless a parent, guardian, lawyer or close relative is present, and if they cannot be contacted by the police, a probation officer shall be present.

However, a proviso in Section 3(3) states that "*Notwithstanding subsection (1), where the police consider that it is not in the best interest of the juvenile to have a parent, guardian, lawyer or close relative of the juvenile present, the police shall arrange for a probation officer to be present at the interview.*"

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<sup>27</sup> Freeman (2004) - that street children tend to become juvenile offenders; and Standard Operating Procedures – Protocols/Procedures or Children in Conflict with the Law, 2016 – that many juveniles offenders "are already disadvantaged since most live in poverty, are lacking adequate parental support and care, and have experienced rights' violations".

This provision negates protection of juveniles by Ghanaian law and international standard documents: The African Charter on the Rights and Welfare of the Child provides a guarantee that the juvenile *“shall be afforded legal and other appropriate assistance in the preparation and presentation of his defence”* (Article 17 (2) (iii)). The Beijing Rules have commentary that makes a distinction in regard to legal counsel as being “needed to assure the juvenile legal assistance” even when family may be denied a presence in the interest of the juvenile.<sup>28</sup>

Thus, the Ghanaian law’s exclusion of a lawyer’s oversight of the juvenile should not be left to the discretion of the police, who are in the position of investigator and prosecutor.

S.13(3) should be appropriately amended.

### **6.10.3 Presumption and Determination of Age – Section 19**

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**Section 19 (1)** - Where a person appears to be a juvenile, the court shall inquire as to his/her age. (3) - An order of a court shall not be invalidated by subsequent proof that the juvenile’s age was not correctly stated; *“and the age declared by the court shall be deemed to be the true age for proceedings under this Act”*.

**Section 44(3)**—Contents of Detention Order: Until the contrary is proved, the age specified in a detention order shall be presumed to be the true age of the juvenile or young offender; and no detention order shall be invalidated by any subsequent proof that the age has not been correctly specified in the order.

These provisions have the potential to perpetuate mischief. Further, the burden is on the state to assess the age, thus the technical inability or lack of capacity of a court or other officials to determine the correct age should not be at the expense of the juvenile or proper justice delivery. Section 19(3) should be amended and appropriate provision made to rectify errors about age of juveniles.

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<sup>28</sup> “The Beijing Rules” #15.2: UNCRC, Article 40((iii))

#### **6.10.4 Alternatives to Detention: Section 29**

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S. 29 collates methods for the court's dealing with a juvenile offender including options for alternatives to detention.

The list is limited and should include more measures such as:

Guidance, supervision, counselling, education and vocational training, restorative justice approaches for community resolution and harmony including victim offender mediation as offered by Child Panels.

#### **6.10.5 Expedited Hearing: Section 33**

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*"The case of a juvenile charged with an offence before a juvenile court shall be dealt with expeditiously and if the case is not completed within six months of the juvenile's first appearance in court, the juvenile shall be discharged and is not liable for any further proceedings in respect of the same offence." (S. 33).*

Act 653 complies with international standards by providing for the juvenile court trial to be expedited. However, the provision of a maximum period of trial is faulty since there may be genuine instances for trials to go beyond the six-month period.

S. 33 should be appropriately reviewed to allow for extension beyond 6 months with specific guidelines to check undue delays.

#### **6.10.6 Application to Expunge Record - Section 37**

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An application may be made for the record of conviction and order imposed for a minor offence on a juvenile to be expunged on certain conditions and after a number of years.

It is suggested that in the case of minor offences, there should be an automatic deleting of the record immediately after a discharge, or other completion of serving of a sentence. An application should be required only in the case of a serious offence.

#### **6.10.7 Transfer of "incorrigible" juveniles to adult prison - Section 50**

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S. 46(7) states that "No juvenile or young offender shall be detained in an adult prison." However, Section 50 allows the Minister of Interior to transfer a young offender reported to be incorrigible or a bad influence on the other inmates from a centre to a prison for the unexpired detention term.

S. 50 completely contradicts S.46 (7), and section 32 that prohibits sentencing a juvenile offender to imprisonment by any court; and also conflicts with the basic principles for having a separate system and facilities for juvenile offenders in detention.

S. 50 should be amended to stop the transfer of juveniles to prison; another solution should be found to deal with the “incorrigible” issue.

### **6.10.8 The Presumption of Innocence**

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Act 653 does not specify the juvenile’s right to a presumption of innocence and is thus not in accord with standard instruments.

The 1992 Constitution Article 19 (2) (c) provides that *“a person charged with a criminal offence shall be presumed to be innocent until he is proved or has pleaded guilty”*. The UNCRC Article 40(2) (b)(i), the Beijing Rules #7.1 provide that *“the presumption of innocence... shall be guaranteed at all stages of proceedings”*; ACRWC Article 17(2)(c)(1) *requires State Parties to “ensure that every child accused of infringing the penal law shall be presumed innocent until duly recognized guilty”*.

Act 653 should make a specific guarantee of the presumption of innocence for juveniles in Ghana (in spite of the Constitution’s guarantee for all persons charged with offences).

## **6.11 Policies**

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### **Justice for Children Policy (2016)**

This policy seeks to establish a well-structured and coordinated system to cover criminal and civil cases involving children – as victims of crime, witnesses, alleged offenders and offenders. The Policy promotes greater cooperation between formal and community justice systems, including reforming the Child Panel, ensuring legal assistance for children and developing proactive, preventive measures to reduce children’s vulnerability and curb juvenile delinquency. The policy assigns MoGCSP the “overall responsibility for policy direction”. The Departments of Children and of Social Development are given the specific mandate for justice for children, with a Juvenile Justice Interagency Committee that should meet quarterly.

## **Child and Family Welfare Policy (2016)**

This is the overarching, national policy and aims at establishing a well-structured and coordinated system that promotes the wellbeing of children, prevents abuse and protects children through law and policy reform, efficient coordination and monitoring of programmes, adequate resources, enhanced capacity and quality of service providers, focus on both children and families mitigate risks for vulnerable families; and integrate formal services with informal, community-based processes. MOGCSP is the “technical lead ministry” and coordinator of implementation for the Child and Family Welfare system.

## **Social Protection Policy, 2015 and Strategy (2016)**

These documents provide for social assistance and capacity enhancement for the vulnerable and extremely poor through income support and livelihoods empowerment. MOGCSP is the overall technical and operational coordinator.

## **The National Youth Policy (2010)**

The policy seeks to address major challenges facing young people (15-35 years) including the growing incidence of youth involved in juvenile crime.

## **6.12 Institutions**

This part presents the roles of public and non-state institutions that are stakeholders in juvenile justice administration: oversight, focal and support, as provided by the law against the “real” situation as seen and/or experienced by researchers, practitioners, juveniles and young offenders.

### **Oversight Bodies**

The Minister for Interior is in charge of the Police and Prison Services and oversees establishment and operation of the Senior Centres and supervises remand homes for young offenders (Act 653, S.40 - 42).

The Minister responsible for Social Welfare in Act 653 is currently the Minister of Gender, Children and Social Protection (MoGCSP), formerly the Ministry of Women and Children, which had no direct oversight of the DSW.

## Actual Practice

**Overall Responsibility:** There are now various pertinent documents, and in particular the Justice for Children policy, that should respond to previous complaints about a lack of policy for national direction of juvenile justice.<sup>30</sup> The shift of responsibility from DSW to MoGCSP should be a strategic improvement for purposes of coordinating implementation of the Juvenile Justice Act within the child protection space.

However, in spite of policy statements that MOGCSP has “overall responsibility for policy direction” for implementation of juvenile justice, the reality is that the departments of Children and Social Development handle development of policies. Generally, there has been established a Juvenile Justice Interagency Committee that should hopefully improve the situation. Thus, it is still the DSW which deals with juvenile justice with inadequate funds, over-burdened with other challenges and without the required “overall responsibility” for coordination and oversight of the whole juvenile justice system.

**Judiciary:** By the Courts Act, 1993 (Act 459)<sup>31</sup>, the Chief Justice may designate a district court as a juvenile court composed of the presiding magistrate, a social welfare officer and another person (S. 49); to determine civil or criminal matters involving persons under eighteen years.

**Actual Practice:** There have been a number of initiatives to improve the juvenile courts. These include a separate full-time Family and Juvenile Court with its own facilities in Accra; a Juvenile Justice Bench Book and related training to guide Court members;<sup>32</sup> the Juvenile Justice Project and Justice For All Programme to decongest prisons through the speedy adjudication of remand cases<sup>33</sup> and representation of juvenile offenders, which have succeeded in cutting down remand time considerably and have cases dismissed if trial goes beyond 6 months in juvenile cases. These interventions need to be sustained.

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<sup>30</sup> Hoffmann and Baerg, 2011 “There seems to be no one in government who feels responsible for the inefficiencies or the successes of the juvenile justice system. Since the system is spread across many departments” and Child and Family Welfare Policy # 1.2

<sup>31</sup> As amended by Act 620, 39(c)

<sup>32</sup> Developed by the Judicial Training Institute on behalf of the Judiciary

<sup>33</sup> Judicial Service Annual Report, 2009: The Justice For All Programme (2007) was in collaboration with Ministry of Justice and Attorney General’s Department, CHRAJ, Police Service, Legal Aid Board and CSOs

Ministry of Justice and Attorney General's Department -The Attorney General (AG) is responsible for criminal prosecutions and mandates the Police to prosecute certain categories of crimes. There are no officials who are specially trained or designated to deal with prosecution of juveniles<sup>34</sup>. Legal Aid Scheme Act, 1887 (Act 542) is to provide legal assistance for the poor and vulnerable. There are offices in the regions and some districts.

**Actual Practice:** However, capacity and actual reach is limited. Though some use is made of Alternative Dispute Resolution (ADR) practitioners to resolve cases, there are not enough lawyers to provide maximum services<sup>35</sup>. Thus, many children do not have access to legal assistance. Hopefully, when the Legal Aid Commission<sup>36</sup> is established, it may improve juveniles' access to legal aid.

Commission on Human Rights and Administrative Justice (CHRAJ) is specifically mentioned as one of the institutions to conduct periodic visits and inspections of centres (S.42).

**Actual Practice:** CHRAJ already conducts nation-wide inspection of Prisons and Police cells. However, visits have usually been brief, the views of young offenders would not be sought and officials "missed out on realistic lived experiences"<sup>37</sup> of juveniles that would inform adequate responses to challenges in the facilities.

## 6.12.1 Focal Institutions

### The Department of Social Welfare

DSW is currently named the Department of Development<sup>38</sup>. The Children's Act assigns the Department the responsibility of investigating cases of contravention of children's rights; receiving transfer of parental rights from a family tribunal to remove a child from significant harm (S. 19 (4), 20); supervising permits, inspection and monitoring of residential Homes for children; working closely with the Social Services Subcommittee of the District Assembly. Similarly the Juvenile Justice Act gives the Department the duty to deal with juveniles and young persons (S. 14(2));<sup>40</sup> maintain Correctional Centres (S. 58 (1)); designate places of safety; issue social inquiry reports to court (S. 24); oversee committal of juveniles to fit persons, or to correctional centres, act as probation officers (S. 35(6)); register fit persons (S. 60).

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<sup>34</sup> Justice For Children Policy, 2015, # 2.3.5

<sup>35</sup> Child and Family Welfare Policy, 2015, #1.5

<sup>36</sup> Legal Aid Commission Bill 2017

<sup>37</sup> Ayete-Nyampong, L.-Disjunctures: Towards Correction and Education of Young Offenders in Committal in Ghana, 2017 - Relational Child and Youth Care Practice, 2017 Volume 30 No.4; and Knowledge sharing <sup>38</sup>workshop panel on Juvenile Justice delivery, November 2018

<sup>39</sup> Juvenile Justice Policy, 2016 #2.1

<sup>40</sup> Act 653 S. 14(2) Social Welfare Department of a District Assembly.

Act 560, Section 16(2)

**Actual Practice:** The Director of DSW stated that the major challenge is inadequate funding and logistics, especially transportation to remote communities for investigation and follow ups on cases. Further, the Department is over-burdened with the general care of children and other vulnerable persons and thus found it difficult to perform optimally its responsibilities for children in conflict with the law.

### **Police Service**

The Police collaborate with the AG's office for direction on prosecutions. The police is involved in arrests (S.5); receives a juvenile arrested by private individual (S.6(3)); provides relevant information and other assistance (S. 9-11); administers cautions, interviews, recognisance (S. 12, 13, 14); keeps juveniles in a police station (S.15); with probation officers, transports juveniles between the court and remand home (S 23 (9)); investigates and prosecutes offences, withdraws a charge to have a juvenile discharged or acquitted (20); helps to determine a fit person; etc. (S. 60).

