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POLICY BRIEF

RESPECT OUR RIGHTS:
**TRAFFICKED
CHILDREN**

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CHRISTIAN COUNCIL OF GHANA

A Christian Council of Ghana Publication



VISION

To advocate and connect churches for a Christ-centered Ghana

MISSION

To facilitate the united mission of the Christian Church in Ghana in the proclamation and demonstration of the holistic witness of the Church through corporate activities and by enabling community programmes

to the political dimension perceived to be associated with it. It is therefore imperative that strategic and sustainable employment avenues that are tailor made to known sending and receiving communities be developed. This could be explored taking cognizance of the supply chain in the specific production sector.

- Strengthen the co-operation among the office of the Attorney-General and Minister of Justice, the Ghana Police Service, Ghana Prisons Service and the Ghana Immigration Service in monitoring trafficking signals and the enforcement of the law.
- Strengthening the capacity of law enforcement agencies through vigorous education on the law and resourcing them with finances and logistics to adequately respond to incidents and reports especially at the community levels.
- Establishment of rehabilitation centres nationwide to provide shelter, counselling, access to education and health care and reintegration assistance. This is expected to compliment the efforts and initiative being taken by MOWAC with some support from other organizations such as CCG.
- Strengthen public-private partnership especially with Civil Society Organisations for implementing the prevention measures against trafficking.
- Provide resources to the Department of Social Welfare for effective work to be done on Child Protection
- Develop a comprehensive national strategy to combat child trafficking. The strategy should highlight prevention, protection and partnership efforts in combating child trafficking. This harnesses the critical

tenets of the relevant laws which will be implementable and yield desired results.

The Convention on the Rights of the Child (1989)

It tasks States Parties to take “all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form” (Article 35) and to “promote physical and psychological recovery and reintegration of a child victim” (Article 39).

What is the Church's Intervention?

- Serialise sermons on child trafficking in churches
- Educate/inform potential victims (risk groups) about the risks of trafficking
- Undertake public education in selected communities in Ghana
- Raise awareness, influence public opinion and stimulate governments and other key actors to take action towards a human rights based approach to child trafficking

References

The nature and scope of Child Trafficking in 3 districts in the Northern Region; CCG Baseline Survey, 2006. The nature and scope of Child Trafficking in 3 Districts in the Greater Accra Region; CCG Baseline Survey 2006. Maastricht Graduate School of Governance Policy Brief on Child Trafficking 2006, UNICEF Child Protection Information Sheet May 2006, Daily Graphic, 13th May 2011 edition, 1992 Constitution of the Republic of Ghana, Children's Act 1998 (560) Government of Ghana, Human Trafficking Act 2005 (694) Government of Ghana, Domestic Violence Act 2007 (732) Government of Ghana, Palermo Protocol, IOM, 2001.

Background

Behold, children are a heritage from the Lord, the fruit of the womb a reward”Psalm 127:3 (ESV)

Child trafficking has become a global concern and it affects children throughout the world. It takes place in various dimensions in both the industrialized and developing countries. Trafficked children are subjected to prostitution, forced marriage, harzadous labour, domestic work and sometimes begging. Most children find themselves in this state at no fault of theirs. They are subjected to all kinds of dehumanising activities that prevents them from enjoying life and their fundamental human rights to its fullest. Trafficked children are exposed to violence, sexual abuse and all forms of diseases. This is adequately captured in the state of the world’s children, 2006; “Many children grow up impoverished, abandoned, uneducated, malnourished, discriminated against, neglected and vulnerable. Life is always a daily struggle to survive, and children's right to survival and dignifying life is denied them. Whether they live in urban centres or rural outposts, they risk missing out on their childhood. They are excluded from essential services such as hospitals and schools, lacking the protection of family and community, often at risk of exploitation and abuse. For these children, childhood as a time to grow, learn, play and feel safe is in effect meaningless.”

“Whoever causes one of these little ones who believe in me to sin, it would be better for him if a great milestone were hung around his neck and he were into the sea” Mark 9:42 (ESV)

There are various definitions to trafficking. Trafficking in persons is conceived as an action involving the systematic or organised recruitment, harbouring or receipt of persons, by means of the threat or use of force and 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 sexual exploitation (*Palermo Agreement – IOM, 2001*). It also involves transportation, transfer, or sale of such persons within national borders in order to subject them to slavery or slave-like conditions or forced labour or for exploitation. Other writers have also indicated that trafficking in human beings has taken on the mantle of a latter-day slave trade with coercion, deception and violence underpinning its activities. For the purpose of this discourse, child trafficking will be defined as the act of recruiting, transporting or receiving a child for the purposes of exploitation or economic gain either within or outside a country. In most cases, illicit means such as violence, kidnapping and trading with money are used to traffic children.

