



EXECUTIVE SUMMARY

Ghana*



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INTRODUCTION

Since attaining independence in 1957, Ghana has remained one of the most democratic and politically stable countries in Sub-Saharan Africa.¹ With one of the fastest growing economies in the world, the country's demand for cheap child labour has grown exponentially.² Approximately 40% of Ghanaians are less than 15 years of age³ and an estimated 28.5% live below the national poverty line.⁴ Resource shortages, combined with an inconsistent application of the law, have contributed to a lack of enforcement and support services which have created a gap in protection against Commercial Sexual Exploitation of Children (CSEC).⁵ Additionally, societal stigmas related to sexual exploitation and abuse prohibit children from coming forward to report their victimisation.

Although Ghanaian law prohibits **child prostitution**, UNICEF has reported an increase in the number of children exploited within the commercial sex trade.⁶ In most areas, prostitutes are between 12 and 20 years of age, operate independently, and often organise themselves into groups of five to 10 members (prostitution rings).⁷ Young Ghanaian girls sent to work as *kayayes* (female porters) to help support their families are extremely vulnerable to sexual abuse and prostitution.⁸ Increase in urbanisation due to the rising oil industry,⁹ as well as a degree of societal tolerance, seem to facilitate the rising number of children exploited in prostitution.

Seventy percent of the **trafficking victims** within Ghana are children.¹⁰ Children sent to live with relatives are often exploited for labour¹¹ and a large number of Ghanaian children are sexually exploited on the streets, in brothels, around mining sites, in neighbouring countries, and internationally.¹² Poverty, lack of opportunity, restricted access to education,

and poor law enforcement have been identified as the driving forces behind the trafficking of children in Ghana.¹³ While the government has drafted a five-year national action plan to prevent trafficking, a lack of specialised anti-trafficking training for law enforcement officials, combined with a lack of funding for victim shelters, has kept Ghana from attaining the highest level of compliance with the *Trafficking Victims Protection Act's* minimum standards for the elimination of trafficking.¹⁴

Increased development of Ghana's tourism industry has made Ghana one of the most popular **child sex tourism** destination countries in Africa.¹⁵ Lack of reporting mechanisms and poor enforcement of child protection legislation make it an "ideal destination" for travelling child sex offenders and the production of **child pornography**.¹⁶ Often Ghanaian children suffer sexual abuse from expatriates and international tourists in exchange for the payment of school fees.¹⁷

Widespread access to the Internet, combined with the advancement of new technologies, has exponentially expanded the reach of organised child sexual exploitation.¹⁸ More specifically, it has facilitated the abduction of teenagers and the solicitation of young Ghanaian girls for sexual exploitation abroad.¹⁹ Despite an increase in awareness of cybercrime, most crimes are unreported due, in large part, to a lack of technical training and legal support.²⁰

With an average of one in four girls married before their 18th birthday, Ghana has one of the highest **child marriage** rates in the world.²¹ Insufficient resources to enforce legislation have led to a continuation of the problem in Ghana.

NATIONAL PLANS OF ACTION (NPAs)

Rather than one overarching NPA that expressly addresses CSEC, Ghana's child protection system is primarily guided by a series of issue-specific NPAs.²²

Although many of these NPAs set clear objectives, outline the actions needed to achieve goals, assign responsibilities to specific

agencies, and seek to promote inter-agency coordination,²³ Ghana's piecemeal system has led to overlap and inefficient resource allocation which decreases its effectiveness in combating CSEC. Moreover, without monitoring mechanisms in place, it is difficult to assess the measurable outcomes of Ghana's NPAs.

COORDINATION AND COOPERATION

At the national and regional levels, Ghana has several issue-specific coordinating committees with child protection mandates.²⁴ However, in the absence of a comprehensive NPA that addresses all manifestations of CSEC, the Ministry of Gender, Children, and Social Protection has been responsible for policy development, coordination, and monitoring of child welfare in Ghana.²⁵ This Ministry has established a Department of Children in all 10 regions and 16 districts of the country²⁶ which works to sensitise and educate those who work with child victims of exploitation, as well as promote the sharing of information and coordination across agencies.²⁷

Ghana is one of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint

Plan of Action against Trafficking in Persons, especially Women and Children in West and Central African Regions.²⁸ Currently, nine regions within Ghana maintain Anti-Human Trafficking Units that investigate and prosecute local reports of trafficking in persons.²⁹ Ghana's Child Protection Network is a coalition of government departments, ministries, and civil service organisations that advocate for the rights and welfare of Ghanaian children.³⁰

