

GHANA'S REPORT

TO THE UNITED NATION

ON

VIOLENCE AGAINST CHILDREN

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1.0 INTRODUCTION & BACKGROUND

The continued existence and prosperity of any nation depend largely on its future resources and potential assets. Children are the future human resource base of any country and therefore their survival, protection and development must be of paramount concern to governments and the society at large. In this regard, it is imperative that the state formulates policies, enacts laws and take all appropriate measures in the best interest of its children.

In Ghana, as in many other countries, children are exposed to various forms of abuse as a result of urbanization, and the breakdown of the traditional family system. Abuse of children may take the form of physical, sexual, emotional and psychological violence which adversely affect their well-being. Some of these abuses emanate from discriminatory cultural practices and traditional beliefs which regard the child as an inferior human being who must be seen and not be heard, whose will and being are subjugated to the whims of the adult person - parents, guardians or relatives. While some fathers refuse to feed, care for and educate their children, some mothers, regrettably, leave their children uncared for or give them to others, who maltreat them, force them to do adult work, force the females into early sex and/or marriage under the pretext of traditional customs and poverty. These acts among others, constitute violence against children which are also violation of their fundamental human rights.

As a nation, Ghana has taken a number of measures to address violence against children. The success rate of these measures cannot be quantified because of the absence or the inadequacy of empirical data, but the qualitative impact can be spoken for.

2.0 THE INTERNATIONAL FRAMEWORK

2.1 The United Nations Convention on the Rights of the Child (UNCRC)

Ghana was the first country to ratify the UNCRC, the first international instrument that lays down the highest and the most comprehensive international standards and guarantees for the rights of children. The guiding spirit or cornerstones of the Convention are the 'Best Interest, Non-discrimination and Participation', and, the major groups of rights are the survival, development, protection and participation. Article 19 of the CRC guarantees children's right to protection from abuse and

neglect. Article 32-37 deal with the right of the child from engaging in work that constitute a threat to their health; protection from sexual abuse; freedom from slavery, trafficking and abduction; protection from all forms of exploitation; protection from torture, cruel treatment or punishment. These violations of rights can take place in both the domestic and public arenas.

2.2 The OAU Charter on the Rights and Welfare of the Child

Ghana has recently ratified the OAU/AU Charter on the Rights and Welfare of the Child which is similar in content to the CRC. The Charter however places emphasis on the duties of the African child.

2.3 The ILO Convention 182

The ILO Convention 182, 1999 concerning the prohibition and immediate action for the elimination of the worst forms of child labour has been ratified by Ghana.

Ratifying nations are enjoined to take appropriate measures and actions to ensure that these groups of rights are enforced and respected. Ghana has taken a number of measures including legislative, institutional, to give effect to the rights of the child in compliance with its obligations under the above-mentioned international conventions.

2.4 Celebration Of International Days

Every year in Ghana International commemorative activities such as the International Day of the Families, the International Day of the African Child, the International Day of Innocent Children Victims of Aggression among others are marked with elaborate activities countrywide to highlight the plight of the of children across the world particularly the Ghanaian child, the violations of the rights of children and what measures are being taken to protect children from violence. The day or week is used to highlight what the international community expects each country to do in protecting children from violence.

2.5 Agencies of the United Nations working to promote the rights of children

To ensure that the rights of children are respected and countries comply with United Nations demands to promote the welfare of children UN agencies like UNICEF, UNESCC, UNHCR have offices in the country who work closely with the government and non-governmental organizations to give effect to the rights embodied in International conventions relevant to children.

3.0 THE LEGAL FRAMEWORK

3.1 The 1992 Constitution of Ghana

The Constitution dedicates the whole of Chapter 5 to the fundamental human rights of its people irrespective of their sex, age, creed etc. Article 28 specifically deals with the rights of children and amplifies the provisions in the CRC. Article 28(1) provides that Parliament shall enact such laws as are necessary to ensure the child's survival, protection, development etc. Since the promulgation of the Constitution other subsidiary legislations have been enacted to deal with specific rights of the child and their enforcement.

