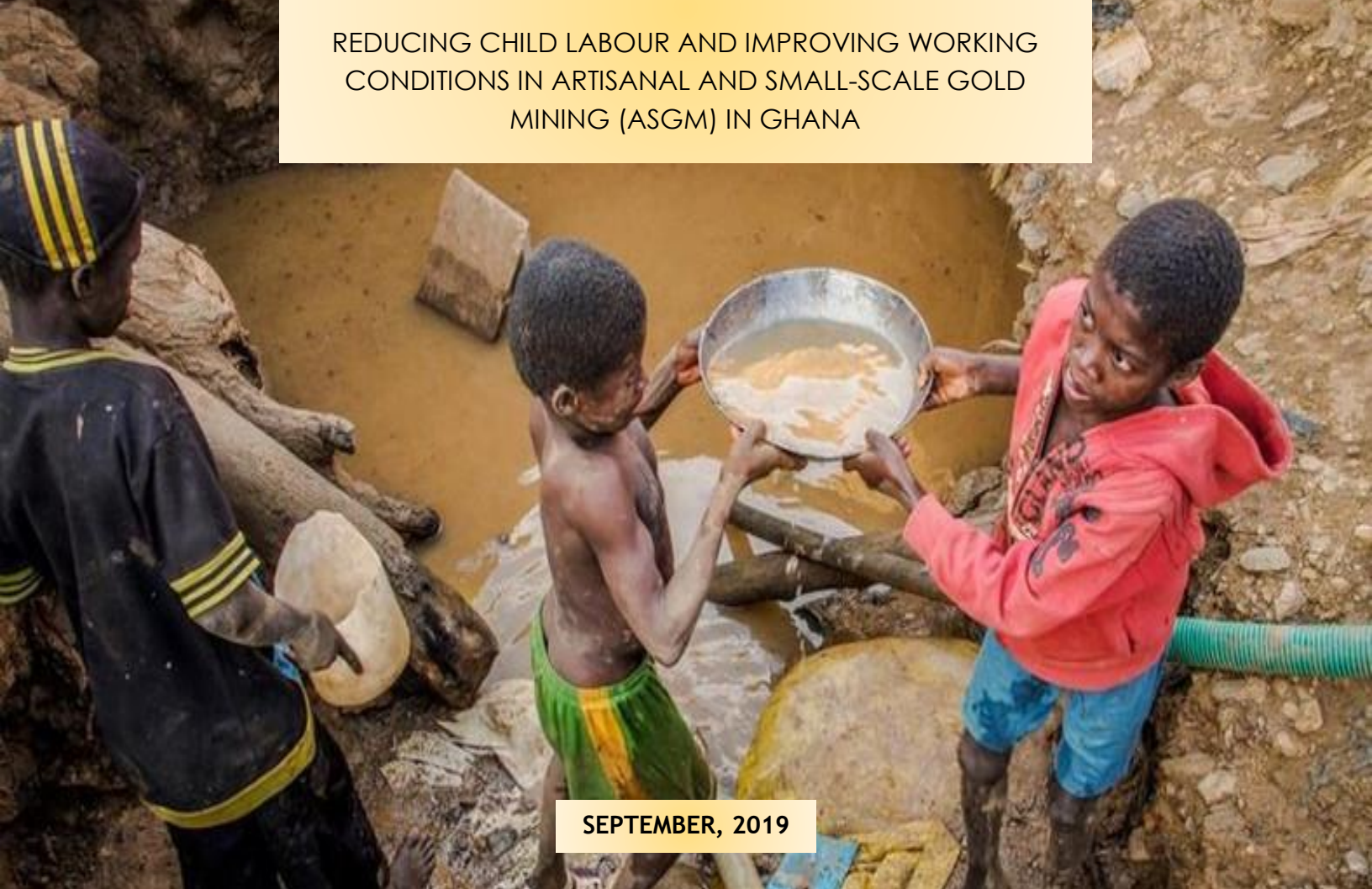


TRAINING GUIDE & MATERIALS

REDUCING CHILD LABOUR AND IMPROVING WORKING
CONDITIONS IN ARTISANAL AND SMALL-SCALE GOLD
MINING (ASGM) IN GHANA



SEPTEMBER, 2019

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ABBREVIATIONS

AIDS	Acquired Immunodeficiency Syndrome
ASGM	Artisanal and Small-Scale Gold Mining
ASM	Artisanal Small-Scale Mining
CAP	Community Action Plans
CBOS	Community Based Organisations
CCPC	Community Child Protection Committee
CHRAJ	Commission on Human Right and Administrative Justice
CLIF	Child Labour Interrogation Form
CLMS	Community Child Labour Monitoring Committees
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organisations
DAC	Development Assistance Committee
DACF	District Assembly Common Fund
DMTD	District Medium-Term Development
DPCU	District Planning Committee Unit
ECOWAS	Economic Communities of West African States
GA	General Assembly
GLSS 6	Ghana Living Standard Survey, 6TH ROUND
GPS	Geographical Positioning System
GSS	Ghana Statistical Service
HIV	Human Immuno-deficiency Virus
ILO	International Labour Organisation
KAP	Knowledge, Attitude and Practice
LFA	Logical Framework Approach
MDA	Ministries, Departments and Agencies
MLGRD	Ministry of Local Government and Rural Development
MMDAS	Metropolitan, Municipal and District Assemblies
MMIP	Multi-lateral Mining Integrated project
MTDPS	Medium-Term Development Plans
NCCE	National Commission for Civic Education
NDPC	National Development Planning Commission
NGOs	Non-Governmental Organisations
NPA2	National Plan of Action on the Elimination of Child Labour
OECD	Economic Co-operation
PPE	Personal Protective Equipment
SCF	Smile Child Foundation
SDGs	Sustainable Development Goals
SMC	School Management Committee
SSs	Social Services Sub-Committee
SWCD	Social Welfare and Community Development
TIN	Tax Identification Number
UN	United Nations
WFCL	Worst Forms of Child Labour
FCUBE	Free Compulsory Universal Education
UCHR	United Nations Conventions on Human Rights of the Child

PREFACE

This document is a Training Materials and Guide for facilitators in training key government agencies and other relevant stakeholders on law enforcement and policy implementation to reduce child labour and improve working conditions in Artisanal and Small-Scale Mining (ASM) operations and other sectors.