Despite their potential, these departments and mechanisms are under-resourced and cannot provide adequate services to the widespread number of child victims.³¹ Moreover, many of these organisations suffer from overlapping mandates, weak coordination, and a failure to address the sensitive issues associated with CSEC.³²

PREVENTION

Ghana does not have a formal system for collecting comprehensive data related to CSEC.³³ In recent years, however, there has been an increase in both media coverage of child exploitation³⁴ and efforts to "create awareness and sensitise both adults and children of the rights provided for in the CRC."³⁵ Moreover, registration of births in Ghana is compulsory, which formally provides Ghanaian children with legal rights and documents. The government is committed to ensuring that, by 2015, all primary school aged children are able to enrol in and complete school.³⁶

Despite these efforts, a lack of overarching strategy has resulted in duplication of awareness

efforts.³⁷ This, combined with a lack of resources, has left understanding and application of children's rights in Ghana primarily at a policy level.³⁸

There is no evidence of website or download restrictions to help prevent distribution of child pornography. Despite the popularity of Ghana as a tourism destination,³⁹ there is no evidence of involvement by or collaboration with Ghana's private sector to prevent CSEC. There is also no evidence that the Ghanaian government has expressly acknowledged or allocated funds towards the prevention of CSEC.

In the area of deterrence, Ghana lacks both a

sex offenders' registry and specific measures that criminalise travel to Ghana for the specific purpose of engaging in sexual activity with

children. No specific deterrence measures have been identified to reduce the demand for CSEC.

PROTECTION

After becoming the first country in the world to ratify the *Convention on the Rights of the Child* (CRC), Ghana has continued to demonstrate its dedication to child rights through the ratification of many of the principal international treaties related to CSEC. However, without ratification of the *Optional Protocol on the sale of children, child prostitution, and child pornography* (OPSC), a major gap remains in the legal protection for victims of CSEC.

Legislation

Although Ghana has yet to ratify the OPSC, it does have a number of legal mechanisms (the 1992 Constitution, *Criminal Code (Amendment) Act 1998*, *Children's Act 1998*) to ensure that children are protected from CSEC.⁴⁰ The Ghanaian *Children's Act* is regarded as the most comprehensive piece of legislation on children's rights in the country, providing detailed provisions on children's rights, as well as child-specific processes and procedures.⁴¹ However, constraints on funding and resources have led to an absence of reliable data on the enforcement of these existing child protection laws.

The disconnect between Ghanaian law and practice has left many aspects of the child protection system unregulated and unimplemented.⁴² Moreover, Ghana's lack of implementation and services for victims, combined with its ineffective sanctions for perpetrators,⁴³ has created a lack of confidence in both the judicial system and legal institutions.⁴⁴

Ghana's *Criminal Code* lacks a specific legal definition of **child prostitution**. While there are sections of the *Criminal Code* that criminalise the promotion of prostitution and trafficking of persons for the purpose of prostitution, violations of these sections are treated as misdemeanours.⁴⁵ Moreover, nowhere in the *Criminal Code* are child sanctions for involvement in prostitution prohibited. It does, however, criminalise a property owner or holder

knowingly allowing child defilement upon his/her property.⁴⁶

Ghana's *Human Trafficking Act of 2005* includes a prohibition on the **trafficking of children** for the purpose of sexual and labour exploitation.⁴⁷ Despite its comprehensive nature, Ghana continues to lack adequate protective measures for trafficking survivors,⁴⁸ specialised anti-trafficking training for government officials,⁴⁹ effective collaboration with relevant agencies, and the enforcement and prosecution of offenders.

Ghanaian law does contain specific provisions that target the production, possession, and dissemination of child pornography. Despite providing protective measures which go beyond the OPSC – such as prohibiting mere possession – the country's legislation neither prohibits intentional access to **child pornography** through the use of information and communication technologies (ICT) nor imposes a reporting obligation on Internet service providers or credit card companies. Moreover, there is a lack of arrest and prosecution data related to Ghana's child pornography legislation.

Although the *Extradition Act of 1960* allows for the extradition of a person to or from Ghana, the dual criminality requirement⁵⁰ has created a significant obstacle to the prosecution of **child sex tourism**. Moreover, Ghanaian law lacks specific provisions that define or criminalise tourism for the purposes of sexual exploitation of children and the production and dissemination of materials advertising child sex tourism.