3.2 The Criminal Code (Consolidated) 1960, Act 29

The Code is a consolidation of the existing criminal law, newly created offences and amendments of some provisions. It is the country's main code for the prosecution of criminal offences. It provides for the protection of children from harm including physical and sexual assault, cruel customs that violate the rights of the child and causes harm to him/her. Harmful customary practices such 'Trokosi' (ritual servitude where a female child is enslaved in a fetish shrine to atone for the sin of a relative), Female Genital Mutilation (FGM), have now been made offences under the Criminal Code.

The Code prohibits corporeal punishment and/or capital punishment for children in conflict with the law. Instead, the Criminal Code Amendment Act 1998 and the Juvenile Justice Act prescribe corrective measures for such children. These children are placed under correctional institutions to reform them and assist them to build a self-sustaining vocation such as farming, basketry, masonry, carpentry, mechanical engineering, among others.

It is not every offence that is captured in the Criminal Code. There are other pieces of legislations that complement the Code. These may be civil in nature but have criminal sanctions for non-compliance.

3.3 The Children's Act 1998, Act 560

This Act provides further guarantees for the rights of the child in specific situations. The preamble sets out the objective as follows: "An Act to reform and consolidate the law relating to children, to provide for the rights of the child, maintenance and adoption, regulate child labour and apprenticeship, for ancillary matters concerning children generally and to provide for related matters." The central principle of the Act is the 'paramountcy of the best interest of the child.' All the principles and

groups of rights in the CRC are re-echoed in Act 560. The Act provides for both penal and civil remedies for violations of children's rights.

Sub-Part 1 of the Act deals with issues like non-discrimination, right to a name and nationality, right to grow up with parents, parental duty and responsibility, right to education and wellbeing, protection from exploitative labour, protection from torture and degrading treatment, right to refuse betrothal and marriage. Section 13 of the Act prohibits the use of force with the aim of causing injury or harm to the child as a form of correction. Section 15 of the Act stipulates that any person who contravenes a provision of Sub-Part 1 commits an offence and is liable on summary conviction to a fine not exceeding five million cedis (¢5,000,000.00) or to a term of imprisonment not exceeding one year or to both.

3.4 The Family Tribunal

The Family Tribunal is specially mandated by Law to deal with matters relating to children, particularly maintenance and custody cases. The court is made up of a magistrate, a social worker and a respectable member of the community. The proceedings are informal, and where appropriate children are asked to state their opinion on issues that affect them. The Court has both civil and criminal jurisdiction and can therefore commit a recalcitrant parent to a term of imprisonment for contempt or non-compliance with its orders.

3.5 The Child's Panel

A Child's Panel to be funded by UNICEF is soon to be set up in all the districts of the country. It would have exclusive jurisdiction to try matters affecting children – their rights and welfare, and its proceedings would be informal. It is expected to maintain a comprehensive database to facilitate research into child rights abuse.

Section 28 of Act 560 states that the function of the Panel is to exercise non-judicial functions to mediate in criminal and civil matters, which concern a child. The Act proscribes the publication of information on children. These Juvenile court structures are aimed at providing the child unlimited access to prompt redress.

3.6 The Cinematography Act 1961, Act 76 as amended by NRCD 350, 1975

Article 28 (1) (d) of the Constitution provides for the protection of children from "physical and moral hazardous." Likewise, section 6 (3) (a) of the Children's Act instruct parents to "protect the child from neglect, discrimination, violence, abuse, exposure to physical and moral hazards and oppression." The Cinematography Act protects children from exposure to unsuitable materials especially through the state

owned mass media. Unfortunately, because of the increased access to information technology, Ghana's children are often exposed to information and images that are mostly not censored. This is especially true in Ghana's urban centers, where films, magazines and the use of the Internet are popular among the youth.

3.7 The Pornography Exhibition Bill

It is an important legislation aimed at ensuring that children do not have access to pornographic and other harmful materials. Operators of cinemas, and other IT activities are also sensitized not to indulge in injurious activities with the object of retarding the child's developmental processes. In addition, the National Media Commission's **Media Policy** has comprehensive provisions relating to children. Section 7.2.2 XIX states that "it is the duty of the media to protect the identity, privacy and reputation of children"; that television and radio stations are also required to produce programmes that protect children's rights and support their sound psychological and social development.

