

Concept Note: The State of Child Protection in Ghana

Brief Background

Millions of children across the globe are prone to a compendium of abuses, ranging from physical, emotional and verbal to sexual abuses¹. The vulnerability of children is particularly dire in the developing world where welfare institutions are generally weak, and state machineries struggle to address the plights of the vulnerable.² While child related vulnerabilities are a world-wide problem, the existing trends look worrisome for developing countries, and more so in sub-Saharan Africa. For example, without strenuous efforts, child marriage is projected to escalate from the current estimated 700 million children in the world to 950 million in 2030. By 2050, more than half of child marriage victims are projected to be in sub-Saharan Africa³. Again, due to factors such as poverty, gender, ethnicity, disability, geographical location or resource misallocation, about 124 million school-going children are still out of school. Once again, more than 50% are said to be living in sub-Saharan Africa⁴. Thus, in all aspects of child rights, children in sub-Saharan Africa are the most vulnerable due to economic, sociocultural and environmental factors.

Ghana, with its youthful population, is considered one of the top performers in sub-Saharan Africa with significant gains on child protection fronts. The 2010 population and housing census estimates that 38.3% of Ghana's population are children less than 15 years.⁵ Chapter 5, clause 28 of the 1992 constitution is dedicated to the rights, dignity and safety of children. Ghana also has the Children's Act, 1998 (Act 560), which provides framework for dealing with children. The Labour Act, 2003 (Act 651) also prohibits the employment of children in hazardous work while the Human Trafficking Act, 2005 (Act 694) safeguards them against forced or coerced transportation and exploitation. At the global stage, Ghana was the first country to ratify the UN Convention on the Rights of the Child in 1990 and is also a signatory to a host of other international treaties, including the ILO Convention No. 182 on worst forms of child labour (WFCL 1999); the ILO Convention No. 138 on the Minimum Age for Admission into Employment (1973); and the ILO Convention No. 188 on Work in Fishing.

Despite significant strides made through policies and programmes, many children in Ghana remain trapped in harmful experiences that threaten their safety and sometimes steal their childhood. Recent studies and media reports confirm that various forms of child abuse (physical, emotional, sexual) are rife in countless social spaces in Ghana such as schools, homes, religious places, and workplaces, often exacerbated by gender norms and traditional practices.⁶ These include sexual abuse and incest, mainly in the family, schools and care

¹ Global Statistics on Children's Protection from Violence, Exploitation and Abuse

https://www.unicef.org/protection/files/1412886011_Global_Statistics_on_CP_Brochure_HR_.pdf

² The State of the World's Children, 2016. https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf

³ *ibid*

⁴ *Ibid*, pp. 43

⁵ GSS 2013. 2010 population and housing census in Ghana report; children, adolescents and young people in Ghana.

http://www.statsghana.gov.gh/docfiles/publications/2010phc_children_adolescents_&young_people_in_Gh.pdf

⁶ UNICEF and Global Affairs Canada (2015). Building a national child protection system in Ghana: From evidence to policy and practice.

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institutions in which victims are mostly young girls. It is estimated that about 90% of children in Ghana have experienced some form of physical or verbal violence.⁷ Among adolescent girls aged 15 to 19 years, 17% have experienced sexual violence, and about 25% women aged 15 to 49 years had their first sexual encounter forced and occurred before the age of 15.⁸ While some of these cases are reported and the perpetrators brought to book in accordance with law, a significant number also go unreported or are downplayed due to protracted family relations, social stigma and stereotypical attitude of society towards victims and their families.