Child Protection Units

Under the coordination of a National Secretariat, the Domestic Violence and Victim Support Units (DOVVSU), a nationwide network of 11 regional police units and 75 local police units, are tasked with the investigation, prosecution, and support of all domestic violence and child abuse cases in Ghana.⁵¹

A lack of reporting uniformity has made it difficult to assess the effectiveness of these units.⁵²

Support Services for Children

NGOs within Ghana represent the primary source of recovery, reintegration, and legal aid services for children and families. Despite a general improvement in accessibility to child welfare services, support services available to survivors of child sexual exploitation remain highly inadequate.⁵³ These inadequacies can be primarily attributed to a lack of resources, staff, and transportation.⁵⁴

Training of Law Enforcement

Although efforts are underway to provide adequate training and capacity development services, the Ghanaian government does not currently provide targeted anti-trafficking training to law enforcement officials.⁵⁵ It is unclear whether the training efforts underway include training designed to prevent treatment of sexually exploited children as criminals. No plans have been made to develop a comprehensive training for law enforcement on all manifestations of CSEC.

CHILD AND YOUTH PARTICIPATION

An increasing number of opportunities for youth participation have been incorporated into Ghana's National Youth Policy's major priority areas and implementation mechanisms.⁵⁶ While this suggests that the Ghanaian government recognises the importance of including both children and youth in the political process as a way to reduce child vulnerability, the actual level of child participation remains uncertain across the country.

Rising rates of cybercrime, including the sexual exploitation of children, is often perpetrated by young Ghanaians.⁵⁷ This highlights the need for the government to create and implement more specific youth initiatives designed to foster awareness about the different forms of CSEC.

NGOs have remained a primary driving force in child and youth participation. A 2013 UNESCO-supported workshop, centred on how young Ghanaians could become more active in politics, laid the foundation for the creation of a National Youth Parliament.⁵⁸ Additionally, a National Children and Youth Advisory Board (NCYAB), designed to provide a variety of training programmes for children and youth, has been established in all 10 regions of Ghana. Discussions with the Ministry of Gender, Children, and Social Protection are underway to ensure that the Ministry facilitates all NCYAB activities and recognises it as a National Children and Youth Parliament.

PRIORITY ACTIONS REQUIRED

National Plans of Action

Child participation ought to be involved in the design of, as well as emphasised in, child protection strategies and facilitated in a national plan that addresses CSEC.

Coordination and Cooperation

To avoid overlap and redundancy, objectives, norms, and rules applied in countering CSEC need to be uniform and consistent across sub-units with only one line of authority.

Efforts should be made to enhance training of ministries and protection agencies, along with the implementation of education and awareness-raising campaigns to target community resources as well as treatment of children.

Prevention

CSEC awareness campaigns and educational curricula for children should be increased. Ghana should also allocate budgetary resources expressly toward CSEC issues and their prevention.

The government should address the increased vulnerability of children to sexual exploitation within the ongoing phenomenon of street children.

The immigration status of children should not prevent them from accessing basic social services or otherwise leave them in a position of vulnerability to abuse and exploitation.

The ICT policies of Ghana should expressly condemn the sexual exploitation of children online and prohibit child pornography.

Ghana should establish a child sex offender registry and actively share this information with other countries for prevention and monitoring purposes.

Additionally, Ghana should enhance education efforts to ensure that officials do not blame child victims of exploitation.

Protection

It is imperative that Ghana ratify the OPSC and enact legislation that explicitly criminalises child pornography and child prostitution.

Ghana should also criminalise actions that lead to the “grooming” of children for sexual purposes.

The government should prioritise data collection on all forms of CSEC and conduct research on the effectiveness of victim services.

Moreover, the dual criminality requirement for extradition should be eliminated to ensure legal protection for all victims of CSEC.

Recovery and Reintegration

The government should take adequate responsibility for the recovery and reintegration of victims of CSEC, allocate greater resources toward the matter, and not depend so extensively on NGOs to provide support services.

Additionally, child victims should be made aware of the services available to them.

Child Participation

Ghanaian officials should be educated on the benefits of child and youth participation in policy making.

To prevent all forms of CSEC, it is vital that Ghana implement preventive and educational measures that include and involve children.

Endnotes

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