3.8 The Domestic Violence Bill

There is currently in circulation a Domestic Violence Bill, being debated nationwide. One of the objects of the Bill is to address acts of violations of children's rights within the domestic arena. The Bill is criminal in nature, with civil and penal remedies. The Bill recommends the issue of protection orders for victims of domestic violence. It also recommends the counseling and education of victims and; and seeks to promote reconciliation.

The Bill in section 5 outlines the procedure for filing complaints, including persons who are mandated to file complaints on violence. It gives power to a wide range of concern persons who may not necessarily be victims to file complaints.

3.9 Trafficking In Persons Prevention Bill

The objective of the Bill is to prevent, suppress and punish trafficking in persons particularly women and children; for the rehabilitation and reintegration of trafficked persons and for related matters. The country has recorded pockets of cases of child trafficking. The Bill if passed into law will forestall any future attempts to traffic children across the borders to neighbouring countries.

4.0 INSTITUTIONAL FRAMEWORK

The State has the ultimate responsibility for the welfare of the child, and has the responsibility to translate all the rights enshrined in the Convention and legislations

into reality. For this reason the State has mandated specific institutions to deal with various groups of rights and report to the state periodically. These periodic reports are then compiled by the State and submitted to the United Nations as required by the UNCRC.

4.1 The Ministry of Women and Children's Affairs (MOWAC)

MOWAC was inaugurated in January 2001 with a mandate to formulate child specific development policies for the promotion of the welfare of the child. The Ministry's Department of Children (Ghana National Commission on Children) is responsible for the implementation of policies and programmes. Established in 1979 the Department has been responsible for addressing issues affecting children by designing programmes and projects to enhance the status of the Ghanaian child.

MOWAC is one of eight ministries with a Central Management Agency status. This means that its activities and policies cut across all other Ministries, departments and agencies. It is therefore mandated to co-ordinate all activities in relation to children in all sectors. By this position the Ministry is able to influence policies in other sectors and also ensure that child rights issues are mainstreamed at the national, regional and district levels.

4.2 The District Assembly ("The Assembly")

The Assembly represents government at the local level and has legislative powers. The Children's Act provides that a District Assembly shall protect the welfare and promote the rights of children within its area of authority and shall ensure that governmental agencies liaise with each other in matters concerning children. The Child's Panels when it is eventually established will work under close collaboration with the Assembly.

4.3 The Department Of Social Welfare and Community Development ("the Department")

This is a Department under the Ministry of Manpower Development and Employment, with responsibility for ensuring the welfare of women and children. Under the Children's Act, the Department is enjoined to investigate all cases of contravention of children's rights. The Department is mandated to ensure the effective reintegration of children who suffer from violence.

Activities of the Department include the establishment and maintenance of children's Homes / Orphanages, protecting vulnerable and physically challenged children as well as designing programmes aimed at improving the capacities of families and communities. The Children's Act stipulates that the department is mandated to

assist survivors of violence to access justice and other redresses including rehabilitation. The Department is also responsible for children in conflict with the law and to provide them with employable skills to enable delinquent juveniles develop their capacity and help in national development.

4.4 Child Labour Unit

This is a unit under the Ministry of Manpower Development and Employment tasked with the responsibility of addressing various forms of violence against children.

4.5 The Ghana Education Service

Issues of child rights and the pupil-teacher relationship is under scrutinized. Efforts are now being made to draw a line between disciplining and corporeal punishment and guidelines have now been issued by the GES to ensure that children are not subjected to undue punishment in the name of discipline.

4.6 Women and Juvenile Unit (WAJU)

WAJU a unit under the Ghana Police plays a significant role reducing violence against children. The unit has offices throughout the 10 regions of the country and some district capitals. The role of WAJU is to respond promptly and effectively to violence against women and children. It has powers to prosecute cases of domestic violence in court and also offers counseling services. The unit is supposed to be equipped with forensic laboratories to facilitate prosecutions sexual violence cases.