The invisible and clandestine nature of trafficking and the difficulty in obtaining accurate database makes it difficult to know the global number of child victims. However, according to the latest estimates available, some 1.2 million children are trafficked worldwide every year. In Eastern Asia and the Pacific, most children are trafficked into child prostitution, though some children are



also recruited for agricultural and industrial work. In Southern Asia, trafficking is often related to debt bondage. In Europe, children are mainly trafficked from east to west, reflecting the demand for cheap labour and child prostitution. (*Child Protection Information sheet by UNICEF 2006*)

Children who are trafficked become vulnerable to all forms of social vices and are confronted with psychological trauma as a result of the terrible experience they go through. The education and health of trafficked children is often affected therefore making it difficult for them to realise their full potential.

Children are one of the greatest assets of every nation and the future lies in their hands. It is the responsibility of the state to ensure that children are protected and supported to grow in a friendly and productive environment so as to become useful to the development of the nation (*Matt 18:4-6, Eph 6:4, Col 3:21*). In the light of this, it is a great concern if these same children who represent the future aspirations of this country are subjected to all kinds of dehumanizing

situations through trafficking.

It is in this light that the Christian Council of Ghana recognising the importance of children to the country and God has been intervening to eradicate child trafficking in Ghana.

Trafficking Processes

Trafficking is not an isolated act but rather a combination or series of events. It starts with a mix of pull and push factors, which can be seen as the root causes of child trafficking. In other words, these factors explain why there is a demand for and a supply of trafficked children. Many different actors may be involved in the trafficking process, including recruiters, intermediaries, counterfeiters, transporters, employers, brothel operators, and even friends and family members (*ILO-IPEC, 2002*). For this note, the term traffickers refer to the persons organising the act of trafficking, i.e. the intermediaries between the victims and the 'users'. Various means may be used by the traffickers to trap the victim children, including persuasion, threats and intimidation (*ILO-IPEC, 2002*).

In some cases, it is even the members of their families, who take the initiative to approach the traffickers. Trafficking always involves a journey, either within a country (often from rural to urban areas) or across borders (often from poor to richer countries). After relocation, trafficking always ends up in a variety of exploitation and illegality. Clearly this process has enormous consequences both for the children victims and for their families.

- Selected vulnerable and trafficked children were empowered and trained in advocacy and lobbying skills to raise alarms once they saw the middlemen in town and then make demands from the duty bearers. Thus the children engaged the DCEs and received school uniforms as support.
- As part of influencing the implementation of the laws at the endemic districts and communities the project engaged traditional authorities who eventually made bye-laws to prevent children from loitering along the beaches whilst school was ongoing. It also engaged Human Trafficking Management Board to advocate the fair disbursement of the fund to benefit rescued children.
- The project periodically highlighted on critical issues relating to child trafficking through media briefings and ultimately through a documentary which told the stories of rescued children

What are some of the Challenges?

The challenges of fighting child trafficking are enormous and require a combination of efforts by the various stakeholders. Some of the notable challenges are;

- Low level of knowledge on the law by some law enforcing agencies and citizens especially families of trafficked children. For instance the baseline survey conducted in the Northern region established that 61% of respondents from the security agencies admitted that community members do not have adequate information about laws that seek to protect the rights of the child; Some cultural and tradition settings are rigid making it difficult for people to wholly accept the laws and its application

- Poor rehabilitation and reintegration system for rescued children
- Unemployment and inadequate viable economic ventures at most endemic sending and receiving communities
- Poor knowledge base of the security apparatus on issues related to child trafficking and worse forms of child labour
- Inadequate resources (finance, logistics and personnel) for administration of child trafficking issues and reports
- Absence of a clear synchronised programme to attend to the plight of the vulnerable children

Policy Concerns

- Extensive and intensive national public education on child trafficking and its dangers through the development of campaign and advocacy strategies
- It is critical that law enforcers are educated on the various laws that relates to child trafficking. Ratifying all the laws is not a solution to the inhumane acts meted out to children.
- Strong collaboration among traditional authorities, religious leaders and the law enforcing agencies required to eradicate trafficking
- Poverty is a major push factor for which parents engage in trafficking. It is therefore critical to provide support to parents to be economically and financially empowered to cater for their children and themselves. There are some government efforts in the area of NYEP across the country. However this concept is yet to become sustainable due to its implementation strategy. Hence, there are job relevance and security issues relating