The training materials and guide is intended for facilitators and trainers, who are involved in the training of social welfare/ child protection and law enforcement officers, trade associations, child centred non-governmental organizations as well as community level stakeholders on child labour and improved working condition in ASM operations.

The Training Materials and Guide draw largely from the project implementation experience of the Caring Gold Mining Project (implemented by the ILO, Ghana Office) as well as broader small-scale mining sector, national policies, strategies, and programmes on ASM and lessons learned from the ban on small scale mining and associated impact on the environment and mining communities. In particular, findings from the Knowledge, Attitude and Practice (KAP) study, Pre-Situational Analysis, training presentations, and reference materials from the ILO web portals etc. Of relevance, were insight from other sources such as the Project Appraisal and Implementation Document for the Multi-lateral Mining Implementation Project, the Minerals Commission Strategic Plan, Africa Mining Vision, Ecowas Directives on the Harmonisation of Mining Principles etc. The guide contains guidelines for training and facilitation, reference materials and information, tools and checklists, facilitator/learner-aids and illustrative exercises to be used in facilitating learning processes to meet the diverse learning needs of targeted stakeholders to reduce child labour and improve working condition in ASGM operations.

The Training Material and Guide is arranged into four key parts in accordance with the key messages in support of reducing child labour and improving working condition in ASGM operations. The first Part focuses on the concept (nature) of child labour and its manifestation in ASGM while part two looks at strategies for improving working conditions in small scale mining (ASM) and reinforcement of the Fundamental Principles and Right at Work in ASM operation. Part one and two targets child right advocates and NGOs. The third Part focuses on how to develop and implement child labour policies and regulations in mining communities. The target group for Part 3 are relevant national and district assembly staff, including planning officers, local representatives of social partners and CSOs and miners' associations. The fourth part focuses on enforcement of child labour laws in mining communities as well as regulations in small scale mining operations. This part targets law enforcement agencies including members of the district assembly social services sub-committees: Police, Immigration, Social Welfare and Community Development, Attorney General's Department, Circuit Courts etc.

The guide draws upon the approach to adult learning by introducing a series of experiential learning techniques, which include case studies, storytelling and brainstorming to generate knowledge, enhance skills, and influence the behaviour of target stakeholders. It provides persuasive case stories with best practices to influence the behaviour and attitude of target stakeholders to act to reduce child labour and improve working condition in ASGM operations.

Community based and cluster-based training workshops are appropriate for using this training materials and guide, whereby stakeholders participate as a team during the training.

In using this Training Materials and Guide, facilitators must keep in mind the fact that there are many ways to undertake an activity. Therefore, you are encouraged to study, argue and discuss each topic in groups, internalize the contents, find out better ways of doing things, if there are any, and apply them to the conditions of the targeted stakeholder.

ACKNOWLEDGEMENT

The development of the training materials was funded by the ILO Caring Gold Mining Project which seeks to build the capacity of stakeholders to reduce child labour and improve working conditions in Artisanal and Small-Scale Gold Mining (ASGM).

This training material, consisting largely of resources developed and used during the implementation of the ILO Caring Gold Mining Project was synthesized and compiled by Osman Mensah and coordinated by Emmanuel Kwame Mensah, ILO Ghana Office.

The work also benefited from the critical review of different stakeholders during a two weeks validation and capacity building workshop organized by the ILO at Obuasi, Ashanti Region. Stakeholders for this workshop were drawn from national, regional and district level officials from Labour Department, Minerals Commission, National Commission for Civic Education (NCCE), the Commission for Human Right and Administrative Justice CHIRAJ, the Ghana Police Service, The Ghana Immigration Service, Religious Leaders, Media, NGOs and District Assembly Staff, and Ghana National Association of Small-Scale Mining (GNASSM). These stakeholders made insightful contribution to enrich the content and structure of the materials.

The invaluable direction, support and analytical suggestions of the ILO staff, including the Project Director Mr. Giovanni Soledad, are much appreciated.

HOW TO USE THE MATERIALS AND GUIDE

The course and materials in the trainer guide are intended to:

- Equip stakeholders at all levels with skills to reduce child labour in mining communities
- To equip stakeholders with the knowledge and skills to improve working conditions in Artisanal and Small-Scale Mining (ASM) operations and in other sectors.
 - Reinforce the Fundamental Principles and Right at work in mining communities
 - Increase the knowledge and skills of stakeholders to develop and implement child labour policies and regulations in mining communities.
 - Equip law enforcement officers with the skills to enforce regulations in small scale mining operations

It is strongly suggested that facilitators read the entire guide and referenced materials prior to the training activities in order to better select activities that best suit the learning needs of targeted stakeholders. At a minimum, you should read the entire section/unit on which to focus. This trainer's guide contains a number of activities, tools and checklists to stimulate and refocus key stakeholders on their core mandates. Further, information has been provided in the reference section at the end of each part. You will need at least two days to deliver each of the part in the guide.

Part one deals with the concept (nature) of child labour and its manifestation in ASGM and while Part two focuses on strategies for improving working conditions in small scale mining (ASM) and how to and reinforce the Fundamental Principles and Right at Work in mining communities Part 3 provides insight on how to develop and implement child labour policies and regulations in mining communities while Part 4 focuses on enforcement of child labour laws in mining communities as well as regulations in small scale mining operations. The third- and fourth-part targets law enforcement agencies including members of the district assembly social services sub-committees: Police, Immigration, Social Welfare and Community Development, Attorney General's Department, Circuit Courts etc.

Remember that participants are adults and as such adult learning methods, such as team work, should be used to maximize participation. Do not forget to use the language most participants would understand in the training session particularly as it involves community members and ASM operators. It enhances participatory approaches and provides more opportunities for greater impact. Group work is very essential. It will increase and strengthen teamwork.

Each of the parts contains the following subtitles:

Unit title – This identifies the main topic of the session.

Session – This indicates the sub-units that will be included.

