

Implementing Child Rights and Protection Law in Ghana: Case Study

Ahmed Bawa Kuyini, PhD
University of New England, Australia

Fati K. Mahama
Crescent Educational & Volunteer Service (CEVS-Ghana)
P.O. Box 882 Tamale Ghana

Abstract

This study examined the implementation of Ghana's child rights legislation (Children's Act 560) in four districts in respect of the establishment of prescribed administrative and institutional structures, the service delivery procedures, and challenges. The data from the four districts (cases –studies) were analysed by thematic grouping of responses.

The results showed that the established administrative and institutional structures they did not provide the type and quality of services for which they were established.

Conflicts between the requirements of the legislation and some traditional values and practices, the quality of personnel training, resources for service delivery, stakeholder collaboration, and community knowledge of the legislation remain formidable challenges

It is argued that in the context of Ghana's socio-cultural, political, and economic environment the implementation of the legislation may remain a demanding proposition; unless substantive resources are directed at supporting the work of implementing agencies, law enforcement, strengthening institutional collaboration and changing community attitudes.

Key Words: *Child Rights, Child Protection, Local level implementation, Ghana*

Background

The promulgation and ratification of the UN Convention on the Rights of the Child, which provides for a uniform set of rights for all of the world's children, was an opportunity for governments to institute legislation, policies and structures for setting in motion the mechanisms for realising these rights. Aside from making provisions for enhancing child survival, participation, and development, the convention makes provisions for the protection of children from harm and exploitation. These protective requirements not only imply a new definition of parental responsibility, but also a new definition of child rearing practices in many developing countries. In Ghana, such new universal definitions are bound to create conflict with long-held values and cultural practices in regard to child rearing. These potential conflicts and the political, social and economic factors may constitute formidable barriers to effective implementation of the provisions of the convention, especially in relation to the protective aspects of the child rights law.

The Ghanaian Situation

Ghana's current estimated population of 22 million is largely young, with an estimated 54% of the population below the age of 18 (Ghana Statistical Service 2006). This implies a huge responsibility on the part of government when it comes to the rights of children.

A situation analysis by UNICEF-Ghana (2000) showed that many Ghanaian children were poor, with inadequate access to food, safe drinking water, health and education. In terms of health, the report noted that the infant and child mortality rates for under-five age children were still high-108 per 1,000, resulting from infectious and parasitic diseases, respiratory problems, low birth weight, Diarrhea, food and nutrition factors,

access and utilization of health care services, Parental (maternal) educational levels etc (Ministry of Health, 1998, 2003; UNICEF-Ghana, 2000). Malnutrition accounted for stunting in 33.6 % of rural and 30 % of urban children while children. (Ghana Statistical Service, 2003); Further, school enrolment rates at the preschool and primary levels, were still low in 2004 (33% and 72 % respectively) in spite of a policy of free basic education (GES, 2004)

More critically, UNICEF (2000) reported that many children were being subjected to physical, emotional and sexual abuse. The specific forms of abuse included defilement, statutory rape, incest, harassment, harmful corporal punishment, abandonment, abduction, intentional neglect, sexual and domestic exploitation and female genital mutilation in some traditional areas. Children with disabilities also suffered from outright neglect, denial of access to education and in some cases eliminated by parents ashamed of having a child with disability.

In recent times, the phenomenal increases in population and rapid urbanization, coupled with breakdown of traditional family structures is resulting in growing numbers of street children in all urban centres. Many of these children were engaged in voluntary and forced labour, and thus denied opportunity to have an education.

The Government of Ghana ratified the UN Convention on the Rights of the Child (CRC) in 1990 and participated in the world summit on children. It also embarked on a number of reforms to provide education, health, food and security and protection of the rights children from 1990s. In 1992, a ten year national program of action called “The Child Cannot Wait” was drawn up to fulfill the demands of the UN Convention on the Rights of the Child. The process of law reform began in 1995 and the draft

children's' bill was prepared in conformity with existing legislation and CRC. The bill was passed by the parliament of Ghana as the 'The Children's Act (Act 560) in June 1998.

The content of the Act rests on the welfare principles that recognize that the interest of the child shall be central in all matters concerning the child.