**Actual Practice:** The police are vital for proper functioning of juvenile justice delivery, but there are concerns about training and noted gaps such as difficulty in locating juveniles' families, inadequacies in age determination and prosecution.

To address the recognised gaps, the Commanding Officer of the Training Schools intimated that by end of 2018, over 5,000 police personnel had been trained and increasingly large numbers were receiving special training in collaboration with UNICEF. Manuals and SOPs on Child-Friendly Policing have been produced and integrated into the curriculum of Police Training Schools to update police response to children's specialised needs in the justice system<sup>41</sup>. The Commanding Officer fervently advocates the conduct of relevant education in the communities to ensure a holistic response to children in conflict or other contact with the law.

### **Domestic Violence and Victim's Support Unit (DOVVSU)**

In 1998, the Women and Juvenile Unit (WAJU) was established as a specialised unit of the Police service, but was changed to Domestic Violence and Victim Support Unit (DOVVSU) in 2005 to reflect an expanded scope and emphasis on domestic violence and restorative justice. The lack of special knowledge and skill of most regular police officers<sup>42</sup> resulted in the practice of referring juveniles to DOVVSU officials because of their training<sup>43</sup>. This capacity has recently been formalized for DOVVSU to handle children in conflict with the law<sup>44</sup>. In the absence of DOVVSU, senior investigators may undertake investigations involving children, yet still seek advice from DOVVSU as needed.

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<sup>41</sup>SOP - Handling Children in Conflict with the Law, 2016; page 11

<sup>42</sup>Hoffmann and Baerg, 2011

<sup>43</sup>Ghana Government and UNICEF, 2011

<sup>44</sup>SOP for Child-Friendly Policing - for Handling Children in Conflict with the Law, 2016

## Actual Practice

DOVVSU's specialized status for handling cases involving vulnerable persons, a presence in eleven Police regions and over 100 districts, current training alongside other police personnel and effort to enhance data on juveniles are all commendable.

However, there are serious challenges, including complaints of delay of feedback from Attorney-General's department, holding up prosecution of serious offences and affecting suspects' remand periods, as well as persisting inadequate funding and logistics.<sup>45</sup> In spite of some improvement, accommodation is still an issue; construction of the National Secretariat complex has stalled for several years; personnel are mostly crowded in one office without provision for confidential interrogations or interviews particularly in the regions; transfers of highly trained personnel that need to be retained without the loss of career advancement within the police service<sup>46</sup>.

Thus, to maintain DOVVSU's lead role in juvenile justice, it is necessary to sustain training and deal with the challenges affecting its general administration.

## 6.13 Correctional and Remand Facilities

Act 653 provides appropriately that all orders are to be made in the best interest of juveniles, for their correction, reformation and rehabilitation, aimed at developing their potential to lead crime-free lives and be reintegrated into society.<sup>47</sup>

A Senior Correctional Centre (formerly Borstal Institution) is for detention of young offenders and juvenile offenders as the court may determine. A Junior Correctional Centre (formerly Industrial School) is for detention of juveniles (S. 39).

## Actual Practice

### Structures

The national Director for the DSW indicates that there is a Senior Correctional Centre in Accra for only boys; one Junior Centre for boys and girls in Greater Accra and one each for boys in the Central, Western and Northern regions. However, the centre in Western Region has been operating as a remand home; instead of a junior centre for boys. There is no senior correctional facility for girls.

<sup>45</sup> National Secretariat Annual Report (2014) for 2010-201, pg 18

<sup>46</sup> The Ark Foundation and Coalition on Domestic Violence Legislation, 2016, Technical Paper on Institutional Strengthening of DOVVSU - Coordinated Civil Society Advocacy Actions towards Strengthening DOVVSU Structures within Ghana Police Service.

<sup>47</sup> The Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa, 2002, Plan #1

Every region is supposed to have a remand home but most of them are not functioning. For instance, the one in Kumasi was closed down in 2014 because one of the juveniles committed suicide. Most of the existing facilities are in a state of disrepair and lack adequate support from government.

Funding is the major challenge. The main source of funding is government's feeding stipend of GH¢1.80 a day per inmate, which is woefully inadequate. Families are encouraged to assist with maintenance of their wards, but this does not happen frequently. Another challenge is lack of transportation for conducting investigations on cases and family contacts in remote communities. Most of the funding and other support comes from individuals, NGOs, religious bodies and financial institutions, for running the facilities and occasional in-service training for officers.

### **6.13.1 Senior Centre in Accra**

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A visit to the Centre showed that there are currently 260 inmates. Recreational facilities include a playground, basketball court and a soccer pitch. However, the buildings are dilapidated and not well maintained. The centre lacks a health facility.

**Education:** The inmates with no formal education are offered basic literacy lessons prior to assignment to crafts workshop. There are workshops for training inmates in various crafts including auto-mechanics, ceramics, auto-electric, shoemaking and dress-making. However, tools are inadequate and there are concerns about the quality of educational and vocational training and rehabilitation programmes. Juveniles, who express interest and were previously attending school, are enrolled in vocational training or the basic school at the facility; those who pass the appropriate (BECE) examinations are enrolled in senior high schools (SHS) in Accra. The inmates indicated that nineteen students who sat for the 2018/2019 BECE passed the examination and 27 of the inmates are in SHS 3.

**Supervision and discipline:** There are no specific visiting hours. The chaplaincy unit offers counselling and support sessions and faith-based organizations regularly visit to preach to the inmates about maintaining good morals. The supervisor of the Centre said that the lack of a SHS within the Centre presents challenges for effective daily monitoring of inmates who attend schools outside the premises and increases the tendency for some inmates to attempt or actually escape from the centre.

Punishments for misconduct includes sleeping on the bare floor, cleaning the lavatory or being isolated in a lock up facility to deter others from repeating the same offence. This regime of

punishment, especially the lock up, has been found to trigger inmates' reaction and increase the urge to escape.<sup>48</sup> Thus, penalty for escape or absence from detention facility or custody should not be by an increased period of detention or punishment.

## Civil Society Organisations (CSOs)

Notably UNICEF, among other international organisations, has been working on issues of juvenile justice with other CSOs as well as public institutions. There are also several Ghanaian non-governmental organisations in promotion and protection of the rights of the child and juvenile justice such as KAEME, CRRESCENT, and the ARK Foundation, which are deeply involved in reintegration programmes for juvenile and young offenders and the provision of shelter services.

CSOs' work has been recognised and targeted for collaboration and filling in, where formal institutions are absent or inadequate, particularly by providing legal, psychosocial support, shelter, reintegration and some oversight of diversion processes.<sup>49</sup>

However, funding for sustaining local CSOs, especially those in service delivery, is highly limited. Some NGOs have had to cut services, and one of the well-known shelters for women and children has had to suspend services.

## Parents and Family support

Act 653 appropriately provides for parents to support their children in conflict with the law as expected by international instruments, by being informed of the juvenile's arrest (S. 11); being present during interviews (S. 13); opting to appeal against court orders, providing security, fines and damages, and contributing to maintenance (S. 28; 30, 58).

**Actual Practice:** The DSW Director's view was that the most crucial issue that affects juveniles is parenting, and there is very little education on parenting in Ghana. A researcher and child rights activist points out that there is a wrongful presumption of parental and family support for the child, but in practice, it is virtually non-existent in Ghana and undermines efforts at implementing the law.<sup>50</sup> Approximately, eight out of ten parents of juveniles in detention were reportedly absent during arrest or trial processes.<sup>51</sup> This situation affects the ability of the police and courts to make optimal use of diversionary options or grant bail.

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<sup>48</sup> Ayete Nyampong, L. (2017b). Practicalities and Complexities Surrounding Escape Occurrences in Ghana's Correctional centers for Children in Conflict with the Law - International Journal of Research in Sociology and Anthropology, 3(2), 1-7.

<sup>49</sup> Police SOPs - objectives

<sup>50</sup> Implementation Gaps in the Provisions of the Juvenile Justice Act for Children in Conflict with the Law in Ghana: Vol 31 Issue 3/2018

<sup>51</sup> Ayete-Nyampong, 2013; Ayete Nyampong, 2017a, 2017b; Ayete Nyampong & Visser, 2017)

In focus group discussions, many inmates complained of parental neglect and some said they had already no contact with close relatives when they were arrested. Some believed that parents did not know about their arrest partly because they had been disobedient for so long that their families were tired of hearing about them. Others said they simply did not have any committed family and that accounted for their lack of representation by lawyers. On the other hand, ignorance of many parents about the justice system was also thought to be a problem; one inmate who had willing and supportive parents recounted how the police CID officer convinced his parents not to hire a lawyer because he would not be sentenced; but it did not go well for him as he was convicted, sentenced and detained.

## **Processes**

### **Alternatives to arrest and trial**

Diversionary measures in Act 653 require proactive use of discretion by police officers and social workers, using the SER to aid the court: S. 24(4) states that the *“social enquiry report may include a recommendation that the matter... be referred to a child panel ...in respect of a minor offence”*.

**Actual Practice:** A DOVVSU prosecutor said that informal cautions are used quite often because of the Unit's intervention by mediation in minor cases. She however intimated that the ability to resort to cautions is limited, where a complainant is “very aggressive” and likely to accuse the police of not taking appropriate action, which was thought to mean resorting to arrest and other processes for trial by the formal justice system.

**Child Panels:** Commenting on other diversionary alternatives, the prosecutor added that there was very little awareness of the use of Child Panels. Social workers are also not using the opportunity offered by SERs to recommend referral of minor offences to child panels. Nonetheless, she agreed that the Child Panels would activate the community's involvement, which would help appease complainants and thereby cut down on the use of the penal justice process and its challenges.

## **Pre-trial Detention – Police Station**

The Juvenile Justice Act requires that detained juvenile offenders should be kept separately from adults.

**Actual Practice:** Between 2005 and 2010, 1,748 children were kept in police stations<sup>52</sup> which do not generally have separate cells for juveniles, (with the exception of the new police stations under construction). The SOPs for child friendly policing recognised that the development of child-friendly space will take time and recommended that police make every effort to find a private area inside or outside of the station to speak with children, and where possible, find a space to adapt in a child-friendly way<sup>53</sup>.

From discussions at the Centre, inmates revealed that the first place of contact for juvenile offenders is the police station. As soon as the offender is arrested, he is placed in police cell, often together with adult inmates, depending on whether an adult is arrested within that period of time. One offender said that he was kept behind the counter. Another inmate narrated how he was badly treated in a police cell by adult offenders: *"They made me stand under the shower throughout the night in the bathroom of the police cells all in the name of welcoming me to the cell."*

### **Duration in remand**

Where the juvenile is not released on recognisance or within 48 hours after arrest, the police may detain the juvenile in a police station (S. 15), obtain a court order within those 48 hours to place the juvenile in a remand home or other place of safety (S. 14(2)). A remand warrant is valid for 7 days, renewable only on the juvenile's appearance at the hearing (S 23(4)).

**Actual Practice:** All the juveniles who had been kept in remand homes said that they spent as long as two months before they were arraigned before a court.

### 7.4 Information on rights and assistance and Legal Representation

The Act requires arrested juveniles to be informed of their right to legal advice, legal aid and representation.

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<sup>52</sup> Data from the Department of Social Welfare, Government of Ghana Report to African Committee of Experts on the Rights and Welfare of the Child (2005-2013) page 85

<sup>53</sup> SOP - Children in Conflict with the Law- IV. Guiding Principles #2

**Actual Practice:** One of the key issues identified by inmates of the Centre was ignorance of their rights in general and particularly proper treatment of a child in contact or conflict with the law. Inmates did not know they were entitled to legal representation from arrest, through interviews to court ruling. Many of them said they gave their statements to the police without a lawyer or a social worker present. Some inmates claimed that the reports that were presented in court, based on which they were sentenced, did not truly reflect what they told the police investigators.

## Bail

Section 21 provides that when a juvenile appears before a juvenile court charged with any offence, the court shall, after enquiry, release the juvenile on bail, on the juvenile's own undertaking or sureties from the close relative, on terms that are not excessive or harsh. The court may refuse to grant bail, if there is a serious danger to the juvenile or the community, or likelihood of the juvenile absconding, interfering with witnesses, evidence or investigations; or committing a further offence when on bail.

**Actual Practice:** With the exception of one inmate who mentioned that he was granted bail upon arrest and attended court from home, the rest reported that they spent months in police cells while attending court. Another inmate who was charged with defiling a 16-year-old, believed that the complainant fought against his being granted bail because the inmate's brother was unable to pay GH¢3700 for the complainant to drop the case. These narratives suggest a diminution of the intent of Section 21 of the Juvenile Justice Act to readily afford the opportunity for bail to a juvenile upon first appearance in court. It also appears that many parents may be ignorant of the right to appeal for bail for their wards.