Whereas government is making genuine efforts to create a safer environment for all children in Ghana to thrive, we cannot be oblivious to the fact that the state cannot do it all alone due to its limited capacity and resource constraints. For these causes, numerous cases of child rights infringement, abuse and exploitation go unpunished despite renewed interest by government to eradicate them. Also, the rate of poverty, economic vulnerability and social exclusion among a large section of Ghanaian households make children from such disadvantaged homes exceptionally susceptible to all forms of abuses, including economic exploitation.⁹

PDA Child Protection Agenda

Given the background above, there is the need for intensified efforts at different levels to tackle abuses against children and to create a social space where all children can feel safe and have the enabling environment to develop their potentials. The concept of providing a level-playing field for all (including children) to develop their inherent potentials has already been fervidly articulated by Amartya Sen, in Sen's Capabilities Approach¹⁰ as well as in the recent agency-driven development paradigm, premised on gender sensitivity and mainstreaming analysis.¹¹ In the same spirit and motivation, Participatory Development Associates (PDA) as a social development organisation envisions a fairer world where all classes of people have the chance to live a decent life and to pursue their dreams to the fullest without been impeded by sociocultural, economic and physical barriers. Child protection is one of PDA's strategic themes for the period 2016-2021.¹²

In demonstrating its child protection commitments, PDA instituted and held its maiden knowledge sharing workshop on child protection in November 2017. The workshop assembled both state and non-state actors in the child protection business in Ghana. One of the immediate outcomes of the workshop was the need to monitor trends and keep real time information on abuses against children. For this reason, an online child abuse tracking system

⁷ Ghana Multiple Indicator Cluster Survey, 2011

⁸ *ibid*

⁹ UNICEF 2015. Really Simple Stats: the UNICEF Ghana internal statistical bulletin.

[https://www.unicef.org/ghana/REALLY_SIMPLE_STATS_-_Issue_6\(1\).pdf](https://www.unicef.org/ghana/REALLY_SIMPLE_STATS_-_Issue_6(1).pdf)

¹⁰ Alkire, S. (2002, September). The capability approach and human development. In *Wadham College and Queen Elizabeth House Seminar* (Vol. 9).

¹¹ Fukuda-Parr, S. (2003). The human development paradigm: operationalizing Sen's ideas on capabilities. *Feminist economics*, 9(2-3), 301-317.

¹² <http://www.pdaghana.com/index.php/about-us/strategic-goals.html>

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(USHAHIDI) was launched that has since been tracking all child abuse cases being reported in the media.¹³ Following keen interest from major child protection institutions, PDA has decided to institutionalize the child protection workshop as an annual event to focus on different thematic areas of child protection that need immediate redress or highlighting on an annual basis.

The State of Child Protection Report

In addition to the annual workshop, PDA is also committed to producing on yearly basis a ‘‘State of Child Protection Report’’ in Ghana to bring to the known progress being made, challenges and areas that need targeted attention in the space of child protection. The annual report is envisioned to target diverse thematic areas and to report on current conditions, progress this far, neglects and the way forward to improve children’s welfare and safety in all spheres of Ghanaian society. Child education and health, child labour and trafficking, the juvenile justice system and child livelihood and welfare among others are the key thematic areas that the 2018 maiden report seeks to explore. The report will also assess existing legal provisions, policies and other institutions that provide frameworks for protecting children in the stated thematic areas. While successes shall be highlighted, the report will also draw attention to the challenges of implementation and to a larger extent, the robustness of these institutions in effectively protecting children. The report would effectively make a SWOT analysis of child protection systems in Ghana.

Objectives of the Report

The report seeks among other things to catalogue into a single document, the key issues surrounding child protection in Ghana, and thus making available an accessible reference document for practitioners, students and the general public. The report also seeks to create awareness on the existing realities with regards to child protection in Ghana, and by so doing, engender national level discussions in the bid to prompt government and other stakeholders to action. The maiden edition of the report, therefore, will be launched in November 2018 at the climax of this year’s child protection workshop. What follows is a brief outline of the structure of the report.

Structure of Report

The report shall consist of eight main chapters together, including an introductory chapter. All the chapters aim to address diverse key themes in relation to child protection, their institutional frameworks, and their adequacy as well as implementation challenges. PDA acknowledges that even though the maiden report may not cover exhaustively all areas relating to child protection, the issues discussed in the various chapters shall serve as a starting point to stimulate further research and conversation.