The law requires that every child would have right to name and nationality, and grow up with parents. They would also have right to parental property, right to social activity, opinion, education and well-being. The act further sets out to protect the child from exploitative labor, discrimination, torture and degrading treatment, as well betrothal and marriage.

These objectives aside, the Act defines the variety of institutions and individuals and the mechanisms for implementing these noble objectives for the betterment of the status of children in Ghana.

Among the many requirements are the following:

- a) All districts shall have social welfare officers designated for the job of implementing the Act,
- c) All parents and other persons who are legally liable to maintain a child is under a duty to supply the necessities of life, health, education and reasonable shelter.
- c) There shall be established child rights committees and residential homes to advocate for children's rights and to cater for needs of children outside of their homes.

d) The act also stipulates the establishment of a family tribunal with a panel that would consider and deliberate on all cases involving children.

These provisions are aimed to provide justice to children through mediation and reconciliation and based on the traditional system of arbitration and resolution of conflicts. As part of the support for children's access to legal aid, The Commission on Human Rights and Administrative Justice (set up by the constitution) has offices in all districts to be a referral point on child rights. The law began to be implemented by all District Assemblies (Local Councils) from late 1998.

The successes with the implementation of child rights laws in developed countries have been realised through the development of comprehensive structures and /or systems that aid compliance with the laws and reasonable provision of resources to support the work of implementing agencies. However, in spite of the availability of substantial resources and support of central governments, there are still reports of some degree of neglect and abuse of children in the developed countries. And as Lachman (2002) notes “ One cannot be sure that there is conclusive evidence to confirm that the child protection services in countries such as the US or those of Western Europe have changed the outcome of children in the long-term”(p 587).

Reports on the implementation of the child rights law in Ghana (Ghana Government report 2005, Ghana NGO Coalition on the Rights of the Child (GNCRC), (2005) showed that the governmental agencies tasked with implementing the demands of the Child rights law, such as the Department of Social Welfare, and Department for Children, were not receiving adequate notifications of violations of children's rights

and that some parents were non-cooperative with the processes outlined in the law. Further, research indicates that the implementation of other government policies especially in the social services sector have been ineffective in terms of the scope and quality of service delivery, due to constraints of resources and skilled personnel and limited community knowledge of such policies (Kuyini, 1998; Ofori-Addo, 1994; O'Toole, et al., 1996; UNICEF-Ghana, 2000). Additionally, questions have been raised about achieving effective implementation of the Government's social policies in a prevailing situation where government revenue is not catching up with the demand for social support services, and a general trend of fluctuating and /or decline in external donor support (Forster & Norton, 2000).

The effects of these varying issues are poised to have some considerable effects on resource allocation to implementing agencies and impact on the implementation on the Ghana child rights law (Children's Act 1998) at all levels. And although the Ghana Government progress reports on child rights to the United Nations in 2005 broadly highlighted issues of implementation across the nation, the report was rather generalised and lacked specificity about district and local level implementation issues.

Aims of study

The aim of the study was to investigate how local level practitioners were meeting the challenges of implementing the protective aspects of the Children's Act 1998. This study was designed as case study to provide in-depth look at the local level needs, processes and challenges as a forerunner to a broader national study.

Specific Research Concerns

The study examined the extent to which four districts implemented the protective aspects of the Children's Act, in respect of the following:

1. The establishment of the necessary structures and institutions, the provision of resources and the training of personnel to facilitate the implementation of the protective aspects of the Act.
2. The service delivery procedures, including the identification of cases of child rights violation and other protective issues in the communities.
3. Collaborative Partnerships and support from other agencies in the community.
4. Processes for educating community members about the child rights policy.
5. Problems hindering the effective implementation of the Act at the local level.

Theoretical Framework

This study was guided by two public policy implementation theories / approaches- the bottom-up and the top-down approaches.