## Juvenile Court

Sitting and Trial: Act 653 and the Courts Act align with international standards by providing for the juvenile court to sit separately from other courts, have informal proceedings (S.16) and protect the juvenile's privacy and other rights.

**Actual Practice:** Juvenile courts have fewer court sessions and the judges also serve in other courts.<sup>54</sup>The DSW National Director explained that Juvenile courts comply with the law, sit separately and both procedure and dress code are informal. Apart from a new full-time Family and Juvenile Court with its own facilities in Accra, juvenile courts are flexible and in most districts the times for sitting usually depend on the number of cases available. The courts are generally operated to be fair and protect the rights of juveniles.

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<sup>54</sup> CHRAJ, 1986-2010

However, certain factors affect actual quality of delivery; for example, sometimes the remand process takes a long time.

Some of the inmates of the Centre believe that the socio-economic background of both victim and offender, including ability to hire a lawyer, affects proceedings and rulings. The victim depends on a state prosecutor's preparedness to establish the guilt of the offender, but the inmates believed that there were instances where the offender was able to get a lawyer to drag out the case past the 6 months trial limit and thereby had the case thrown out of court and the offender went unpunished. Similar sentiments were expressed by an official at the juvenile justice court in Accra:

*"The main problem I have with the system is that it seems to protect the offender rather than the victim. This is because when an offence is committed the victim is represented by the state prosecutor while the offender hires his/her own lawyer to defend him/her. When this happens, it will take a very committed and serious prosecutor to win the case for the victim."*

## **Alternatives/ Sentencing Options**

The court's alternative options to detention should be the first choice. Detention order should be the last resort.

**Actual Practice:** Some of the inmates said they had been charged with minor offences like stealing three tubers of cassava and yet they had to serve sentences in detention.

## **Social Enquiry Reports:**

SERs are vital for helping the court decide on orders concerning juveniles. DWS officers have been commended for their prompt production of SERs<sup>55</sup>.

**Actual Practice:** However, subsequent studies (UNICEF, 2012) and discussions with practitioners and researchers show that there are major challenges, especially resource constraints, that limit the ability of probation officers and social workers to collect background details essential for aiding the court to make informed decisions on committal or otherwise of juvenile offenders. Requisite information gathering and research should be conducted by the Department of Children from various public institutions to enable effective and efficient exercises such as age determination of juveniles and Social Enquiry Reports, as well as provision of logistics support to relevant practitioners,

<sup>55</sup> Hoffmann and Baerg, 2011- Part 6: Overall Strengths - Probation Officers

<sup>56</sup> Panel of Experts at the Participatory Development Associates Ltd (PDA) - Knowledge Sharing Workshop on Child Protection, 2018

## **6.14 Strengths and Challenges**

### **Strengths**

The Juvenile Justice Act reflects basic international and regional standards and Ghana's Constitutional requirements for legal concepts and practice of juvenile justice. Act 653 improved on several provisions that had been in the Code and is generally appropriate for juvenile justice administration in Ghana. The Children's Act, and the Justice for Children Policy, 2016 as well as pertinent documents like the Child and Family Welfare Policy, Social Protection Policy and Strategy and National Youth Policy, together provide an appropriate background and setting for effective implementation of Act 653.

There are requisite state and non-state institutions in place and quite diligent social officers/workers responsive to the needs of the juvenile under very trying circumstances. There is massive CSO support for a number of commendable interventions, including ongoing consultation on review of the law, development and integration of SOPs for Child Friendly Policing in police training curriculum, among others.

### **Challenges**

Act 653 presents certain gaps that need to be addressed without delay, including the police power to exclude legal counsel during interviews of a juvenile; perpetuation of official error in determination of age; lack of provision for juveniles of the presumption of innocence until proof of guilt.

The major challenges are implementation of the law: woefully inadequate financial and logistic provision for requisite staff, structures and services; no effective mechanism for generating and keeping statistics and data; limited training for police, DSW, court officials; restricted use of diversionary alternatives to trial and detention of juvenile offenders; social stigmatisation of offenders making it difficult for their reintegration and thereby increasing recidivism. Yet, there is no provision of public education and involvement of families and communities in juvenile justice issues.

Perhaps the most grievous gap is the persisting absence of a definite body actually wielding overall responsibility for coordination of the whole juvenile justice system. For, even though the relevant policies assign MOGCSP that responsibility, there are several factors that negate the exhibition of that role.

## **6.15 Recommendations**

### **6.15.1 Law Reform**

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Act 653: The noted gaps in Act 653 should be expeditiously addressed through initiation of MoGCSP's responsibility for proposing law reform<sup>57</sup>to amend the following issues:

Young offenders: There should be a clear initial statement on the scope of coverage for young persons/offenders in an Act on juveniles.

Presumption of innocence: Act 653 should state a specific guarantee of the presumption of innocence for juveniles in Ghana.

Right to Legal Advice and Representation S. 11(1): The Act should state specifically that the right to legal representation shall be afforded by the State, promptly, and to cover the whole period of the juvenile being in conflict with the law; and the juvenile should be informed of this right to the legal advice at first contact with the police.

Exclusion of Legal Counsel from Interview of Juvenile S. 13(3) should include retention of a lawyer's oversight of the juvenile.

Presumption and Determination of Age: S.19 (3) should be deleted and appropriate provision made to rectify errors in the determination of age of juveniles. (The technical challenges of ascertaining the right age of juveniles would be aided by the social worker providing a detailed and triangulated SER about the age rather than the tendency to rely on hearsay.)

Expeditious Hearing (Length of Trials) - S.33: The maximum 6-month trial period should be extended with specific guidelines to check undue delays.

Methods of Dealing with Juvenile Offender S.29: Expand the list to include more measures on alternatives to detention and sentences such as restorative justice approaches for community resolution and services, victim offender mediation, including Child Panels etc., as suggested in UNCRC, Juvenile Justice Policy and Police SOPs.

Application to Expunge Record S.37: No application should be required in the case of minor offences; the record of conviction should automatically and immediately be expunged after a discharge or other completion of serving a sentence. An application should be required only in the case of a serious offence.

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<sup>57</sup> Justice for Children Policy # 7.2.1

Transfer of “incorrigible” young offender to prison S.50 should be repealed to cancel the Minister’s power to transfer any juvenile or young offender to prison.

### **6.15.2 Regulations: MoGCSP should ensure the passage of requisite regulations (LI) to aid implementation of the Act 653.**

### **6.15.3 Overall Responsibility for Coordination of Juvenile Justice Administration**

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MoGCSP should be enabled to fully assume and be held accountable for its mandate of coordination of juvenile justice administration.

Policies - The Justice for Children Policy and other pertinent documents should be reviewed together in one exercise, to reduce overlaps and improve their effectiveness.

#### **Monitoring and Sensitisation;**

Monitoring - CHRAJ should enhance its capacity to provide holistic independent monitoring of the treatment of children in the juvenile justice system, especially in the correctional centres.

#### **Practitioners’ Training;**

Coordinated programme of sustained training should be conducted for all personnel who deal directly with juveniles (e.g. Police, DSW, court officials) on specialised training, best practices, laws and policies, particularly the Justice for Children Policy, to ensure uniformity in their operations. Training should go beyond ad hoc aid exercises by CSOs.

#### **Public education;**

Targeted programme for the community on rights and welfare of juveniles and young persons should be spearheaded by CHRAJ and NCCE in collaboration with the Police Service, Ministry of Education, CSOs, community and faith based bodies.

#### **Parents and Families;**

There should be special educational programmes targeting parents on their responsibilities to all their children, including juveniles. There should also be support by the State for parents as the Constitution recognises in Article 28(1) (e).

## **Reintegration of offenders into the community;**

Government should institute a programme of reintegration with requisite funding and logistics to enable required investigations, contact with the community and intensive community education on juvenile delinquency; provide for families to support juveniles' return from detention; explore the possibility for the juvenile court to be so connected to the family courts that there would be a delinking of criminality and its adverse connotations from juveniles who have to use the juvenile court.

## **Funding;**

Government should include juvenile justice in its declared "beyond aid" concept and allocate requisite financial and other resources in national and district budgets for the operations of the juvenile justice system and focal institutions, particularly shelters and correctional centres, to enable them adequately reform and rehabilitate juveniles and young persons.

The Department of Children of MoGCSP should seriously operationalise its responsibility to collect and analyse data from all relevant ministries and agencies and develop the research agenda on justice for children.

## **Suggested areas of research;**

- Comprehensive mapping of persisting causes of inefficiencies and remedial best practices.

- **Research for short term interventions:**

**Child Delinquency:** Drivers and measures for the prevention of child delinquency.

How children are expressing their views in administration of juvenile justice and related fields.<sup>58</sup>

DOVVSU officials and their experience with juveniles.

Child Panels and community-based measures for child offending.

Increasing the impact of inspection of police stations, prisons and Correctional Centres by CHRAJ.

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<sup>58</sup> Ghana NGOs Coalition on the rights of the child (GNCRC), Report to UN Committee on the rights of the child,2014

## **6.16 Conclusion**

Ghana has witnessed a number of reforms with the aim of ensuring juvenile justice within the child protection programme. However, enforcement of the law has been the main challenge. There should be sensitization of the general public to appreciate their responsibilities towards juveniles and young persons, together with a strong collaborative programme linking various actors, and engendering the active participation of the community to formal juvenile justice administration.

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## PART 4 – BRIEFS AND SPOTLIGHTS

### CHAPTER SEVEN

#### CHILD ONLINE PROTECTION IN GHANA

Awo Aidam Amenyah

##### 7.1 Introduction

This brief describes how all agencies and professionals in child protection in Ghana could work together to protect children from trafficking, prostitution, pornography among other forms of abuse that occur online and to minimize any adverse consequences of online abuse. It summarizes the risks and policy gaps which must be addressed in order to minimize concerns about online safety, and the actions which should be taken to safeguard and promote the welfare of children who are exploring the digital space. For the purposes of this protocol, a child is defined as any individual from conception to the age of 18.

Child Online Protection is aimed at safeguarding and promoting welfare of children and young people who engage on the internet for purposes of research, entertainment and communication, among others. Unfortunately, most of these children, sometimes unknowingly, through their actions, fall into the hands of unscrupulous persons online, who take advantage of their innocence to abuse and exploit them in diverse ways. An action could only be considered child online protection when these perpetrators are found out and prosecuted, and preventive measures are put in place to prevent others from falling victim. Concerns of this nature were anticipated, and these led to the International Telecommunications Union (ITU) starting the Child Online Protection (COP) initiative aimed at building cooperation among member countries to ensure the safety of children online. The COP initiative was part of the Global Cybersecurity Agenda (GCA) launched by the ITU Secretary General with the aim of giving it the desired priority it deserves.

Ghana has been proactive in the conversation which brought about the UN's Sustainable Development Goals (SDGs) aimed at ending poverty, protecting the planet and ensuring that all persons enjoy peace and prosperity. Ghana is a signatory to the African Charter on the Rights and Welfare of the child, which has a set of new aspirations dubbed Agenda 2040 aimed at fostering an Africa Fit for Children. Nationally, the government is said to have incorporated the SDGs into the country's national development agenda since 2016, with progress tracked by a committee overseen by the president.

Information and Communication Technology (ICT) tools are uniquely placed to support the SDGs and development outcomes through the multiplier effect that comes from providing connectivity. It is surprising to know that even though Ghana is believed to have connected half the population through their mobile phone to date; not much is talked about regarding online safety. Beyond the core connectivity to a network, mobile operators in Ghana have also created the means for citizens to access other core services including digital forms of identity without consideration for the safety of children. This gives the impression that the saying “children are the future of any nation” and the provisions made in the 1992 constitution are mere rhetoric.

To better contextualise the policy recommendations herein, this brief presents an overview of child online abuse and a situational analysis of online violence in Ghana. This is followed by a presentation of the current institutional frameworks (both national and international) in place to safeguard children using the internet and recommendations on how Ghana can domesticate these, while devising its own national frameworks and policy on child online protection.

## **7.2 Overview of Child Online Abuse**

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Child Online Abuse is any action which contributes to affecting children negatively through the use of technology. Also referred to as cyber molestation, child online abuse occurs via the Internet through social networking sites, gaming platforms or even through the use of mobile phones.

As the Internet continues to grow and evolve, it presents new opportunities to engage in crime, victims of which may include children. Potential dangers to children may include grooming, child sexual exploitation, cyber bullying, child abuse imagery and child sexual abuse, to name a few. Children can be at risk of online abuse from people they know, as well as from strangers and the likelihood of such abuse remains high. This is because the Internet facilitates access to children and reduces the chances of identifying offenders as people can easily remain anonymous or falsify their identity. Besides the risk of abuse, through the internet, children may also have easy access to offensive images and age-inappropriate materials.