Objectives – This describes what the participant is expected to know and do by the end of the session. You should ensure that the objectives are met by the end of each respective unit. It is recommended that all activities should be used during training. However, time constraints and context may mean that some activities may not be carried out/or adapted at your discretion.

Materials – This lists the materials that will be required for the session.

Steps – This provides step-by-step instructions to the trainers on how to conduct each session. The sessions are designed to allow participants to share experience and knowledge through responses, gain new information, reflect and apply new knowledge with understanding through discussions and full participation.

Activities – These are included in each session, with instructional steps for trainers and participants to carry out a task. Activities provide various learning experiences that depict why target stakeholders need to adopt particular styles/behaviours or change their attitude/position on certain issues. The 'why' cases or examples lay the grounds for attitudinal change. They stimulate targeted actors to appreciate the need to adopt a particular course of

action/behaviour different from what they have been doing. Once you have selected a case study/example that addresses the 'why' or importance of a given issue, you should show stakeholders 'how' they could practice/adopt such attitude/behaviour. The case examples demonstrating best practices also contain information on 'who' can provide support and 'where' such support could be solicited. Thus, you should select case examples that depict: first, bad case scenarios which seek to typify the importance/need to change a course of action and; second, best practice cases that show the "how".

Providing such contrasting learning experiences enables stakeholders to not only appreciate the need to change their positions on certain issues but also provides directions on how they can pursue such change should they decide to do so.

To consolidate the gains made and complete the learning cycle, you should provide stakeholders with activities and checklists that you find suitable. Participants should be made to complete such activities to be submitted on the next training day or the next visit.

Tips for facilitators – **The Facilitator's Guide also contains very important tips for facilitators.** These include: common pitfalls to avoid during facilitation, meeting participants' expectations, ways to regain control of the group, ways to review what has been taught, ways to keep the training on track, ways to bring closure etc. Below are few examples.

Conducting the training:

- i. **Rehearse Instructions:** Clear instructions are critical. Giving step-by-step instructions is preferable to a list of instructions at once. It is important not to overload the participants with instructions; give directions as needed, soliciting responses from participants.
- ii. **Arrange the Room:** For the training to proceed smoothly, it is important to have the room arranged effectively. Easels, flipcharts, etc., should be placed where all the participants can see them easily. Chairs, tables, etc., should be arranged in a manner that allows for easy interaction among you and good eye contact with other group members. Formal seating arrangements, with the chairs and tables in rows, should be avoided as it tends to encourage a lecture environment with little interaction with the participants. If possible, separate tables with a small number of participants at each table. If this cannot be done, arrange the tables in a horse shoe design so that the participants can see each other and the trainer.
- iii. **Administer the relevant Checklist:** The relevant Checklist should be used to establish a baseline of the performance of stakeholders at the outset of a training session then, following the delivery of the session used to evaluate the effectiveness of the training.
- iv. **Keep the Session Moving:** There is a natural pace to training sessions. How quickly or slowly you proceed depends on the participants, the task, the material being covered, and you the trainer. Although the first two elements will probably influence your judgment on such things as timing and the sequencing of events, you alone will know what can be most comfortably done.
- v. **Give Time Clues:** Remain in charge of starting, stopping, or interrupting exercises. Clues (such as, "When I give the signal...." or, "Take five more minutes....") should keep the exercise well-paced and focused.
- vi. **Insist on Attention:** As trainer, you need the group's full attention when giving instructions and directions. Focus on the group's attention by waiting for quiet, using charts, and writing out directions when necessary.
- vii. **Review Regularly:** Review the material learnt from each activity when it is appropriate and practical. This helps the participants to be clear about their learning progress and skill development. Also, it gives the time to discuss what they have learned and integrate it into their own behaviour.

- viii. **Case studies/Role Plays:** Provide case studies requiring role-play to participants during the first day to rehearse for the next day. It is strongly suggested that you provide the case studies as assignments to identified members who can dramatize the cases for intended effect.
- ix. **Develop Coaching and Mentoring Plan:** At the end of the training section, you should develop a mentoring and coaching plan with participants according to their stakeholder groupings. A template for a mentoring and coaching plan has been provided at the Annexes. The mentoring and coaching plan should be based on the key learning gaps identified during the training for which both you and participants are convinced further capacity building may be needed. Meet participants at the stipulated date and time and provide support and guidance in areas of identified weaknesses.
- x. **Closure:** This is a very important part of the experiential training process. It provides an opportunity for the following:
- Review of all of the experiences of the session or the workshop up to that point.
 - Summing up what has been learned thus far.
 - Applying the session content to the regular work setting to which the participants will return.
 - Making the link between materials covered in prior sessions to those which will be addressed in future sessions.

PART 1

CHILD LABOUR AND IT'S MANIFESTATION IN ARTISANAL AND SMALL-SCALE GOLD MINING (ASGM)

1.1 CONTENTS

1. Understanding the concepts and meaning of child labour
 - Framework for conceptualizing child labour: child development, child protection, child rights etc.
 - Framework for defining child labour: international instruments, national laws and local bye-laws and regulations
 - Framework for application of child labour laws and policies in ASGM operations in Ghana
2. Incidence of child labour in ASGM operations
 - Incidence in licensed operations: compliant versus non-compliant licensed operations,
 - Informal operations, semi-formalised, formalized operations
 - Incidence in unlicensed operations:
 - Self-engagement of children in ASGM
 - Processing sites
3. Consequences of child labour in ASGM
 - Consequences on the child and family
 - Consequences on the community and District

1.2 INTRODUCTION

Ghana's artisanal and small-scale gold mining economy, estimated to employ over one million informal workers, has experienced much expansion in the past 10-15 years. Popularly known as galamsey, the sector continues to employ the services of child labourers in their continuous quest for cheap labour¹. Child labour is any work done by a child that may be harmful to their physical, emotional, intellectual and social development.²