The bottom-up approach lays greater emphasis on the fact that local level implementers of policy have discretion in how they execute the demands of government policy. Thus professionals who engage face-to-face with consumers of services have a key role in ensuring policy implementation, as they have responsibilities of control and delivery of services (Dunleavy, 1982). This approach contrasts with the top-down or rational approach, which is characterised by definition of goals by the top, and the ideas that implementing change is about getting people to do what they are told and developing a program of control, which minimises conflict and deviation from the goals set by the initial policy (Dunsire, 1990; Pressman &

Wildavsky, 1973). In terms of program evaluation and research, the bottom-up approach is concerned with implementation at the street level (in this case the district level), which concentrates on service delivery and policy targets (Hjern & Porter, 1981). On the other hand, the top-down approach is concerned with analysis of the relationship between the authorising statute or order, the nature of the problem and the central actors in the implementation process (Sabatier, 1986).

The bottom-up research approach has been criticized as one that ignores centralised policy control issues and usually narrowly conceived in the form of case studies, which describe processes but lack capacity to generalise. On the other hand, the top-down research approach has been criticised as lacking specificity about important sub-national contexts.

This study employed a bottom-up approach and was narrowly conceived to describe the issues at the service delivery level. Thus the findings of this study depart from the periodic Ghana Government reports on child rights to the United Nations, because such reports often lack the specificity about sub-national contexts, which this study sought to explore.

Method

The study involved case-studies of four districts in the Northern Region of Ghana.

The study proposal was discussed and approved by the Regional Director of the Department of Social Welfare, which registers non-governmental organisations such as the Crescent Educational and Volunteer Service (CEVS-Ghana), which undertook this study.

An interview schedule and a set of questionnaire consisting of close and open-ended questions were employed in the study. The questions generally had *two-option*

responses such "yes/no" or *forced-choice responses*, with an 'Other' option to allow for responses that were not conceived or expected. The open-ended questions allowed us to gain insight into the thinking practitioners about their work in child rights and protection.

The heads of the Department of Children, Domestic Violence Unit of the Ghana Police Service and deputy head of the Commission for Human Rights and Administrative Justice (CHRAJ) in Tamale were interviewed about their roles and experiences in providing support around violations of the child rights law.

The social workers in the Department of Social Welfare in the four districts were required to respond to a questionnaire regarding the establishment of the necessary structures, resources and training for departmental personnel to implement the protective aspects of the Children's Act, 1998. These social workers were responsible for implementing and working on cases related to the protective aspects of the child rights law, and were in position to inform about the processes and challenges.

The set of questionnaire explored the procedures/processes of identifying clients, the setting up and the work of the tribunals and child panels and the child right committees. It also explored the key barriers to effective service delivery and their rating of public awareness of the requirements of the Children's' Act, 1998.

The items of the questionnaire included questions such as:

1. What structures exists for implementing child rights law in your district?
2. What processes are employed in managing child rights and protection cases?
3. Tell me about the challenges facing your department in implementing the law

Data Analysis

Thematic grouping procedures were used to analyse the data. The responses were grouped into the key themes, which constituted the specific research concerns.

Results

The answers to the questionnaires showed that The Tamale, Savelugu and Nanumba North Districts started implementing the law from 1998, while Nanumba South District began implementing the law in 2004 after becoming an independent local government jurisdiction.

The responses also showed that in each case, the social welfare officers and other designated officers were appointed after the passage of the policy and the government began to establish the necessary structures. Although the degree and effectiveness of implementation differed from district to district, this report will highlight the issues and differences in implementation as collective rather than as individual districts.

Structures to facilitate the implementation of the Act

All of the four districts had some of the main structures required for implementing the law, such as family tribunals, appointment of panel members for tribunals / child courts, Commission for Human Rights and Administrative Justice, and child rights networks/ committees. However, in two of the districts, the family tribunals experienced problems with being fully empanelled over some periods since 1998. Only one of the districts (Tamale) had a residential home. The other districts had no residential homes- where the children under care of the government agencies could be placed temporarily while issues were being resolved. In the absence of such homes, the social workers placed children under kinship care; in line with the

recommendations of the Act, which emphasizes the need to consider the extended family as the first level of support for the child.

All the districts reported having adequate copies of the law (Children's Act (1998) and other policy and reference documents but not enough for distribution.

With respect to child rights committees, three of the four districts reported having child rights committees in different schools/ communities.

Training for personnel

Although all staff of the Department of Social Welfare received some form of orientation and training towards their new roles, the training was perceived as inadequate. The social workers received a two-week training session at the start of the policy implementation, but had received no further in-service training. On the other hand, members of the family tribunals received a one-day training session at the start of their work. It was however unclear what arrangements existed for further training for new staff.