What then are the rights of the child when it comes to internet content regulation? Because the child has the Right to have access to Internet technology, he or she has the right to use the Internet and the Right to belong to a platform on the Internet. In all these spaces, adults have the responsibility to make the platform friendly for children and young people. We recognize the need for the child to participate in decisions which will affect him or her in future.

Ghana, like many other countries, record increasing numbers of children gaining access to the internet. These children are prone to risks when using the internet; the fact that they are online gives them the opportunity to contact people (some of whom may not be well-intentioned) and generate contents which could be taken advantage of by these unscrupulous persons. Moreover, children could be groomed by people, usually adults, to conduct themselves in ways unacceptable both on and offline.

Observing what gets reported in the global media, we can conclude that children and young people, are vulnerable targets for predators to sexually abuse and exploit for scams, identity theft, and other social vices. Among the Ghanaian public, especially children, there is a general dearth of knowledge on the various threats associated with online activities.

*Here are a few examples that children are at risk when using the internet:*

Photos of children less than 24 months uploaded on a website in the name of promotion to win a hamper.

One is requested to write names, address and contact phone numbers on a sheet of paper titled attendance sheet without thinking about where it goes after the information is collected.

You have left or forgot your identity card after tendering it in at a service point (hospitals, banks, etc) and it is displayed at the counter or a location where everyone can see when in actual fact that document was used to process a transaction at the same service point.

## **7.3 Situational Analysis of Child Online Violence (COP) in Ghana**

### **7.3.1 Prevalence Rates**

The few studies on child online safety in Ghana are limited in terms of their coverage as they focus mainly only on some aspects of the issue, leaving out the effects of online abuse that potentially put victims at risk to suicide and similar mental health issues. The complex and dynamic nature of the digital space demands periodic national research that provides evidence of a wider scope in terms of sample size and nature of activities undertaken by young people within the cyber space in Ghana. A study synthesis research conducted by UNICEF and the Digital rights of children titled 'Global Kids Online' (UNICEF et al, 2016) and a similar study done in Ghana using the same methodology made a number of findings which this paper will adopt. The paper considers this particular study because of the following reasons: It follows the child rights framework and gives the opportunity to comprehensively tackle children's everyday experiences both online and offline. It acknowledges the varied contexts in which children live. It also connects evidence with the conversation regarding policy and solutions for child welfare and rights in the digital era, especially where Internet is still being deployed. Some of the key findings of the GKO were the following:

Children predominantly access the Internet at home and through mobile devices: It was obvious that mobile access may be positive in terms of flexibility of use, enhancing children's opportunities for private or personalized benefits. But it can also reduce parents' and caregivers' opportunity to support children as they explore the Internet for the same reason that the device is so small and could be easily hidden by the user. Sometimes children face limitless connectivity because it is difficult for parents to control the children using the device in their bedrooms. Moreover, the small screen limits the amount and complexity of content that can be viewed privately with associated risks.

Younger children's digital safety skills also need support: We have called and been advocating for the enhancement of children's resilience by equipping them with digital literacy and citizenship skills. Although some care givers may adequately guide children as they go online to develop their digital skills, others have limited capacity/skills required to guide children as things get complex.

Some young internet users have engaged strangers online: Most children get requests from strangers who may potentially pose a risk. There is the need to raise awareness and educate the children, ideally without overly restricting their opportunity to explore the online world. As observed by the study launched by UNICEF, 4 out of 10 children accept ALL friend requests they receive even from people they have never met before.

Country risks recorded vary based on online exposure and opportunities: The proportion of children who were exposed to sexual images according to the UNICEF study is as follows: 4 out of 10 children in Ghana have received sexual images while online. Boys and older teenagers are more likely to have seen such images usually linked to pop-ups and social networking sites. Other ‘traditional’ sources were television and film.

Causal Factors - areas or regions, urban vs. rural, age, social class, gender: More urban children in Ghana use the Internet than those in the rural areas. The 2010 Population and Housing Census indicates that the possession of mobile phones and other Internet enabled devices are concentrated in urban areas than rural Ghana. Considering regional figures, children in the Northern Region use the Internet most frequently followed by Upper West region. About 31% of the children surveyed in Northern Region were reported to use the Internet daily or almost every day, the highest across all regions. Eastern region had the biggest proportion (28%) of children that hardly ever used the Internet. (IPSOS & UNICEF, 2017).

### **7.3.2 Harm from online risks**

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A quarter (25%) reported that some happenings upset them online. About 16% reported cases of harmful or bad treatment in the past year. For example, some received sexual photos or requests to share their personal nude photo. These were mostly boys, older children (15-17 years) in urban areas. (IPSOS& UNICEF, 2016)

### **7.3.3 Exposure to sexual Images**

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Overall, 39% of the children have had been exposed to sexual images in the past one year. These were mostly boys, urban residents and older children (15-17 years).

## **7.4 Legal and Policy Framework in Relation to COP**

### **7.4.1 Relevant International Instruments**

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The international instruments directly or indirectly related to COP captured in this paper focus on international best practices in relation to online abuse and identifying gaps in Ghanaian domestic law in relation to the best practices identified.

#### **i. Convention on the Rights of the Child (1989)**

The United Nation's (UN) Convention on the Rights of the Child (CRC) aims to ensure human rights for children in several aspects of life. It is the main child protection instrument since Ghana signed and ratified in November of 1989.

#### **ii. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)**

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) expects State Parties to criminalize illicit conduct in relation to child pornography, besides providing its definition under the Article 2 (c), as stated below. Because of its nature, the OPSC may be one of the most important international legally binding instruments to analyse regulatory approaches regarding child pornography offenses.

#### **iii. Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)**

The Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (from now on referred to as "Convention 182") was adopted in 1999, recognizing the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour as the main priority for national and international action. The "worst forms of labour" comprises the use, procuring or offering of a child for the production of pornography or for pornographic performances (Article 3), among others. This was activated in Ghana in June 2000.

#### **iv. Convention on Cybercrime (2001)**

The Council of Europe's Convention on Cybercrime now being referred to as "Budapest Convention") seeks to harmonise national laws on cybercrime, improve national capabilities for investigating such crimes, and increase cooperation on investigations. It also seeks to protect society against cybercrime by adopting appropriate legislation and fostering international cooperation. Ghana is yet to accede to this convention after series of workshops have been held on it.

#### **v. Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)**

The Council of Europe's Convention on the Protection of children against Sexual Exploitation and Sexual Abuse also referred to as "The Lanzarote Convention" entered into force in December 2009. Its objectives are to (a) prevent and combat sexual exploitation and sexual abuse of children; (b) protect the rights of child victims of sexual exploitation and sexual abuse; and (c) promote national and international cooperation against sexual exploitation and sexual abuse of children. This supports the argument that child exploitation via internet is no less an offence.

#### **vi. Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008)**

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (from now on referred as Rio de Janeiro Declaration) resulted from the World Congress III against Sexual Exploitation of Children and Adolescents. Even though it is not an international legally binding instrument, it provides a blueprint to prevent, prohibit, and stop sexual exploitation of children and adolescents and to provide the necessary support to children who have fallen victim to it. Special attention is given to the abuse of children and adolescents through the Internet and associated technologies,

#### **vii. Economic and Social Council Resolution 2011/33 on Prevention, Protection and International Cooperation against the Use of New Information Technologies to Abuse and/or Exploit Children (2011)**

The UN's Economic and Social Council issued a resolution in 2011 for the "Prevention, Protection and International Cooperation against the Use of New Information Technologies to Abuse and/or Exploit Children" (referred as "ECOSOC Resolution"). The council stresses that new ICTs and applications are being misused to commit child sexual exploitation crimes, "such as the production, distribution or possession of child sexual abuse images, audio or video, the exposure of children to harmful content, the grooming, harassment and sexual abuse of children and cyber bullying.

" Further, it underscores the importance of cooperation among States and the private sector. As a matter of urgency, the resolution recognizes the need for Member States to adopt legislation designed to criminalize all aspects of the misuse of technology to commit sexual exploitation crimes. The resolution also encourages Member States to involve relevant ministries in inter-sector mechanisms for addressing the misuse of ICTs to abuse and/or exploit children.

## **7.5 Relevant Regional Instruments**

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The Regional instruments directly or indirectly related to COP captured in this paper Focused on; international best practices in relation to online abuse

### **i. African Charter on the Rights and Welfare of the Child (1990)**

The African Charter on the Rights and Welfare of the Child ("ACRWC") was Africa's response to CRC and other human rights-related instruments. It entered into force in 1999, recognizing the rights, freedoms and duties of children, besides requiring the African Union's (AU) Member States to adopt legislative measures to give effect to its provisions.

### **ii. African Union Convention on Cyber Security and Personal Data Protection (2014)**

The AU Convention on Cyber Security and Personal Data Protection was adopted in 2014. It aims to define the objectives and give orientation regarding the Information Society in Africa, besides strengthening its Member States' and Regional Economic Communities' (REC)' existing legislations on ICT. The convention defines: Child pornography as "any visual depiction, including any photograph, film, video, image, whether made or produced by electronic, mechanical, or other means.

### **iii. Supplementary Act A/SA. 1/01/10 on Personal Data Protection within ECOWAS (2010)**

The Supplementary, Act A/SA. 1/01/10 on Personal Data Protection within ECOWAS ("SAPDP-ECOWAS") was issued in 2010 as an integral part of the ECOWAS Treaty. This legally binding Act requires Member States to establish a legal framework for privacy of data, including the collection, processing, transmission, storage, and use of personal data without prejudice to the general interest of the State. Ghana is legally bound to this Act.

#### **iv. Directive C/DIR. 1/08/11 on Fighting Cyber Crime within ECOWAS (2011)**

The objective of the Directive C/DIR. 1/08/11 on Fighting Cyber Crime within ECOWAS (which is being now referred as “DFCC-ECOWAS”) is to adapt criminal law and criminal procedure of Member States to address cybercrime. Moreover, Member States were required to adopt legislative, regulatory and administrative measures to comply with this Directive by January 1st, 2014. Ghana is legally bound to this Directive. The following behaviours constitute an offense under the Directive: Article 16: the production of child pornography or pornographic representation. It defines this production as the act of producing, recording, offering or making available, distributing or transmitting child pornography or pornographic representation using ICTs.

## **7.6 International Guides and suggestions**

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The AU Convention on Cyber Security and Personal Data Protection (2014) which Ghana signed in July 2017 and which is yet to be ratified by parliament of Ghana, defines Child pornography as “any visual depiction, including any photograph, film, video, image, whether made or produced by electronic, mechanical, or other means of sexually explicit conduct.

Article 29 (3), addresses content related offences, including child pornography. It mandates State Parties to take legislative and/or regulatory measures to make the following behaviours a criminal offense: (a) production, registration, offering, manufacturing, making available, disseminating and transmitting an image or representation of child pornography using ICT; (b) procuring, importing, having imported, exported, or having exported an image or representation of child pornography using ICT; (c) possessing an image or representation of child pornography using ICT; (d) facilitating or providing access to pornographic natured images, documents, sound or representation to a minor. In the United Kingdom, any action that is illegal when committed offline is also illegal if committed online. Ghana must consider this approach.

Articles 28 of the Lanzarote Convention further strengthens the global call for clamping down acts that are offensive and constitute abuse against internet and cyber space users.

## **7.7 Lack of national policy for COP**

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Ghana has challenges with domestic laws on child online abuse. Section 17 of the Children's Act of Ghana is very imprecise regarding the report of offenses involving children. It only states that "any person with information on child abuse shall report the matter to the Department." Therefore, Ghana is not considered to have legislation regarding the mandatory reporting requirement for Internet Service Providers (ISPs). The need to make the online space safer for children and young people has been taken to a much serious level across board though there is still the capacity gap among the stakeholders in the web for child online protection. After series of stakeholder consultations, a multi-sectoral National Child Online Protection steering committee was inaugurated. The Committee was tasked to draft the Child Online protection framework for Ghana. The operationalisation of the framework is currently being facilitated by the National Cyber Security Secretariat. Child online protection remains a global challenge. Some countries have developed policies and regulations to protect children online, and Ghana is working hard in that direction. The International Telecommunications Union (ITU) and UNICEF have developed a global set of Guidelines for children, parents/guardians educators, industry and policy makers to be adopted and aligned to national/local realities. Ghana is yet to develop policies or institutional frameworks locally or adapt from the ITU Guidelines aimed at protecting and safeguarding children in cyberspace.