4.7 The Commission for Human Rights and Administrative Justice (CHRAJ)

The Commission was established to deal with complaints on violation of fundamental human rights including violence against children. The activities of the Commission are education on human rights, providing counseling to victims and perpetrators of human rights abuse, and making recommendations to appropriate law enforcement agencies for redress.

From the above, it can be seen that there is a multi-sectoral approach to the enforcement children's rights in Ghana. MDWAC's position as the Policymaker and a Central Management Agency will ensure that all other Ministries not specifically mentioned in any Act, such as the Ministries of Interior, Finance and Economic Planning, Foreign Affairs, Information, Communication all play their roles to effectuate the rights of children.

4.8 *The Family*

As the most basic unit/institution of the human society, the family has the primary responsibility for the survival, protection and development of children. Article 5 of the UNCRC affirms the State's duty to respect the rights and responsibilities of parents and the wider family to provide guidance appropriate to the child's evolving capacities. The role of the extended family in the child's upbringing is underlined in the DAU Charter. In this vein, the state is enjoined to provide the necessary support to enable parents and families perform their duties in caring for children.

Ghana's Constitution recognizes the State's obligations towards the family and makes specific provisions in Article 28 to guarantee the right of the family to facilities that will enable it perform its functions in the care and maintenance of children. Article 28, among other things, provides that Parliament shall enact such laws as are necessary to ensure that the 'protection and advancement of the family as the basic unit of society are safeguarded in promotion of the best interest of children (Art. 28(e)). Programmes focusing on children also take the family into account.

5.0 **NON-GOVERNMENTAL ORGANIZATIONS (NGOS) / CIVIL SOCIETY ORGANISATIONS (CSO)**

A number of NGOs and CSOs are actively involved in promoting the rights of children including violence against children. The Ghana National Coalition on the Rights of the Child (GNCRC) is an association of CSOs/NGOs that advocate for children's rights and monitor enforcement of state obligations under the UNCRC.

NGOs have to a large extent succeeded in drawing the public's attention to violations of children's rights over the years. Worthy of mention are the:

- **Federation of Women Lawyers (FIDA)**, who have consistently over the years offered free legal assistance to indigent women, men and children in cases ranging from child maintenance, custody and access, property rights of spouses, administration of estates (where in most cases women and children's rights have been violated). It organizes literacy campaign to educate the public on pertinent issues that affect the rights of women and children.
- **The African Women Lawyers Association (AWLA)** also focuses on the rights of women and children, but its main area is institutional education. It has organized training for Police Officers in Domestic Violence and Juvenile Justice; training the Military on 'Child Rights Child Protection before during and after Conflict'. This is a joint ECOVAS-Save the Children Sweden initiative to sensitize military officers particularly those going on peacekeeping missions on child rights, their obligations and sanctions for violations. The Ministry of

Defence has undertaken in principle to mainstream child rights issues into its main training curriculum to ensure that all recruits have some knowledge about child rights

- a) **Child Rights Coalition** is made up of different child-focused NGOs who work in collaboration with MOWAC's Department of Children (the Ghana National Commission on Children) in addressing pertinent problems and assisting the Department to execute its programmes.
- b) **The Ark Foundation** is engaged in counseling, legal aid, shelter, education and medical support to child survivors of violence.
- c) **Gender Violence Survivors Support Network (GVSSN)** is a network of professional practitioners such as doctors, clinical psychologists, social workers, whose aim is to provide direct support services, such as counseling, shelter, legal aid, medical services, psycho-therapy and referral. Others include advocacy, research, and public education.
- d) **Women's Initiative for Self-Empowerment (WISE)**, also provides counseling, educational and medical support to children involved in violence.
- e) **Women in Law and Development in Africa (WILDAF)** provides legal aid for children and women
- f) **International Needs** is an NGO that advocates against harmful traditional and cultural practices that affect children. It assists with the liberation of girls from ritual bondage (Trokosi) and provides rehabilitation services for such victims.
- g) **African Centre for Human Development** also liberates and shelters survivors of child slavery and trafficking.