Child labour has been recognised as a grave threat to the developmental needs of children. Children work both above and underground. In the tunnels and mineshafts, they risk death from explosions, rock falls, and tunnel collapse. They breathe air filled with dust and sometimes toxic gases. Above ground, children dig, crush, mill, and haul ore – often in the hot sun. Some stand for hours in water, digging sand or silt from riverbeds and then carrying bags of mud on their heads or backs to sieving and washing sites. In all mining sites, there is risk of falling down open shafts or into pits that are scattered around the areas. Like adults, children suffer the effects of noise and vibration, poor ventilation and lighting, exhaustion and overexertion. But children are particularly vulnerable to exposure to dust and chemicals because their systems are still developing. The result can be serious respiratory conditions (such as silicosis), constant headaches, hearing and sight problems, joint disorders and various dermatological, muscular and orthopaedic ailments and wounds, jeopardizing both their mental and physical long-term health.³

¹ Hilson (2008)

² UN Convention on the Rights of the Child

³ International Labour Organization, International Programme on the Elimination of Child Labour (IPEC) 4 route des Morillons, CH-1211 Geneva

Gold mining stands out from other forms of small-scale mining for an additional grave hazard: the mixing of mercury with the crushed ore or sediments to separate out the gold. Mercury is a highly toxic metal and is very often mishandled by small-scale miners. It can be absorbed through the skin, or through inhalation of mercury vapour.

In Ghana child labour can be found in many sectors of the economy including agriculture, mining and quarrying. According to the Ghana Living Standard Survey, (Sixth Round), of the estimated 8,697,602 children aged 5-17 years, an estimated 1.9 million (21.8%) are actively involved in child labour. The activities of these artisanal and small-scale mining operators popularly referred to as 'galamsey' are generally unsupervised and unregulated. These operators allow children to engage in galamsey to supplement or as main source of family income. Within small scale mining communities, available reports indicate that many children aged 15-17 years, who have completed basic school, prefer working in the mines to higher education.⁴ In a significant number of cases, younger children (10-14 years) are involved in working in mining pits, using dangerous chemicals and exposed to negative influences.

Against this background, the Government of Ghana and its social development partners, particularly, the International Labour Organisation have made a number of laws, regulations, policies and interventions to address the issue of child labour in Ghana. Notable among these laws and regulations are; the 1992 Fourth Republican Constitution, the Children's Act, 1998 (Act 560), the Human Trafficking Act, 2005 (Act 694); the Domestic Violence Act, 2007 (Act 732). At the international level, Ghana has ratified a number of landmark International Conventions in recent decades such as the UN Convention on the Rights of the Child, the ILO Conventions No. 138 on the Minimum Age of Employment and No.182 on the Worst Forms of Child Labour; and the UN Protocol for Prevention, Suppression and Punishment for Trafficking in Persons, especially Women and Children (ILO-IPEC, 2015).

1.3 OBJECTIVES

In this unit, participants will become familiar with working children's lives, and what constitute child labour, prevalent forms of child labour targeted for elimination in Ghana, child labour in ASGM sector as well as national and international laws and regulations that prohibit child labour and how child labour affects children's development and wellbeing. The unit will introduce participants to the distinction between 'child work', 'child labour', 'hazardous work' or 'unconditional worst forms of child labour'. It heightens stakeholder awareness on the high incidence of child labour in ASGM operations and its ramification on children, the community and the country as a whole. Stakeholders are guided with strategies to eliminate child labour in ASGM operations.

By the end of this unit, participants will be able to:

- Understand the meaning of child labour.
- Identify the difference categorise of child labour and child labour in ASGM operations.
- Identify the various forms of child labour prevalent and targeted for elimination in Ghana.
- Appreciate why child labour is seen as an obstacle to children's development and wellbeing.
- Identify and appreciate the national and international legal framework on child labour.
- Be abreast with interventions to address the problem of child labour in ASGM operations.

1.4. METHOD OF DELIVERY

Delivery may involve any or a combination of the following approaches as found appropriate:

- Presentation
- Brainstorming
- Group Discussion

⁴ ILO (IPEC) 2013, Analytical studies on child labour in mining and quarrying in Ghana

1.5 MATERIALS/RESOURCES

Resource materials may include the following:

- Flip chart,
- Flip chart stands,
- Marker and the case study materials etc.

1.6 SESSIONS

- Understanding the meaning of 'child' and child labour
- The types of work children do that constitute child labour
- Causes, consequences and forms of child labour prevalent and targeted for elimination in Ghana
- National regulations and policies to reduce child labour and eliminate worst forms of child labour in Ghana
- Child labour as obstacle to child development and wellbeing
- Interventions to reduce child labour in mining communities

1.7 KEY MESSAGES

- Child labour continues to pose a significant problem in several parts of the world in terms of its detrimental effect on human capital development, including Ghana.
- Child labour infringes on the right of the child, including protection from exploitative and hazardous work; as well as the right to education and defeats the Government free compulsory education policy (fCUBE).
- Child Labour is illegal and contravenes national laws.
- Child Labour may result in injury and in the extreme cases, death if the child is not properly equipped and supervised by an adult.
- Child labour prevents, interferes with, or negatively affects education and health of the child, including interference with the quality of learning, concentration at school and school performance; as well as the level of interest.
- Child labour may lead to school dropout and severe disability or injury to the child
- Child labour leaves irreparable damage, including moral, physical, psychological and emotional damage'.
- Child labour prevents children from developing their full potentials to contribute significantly to the development of their community, district and nation.
- Child labour is an obstacle to the achievement of the relevant SDGs
- Child labour contravenes the international instruments to which Ghana is party e.g.
- ILO Conventions 138 and 183, UNCRC, etc.

1.8 SESSION A. UNDERSTANDING THE MEANING OF 'CHILD' AND CHILD LABOUR

STEP 1:

Ask participants to explain what they understand by a 'child'. Write all responses on the flip chart. Match the responses on definition of a child with those in the national laws.

STEP 2

Children in all societies are expected to do some forms of work; most of us in this room probably did some form of work when we were children or expect our own children to perform certain tasks to help the family. However, in your opinions, what make some of these forms of work acceptable, or beneficial, and what make others unacceptable 'child labour'? Split participants into smaller groups of 4-5 and distribute a worksheet that lists 10 child labour scenarios. At the bottom of the work sheet is a spectrum on Acceptable/Non-harmful work, Light work, Child labour, Worst forms of child labour, intolerable labour, and hazardous work.