Even though the Information & Communications Technology for Accelerated Development (ICT4AD) Policy exists in Ghana, it lacks provisions on online child protection. The sector regulator, the National Communications Authority (NCA), is yet to develop a specific guideline or policy to guide industry players and users on COP issues. The resultant effect of the lack of policy on COP is the fact that there is no clear guideline on addressing online child abuse cases. Reported online child abuse cases have been sadly interpreted as isolated cases of child abuse or blamed on the child's non-adherence to rules. Although Ghana has ratified the UN Convention on the Rights of the Child and enacted the Children's Act 1998, neither the Act nor the recently introduced Child and Family Welfare Policy is considered an online safety/protection tool. What is currently available is the Ministry of Communications' National Cyber Security Policy & Strategy Final Draft document (as at July 23, 2015), which makes the following provision in relation to COP: Child Online Protection Policy measures will be implemented through multi-stakeholder cooperation by government, industry, civil society, and relevant international child online protection agencies. Government organises national and local dialogue to create awareness and promote child online protection issues in Ghana.

## **7.8 National cyber security policy & strategy final draft document**

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The recent expansion of Internet access in Africa comes with attendant challenges and risks. Every country is strategising to combat the situation. There are a number of global initiatives established to address the issue of cyber-crime and enhancing the cyber security and ITU is providing member countries with the needed capacity to deal with country specific policing mechanisms.

## **7.9 Initiatives by Civil Society, CSOs**

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The J Initiative now Child Online Africa in 2014, initiated the call for safety within the digital space for children and this has been supported by other civil society organisations like the World Vision Ghana, Media Foundation for West Africa and industry players like : Facebook, Tigo, Vodafone Ghana Foundation, MTN Foundation, Google Safety Innovate and First BanC Group. This was aimed at informing the various stakeholders of their roles in promoting cyber space safety for children. Strategies included; Stakeholder roundtable discussions, Capacity building for ICT Teachers, Safer Internet Day (SID) celebrations, Service Provider sensitization, social media adverts, research/polls and International Corporation with Google Ad House. These interventions have worked quite well with the support of some Industry players to bring Ghana to where we are now in addressing the issue of Child Online Protection.

## **7.10 Recommendations**

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Stakeholders led by government actors and NGOs must exert concerted effort aimed at protecting children online and creating an avenue for learning and creativity to enable Ghanaian children explore and advance technologically. This paper also recommends that Ghana must review its legislation holistically, by aligning them to International treaties signed and ratified by Ghana. We must develop clear guidelines on the roles and responsibilities of stakeholders at the national, regional, local, community, and household levels to ensure a multi-stakeholder approach to COP in Ghana.

By way of recommendation, these are the measures we need to put in place as a country in order to reap the dividends of the digital era:

- (a) It is important as a country to strengthen our laws and realign them to reflect the growing trends as well as make provision for the prosecution of offenders and define what constitutes offences under the law.
- (b) It will also be worth criminalizing the importation or exportation of child pornography, visualization of child pornography and online grooming.

- (c) Enact new laws and/or amend existing laws to reflect the growing trend of online crimes against children and young people.
- (e) As a country, we need to upgrade existing child protection systems to include the digital environment so that abuses in this space can be properly dealt with in the best interest of the child.
- (f) Ratify the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.
- (g) Implement and enforce the later provisions made for the protection of children in the Budapest Convention in line with the Lanzarote Convention.
- (h) Government should collaborate with experts in developing the procedural measures as part of the ITU strategy for child protection online, and where necessary, share best practice from other places.
- (i) It is important that hotline/helpline/child lines are installed to help support the reporting of cases should children, parents or caregivers encounter some abuse.
- (j) Government should fill the capacity gap created in the area for all stakeholders.
- (k) Further action may be required to consider a regulatory regime that will both support digital service providers and deliver improved protection to users, combined with a sanction regime to ensure compliance.
- (l) Introduce an industry-wide levy for social media companies and communication service providers to support awareness and preventive activities to counter the harmful impact of the Internet.
- (m) Create and promote positive content and services online, such as anti-spam platforms as well as empower users to respond to any issues by providing clear safety advice, a range of easy-to-use safety tools, and quick access to support, should anything go wrong.
- (n) Empower children through outreach programmes by encouraging them to embrace the positive use of the various ICT Tools they have at their disposal. Teachers can help to respond to the negatives by supporting young people, if they encounter problems online, and by giving them the resilience, confidence and skills that young people need to navigate the internet safely.
- (o) Civil Society Organisations should ensure that COP interventions are carried out collaboratively, not individually, sometimes mainstreaming them into existing child protection programming.
- (p) Stakeholders should support law enforcement to ensure that the National laws are enforced to the latter.

- (q) Parents should maintain an open dialogue with their children in relation to their online lives, support them with their online activities and seek out positive opportunities to engage with their children online.
- (r) Awareness creation should be supported by budgetary allocation.

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# CHAPTER EIGHT

## SPOTLIGHT ON CHILD ABUSE IN GHANA - CHILD ABUSE TRACKER

Raymond Hodor and Peter Annor Mensah

### 8.1 Introduction

Many children across the globe are by nature susceptible to many forms of maltreatment, ranging from physical, emotional and verbal to sexual abuse. The welfare systems for children in developing countries are mostly not adequate to safeguard the interest of children and protect them from maltreatment. One can attribute the perpetration of abuse against children to the endemic nature of poverty in these developing countries, including Ghana.<sup>59</sup> According to the 2010 Population and Housing Census, it is estimated that about 38.3 percent of Ghana's population are children below the age of 15.<sup>60</sup> This figure, therefore, makes it important for all stakeholders within the child protection space to develop robust mechanisms to address child maltreatment, which has become rife in Ghana.

It is against this backdrop that Participatory Development Associates (PDA), as part of its five-year strategic theme for the period 2016-2021, decided to pay critical attention to issues of child protection in Ghana. In pursuit of this, PDA launched its maiden "*Knowledge Sharing Workshop on Child Protection*", which brought together both state and non-state actors to deliberate on issues that border on child protection in Ghana. The workshop was premised on the 2017 theme for the Universal Children's Day: "*Stop Violence against Children*". Participants at the workshop consensually agreed to the need to keep track of child abuse cases and make real-time data readily available and accessible to the public. This translated into the idea of developing an online data collection platform known as 'PDA Child Abuse Tracker' formerly called 'Ushahidi', which was to serve as a database for reported cases of child abuse in all the regions of Ghana.

<sup>59</sup> Kuyini, A. B., & Mahama, F. K. (2014). Implementing Child Rights and Protection Law in Ghana: Case Study. Retrieved from <http://challengingheights.org/wp-content/uploads/2014/07/Implementing-Child-Rights-and-Protection-Law-in-Ghana-Case-Study.pdf>

<sup>60</sup> Ghana Statistical Service. (2012). 2010 Population and Housing Census: Summary Report of Final Results

## **8.2 Methodology**

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Data was sourced from thirty-one (31) selected online and print media outlets across Ghana. Out of the 31 media outlets, five (5) were print media, while 26 were online media platforms (See appendix). Cases on child abuse with defined categories were reported to include defilement/sexual abuse, physical abuse, and child trafficking. The Child Abuse Tracker has been developed in such a way that, after a case of child abuse has been reported, it is then subjected to a process of verification. The verification process is intended to ascertain whether the information provided is accurate or otherwise, before it is finally published on the platform. As meticulous as the system has been developed to be, a photo of the news item, details of both the victim and perpetrators, law enforcement agency handling the case and a brief summary of the report are provided on the platform. This makes data analysis and verification seamless.

## **8.3 Selection Criteria**

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Out of 170 cases of child abuse recorded in one-year period (November 20, 2017 to November 30, 2018), only 12 cases were selected for follow up for the purposes of piloting. The selection procedure was rigorously done by identifying the inclusion and exclusion criteria. As it has been indicated, the first phase of the project was to pilot a number of reported cases that would subsequently be scaled up, after evaluation of this phase was completed. In light of this, the piloting focused on the Greater Accra region. The Greater Accra Region was selected at the pilot phase on the bases of the number of reported cases of child abuse, which happened to be the highest among the ten regions; and also due to its proximity to the law enforcement agencies.

Having selected Greater Accra region at the pilot phase, a State prosecutor who had been leading prosecution regarding child abuse, was contacted to assist the team identify cases to be followed up on at the circuit court. It is based on this that these 12 cases were selected for piloting. The reason behind the identification of the State prosecutor was to enable the project team have access to the victims, and also have access to information on victims that may ordinarily be unavailable to the public. Again, the state prosecutor was to assist the research team better understand how *prima facie* cases were identified, the procedural measures that lead to prosecution, and the challenges of the Ghanaian legal system as an impediment to effective and efficient child protection.

As part of efforts to get enough information on the selected cases, a letter was written to both the Police Criminal Investigations Department and the Judicial Secretary for approval, to pave way for the team to have access to the state prosecutor and the court clerks, as well as the judges presiding over the cases. The team had to, on several occasions witness the court proceedings in order to get first-hand information on the cases under review.

## **8.4 Challenges in Data Collection**

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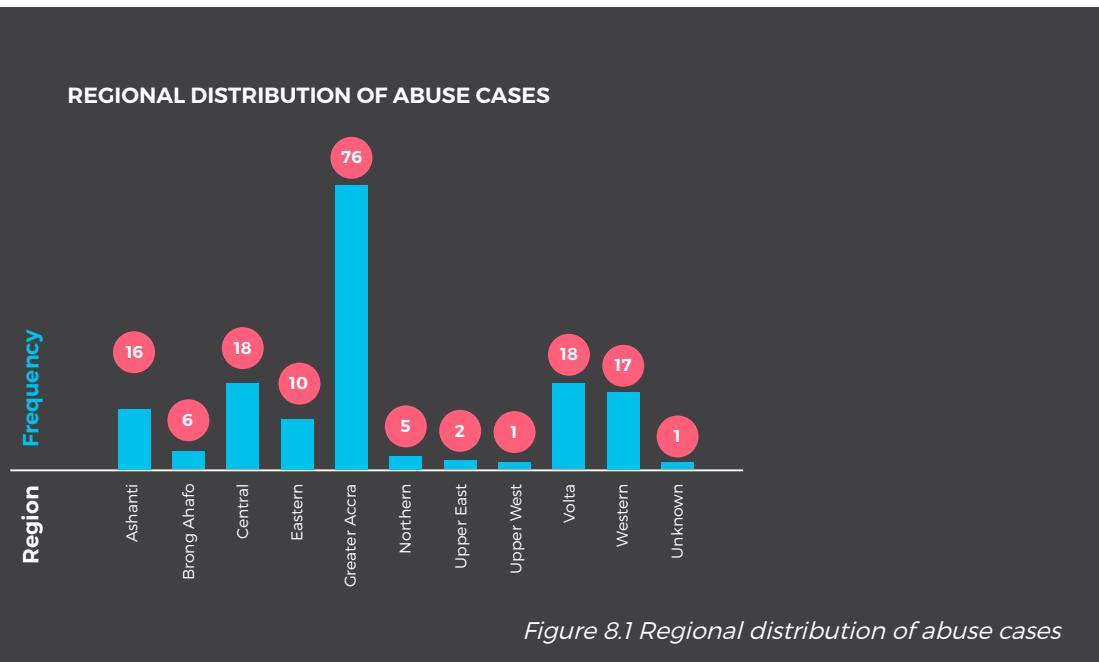
In our quest to ensure that the information the team was provided with was accurate, and to better understand the circumstances leading to the abuse, a request for the dockets on the victims was made, but the request was not granted. This, according to the police, was against the tenets of the laws protecting victims of child abuse from public scorn and stigmatisation.

Another impediment to access to information was the bureaucratic nature of the Judicial Service. After a letter was sent to the Judicial Secretary, the research team was redirected to about four other departments under the judicial service, some of whom confirmed no receipt of any letters. The team had to do a follow up on the letter for close to four weeks before approval was given to conduct the intended interview with the court clerks.

Moreover, locating victims of child abuse for follow up was unsuccessful, as the prosecutor could not give the exact location of these victims. He intimated that “after acting on behalf of the victim to prosecute the accused, I could not get in touch with the victim any longer so I am unable to give you the exact residence/location of the victims and complainants”.

## 8.5 Findings from the Child Abuse Tracker

Within a space of twelve (12) months, 170 child abuse cases were collated (see appendix for cases) out of which 12 cases were followed-up. Detailed statistics by region are given as follows;



The regional breakdown shows that Greater Accra recorded the highest number of child abuse cases in the media compared to any other region. Both Volta and Central regions came 2nd in terms of number of child abuse cases reported in the media while Ashanti Region came third. On type of abuse, sexual harassment was the most perpetrated form of abuse. This included 64.2% defilement cases and 2.8% rape cases (thus a total of 67% for sexual abuse). Physical abuse and child trafficking were 23% and 10% respectively (See figure on categorization of abuse cases).