The first chapter of the report shall unpack the rights of children in the areas of education and health and assess the roles of the institutions responsible for the realization of such rights. Using empirical evidence, the achievements and challenges of these institutions shall be

¹³ See here: <http://www.pdaghana.com/index.php/child-abuse-tracker.html>

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highlighted. Based on the analysis, the chapter will conclude by calling upon government and other key stakeholders to take necessary action.

The second chapter critically engages the existing laws and policies both national and international that directly relate to child labour, trafficking and modern-day slavery. The country's compliance to the ILO Worst Forms of Child Labour Convention shall also be assessed. The primary objective of analysis will be to evaluate the adequacy of such institutions in protecting the child as well as the existing challenges faced in their implementation. Here also, case studies shall be used to accentuate the abuses children experience on a daily basis despite the existence of these laws and policies.

Child marriage and sexual exploitation is another key area where children require protection, and the third chapter shall be concerned with picking apart the complex issues of religion culture and the role of the state. With regards to marriage, the chapter shall attempt to reconcile religious provisions with the role of the state to protect children. Laws and policies that protect children from early marriages and sexual exploitation shall also be discussed, and their effectiveness assessed.

The fourth chapter, building on the preceding chapter, discusses the increasing occurrence of abuses in religious and educational institutions among others; places hitherto viewed as unlikely spaces for child abuse. The chapter will not only use empirical evidence to highlight its argument, but also advance possible reforms that will ensure that such environments become the safe spaces children need for their personal development. A call will be made specifically to the Attorney General's Department to ensure that child abusers within these safe spaces are made to face the law.

Chapter five, taking a legal approach assesses the country's Juvenile Justice System. Specifically the chapter shall evaluate the adequacy of ACT 653, the Juvenile Justice Act, in safeguarding the rights of juvenile offenders. Beyond its adequacy, issues of implementation shall also be assessed to ascertain whether or not the juvenile correctional facilities indeed serve their purpose of rehabilitation and transformation rather than being centres of abuse. Proposed reforms shall be based on the analysis of the empirical narratives.

The sixth chapter follows with an overview of street children in the country and emergence of the begging economy. The chapter throws light on the use of innocent children by cunning adults who may sometimes be parents or relatives, to beg on the streets of major cities in the country. State response to this emerging menace shall also be considered and avenues to mitigate it explored.

Rural and urban livelihood dynamics and welfare of children remain an integral part of child protection, given the realities of poverty and unemployment in many parts of the country. Chapter seven explores the diverse livelihood strategies of rural and urban children, and the sustainability of these strategies. While recognizing the fledgling nature of welfare institutions in the country, the chapter shall seek to understand the possible role of such institutions in enhancing the development and protection of children.

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The internet is undoubtedly an invaluable resource not only for knowledge acquisition and the development of skills, but also for communication and entertainment. Yet, at the same time, the internet presents significant risks, particularly to children, as many experience varying abuses such as hate speech, cyber bullying or are exposed to sexual and violent contents. Chapter eight attempts to understand the risks children are exposed to online and whether any online child protection law or policy is in place to safeguard children; and their enforcement if there are. The chapter builds on this to explore possible reforms that can serve to protect children online.

The concluding section of the report raises a spotlight on child abuse cases in Ghana. A selected sample of cases from PDA's online child abuse tracker shall be summarized and presented to highlight the realities of child abuse and real-time state efforts in protecting children. The chapter concludes with a call on the state and its relevant institutions to act promptly in securing justice and bringing finality to the unresolved cases.

Expected Impact

The findings of this report are expected to inform the main discussions at the PDA knowledge sharing workshop in November when the report is due to be launched. The participants, including development practitioners, policy makers among others shall be urged to make resolutions for action which PDA is committed to tracking progress made. Also, after the workshop, diverse platforms shall be created where relevant sector ministries called to action in the report can dialogue with children affected and other key stakeholders in order to device pragmatic action plans. The report is further expected to stimulate further research and discussions that will not only inform policy but sustain public interest in child protection.

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