Type of child right / protection issues and identification procedures

The most common types of cases reported in the districts by rank were child maintenance or neglect, lack of support for children's education, paternity issues, custody, and child-labour cases. However, the study found that there were variations in the types of cases in each district. For example while refusing to pay child maintenance was greater in the urban district, cases of school non-attendance were reported to be greater in the rural districts than in the urban area.

The district implementation officers identified clients through a number of ways, including referrals, visits to markets and schools, and street observations to spot children of school going age selling ice water and other wares. Referrals were

generally received from teachers, aggrieved parents (usually mothers), health workers, assemblymen and other interested community members who sometimes volunteered to bring cases of children with problems to the office. They also paid visits to schools and homes to ascertain reasons why children were not in school.

Case management and Collaboration

Although The Department of Social Welfare and The Department of children were the lead agencies in case management, there was collaboration with other agencies such as the Commission on Human Rights and Administrative Justice (CHRAJ), the Domestic Violence Unit of the Ghana Police Service, the National Commission for Civic Education the Ghana Education Service (Girl Child Unit), Federation of International Women Lawyers (FIDA), Prisons, and Judicial Service.

For reason of such collaboration, the study found that parents and other people with complaints reported cases to all of these agencies including The Ghana Police Service, and The Commission for Human Rights and Administrative Justice. In line with this arrangement, The Domestic Violence Unit of the Ghana Police Service in Tamale received complaints seeking to report Domestic violence as well as child rights/protection issues. The interview with head of the Domestic Violence Unit revealed that cases centering on domestic violence and which required criminal investigation were dealt with by the unit. On the other hand, those cases requiring child protection case management were referred to the Department of Social Welfare. However, they sometimes also tried to resolve some issues, which they perceived could be dealt with by the unit.

In terms of the sittings of child panels and family tribunals, the study found that there were differences in frequency of sittings/meetings from district to district. The variations ranged from once a week to once every two months due to local circumstances including case numbers and availability of members.

Community Awareness and Education on Child Rights

The interviews revealed that people in the community were informed about the children's Act and the work of the family tribunals through radio and community forums. However, social workers reported that community knowledge appeared to be limited and expressed frustration about the lack of enthusiasm in the rural areas, particularly attendance at organized forums designed to disseminate child rights information. The director of The Department of Children expressed the frustration in the following words:

“It is difficult to get the villagers to attend information sessions organised by our department.and the work of some NGOs has contributed to the problem..... Some NGOs give attendance allowances to the village people to attend their information sessions and now that they are used to that system, when a poor government department like ours goes there and don't give out any sitting allowances, they don't even show up the next time around.”

(Department of Children, Tamale, 14 November 2007).

Challenges to Implementation

The main challenges facing the implementation of the law were structural and work process barriers. The structural barriers related to the establishment and working of the family tribunals/ child panels and the collaborative work around managing cases. The work process barriers included resources, including a yearly budget, stationary, transport, computers, materials and films about child abuse programs as well as the lack of training, and shortage of qualified staff to support their work.

Another key barrier or challenge was the lack of community and parental cooperation on supporting the work of protecting children. The lack of cooperation centered on the refusal of parents to notify the authorities about violations against children by other important members of the larger family. For example, some mothers did not want legal actions taken against their husbands for neglecting their children. Others felt embarrassed to hear that they were unable to cater for their children. These behaviours were attributed to cultural values where by parents often put on the 'culture cloak'. One of the social workers described it as "..... people hiding behind their culture and saying that it is forbidden to report your husband..... and refusing to report cases".

There were also problems with the community members, who were reported as being apathetic to other people's issues and others who engaged in name-calling and ridiculing of women who reported their husbands for child neglect. These acts inhibited or served to de-motivate other women from reporting their husbands who neglected their children.

Finally, there was no pool of qualified homes to place children in the districts. The only alternative for children in need of placement outside of their family was the residential home in Tamale.

Discussion

This study report is prepared with an acknowledgment that the passing of the children's Act 1998 constituted a vital legislative reform and a watershed in terms of child rights and protection in Ghana.