STEP 3

Assign five scenarios to each group and give them 10 minutes to discuss where each scenario falls in a spectrum. Ask the group to record the results once they reach consensus. You may assign the same scenarios to several groups to stimulate discussion and debate as they report their responses.

Facilitator notes: Conclude that child labour often involves conditions that violate both the rights of workers and the rights of children.

STEP 4

Ask participants to brainstorm on some rights of children. Write all responses on the flip chart and match the responses with information on children's rights in the Resource Manual.

1.9 SESSION B. THE TYPES OF WORK CHILDREN DO THAT CONSTITUTE CHILD LABOUR

STEP 1

Draw a table on the flipchart with two columns (See the example below). Write 'work children do that are considered acceptable' at the top of the first column. Ask participants to offer suggestions. Write these clearly on the flipchart, one under the other. Refer to table 1, first column, for an example.

STEP 2

Ask participants to come out with the differences in the types of work children do in the urban and rural areas. Put a different colour symbol against the items considered 'urban work' and those considered 'rural work' on the list.

STEP 3

In the second column of the table, write 'work that children do that is considered unacceptable'. Ask participants to offer suggestions. Write these clearly on the flipchart, one under the other. Refer to table 1, first column, for an example. Use the Worksheet in Annex 1.

Table 1.1: (EXAMPLE)

Work considered acceptable	Work considered unacceptable
Children washing their clothes at home on a weekend.	Children extracting gold from the core dust with water and toxic chemicals at a small-scale mining site

1.10 SESSION C. CAUSES, CONSEQUENCES AND FORMS OF CHILD LABOUR PREVALENT AND TARGETED FOR ELIMINATION IN GHANA

STEP 1

Ask participants to brainstorm on child labour prevalent in their areas. Make sure that participants consider both 'light work', 'child labour' and the "worst forms of child labour" (hazardous and unconditional worst forms) and differentiate them.

STEP 2

Write all responses on the board and discuss

STEP 3

Lead the group in a discussion on why children work and also highlight the different forms of child labour targeted for elimination in Ghana.

STEP 4

After the groups have discussed their lists, present some additional information from the reference materials that they did not mention. Remind them that they are numerous forms of child labour.

STEP 5

At plenary, lead participants to discuss the consequence of child labour on the wellbeing of the children particularly issues relating to the education of the children.

1.11 SESSION D. NATIONAL REGULATIONS AND POLICIES TO REDUCE CHILD LABOUR AND ELIMINATE WORST FORMS OF CHILD LABOUR IN GHANA

STEP 1

Ask participants to list national regulations/laws or international convention (in which Ghana is a signatory) that prohibit child labour that they are familiar with. Write participant's responses on the flip chart and briefly go through the key ones mentioned

STEP 2

Ask participants to expand or give details on each one.

STEP 3

Clarify their points and make additions/corrections to those mentioned using information in reference materials.

STEP 4

Go through the list of the main legislative frameworks in the reference materials and select those that participants did not mention in Step 1.

1.12 SESSION E. CHILD LABOUR AS OBSTACLE TO CHILD DEVELOPMENT AND WELBEING

STEP 1

Ask participants to brainstorm 'why child labour serves as an obstacle to children's development and wellbeing. Guide participants to consider different age groups, girls, and boys.

STEP 2

Write all responses on the flip chart.

STEP 3

Lead the group in a discussion to highlight the main negative influences work has on children and categorize these accordingly: a) For girls, b) For boys, c) For different age groups.

STEP 4

Present some additional negative effect of child labour on children's development including education. Remind them that the attendance and learning achievement consequences of child labour are numerous and terribly damaging to the children's minds and bodies, which can affect their learning outcomes.

1.13 SESSION F. INTERVENTIONS TO REDUCE CHILD LABOUR IN MINING COMMUNITIES**STEP 1**

Put participants into groups of 4 -5 and ask them to describe at least 2 child labour interventions that they have been involved in the past.

STEP 2

Using the template in activity #2 ask participants to indicate (1) the problem that brought about their intervention; (2) the specific activities they implemented; (3) what the outcome/results were (4) gaps they identified in their intervention (5) what they would do differently if they are to implement the intervention elsewhere in future.

STEP 3

Ask each group to present their findings at plenary. Allow participants to ask questions to clarify insight.

STEP 4

In the same groupings, distribute the case study to participants for group discussion. Read out the case study to help understanding of the issues contained in it (interpret if necessary).

STEP 5

Outline the plan and expectations for the case discussion. The purpose of case study discussion is to demonstrate how child labour could be sustainably reduced in communities through sustained monitoring and remediation and strong partnership between community and duty bearers/district assembly.

STEP 6

- Distribute the case study among the groups
- Ask groups to read the case studies carefully and provide responses to all questions that follow.

STEP 7

Let each group present their responses in a plenary. Summarize their presentation on a flip chart.

Briefly allow the participants to ask questions after each presentation. Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants.

CASE STUDY EXPERIENE OF SCF CHILD LABOUR PROJECT

Research conducted in 2014 by Smile Child Foundation (SCF), a Non-Governmental Organisation (NGO) revealed that 80.6% of the children in the Wassa Amenfi East community were involved in child labour. This revelation triggered SCF to implement a two (2) year intervention programme titled "0% Child Labour in Wassa Amenfi East District by 2017".

The SCF commenced the activities with sensitization and awareness creation programme which involved traditional leaders, religious leaders, community members, mining operators and children.

During the implementation period, community members were well sensitised on the effects and consequences of child labour on the children, families and community as a whole. Community Child Protection Committees were formed to monitor the incidence of child labour and sensitised parents and caregivers on the significance

of education for their children. Community child right group was formed to sensitise children on the importance of education as well as their rights as children. Traditional leaders and religious groups also played a key role. Some community by-laws were passed by the chief forbidding parents from allowing the children to work on farms and small-scale mining sites during school hours. Similarly, religious leaders also sensitised their congregations on the need to let their children stay in school and the negative consequence of child labour. To make poor household resilient and take proper care of their children, the SCF introduced the access to finance programme (known as the “Seed Capital to Poor Households”) in which poor households with children involved in child labour were supported with seed capital to engage in some form of income-generating activities. SCF however did not provide any entrepreneurship and financial literacy training for the parents who benefited from the Seed Capital Programme. Also, no follow up was done to ascertain how the capitals given out were utilized. The district assembly was informed about the SCF intervention but was not involved in the implementation of the intervention.