Civil Society Organizations continually complement government efforts in providing training programmes for law enforcement agencies, health professionals, lay and professional counselors. NGO personnel, social workers and the public to build their capacity in responding to gender based violence and child abuse.

6.0 THE MEDIA

The media has been very instrumental in drawing attention to the issue of violence against children. Publications in the audio/visual and print media have highlighted problems like defilement of children, Trokosi, FGM, trafficking in children. In many cases these media reports have sparked off a flurry of activities and research into the phenomenon.

7.0 SPECIFIC PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

On the part of MOWAC and its Department of Children a number of programmes have been initiated in an effort to preempt, quell or minimize violence against children in the country.

7.1 Policies

MOWAC is soon to launch the Women and Children's Policy which outlines standards for the survival, protection and development of children. The overall goal of the policy is to mainstream gender concerns in the national development process in order to improve the social, legal/civic, political, economic and cultural conditions of the people of Ghana, particularly women and children.

The policy emphasizes government's commitment to gender responsiveness and child related matters. Its specific objectives include: to redress imbalances, which arise from existing gender inequalities through policy review, legal reforms and enforcement of existing legislation; to provide a national framework from which policies are derived; to implement activities designed to strengthen women's role in the economic development; to implement activities designed to promote children's development and protection; to promote women's equal access to, and control over economically significant resources and benefits; and to enhance the survival, development and protection of children.

Children's concerns are specifically addressed by the policy. The objectives of child related issues as enshrined in the policy include: ensuring child development planning at all levels; provision of appropriate policy guidelines to improve the quality of lives of children; sensitization on children's issues at all levels to ensure survival, protection and development of children; promoting and carrying out research into child related concerns; establishing gender and children responsive monitoring and evaluation mechanisms for development; establishing effective mechanisms to monitor and evaluate child issues; advocate for the consideration of the best interest of the child in issues affecting the child; strengthening the capacities of personnel who work in child related areas in an integrated manner to handle child related issues efficiently. An Early Childhood Development Policy, governing children between ages 0-8years is also to be launched soon.

7.2 Programmes

- **Operation bring the children back home** – this programme was undertaken by the Ministry to effect the evacuation of children who had been trafficked to fishing communities to in rivers, by disentangling fishing nets which had been caught between reeds in the river beds. Many of these children lose their lives

or get seriously injured. Under this programme the children are reintegrated into their original communities and put into formal education. The communities are sensitized about child rights and child protection. Underlying this trafficking are the issues of poverty and irresponsible parental

- o **Poverty Reduction Strategy** - MOWAC has instituted micro-financing schemes in the communities to assist women in income-generating activities so that they can help look after their children
- o **Responsible Parenting** - Most of the social problems we see today, such as streetism, child delinquency, early marriage, child trafficking, are rooted in irresponsible parenting. The responsible parenting programme is to sensitize parents about their legal and moral responsibilities towards their children. Sections 6-15 of the Children's Act deals with parental duty and responsibility - it outlines what the law enjoins parents to do in promoting the welfare of their children. The Act makes it a criminal offence to contravene any of the provisions of the sections. Sensitization programmes in communities where children are trafficked from are on going in a bid to raise awareness about the provisions in the Children's Act.
- o **Dissemination of the Domestic Violence bill** - MOWAC is spearheading a nationwide dissemination of the bill to ensure that the provisions particularly those that touch on children are known to the majority of Ghanaians. This would ensure that when it eventually becomes law, it would be familiar to most Ghanaians.

8.0 CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

Child participation is important in the promotion of child welfare in the country. Children are effectively encouraged to participate by forming groups and associations in addressing violence against them. The establishment of Child Panels under the Children's Act in the dispensation of justice where children are in conflict with the law is a clear manifestation of government's appreciation of the rights of the child to participate in decision affecting his wellbeing. Children are also encouraged into broadcasting where children make publications on issues concerning them. Mock Assemblies and Children's Parliament are also organized formed to enable children to take decisions concerning their development and opinions to shape national development agenda.