The study was aimed at exploring the issue confronting the districts in their efforts to effectively implement the demands of the protective aspects of the Children's Act 1998. The report therefore focuses on the establishment of the required institutions and structures as well as strategies and work practices to achieve outcomes that reflect the general principles of the convention of rights, child protection and the best interest of children. It also deliberates on the formidable challenges militating against effective implementation.

The results of the study showed that although the required administrative and institutional structures were in place, they did not provide the type and quality of services for which they were established, resulting from many challenges facing the districts. The significant barriers emanating from the use of a range of service points, (which needed to coordinate their services); the lack of resources and varying levels of commitment of the different organs of government; inadequate skills training for staff and lack of community awareness of the content and implications of the law remain formidable.

From a policy implementation approach or perspective, both the implementation, and data collecting and reporting on the Ghana child rights policy have employed a more

top-down approach, which Dunsire (1990) and Pressman and Wildavsky, (1973) noted is about a program of control, which places greater emphasis upon definition of goals by the top. In this the case of Ghana, little attention was given to issues at the local level, including what street level workers did, which would have ensured that the concerns of field workers were addressed as they tried to meet the demands of policy and the controlling mechanism from the top. And although the resulting implementation issues and gaps can be attributed to the failures of those on the ground in the districts, this should not be surprising.

In fact, research has long acknowledged the influence of lower level implementation actors on policy processes and outcomes, and studies attempting to explain the apparent failure of large scale public programmes in the USA, highlighted a lack of congruence between top level policy makers' intentions and the actions of administrators and civil servants on the ground. The 'implementation gap' was thought to be a sort of 'principal-agent problem' in which higher level actors encounter difficulties achieving compliance from subordinates (Lynn, 1996) or a consequence of the failures of complex service delivery networks, which resulted in ineffective transmission of policy instructions across several agencies (Pressman & Wildavsky, 1973).

In this case, this study found that the use of a network of service providers (though an advantage from the point of view of service access and reporting child rights violations), made it hard to exact institutional accountability and meet the strict demands of the compliance required by the top. Secondly, it was hard to use the traditional approach to coordination, which is principally a question of top down control in order to counter implementation gaps.

The problems here therefore relate to the absence of the suggested conditions of perfect implementation made by Hood (1976) and Hogwood & Gunn (1984).

These authors suggested that in order to ensure perfect implementation of policy, objectives, norms and rules would need to be uniform across sub-units; systems would need to be unitary, with only one line of authority; that is, a single implementing agency which is not overly-dependent on others, and/or minimally depended on others; and perfect communication and coordination between administrative units or among the various elements of a program are necessary.

In this case-study, it was clear that there were several, instead of a single implementing agency. And although their services were not heavily depended on each other, their systems were not unitary and they did not have the same values (since their core businesses required them to engage in other services), and the coordination between the services was not clearly outlined or understood in every department and in the districts. The variety of reporting points also meant that members of the community were sometimes at a lost with regard to where to seek support, and this may explain the complaint about the lack of information and cooperation from community members contained in the Ghana Government 2005 report to the UN. Thus, in order to ensure effective implementation and outcomes, it will be necessary to strengthen the protocols of coordination through some form of legislation or regulation, or at least clear agreements between the networks, specifying which agency does what, under different circumstances.

The findings of the study further suggest that the success of child protection in the districts would depend on law enforcement, provision of adequate resources and training for staff of the implementing agencies, comprehensive collaborative arrangements, and altitudinal change education in relation to existing conceptions about childhood and child rearing practices, especially child labour. This is where UNICEF's proposal (in its Ghana Country Programme Action Plan, 2006-2010) to fund the strengthening of institutional capacity and mechanisms within the framework of the Ministry of Women and Children's (MOWAC), Strategic Plan and the National Social Protection Strategy could be also utilised in the direction of stronger collaborative working relationships among the different agencies.

The researchers view the inadequacy of information about instances of child rights violation, the unethical conduct of some law enforcement personnel in handling notifications of violations and the limited capacity of appropriate agencies to follow through on instances of violations as the issues of most concern. In particular, the unwillingness of some rural Police departments to follow through on child right violations (citing resource constraints and other reasons), are likely to have far more reaching implications for the overall success of law enforcement.