(c) Domestic Violence Act, 2007 (732)

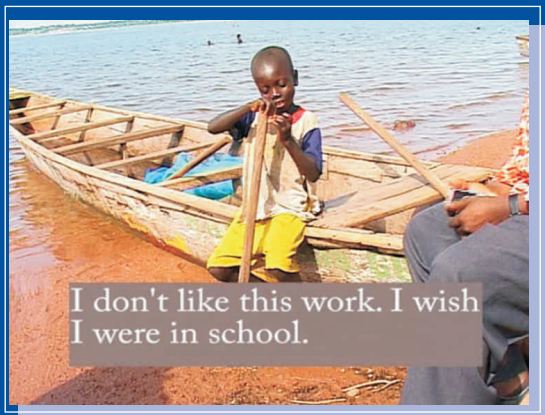
The Domestic Violence Act which was enacted in 2007 outlines the following actions in section 1 as constituting domestic violence;

- Physical abuse, namely physical assault or use of physical force against another person including the forcible confinement or detention of another person or access to adequate food, water, clothing, shelter, rest, or subjecting another person to torture or other cruel, inhuman or degrading treatment or punishment;
- Behaviour or conduct that in any way harms or may harm another person, endangers the safety, health or well-being of another person, undermines another person's privacy, integrity or security or detracts or is likely to detract from another person's dignity and worth as a human being.

It is evident that the laws clearly and categorically provide space for which the child and trafficked can be protected. Nevertheless, there seem to be difficulty in serving justice and enforcing the law. There seem to be the ability of the state apparatus to implement these laws but the question remains as to what political will exists. This is crucial since it translates into resource deployment, commitment to implementation schedules and affirmative plans coupled with conscious and vigorous information dissemination to the general public. The Holy Bible cautions that people will perish if they lack knowledge (*Hosea 4:6*).

It is also crucial to bring to the fore that most community people from the survey (70%) and local law enforcement agencies are either not aware that some laws and conventions govern child trafficking issues

or do not understand the phenomenon. Nevertheless, where there is acknowledgement of their existence, there is a general feeling that these laws are not reflective in the administration of human rights in the country, hence not effective in addressing child rights.



Some of CCG Interventions

The CCG through the support of Rights and Voices Initiative (RAVI) have made some significant interventions which when built upon and up-scaled nationally would contribute to reducing and eventually eradicating the endemic trafficking of children in our society. Some of these include:

- Duty bearers including Ghana Police Service, DOVVSU, Traditional Authority, Religious Leaders, Selected Parents and Opinion Leaders capacity were built in understanding the law and related communities. As a result of surveillance, a directory of trafficked children was submitted to APPLE and IOM.

What is Ghana's Situation?

In Ghana, child trafficking is an age-old practice that still exist in most parts of the country especially in the cocoa and fishing communities. Most trafficked children are used as labour force on farmlands, quarries and in the fishing sector. Some major contributing factors to child trafficking in Ghana are;

- Poverty and desire for a better life;
- Illiteracy;
- Ignorance;
- Misplacement of priority;
- Poor parenting;
- Unemployment;

Achieving MDG 1 – to eradicate extreme poverty and hunger – will eliminate the conditions that are a root cause of trafficking. Because this dangerous human rights violation prevents a child from going to school and can lead to infection with sexually transmitted diseases, protecting children from trafficking will support universal primary education (MDG 2) and help halt and reverse the spread of AIDS (MDG 6). Source - UNICEF

According to a World Vision report, thousands of children continue to be sold into bondage. They labour in the fishing villages along the shores of the enormous Lake Volta, where work conditions are brutal and dangerous. Some of these children mostly between 10 and 15 years are being used as housemaids, fisher boys, farmhands and in other dangerous economic activities. Sexual abuse and corporal punishment are some of the hazards these children go through at the hands of their slave masters.

In a baseline survey conducted by the Christian Council of Ghana in six selected communities in the Ga West and Dangme

West Districts of the Greater Accra region in the year 2006, it was revealed that a total of 124 children had been trafficked to various destinations such as Akosombo, Yeji, Akoto Lantey, Akate, Akatsi, Kpando Torkor, Afram Plains, Dambai, Togo, Abidjan and Cotonou.

The survey further indicated that most male trafficked children were used for farming and fishing while the females were used for domestic house chores and selling.