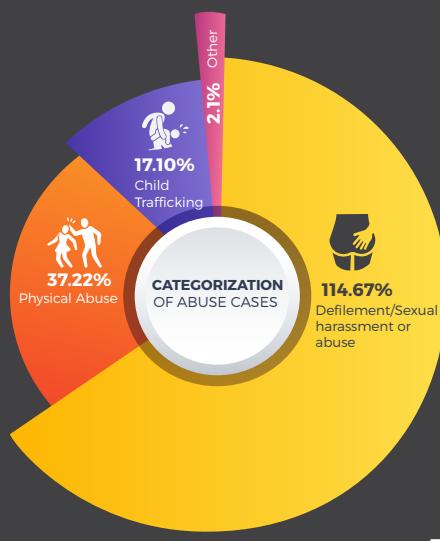


Figure 8.2 Categorization of Abuse Cases

Consistent with existing findings, girls were mostly cited to be victims of sexual abuse, than boys. In connection with this, it was found that out of the 170 cases reported, 73.8% of the victims were females, 21.3% males and 4.9% had their sex undisclosed. By age, majority of the victims were 12-17 years. However, it is disheartening to realize that some children between 0-5 years were also sexually and physically abused or trafficked. The Other category consisted of cases of child abduction.

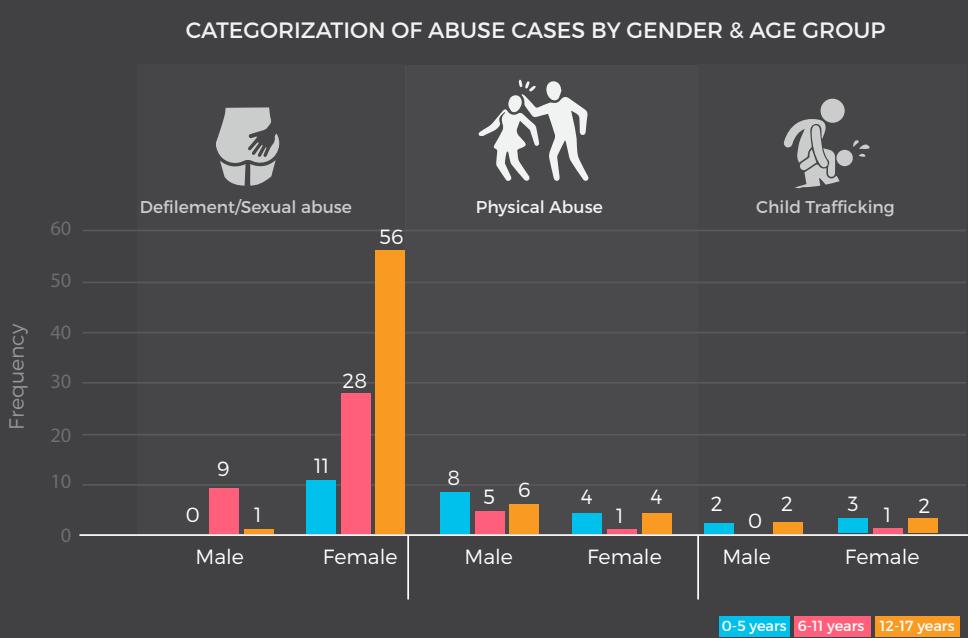
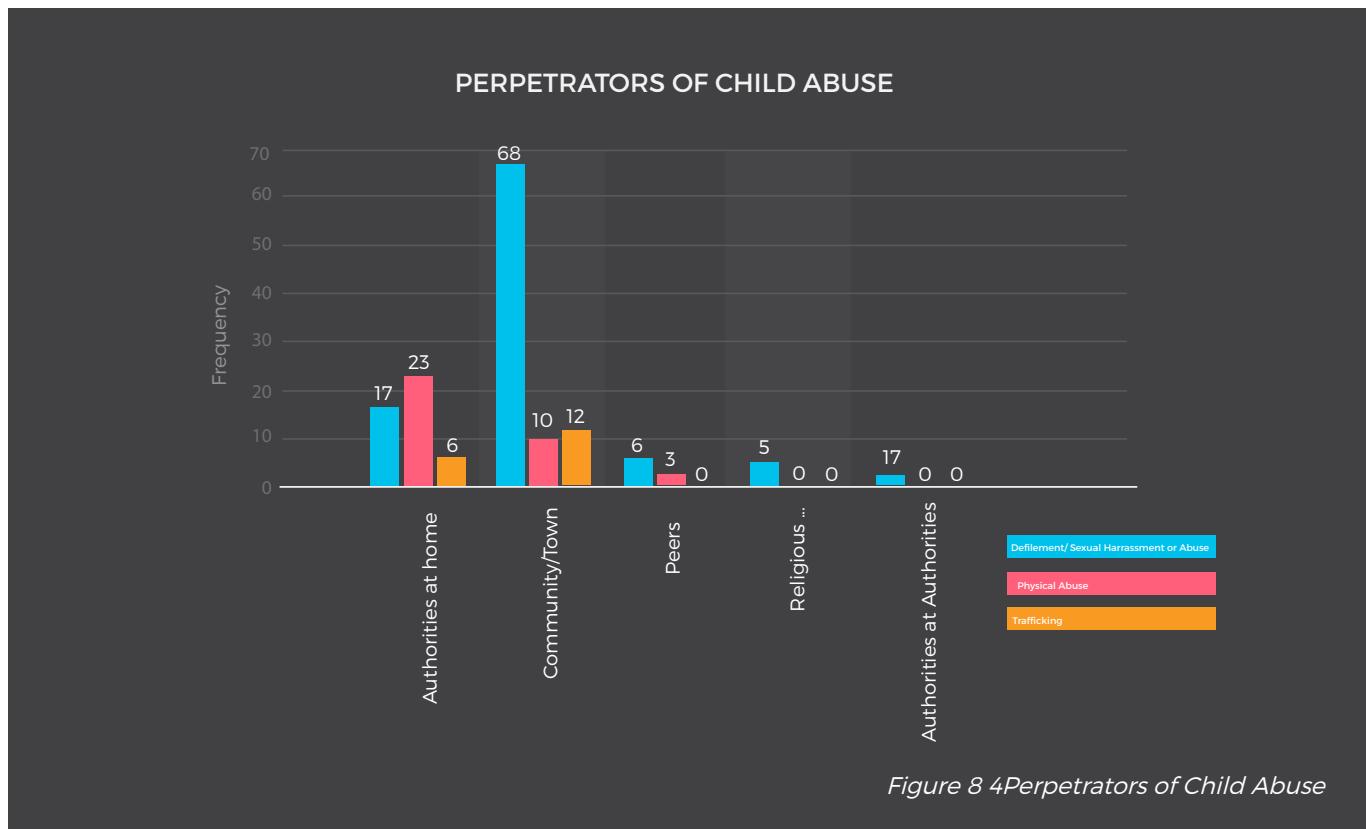


Figure 8.3 Categorization of Abuse Cases By Gender & Age-Group

The home, immediate community and school, whose responsibility is to protect children, host perpetrators of child abuse. Thus, authorities at home (parents, guardians and relatives), school (head teachers, teachers) and community members are the most perpetrators of child abuse.



## 8.6 Findings from Follow-up on the Selected Cases

### 8.6.1 Confidentiality Issues

The tenets of prosecution in cases involving child abuse provides that confidentiality of the victim must highly be upheld. However, it was found that the working environment of state prosecutors, apparently does not allow for absolute confidentiality of victims of child abuse. This comes as a result of the presence of other prosecution officers working from the same office. This usually makes the victims/complainants feel reluctant to disclose sensitive information that could aid in prosecuting accused persons.

## **8.6.2 Non-Cooperation from Victims/Complainants**

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There were instances where complainants decided not to cooperate with the prosecutor to testify against the accused person, which was usually due to threats from the family of the accused person. In most cases, the family of the accused person may give an amount of money to induce the complainant to discontinue pursuing the case at the court. In the case involving the Republic Versus Emma, the complainant, who happened to be the father of the victim, told the court to give him some days to treat his ailment. The prosecutor later pursued him on several occasions to appear before the court, but he declined. According to the prosecutor, further checks by him indicated that the complainant had been offered money by the family of the accused, to stop pursuing the case at the court. The judge, realizing the consistent absence of the complainant, struck out the case.

## **8.6.3 Nature of Child Abuse Cases**

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Cases involving child abuse are considered criminal cases, and thus when a judge presiding over a case is transferred or retires, per the dictates of the law, the case has to be brought before the court for another hearing to begin with the new judge, regardless of how long the case has been in court. Again, a judge cannot give a verdict on cases he/she did not preside over when hearing began. All these are contained in the Criminal Procedure Code, 1960 (Act 30). For example, in the case involving the Republic Versus Abdul, trial began in 2016 and in July 2018 the judge was transferred to another region. This essentially meant the case had to be reopened before the court for the new judge to preside over it. This needlessly prolongs such cases at the court. It also affects the pace at which justice is served the victims, and also victims may forget the incident leading to their abuse. However, it was discovered that, abused children below the age of seven (7) tend to forget the circumstances surrounding an act of abuse against them. Therefore, the judge uses his/her own discretion to prioritize and expedite trial of cases involving such children, regardless of when the case was opened before the court. This helps in justice delivery for these children.

#### **8.6.4 Insufficient Evidence to Convict Accused Persons**

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Mostly, after investigations into the substantive case have been completed and presented to the State prosecutor for prosecutorial processes to begin, it often turns out that evidence for the prosecution is insufficient, lacks merit, and sometimes inconsistent to convict the accused person. This could be as a result of a shoddy job done by the investigator, who has been charged to spearhead investigations into the matter. This tends to pose a serious challenge to the prosecutor.

### **8.7 Domestic Violence Court (Circuit Court 5)**

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The domestic violence court presides over cases of death, abuse, trafficking, and property. About 80 per cent of the cases that are brought before the court are defilement cases. When a complaint of abuse is made, a medical form is issued to the victim to seek medical help, which also aids in the prosecution process, before the accused person is arrested. The accused person is then made to write a statement with the assistance of an independent witness, after which s/he is made to sign or thumbprint against his/her name. In instances where the accused person challenges the authenticity of the statement brought before the court supposedly to have been endorsed by him/her, the court undergoes a mini-trial. This trial is composed of the judge presiding over the case, the prosecutor, and the accused, to ascertain the authenticity or otherwise of the statement. The Forensic Unit of the Ghana Police Service is also engaged in that regard. As part of the court proceedings, the medical doctor, who examined the victim, is invited to the court to testify on the commission or otherwise of an act of abuse.

After the complainant has testified, the court gives opportunity to the accused person's defence counsel to challenge the claims put out by the complainant. In situations where the accused does not have any legal representation, he defends himself. The victim is thereafter, invited to give account of what transpired between him/her and the accused person, for which reason they have ran to court for justice to be served. After the facts have been put before the court by all interested parties involved, the judge presiding over the case then goes ahead to give verdict on the case presented before the court. It must be noted that, the judge, in giving the verdict, may be considerate in the number of years given to the convict to serve the jail term if the accused admits his guilt. However, if the accused person denies the commission of the act but is found guilty of the charges brought against him, the judge may, decide to, increase the duration for which the convict is to serve the jail-term.

## **8.8 Conclusion and Recommendations**

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Government and other non-state actors have stepped up efforts to reverse the widespread prevalence of child abuse in the country. However, there is little evidence indicating the headways made in reducing the inhumane treatment against children. An alarming fact is that, the perpetrators of child abuse are close relations or people who have a mandate to look after the children and thus share a common environment with them. For this reason, it is highly possible that a chunk of child abuse cases do not come in the public domain or reported. In effect, the victims (children) suffer but the nation suffers the most as valuable human resources are being destroyed. To curb the increasing trend in child abuse, there is the need to strengthen collaboration among various stakeholders to effectively prevent or tackle child abuses when they occur. Again, public institutions, especially law enforcement agencies and the courts, should engage or partner private institutions that are helping in the fight against child abuse in the country. To ensure efficiency in service delivery, law enforcement agencies must be given the requisite resources to perform their professional duties with diligence and ensure optimum professionalism. It is also important for government and non-state agencies to invest more resources in sensitizing the public to appreciate the need to protect children from all forms of abuse, and the duty to report cases of child abuse to the appropriate law enforcement agencies. This will culminate into building a society safe for child growth and development.