This finding is similar to the case of India, where Human Rights Watch (2003), found that most government officials responsible for enforcing the law failed to do so. In this study, there were reports of failure of personnel to follow through on rights violations, and sometimes requests for bribes from aggrieved parents who reported cases to law enforcement agencies. Further, in a culture where law enforcers (influenced by the Utilitarian philosophy of child rearing) may agree that engaging

children in work is acceptable as part of their contribution to family survival, there is concern that their effectiveness in enforcing such laws may be questionable. Those enforcing laws ought not to see the enforcement only as a responsibility imposed by their work, but as an opportunity to change their own attitudes and beliefs to align with the demands of the law.

Another barrier to the implementation of the protective demands of the law has to do with traditional values, beliefs and customs that conflict with the authority of Government and demands of national laws. Jacobs & Cleveland (1999) advanced the idea that Governments have capacity (by virtue of the authority bestowed upon them) to direct the flow of social energies through the instrumentation of law, public policies, controls and fear of punishment. Although most people view the Government as having such powers (providing social order) and as the one to relieve their poverty, they do not yet agree with the intrusion of government into their private lives when it comes to raising children.

In fact the law is proposing a new orientation to child rearing and introduces the dilemma of traditional authoritarian versus the helping orientation forms of child rearing, described by Cook (1978) as the *basic distrust versus trusting cooperative orientations* to child rearing. The desire to have children and the child-rearing practices of families are influenced by several philosophies including the philosophy of Utilitarianism. Parents want to contribute to their children's survival and expect children to do the same perhaps through child labour and other contributions. However the child rights law is challenging some of these long held beliefs, values and practices. Cook (1978) noted in this regard that, on the one hand parents saw children as needing moulding and socializing, and on the other, were concerned with

helping their children. Thus, the dilemma about these orientations is about values, and the reactions to law are more likely to be stronger; as it is perceived as countering the normality of life. The law transcends surface issues into the realm of values, beliefs and attitudes of child rearing, and when viewed in the context of the evidence that attitudes and ways of doing things that are value-laden are the most difficult to change (Deaux, et al., 1993), then more work than usual will be required to succeed with effective child protection law implementation in Ghana.

Against this background, a multi-faceted and persistent approach, requiring law enforcement and modeling appropriate child rearing practices needs to be pursued. Such an approach will also have to deal with the reality that Ghana, like most other developing nations, which have relatively short histories of centralized governments is still dominated by many sub-cultural and ethnic values and traditions that continue to dominate child rearing philosophies and practices, and cognizance needs to be taken of the potential barriers, and efforts directed at changing attitudes.

The inadequacy of staff and lack of training for staff of implementing agencies were problems highlight by respondents. The government employed only one person in each district of the Department of Social Welfare to investigate cases of child rights violations. The current structure of the Department of children does not show it is capacitated to provide any meaningful addition to the enormity of cases needing attention. As Lipsky, (1971) noted, ‘Recognizing the unavoidable discretion given to implementing officials,(of policy) their commitment to policy objectives and their skill in utilizing available resources (is).....critical’ (Lipsky, 1971, cited in Sabitier, 1986: p23). Thus, the inadequate staff numbers and lack of skill training imply that

the districts are not able to work effectively on all cases of children. Further, working with children's rights requires that staff possess a variety of skills for negotiating, liaising and selling a rather hard-to-sell message of change to parents, the wider community and partner agencies. However, the infrequent nature of in-service training is confounding the workers' skills development and quality of service delivery. Support for UNICEF's Measurable Indicators Project (for assessment, monitoring and evaluation) is laudable and significant as it would throw the ball back into the government's corner to meet the critical need for resources.

The problem of placements was noted in the study and although the Children's Act recommends family and kinship placements as the best option, the use of residential homes would be appropriate in some cases if such an option exists. However, only Tamale has a residential home, which leaves workers with no other options, when kinship placement is not possible.