The understanding of child trafficking among community members is still bizarre, without evidence of clarity. The pervasive nature of kayayo seems to cloud and overshadow the clear meaning of child trafficking in the Ghanaian context. Hence issues of child trafficking are seldom considered as abuse of child rights, and rather seen as economic and social ventures that go with obvious risks. This is corroborated by the survey results which revealed that because of hunger and poverty, most parents and guardians think it's a good idea to traffick their children. In another baseline survey conducted in six selected communities in Tamale Metropolis and the Tolon-Kumbungu District in the Northern Region of Ghana the revelations were not that different. In that survey, it was revealed that Northern Ghana is the “supply zone” of child trafficking while Southern Ghana is designated the “demand zone”. This, according to the survey is largely due to the fact that the south is perceived well endowed socio-economically than the north of the country. The study further revealed that 81% of the community knew children who had been trafficked.

The above revelation attests to the fact that child trafficking is still rife in Ghana. It is therefore imperative for Ghana to step-up

trafficked children in the Eastern, Central, Greater Accra and Volta regions. The Daily Graphic in its 13th May 2011 edition reported the arrest of 28 men who had trafficked 116 children to be used as labour force along the Volta Lake.

This clearly shows that Ghana need to do more in the fight against child trafficking. Many children have become victims of this act and that has adversely affected their wellbeing. Some of these become psychologically affected and that makes it difficult for them to be reintegrated into the society. The inadequacy of social protection and shelter further makes it difficult for them to bounce back to their normal life. This therefore questions the availability of structures and well thought out systems to manage the menace at the district and community levels whiles enforcing legal instruments and strategies. The survey revealed that most people (78.6%) believed the community structures do not exist and where they did they were very inactive. This also goes for the district assembly structures.

What are the existing Legislations?

The relevance and presence of an effective legislative framework is fundamental to efforts geared towards a reduction in the



dehumanizing phenomenon perpetuated in our communities. Chapter 2 of the 1992 Constitution of the Republic of Ghana spells out the fundamental human rights and freedoms of all citizens including children. Article 12 and 13, states that, “every person in Ghana, whatever his race, place of origin, colour, religion, creed or gender shall be entitled to the fundamental human rights and freedoms of the individual...” in

addition, it clearly outlines the protection of right to life; protection of personal liberty; respect for human dignity; protection from slavery and forced labour; equality and freedom from discrimination; protection of privacy of home and other property; protection from deprivation of property which includes children. Some of the basic tenets of existing related legal instruments are highlighted in this section.

(a) The Childrens' Act 1998 (560)

The Act makes provisions for the protection of the right of the child. Section 6; subsection 1 on the right to education and wellbeing states that “No person shall deprive a child access to education, immunisation, adequate diet, clothing, shelter, medical attention or any other thing required for his development” in Section 6 (1). Section 13 also protects children from torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to their physical and mental well-being. In furtherance to that, Section 87 of the Act states that “No person shall engage a child in



health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from school work (Sections 89 and 90).

In addition to that, Section 91 of the law emphasises that a child shall not be exposed to harzadous work which includes going to sea, mining and quarrying, portorage of heavy loads and manufacturing industries where chemicals are produced or used. The rest are work in places where machines are used and places such as bars, hotels and an entertainment area where a person may be exposed to immoral behavior.

(b) Human Trafficking Act, 2005 (694)

Ghana did not have a specific law on Child Trafficking until the Human Trafficking Bill was tabled in Parliament on May 18, 2005. Indeed, the Criminal Code of 1960 (Act 29) did not make specific reference to the term 'trafficking', although it contained provisions which created offences related to the topic, such as abduction, slave dealing, kidnapping, child trafficking, child stealing and procuration.

exploitative labour which deprives the child of his/her health, education or development”. The minimum ages for the admission of a child for employment are fixed at 15 for child labour and 13 for light work which is not likely to be harmful to the

The current existing law derives some of its components from the UN Convention on the Right of the Child which Ghana is a signatory. Some of these components include the following: state parties are obliged to protect children from all forms of discrimination, to protect them from sexual exploitation and abuse, including prostitution and pornography and to make every effort to prevent the sale, trafficking, and abduction of children.

The Human Trafficking Act of Ghana in context defines trafficking as;

- The recruitment, transportation, transfer, harbouring, trading or receipt of persons;
- The use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability; and
- Giving or receiving payments and benefits to achieve consent of a person for the purpose of exploitation.

With specific reference to children, Section 1, subsection 4 states that “where children are trafficked, the consent of the child's parents or guardian of the child cannot be used as a defence in prosecution regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of”.

Subsequent to the passage of the Act, government has established an Anti-Human Trafficking Secretariat in the Ghana Police Service. With the support of UNICEF the Service has established three new Units in the Central, Western and the Ashanti Regions.