As SCF intervention programme was drawing to an end, they conducted another research/evaluation to assess their progress and achievements. The results revealed that the prevalence rate of child labour in the community has dropped from 80.6% in 2014 to 25.1% in 2017. Even though they couldn't achieve their 0% target. The programme ended in December 2017.

After publishing their achievement with the “0% Child Labour project” the NGO (SCF) were given some grant to scale up their project to other district. The donor asked SCF to conduct post evaluation in 2019 to ascertain the current state of child labour in Wassa Amenfi East. To the surprise of the SCF and the donor child labour rate has reverted to 78% in 2019 and they are wondering why this happened.

DISCUSSION QUESTIONS

1. What key activities did SCF do to reduce child labour in Wassa Amenfi District
2. What did SCF do right that you would like to emulate in your communities/district?
3. Why did child labour rate reverted sharply to 78% after two years despite the effort put in by SCF to bring it down to 25% in 2017.
4. Are you surprised about the fact that child labour rate in SCF communities increased after they have left? Why? Is this outcome unique with SCF or common among NGOs implementing child labour interventions?
5. IF you are SCF, what will you do differently to sustain your intervention the child labour intervention in the new district.

REFERENCE MATERIALS FOR PART 1 - THE CONCEPT (NATURE) OF CHILD LABOUR AND ITS MANIFESTATION IN ASGM

1.1 CONCEPTUALIZING CHILD LABOUR

WHO IS A CHILD?

The issue of child labour in Ghana becomes a concern when children are made to do work, they are not supposed to do. It is therefore important for community leaders, families and other stakeholders to be aware of who a child is in order to effectively prevent child labour.

Article 2 of ILO Convention 182 on the Worst Forms of Child Labour, states that "the term child shall apply to all persons under the age of 18." In the Ghanaian context, it is important to have a clear definition of a child so as to reduce any ambiguities in determining children who should be protected from child labour. This is a crucial point because there are various terminologies used to define a child.

Moreover, different laws in Ghana give various minimum age limits for different purposes in accordance with the needs. For instance, Ghana's Constitution sets 18 as age limits for children.

FACT BOX

DEFINING A CHILD IN GHANA

It is important to define a child in order to enhance stakeholders understanding of the minimum age. The Convention on the Rights of the Child (CRC) defines a child as any person below the age of 18 years, and the constitution of Ghana defines a child as such. The *Children's Act*, the *Human Trafficking Act*, and the *Domestic Violence Act of Ghana*, all define a child as "a person below the age of eighteen (18) years".

The activities that children do have been classified as economic activity/work and non-economic or non-work activities⁵.

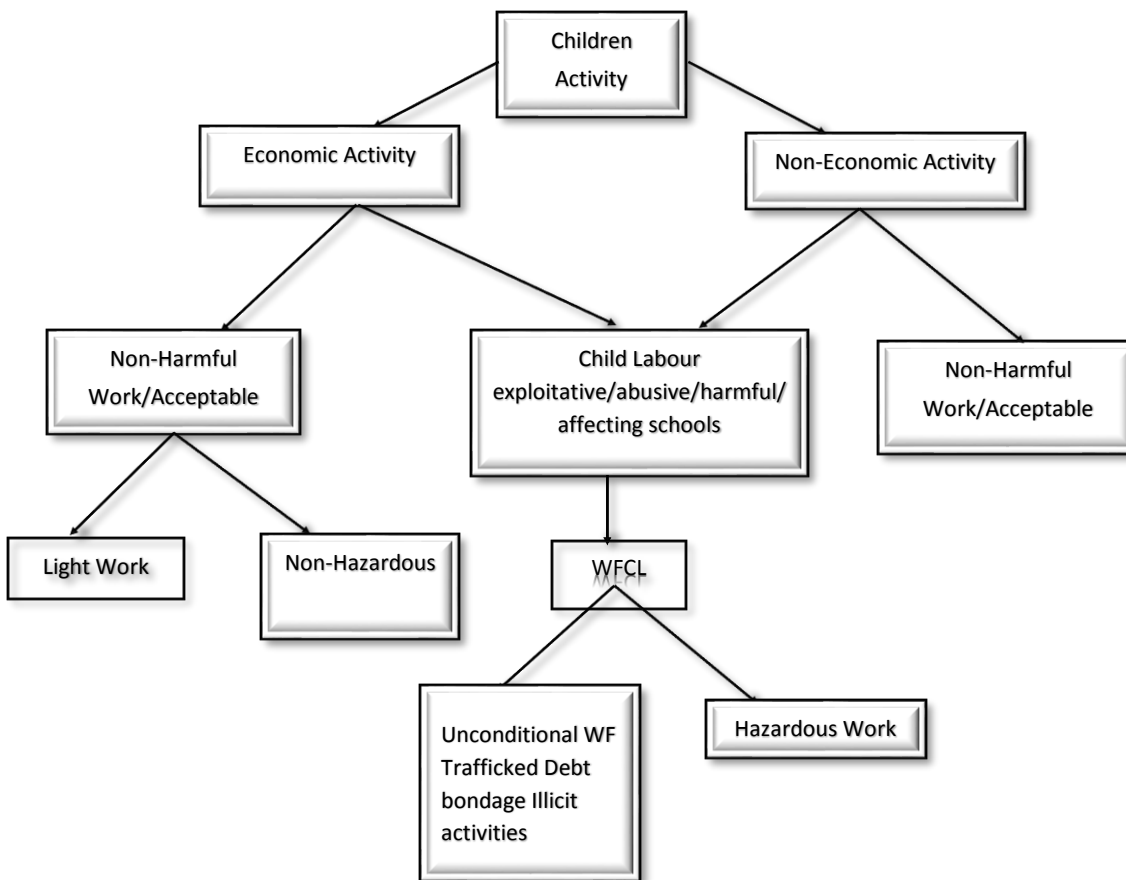
- **Economic Activities:** Economic activities encompass most productive activities undertaken by children, whether for the market or not, paid or unpaid, for a few hours or full time, on a casual or regular basis, legal or illegal; it excludes chores undertaken in the child's own household and schooling.
- It involves activities leading to the production of goods and services that are primarily intended for sale or are sold on the market
- **Non-economic activities:** Non-economic activities include household chores done in the child's own household and schooling.
- It consists mainly of work activities performed by household members in service to the household and its members. This includes:

⁵ See Hazardous Child Labour Activity Framework for Ghana (2008)

- **Housework:** Household activities such as cooking, washing, indoor cleaning, upkeep of abode, care of textiles, installation, servicing, repair of personal and household goods, minor home improvements, maintenance and repair, care of family members, and procurement of household goods and services
- **Volunteering and Community Service;** Community service and organizational volunteer work
- **Non-Productive activities:** Education, training, study, leisure and culture, personal care



Figure 1.1 Framework for Conceptualising Child Labour



Source: Hazardous Child Labour Activity Framework for Ghana

Light Work

- Not all work done by children should be classified as child labour that is to be targeted for elimination.
- Children's or adolescents' participation in economic work that does not affect their health and personal development or interfere with / prejudice their schooling or their participation in vocational orientation or training programmes is generally regarded as being something positive.
- This includes activities such as:



Helping their parents around the home.



Assisting in a family business or earning pocket money outside school hours and during school holidays.



Taking care of babies/siblings outside school hours.

- These kinds of activities contribute to children's development and to the welfare of their families; they provide them with skills and experience as well as help to prepare them to be productive members of society during their adult life.

- According to the ILO Convention 138, Minimum Age for Admission to Employment, children aged 13 years and above are permitted to do light for developed countries and 12 years for developing countries.
- Ghana' Children's Act permits light work from the age of 13.

Young Workers

- Young workers are female and male adolescents below age 18 who have attained the minimum legal age for admission to employment and are therefore legally authorised to work under certain conditions.
- The ILO Minimum Age Convention, 1973 (No.138) stipulates the minimum age for admission to employment or work. Under this Convention, the minimum age for employment or work should not be less than 15 years, but developing countries may fix it at 14.
- Ghana's Children's Act, 1998 puts the minimum age for employment at 15 and permit young workers from age 15 years.

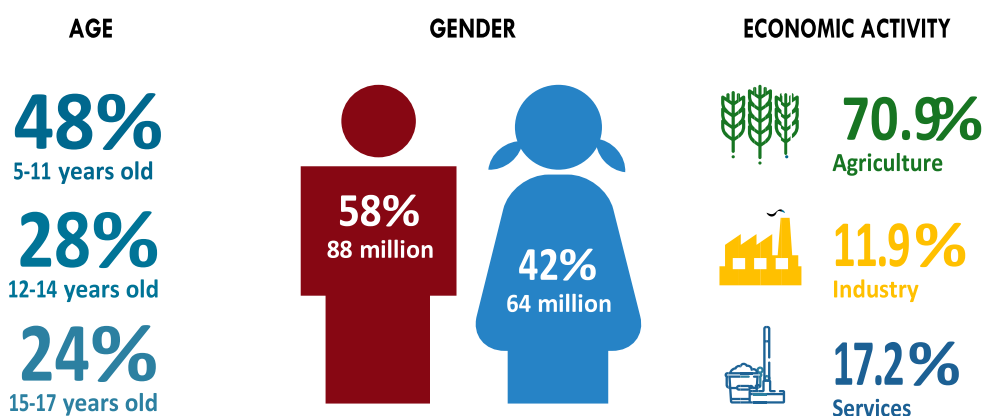
1.2 Defining Child Labour: International Instruments, National Laws and Local Bye-laws and Regulations

CHILD LABOUR

- The concept of “child labour” is based on the ILO Minimum Age Convention, 1973 (No. 138), which represents the most comprehensive and authoritative international definition of minimum age for admission to employment or work, implying “economic activity”.
- The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.
- It refers to work that:
 - is mentally, physically, socially or morally dangerous and harmful to children; and
 - interferes with their schooling by:
 - depriving them of the opportunity to attend school;
 - obliging them to leave school prematurely; or
 - requiring them to attempt to combine school attendance with excessively long and heavy work.
- **Child labour** is a narrower concept than “children in employment” as child labour excludes children working legally such as children 13 and 14 years old engaged in permissible light work or children of legal working age, at least 15 years of age, engaged in work which is not classified as the worst form of child labour.

Some key global statistics

Of the 152 million children in child labour across the globe⁶;



⁶ Source: ILO: *Global Estimates of Child Labour: Results and trends, 2012-2016*, Geneva, September 2017.

Available at: www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575499.pdf.

2. DISTINCTION BETWEEN CHILD WORK AND CHILD LABOUR

Child Work	Child Labour
<ul style="list-style-type: none"> • Work is appropriate to the child's age and mental capabilities 	<ul style="list-style-type: none"> • Work burden the child; too heavy for child's age and capabilities
<ul style="list-style-type: none"> • Supervised by responsible and caring adults 	<ul style="list-style-type: none"> • Child work unsupervised or supervised by abusive adults
<ul style="list-style-type: none"> • Limited hours of work; does not hinder the child from going to school, playing or resting 	<ul style="list-style-type: none"> • Very long hours of work; the child has limited or no time for school, play or rest
<ul style="list-style-type: none"> • The workplace is kept safe and child-friendly, does not pose hazards to the health and life of the child 	<ul style="list-style-type: none"> • Workplace poses hazards to the child's health and life
<ul style="list-style-type: none"> • Child's physical, emotional and mental well-being are nourished even in the work environment 	<ul style="list-style-type: none"> • The child is subject to psychological, verbal, or physical/sexual abuse
<ul style="list-style-type: none"> • The child works voluntarily to participate in the family responsibility of maintaining the household 	<ul style="list-style-type: none"> • The child is forced by circumstance or by a coercive individual to work
<ul style="list-style-type: none"> • The child is justly compensated materially and psychologically 	<ul style="list-style-type: none"> • Limited or no positive rewards for the child
<ul style="list-style-type: none"> • Child's work is regulated by law or governed by family/community norms and values 	<ul style="list-style-type: none"> • Child's work is excluded from the legislation, social security and benefits
<ul style="list-style-type: none"> • Child's work serves as a vehicle for social advancement and improvement in the child's quality of life 	<ul style="list-style-type: none"> • Child's work is used for exploitative, subversive or clandestine operation or disguised illegal activities