Nonetheless, it may be that the absence of such homes is a blessing because of the negative influences such residential placements appear to bring to many children. The literature in the developed world shows that many children often are unhappy in such homes and develop behaviours that they otherwise would not have acquired. Although the law prescribes the establishment of the homes, caution needs to be exercised, so that Ghana does not repeat the mistakes of the developed countries. In spite of this, the district offices have to be supported to meet the accommodation/placement needs of children during crisis periods. This is necessary because these researchers contend that such placements may be hard to exercise; especially when some community members (as revealed in this study) have reservations about exposing child neglect,

which creates a potential for conflict with other family members. Thus, it remains questionable whether some family members will be supportive of the process of placing children with them for fear of conflict with their kin and the receding of the strong altruistic and socio-cultural motivations that support such care in traditional contexts. On the other hand some family members may find it a relief because of the existing tradition in the study area of traditional foster care (Kuyini, et al., 2009).

Community awareness of the actual demands of the law was found to be limited, in spite of the fact that the requirements of the Children's Act have serious implications for traditional child rearing practices. This needs to be addressed because many traditional child rearing practices in Ghana contravene the intent and requirements of the Act and implementing the new law is certain to lead to confrontation with many parents who cherish their traditional values and practices. For example betrothal and use of the children's labour to support family income and sustenance ventures are practices that are ingrained in the traditions of many societies and these stand in apparent contravention to the requirements of the Act. Implementing the law does not require only enforcing the law but educating parents and community members of the benefits of the law to children's welfare and optimal development. Given that a substantial percentage of the population is illiterate, the use of local radio programs presented in Ghanaian language, community Education forums have a greater chance of success. It will also be relevant to incorporate this information into the educational programs of basic schools and universities. The use of education would lead to the creation of what Jacobs and Cleveland (1999) called social authority; through which societies exert a powerful force on their members to comply. The educational process would constitute a more proactive approach to influencing social authority and is

perhaps the key to turning the existing direction of social authority in communities from a barrier to child protection, to one that advocates for the protection of children.

The most significant problem which feeds into all of the issues raised above is resources. The issue of resource constraints has been noted in other social policy implementation cases in Ghana (Kuyini, 1998; O'Toole, et al., 1996) and yet again, is demonstrably present and clearly undermining the work of implementing agencies. The allocation of funds specific to child protection and welfare law implementation is critically important if the passing of the Children's Act is to be of any benefit to the protection and development of children in Ghana. Each district office requires regular allocation of funding to effectively engage in the tasks/responsibilities associated with meeting the protective needs of children. Additionally, adequate resources would be required to support the necessary restructuring and recruitment of more trained personnel in the different institutions such Department of Children, and the Department of Social Welfare to facilitate policy implementation.

The resource problem has been attributed to the flow-on effect of a weak economy and the Government's policy on, and capacity for social spending. Social spending in Ghana is low relative to African averages, is skewed towards recurrent costs and heavily dependent on external donor support (Government of Ghana, 2000; UNICEF-Ghana 2000). Thus, achieving effective implementation of government social policies in a prevailing situation where key implementation agents such as the Department of Social Welfare and Department of Children are under-resourced, due to government revenue not catching up with the demand for social support services, and fluctuating / declining external donor support (Forster & Norton, 2000), remains doubtful.

In deed, the level of resource constraints as reflected in social spending means that a considerable degree of political will and vision (to re-evaluate government spending priorities and advocacy in favour of children) will be required to ensure that reasonable amounts of resources are allocated for child protection services. And until that occurs, the concept of child protection in Ghana, will remain a mirage or a distant dream; for "...the very structures of society negate the attempts to alleviate the position children find themselves in" (Lachman, et al., 2002, p.587).

Conclusion

The Ghana Government's aim of enacting and implementing the child rights legislation was to protect and improve the welfare of children. The law has provided opportunities for tailoring some meaningful services to many children in the study areas of Northern Ghana. However, there appears to be many unresolved and challenging issues in the districts, including resources and problems with collaboration and demonstrates that effective child protection can be a demanding proposition for many developing countries. The challenges mentioned in this study show that much still needs to be done to make the law more effective in respecting the rights, protecting and meeting the needs of all children. Social values constitute the cultural infrastructure on which further social development is based. In this sense, the new law intends to create new values or realign existing Ghanaian values to the demands of our time and to ensure that children are first children before they become adults. The adherence to these laws and cultivating such values around the status of children will be the ultimate product of government, individual and collective community effort that would determine the future course and outcomes for our

children. The pragmatic reality though is that any appreciable success will also depend on the availability of resources to support the implementation agencies.

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