Ghana is characterized by fragmented child protection policies lacking a robust structural framework – which is cardinal in policy formulation and implementation – to holistically address child protection issues. Therefore, it is imperative for the government to critically address the challenge of fragmented policies by engaging interested stakeholders to help consolidate all the existing policies into one single policy framework. This framework would then capture every aspect of child protection and spell out the specific responsibilities of all stakeholders. It would help make reference to the provisions on child welfare laws and policies seamless. It would also help develop a formidable structural framework to facilitate the realization of a society free from all forms of child abuse and maltreatment.

For final words, PDA entreats the general public to encourage the reporting of child abuse incidents to the appropriate authorities lest children suffer in silence. Individuals, groups or institutions can contribute by visiting the child abuse tracker to report or share on social media child abuse cases, using the url:<http://www.pdaghana.com/index.php/child-abuse-tracker.html> (See appendix for how to report a child abuse case).

# CONCLUSION

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Kwabena Frimpong-Manso and Mohammed Zayan Imoro

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The report entails studies offering critical insights into Ghana's child protection system including the implementation and enforcement of the gamut of laws, policies, and regulations. The authors explore different child protection issues (e.g., child labour, sexual exploitation, and child online protection). Their findings highlight the strides made in furthering child safety in the country, challenges encountered in this process, and recommendations to improve the current situation. We can glean several important issues from the analysis in the preceding essays.

To begin with, Ghana has been proactive in ratifying international instruments for children and instituting specific national laws and policies on children but has lagged in its effective implementation and enforcement. Two main reasons have accounted for this challenge: (1) resource constraints of law enforcement and policy implementing agencies; and (2) the inadequate capacity of state officials in handling child rights and protection issues echoing findings from several previous Ghanaian child protection literature (Imoh, 2011; Laird, 2002; Manful & Manful, 2014).

The preceding analyses draw our attention to the harassment working children and those on the streets face in the hands of law enforcement officials, a clear failure to adopt child-friendly approaches in dealing with children even when in conflict with the law. Teachers and school authorities continue to use corporal punishment as the most effective method to discipline students despite its prohibition. Our contributors note, that while addressing resource constraints is by the government ensuring child rights and protection is an issue of importance for budgetary allocations, the constant training of government officials in handling concerns of child welfare and protection will address capacity shortfalls.

The contributors identified conceptual challenges with the delineations on child labour concepts. They suggest that there is inadequate recognition of the sociocultural context which potentially affects the enforcement of child labour laws. There is broad agreement that some forms of work threaten the health and wellbeing of children and are thus unacceptable. In Ghana, the Children's Act 1998 (560), for example, allows for children who are 13 years and above to engage in light work, which "constitutes work which is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from schoolwork". Laudably, the provision is to safeguard children from

work harmful to their health and education. Yet, Manful observes that within the Ghanaian context, work is an important aspect of children's socialization.

Through this, children acquire not only farming and trade skills but enhance the family's income to bolster the upkeep of the family and to support their own education. The conceptual difficulties emerge when we consider that we can see practices considered as child labour as light work based on the definitions provided by the Children's Act. The blurred line between these concepts does not only mirrors the issues with conceptual clarity but is also telling of the inadequate recognition of the social and economic context within which these laws are to work. For these laws to work, the provisions should account for the country's socio-economic context, thus balance child welfare and protection concerns with the existing social and economic realities as suggested by other authors (Ampomah & Gyan, 2014; Lawrence, 2012).

Another issue on which our contributors converge is that poverty is still a major factor underpinning many of the challenges children face. This highlights that attempts at ensuring children's protection should link with the drive to improve the economic standing of the poor. What is clear from the analyses in this publication is that children from poor backgrounds are more susceptible to abuses, exploitation and engaging in unacceptable livelihood activities. Chapters one to four report that poverty contributes to children taking part in income-earning activities, children together with their families who remain and beg on the streets or end up as casualties of debt bondage, enforced marriage and domestic servitude for their family's inability to pay back debt obligations.

These findings are not new but only re-echo those in many studies on child labour, streetism, forced marriage, and child slavery in Ghana (Adonteng-Kissi, 2018; Groot et al., 2019; Hamenoo & Sottie, 2015). The contributors, based on this observation, do not equivocate on the fact that any attempts, either by state or non-state actors to address these challenges are not likely to succeed if it does not recognize poverty as a cause. It is not surprising that despite the hard efforts of government and NGOs, phenomena such as child labour, slavery and forced marriages among others continue to persist in the poorer communities. As part of their recommendations, contributors suggest an increase in budgetary allocation for social welfare and protection initiatives that aim to lift the poor from poverty. They also aver that for purposes of sustainability, building the capacities of the poor to increase their livelihood options should be an integral component of these initiatives.

While there is a recognition that Ghana has an arsenal of laws for protecting children, the emerging area of digital rights and child online protection will require an intensive public awareness of the campaign and a separate policy and legislation that accounts for the complexities of using the internet. Despite its utility for education, communication, and entertainment, among others, Amenyah highlights the potential risks associated with internet use such as cyberbullying, cyber grooming, data theft, child pornography, and kidnapping. Occurring online, with countless opportunities for perpetrators to obscure their identities, these activities take on more complex and advanced forms that the current institutional regime on child protection is not adequate to address. Given the current technological advancement and internet adoption in Ghana, specific legislation spelling out digital rights and outlining safeguarding methods and rules for children and persons responsible for their care and protection is long overdue. Some of the contributors also insist, that in addition, there is the need for broad public sensitization on the risks associated with internet use and the measures parents, teachers, children, and the public can take to mitigate such risks.

The child protection system in Ghana can benefit more from improved partnerships and collaborations between the government and the private sector. Our contributors make the observation that child protection is broad and entails several overlapping issues that not only require a robust institutional framework, but a proactive network of state and non-state actors committed to the cause of furthering child welfare and protection. As such, the impacts of the efforts within the space can be maximized with effective collaborations and partnerships among state agencies as well as between state agencies and private entities. This will not only ensure that more resources are mobilized and used efficiently, but also that efforts are coordinated to avoid repetitions, facilitate learnings and ensure that lessons are fed back into the roll out initiatives within the space. The private sector has a wealth of resources and skills that the government can tap into and the State with its authority and influence can facilitate access and ensure an easier working terrain for the private sector.

In conclusion, the study provides enough evidence that we have made progress as a country in the areas of child protection and juvenile justice system, especially in relation to the promulgation of laws and policies. Yet more needs to be done to ensure that children are safe. Age-old factors such as poverty and harmful cultural practices still place many children in situations of sexual and physical exploitation, abuse, and neglect by their parents, relatives, and duty bearers such as social workers, police, and government officials. If Ghana is to achieve the Sustainable Development Goals and ensure that we leave behind no child, then the country needs to double its efforts at reducing the factors preventing the healthy development of children. We can do this through the implementation of the laws and policies, sensitisation, and research.

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# APPENDICES

## Appendix 1: Print and online media sources

### A. Print media

Daily Graphic Newspaper
Ghanaian Times Newspaper
Daily Guide Newspaper
The Mirror Newspaper
The Heritage Newspaper

### B. Online media

MyJoyonline (Greater Accra)	Ghanaweb
CitiFM online (Greater Accra)	Peace FM online (Greater Accra)
Ghana News Agency (Online)	ATL FM online (Central region)
Pink FM online (Central region)	Enuanomfm online (Central region)
Hope FM online (Central region)	Jubilee radio online (Volta region)
Lorlornyofm online (Volta region)	A1 radio online (Upper East region)
Word fm online (Upper East region)	Anaouaafm online (Brong Ahafo region)
Ark fmonine (Brong Ahafo region)	Zaaradio online (Northern region)
North start radio online (Northern region)	Kesmifm online (Northern region)
Otecfm online (Ashanti region)	Spirit fm online (Ashanti region)
Ultimate radio online (Ashanti region)	Focus fm online (Ashanti region)
Agoofm online (Eastern region)	Skyy power fm online (Western region)
Beach fm online (Western region)	Paragon fm online (Western region)

**Appendix 2: List of Gathered Child Abuse Cases**

<b>Post Date</b>	<b>Name of newspaper/Online platform</b>	<b>Title of news item/article</b>
11/27/2017	Peacefmonline (Greater Accra)	Driver Remanded Over Defilement
11/27/2017	Peacefmonline,Ghana News Agency (Online)	Cobbler Remanded For Impregnating Girl 14
1/17/2018	Peacefmonline,Daily Guide	Lotto Writer Grabbed For Defilement
1/17/2018	Peacefmonline,Ghana News Agency (Online)	Civil Servant Remanded For Defiling Girl, 15
1/17/2018	Peacefmonline,Ghana News Agency (Online)	Nigerian Bar Attendant Remanded Over Defilement
1/17/2018	Ghanaian Times Newspaper	Three arrested for allegedly gang-raping teenage girl
1/23/2018	Daily Guide Newspaper	Mason jailed 20 years for Defilement
1/23/2018	Daily Guide Newspaper	Man Gets Ghs 10,000 Bail For Fingering Minor
1/24/2018	The Mirror Newspaper	Police rescue girl, 15, from abductor
1/24/2018	Ghanaian Times Newspaper	Man, 34, arrested for defiling girl, 15
1/24/2018	Peacefmonline,Daily Guide Newspaper	Butcher Defiles 2 Minors
2/12/2018	Ghanaweb	12-year-old girl bathed with acid, raped for being a witch
2/12/2018	Ghanaweb	2 ladies lick, defile six-year-old boy
2/12/2018	Ghanaweb	Mason in police grips for defilement
3/1/2018	Daily Guide Newspaper	Labourer Jailed Over Defilement
3/1/2018	Ghanaian Times Newspaper	Labourer jailed 10 years for defilement
3/9/2018	Ghanaian Times Newspaper	Father to serve 15 years for impregnating daughter
3/15/2018	Daily Graphic Newspaper	Court fines man for causing harm to son
3/15/2018	Ghanaian Times Newspaper	Teenager dies in a fight
3/15/2018	Citifmonline, Myjoyonline (Greater Accra)	2 arrested in Kumasi for beheading 5year old boy
3/15/2018	Citifmonline, Citifm online (Greater Accra)	Police investigates mysterious disappearance of baby in Kyebi

3/19/2018	Ghanaian Times Newspaper	Student reprimanded for defiling 8 year old girl
3/23/2018	Daily Guide Newspaper	Teacher gets 8 years for Sodomy at Amasaman
3/23/2018	Daily Guide Newspaper	67-year-old man remanded
3/23/2018	Ghanaian Times Newspaper	Teacher in trouble for allegedly having sex with girl, 12
3/24/2018	Daily Guide Newspaper	9 Ejisuman Teachers Interdicted over sex
3/24/2018	Daily Guide Newspaper	Taxi Driver Caged for Defilement
3/24/2018	The Heritage Newspaper	Parents murdered son
3/29/2018	Daily Guide Newspaper	Carpenter In Court For Defilement
3/29/2018	Citifmonline, Myjoyonline (Greater Accra)	50 year old security guard jailed for defiling a 12 year old girl
3/29/2018	Daily Guide Newspaper, Citifmonline, Peacefm online	3 year old defiled in central region; suspect on the run
3/29/2018	Citifmonline, Ghana News Agency (Online)	Man weeps over 10-year jail term for defilement
4/5/2018	Daily Guide Newspaper	Baby Thief Busted
4/5/2018	Daily Guide Newspaper	Boy 16, stabbed
4/5/2018	Ghanaian Times Newspaper	Carpenter in court for defiling 15 year old girl
4/6/2018	The Mirror Newspaper	I don't believe she is under aged
4/10/2018	Peacefmonline, Ghanaweb	Pastor Remanded Over Defilement
4/10/2018	Peacefmonline, Peacefm online (Greater Accra)	Pupil Teacher Remanded Over Defilement
4/10/2018	Peacefmonline, Ghanaweb	Barber Remanded For Alleged Defilement Of Mentally Retarded Girl
4/10/2018	Peacefmonline, Ghanaweb	Trader Remanded For Sexually Molesting Two-Year-Old Girl
4/12/2018	Daily Guide Newspaper	Mason impregnates minor
4/12/2018	Ghanaian Times Newspaper	Galamsayer defiles 15year old school girl
4/13/2018	Myjoyonline (Greater Accra)	Man sets stepmother and 5 month old baby ablaze
4/13/2018	Otecfm online (Ashanti region)	A/R: Woman, 33 on the run for pouring hot water on little boy

4/13/2018	Ghana News Agency (Online)	Driver grabbed for defiling three year old girl
4/13/2018	Citifm online (Greater Accra)	50-year old man remanded for defiling 9-year old
4/13/2018	Citifm online (Greater Accra)	14 year old girl defiled by four men in Ellembelle
4/13/2018	Otecfrm online (Ashanti region)	Gay man 43, sodomises boy, 7 at Wassa Akropong; offers him GHC1
4/20/2018	Ghanaweb	A girl lashed with horsewhip in Tamale for coming home late
4/20/2018	Myjoyonline (Greater Accra)	4 year old shot dead by brother, 6 at Somanya
4/20/2018	The Mirror Newspaper	Physician assistant burns niece with iron
4/20/2018	Daily Graphic Newspaper	Police nab man for attempted human trafficking
4/20/2018	Daily Guide Newspaper	Teacher remanded for defilement
4/20/2018	Daily Graphic Newspaper	3 children found dead in saloon car
5/10/2018	Peacefm online (Greater Accra)	Driver's Mate Jailed for "fingering" minor
5/28/2018	Daily Guide Newspaper	Man Impregnates Daughter
5/28/2018	Ghanaian Times Newspaper	Father 'blinds' son after severe beating
5/29/2018	Ghanaian Times Newspaper	Teacher Jailed 15 yrs for defiling girl, 12
5/29/2018	Daily Guide Newspaper	Man Butchers Girl, 13, to Death
5/29/2018	Daily Guide Newspaper	2 pupils kidnapped in Kumasi
5/29/2018	Daily Guide Newspaper	Pastor Jailed for Assaulting Girl, 3
5/29/2018	Daily Guide Newspaper	Man Kills Pregnant Lover, Son
5/29/2018	The Mirror Newspaper	Man Defiles, Impregnates Girl, 11
5/29/2018	Skyy power fm online (Western region), Daily Guide Newspaper	Wicked Mother in Court
5/30/2018	Daily Guide Newspaper	Teacher Defiles Girl, 15, in Tamale
5/30/2018	Daily Guide Newspaper	Boy Impregnates 4 friends
5/30/2018	Daily Guide Newspaper	Nursing Mother Jailed for throwing baby to pigs

5/30/2018	Ghanaian Times Newspaper	Galamseyer Jailed for 7 years for defiling girl, 15
5/30/2018	The Mirror Newspaper	Man holds girl, 11, captive for sex
5/30/2018	Daily Guide Newspaper	Man, 36, Impregnates Minor
5/30/2018	Daily Guide Newspaper	Mason Gets 15 years for defiling Girl, 11, At Amasaman
5/30/2018	The Mirror Newspaper	Man, 28, sodomises boy, 8
5/30/2018	The Mirror Newspaper	I impregnated my daughter because of a curse- convict
6/4/2018	Daily Guide Newspaper	Woman Convicted for Slashing Son's Ear
6/8/2018	Ghanaweb	Woman with 9-month-old baby jailed six years for causing harm to son over GHC1
6/8/2018	Ghanaweb	Two boys who gang raped 13-year-old girl get two-and-a-half years
6/8/2018	Ghanaweb	Soldiers beat 17-year-old student, father and mother
6/13/2018	Lorlornyofm online (Volta region)	Teacher jailed 15 years for defilement of his pupil
6/13/2018	Lorlornyofm online (Volta region)	Palm wine tapper in police grips over alleged defilement and murder of teenager
6/13/2018	Lorlornyofm online (Volta region)	Indian remanded over alleged defilement of 3-year-old
6/14/2018	Daily Guide Newspaper	Pastor remanded for defiling minor
6/20/2018	Ghanaian Times Newspaper	Herbalist in trouble for marrying girl, 16
6/20/2018	Ghanaweb	Woman in police grips for poisoning 3-year-old daughter
6/22/2018	A1 radio online (Upper East region)	Headteacher slapped 10-year jail term for defilement
6/27/2018	Daily Guide Newspaper	Grannie boils Girl's fingers
6/29/2018	The Mirror Newspaper	Driver's mate jailed for defiling girl, 7
6/29/2018	Daily Guide Newspaper	Man jailed for defiling mentally-disordered girl
7/3/2018	Ghanaian Times Newspaper	Man remanded for having anal sex with boy, 7
7/3/2018	Lorlornyofm online (Volta region)	Twin baby missing after delivery at Ridge Hospital
7/3/2018	Myjoyonline (Greater Accra)	2 Social Welfare staff arrested for stealing, selling baby

7/5/2018	Peacefm online (Greater Accra)	Eight Trafficked Children Rescued
7/5/2018	Myjoyonline (Greater Accra)	Soldiers allegedly brutalize four minors over missing laptop
7/6/2018	Citifm online (Greater Accra)	Teacher arrested for impregnating two sisters in JHS
7/9/2018	Ghanaian Times Newspaper	Carpenter remanded for sexually abusing girl, 8
7/12/2018	Ghana News Agency (Online)	Pastor who allegedly raped 17 years old student flees
7/16/2018	Daily Graphic Newspaper	ASA savings sued for child kidnapping
7/16/2018	Ghana News Agency (Online)	A Ghanaian and a Nigerian nabbed for human trafficking
7/16/2018	Ghana News Agency (Online)	Teenager jailed seven years for defilement
7/16/2018	Peacefm online (Greater Accra)	7-Year-Old Paralyzed After Being Sodomized By 3 Boys
7/17/2018	Peacefm online (Greater Accra)	Teacher Remanded Over Countless Sex With JHS Leaver
7/17/2018	Peacefm online (Greater Accra)	5-Year-Old Boy Brutalized By Step Mother Over Damaged Pen Drive
7/17/2018	Ghanaian Times Newspaper	2 in court for human trafficking
7/18/2018	Myjoyonline (Greater Accra)	Obuasi: Snail-hunting teens shot after they were mistaken for thieves
7/19/2018	Ghanaweb	Court jails unemployed seven years for defilement
7/19/2018	Ghana News Agency (Online)	Farmer jailed eight years for defilement court
7/23/2018	Ghana News Agency (Online)	Fishmonger Jailed five years over Human Trafficking
7/26/2018	Ghana News Agency (Online)	Pupil Teacher jailed 12 years for defilement of girl 3.
7/26/2018	Ghana News Agency (Online)	Caterer charged for sodomising nine-year old hearing impaired boy
7/26/2018	Myjoyonline (Greater Accra)	Police officers give 14-year-old pupil 19 lashes for being stubborn
7/26/2018	Daily Guide Newspaper	2 arrested for selling fresh baby for GHC 2,000
7/27/2018	Daily Guide Newspaper	Woman boils daughter
7/30/2018	Ghanaweb	Three-day-old baby murdered by parents
7/30/2018	Ghanaweb	Man bags 5 years for selling granddaughter

7/31/2018	Ghanaweb	Husband butchers wife; locks 3-year-old son with corpse
7/31/2018	Peacefm online (Greater Accra)	Rapist Asked If I Wanted It 'Slowly Or Forcefully Victim
8/1/2018	Peacefm online (Greater Accra)	Parents Throw Out 15-Year-Old Girl From Home For Having Too Much Sex
8/3/2018	Ghana News Agency (Online)	Court jails pupil for defiling cousin
8/3/2018	Ghana News Agency (Online)	Technician remanded for defiling 11 year old girl
8/3/2018	Ghana News Agency (Online)	Trader remanded after sex with his ten year old daughter
8/7/2018	Ghana News Agency (Online)	Mason remanded for defiling four year old girl
8/8/2018	Ghanaian Times Newspaper	Trader jailed 10 years for defiling 13-year-old pupil
8/9/2018	Peacefm online (Greater Accra)	Corn Miller Remanded For Sexually Abusing Five Year Old Niece
8/23/2018	Daily Guide Newspaper	Trader Gets 10 Years For Defilement
9/7/2018	Daily Guide Newspaper	Unemployed Jailed for Defiling Girl, 8
9/7/2018	Daily Guide Newspaper	Trader in court for indecent assault
9/11/2018	Ghana News Agency (Online)	Trade jailed ten years for defiling seven-year old girl
9/11/2018	Ghana News Agency (Online)	Painter Remanded Over Defilement
9/11/2018	Ghana News Agency (Online)	Trader Remanded over defilement
9/11/2018	Ghana News Agency (Online)	Baker remanded for alleged anal sex
9/11/2018	Ghanaweb	Man in Police grips for beating sons with electricity cable
9/11/2018	Ghanaweb	Porter sentenced to Ankafu asylum over anal sex
9/18/2018	Daily Guide Newspaper	6 in court over child marriage
9/18/2018	Ghana News Agency (Online)	Unemployed jailed 10 years for defiling minor
9/18/2018	Ghana News Agency (Online)	Farmer granted bail for defilement
9/24/2018	Daily Guide Newspaper	Abandoned Baby Rescued At Klikor
9/25/2018	Lorlornyofm online (Volta region)	Man gets 8-year jail term for attempting to sell-off 10-yr-old son for GHC60K

9/25/2018	Lorlornyofm online (Volta region)	Aflao: Fisherman jailed seven years for defilement
9/25/2018	Lorlornyofm online (Volta region)	Teacher jailed 3 years for defiling 9-year-old girl
9/25/2018	Lorlornyofm online (Volta region)	Fisherman jailed 20 years for incest
9/28/2018	Ghanaweb	Nigerian remanded for stealing two-year-old girl
9/28/2018	Ghanaweb	Student grabbed for defiling 14-year-old girl
9/28/2018	Ghana News Agency (Online)	Technician remanded for sexually molesting girl aged four
10/1/2018	Ghanaweb	Man, 42, jailed 10 years for impregnating daughter at Asamankese
10/1/2018	Ghanaweb	Teacher, 38, defiles Stepsister
10/26/2018	Ghanaweb	Man jailed seven years for defiling his wife's niece in a toilet
10/26/2018	Ghanaweb	Driver defiles 3-year-old girl at Dansoman
10/26/2018	Ghanaweb	Cobbler in court over defilement
10/26/2018	Ghanaweb	Teachers at St. Louis, Kumasi Girls interdicted for 'raping students'
10/26/2018	Ghanaweb	Nigerian held for child stealing granted bail
10/26/2018	Ghanaweb	32-year-old man bludgeons wife, 4 kids; 2 die, 3 fight for life
10/27/2018	Ghanaweb	Two jailed 18 years for defilement
10/27/2018	Ghanaweb	Kidnapper caged by police
10/27/2018	Ghanaweb	Unemployed jailed for sexually abusing minor
10/27/2018	Ghanaweb	Manhunt for headmaster who defiled 12-year-old girl and gave her GHC5
10/27/2018	Ghanaweb	Woman who killed, buried 12 year old boy remanded in prison with accomplice
10/29/2018	Ghanaian Times Newspaper	Nigerian Gets 5 years for child trafficking
10/29/2018	Daily Guide Newspaper	Police foil Child marriage in Kumasi
11/6/2018	Daily Guide Newspaper	NPP Man's Girl Missing
11/6/2018	Ghanaian Times Newspaper	Welder gets 15 years for defiling girl, 10
11/9/2018	Myjoyonline (Greater Accra)	7-yr-old defiled by her teacher, in critical condition

11/9/2018	Citifm online (Greater Accra)	Spiritualist jailed 14 years for defiling 14-year-old girl
11/9/2018	Ghanaweb	Self-styled Evangelist to serve 14 years in jail for anal sex with two boys
11/9/2018	Ghanaweb	24-year-old man kidnaps two children, demands GHC3000
11/9/2018	Ghanaweb	3 girls defiled by taxi driver
12/10/2018	Ghanaweb	Student Jailed seven years for defilement
12/10/2018	Ghanaweb	He raped me“ Girl, 16, accuses soldier of defilement
12/19/2018	Ghanaweb	Pastor accused of sexually assaulting 8-year-old girl in Peki
12/19/2018	Ghanaweb	Electrician remanded for indecent assault
1/17/2019	Ghanaweb	Grandmother roasts girl’s hand for stealing meat from soup

### Appendix 3: How to Support PDA Initiative

To fill a Survey on a Computer:

Visit the url: <http://www.pdaghana.com/index.php/child-abuse-tracker.html>

Click on ‘Create a New Survey’ in the left panel or click on the big yellow Plus (+) sign at the top left corner

Fill the survey and submit.

*To fill a Survey on Tablet or Mobile Phone*

Download Ushahidi App from any Android market or Apps Store

Select the relevant platform by Typing “protect that child” in the Search

Click on ‘Submit Survey Response’

Fill the survey and submit.

*Other Ways of Contributing to the Tracking Process*

Send SMS to 0556555424(MTN), 0560711689 (Airtel/Tigo)

Call the hotline to report a case at 0556555424 (MTN), 0560711689 (Airtel/ Tigo) or 0208138788 (Vodafone)

Send email to pdaresearchunit@gmail.com

The platform is accessible to the general public for viewing survey outputs and other specific reported cases submitted by the general public.

## Appendix 4: Pictorial View of PDA's Child Abuse Tracker