There are many criteria that could be used to define harmful or unacceptable child labour. A report by ILO measured how many of the economically active children in the world today were performing child labour, using only three main criteria:

- **'Labour that is performed by a child who is under the minimum age specified for that kind of work** (as defined by national legislation, in accordance with accepted international standards)'
- **'Hazardous work'**: work that jeopardizes the physical, mental, or moral well-being of the child
- **'Unconditional worst forms of child labour'**: slavery, trafficking (moving children far from their homes or out of their countries to be sold into bondage, prostitution, or other coerced/forced employment), debt bondage (children working to pay off a poor family's debt) and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution and pornography, and illicit activities.

3. INTERNATIONAL COMMITMENTS TO CHILD LABOUR

ILO Conventions

- The United Nations General Assembly (GA) on children in May 2002 made reaffirmations to the commitments made during the World Summit for Children in 1990 to give every child a better future.

- Child labour is a worldwide problem and working children can be found in every major region of the world. Globally, one in every six children is exploited through child labour. The GA called upon all members of society to observe the objective of eliminating the worst forms of child labour, through:
 - the United Nations Convention on the Rights of the Child (CRC) and the Optional Protocols;
 - the International Labour Organization (ILO) Conventions No. 138 on the minimum age for admission to employment (1973) and No. 182 on the elimination of worst forms of child labour (1999).
- This included the call for member States to protect children from all forms of economic exploitation; providing working children with free education and vocational training; integrating working children into the education system, improving conditions at work for those children who need to work; supporting social and economic policies aimed at poverty eradication; and encouraging mainstreaming of a gender perspective in all policies and programmes.
- Two key international labour Conventions are especially relevant to the discussion of child labour:
 - The first is the **Minimum Age Convention, 1973** (No. 138), which links the minimum age at employment with the age of completion of compulsory schooling. Article 2 of Convention 138 specifies that the minimum age should not be less than the age of completion of compulsory schooling, which should by implication be no less than 15 years or 14 in special cases.
 - The second is the **Worst Forms of Child Labour Convention, 1999** (No.182) and its accompanying Worst Forms of Child Labour Recommendation (R190), which calls for “adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls”.

Key International Labour Conventions

- *Minimum Age Convention, 1973 (No. 138)*
- *Worst Forms of Child Labour Convention, 1999 (No.182)*

- The Resolution Concerning the Elimination of Child Labour, adopted at the 84th Session of the International Labour Conference in 1996, notes the persistence of child labour despite the existence of laws prohibiting child exploitation in virtually every country, the linkages between poverty and child labour and the consequential need for sustained economic growth leading to social progress, in particular poverty alleviation and universal education.
- The Resolution, therefore, invites governments and where appropriate, employers’ and workers’ organizations to:
 - formulate and implement educational and developmental policies essential for the elimination of all forms of child labour, in particular, those aimed at providing employment for parents of working children and facilitating the transition of working children from work to school;
 - initiate activities targeted at working children and their families such as the establishment of day-care centres, schools and training facilities;
 - promote access to basic education for girls and boys alike on an equal basis, which is crucial to the success of any effort to progressively eliminate child labour;
 - allocate resources to develop education, including compulsory primary education accessible to all, vocational training and guidance.

ILO Worst Forms of Child Labour Convention, 1999 (No.182)

ILO Convention 182, Article 3, defines 'worst forms of child labour' as:

- a) "All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b) "The use, procuring or offer of a child for prostitution, for the production of pornography or for pornographic performance;
- c) "The use, procuring or offer of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- d) "Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."

The ILO minimum age Convention, 1973 (No. 138)

- The main purpose of the ILO Minimum Age Convention, 1973 (No 138) is to set standards for the minimum age for admission to employment or work. The Convention requires States to specify in law a minimum age for admission to employment; an age, that should not be less than the age of finishing compulsory education, and which in any case, should not be less than 15 years. However, a member country whose economy and educational facility are insufficiently developed may under certain conditions initially specify a minimum age of 14 years.
- ILO minimum age standards do not forbid all work below the minimum age of employment. National laws or regulations may permit the employment of 13-15-year olds in light work which is neither prejudicial to school attendance nor harmful to a child's health or development. The ages 12-14 can apply for light work in countries that specify a minimum age of 14.

The ILO Worst Forms of Child Labour Convention, 1999 (No. 182)

- ILO Convention No.182 applies to everyone under the age of 18. The Convention calls for 'immediate and effective measures to secure the prohibition of the worst forms of child labour as a matter of urgency'. The worst forms are defined as:
 - All forms of slavery, or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, as well as forced labour, including forced or compulsory labour, forced or compulsory recruitment of children for use in armed conflict.
 - The use, procurement or offering of a child for prostitution, for the production of pornography or for pornographic performances.
 - The use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties.
 - Work which, by its nature or circumstances in which it is carried out, is likely to harm the health, safety or morals of children, such harmful work to be determined by national authorities.

- Effective, time-bound preventative action is demanded of ratifying states, including the identification of children at special risk, taking account of the special situation of girls.
- Children in the worst forms of child labour must:
 - be removed and rehabilitated;
 - have access to free basic education or vocational training.
 -

ILO Minimum Age Criteria

All States that ratify the Age Convention, 1973 (No.138) must:

- fix a minimum age for admission to employment or work;
- ensure the effective abolition of child labour
- raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

The Convention does not prescribe a fixed minimum standard. Rather, it aims to encourage the progressive improvement of standards and promoting sustained action to attain its objectives. It permits the exclusion of limited categories of employment or work, such as family and small-scale holdings producing for local consumption and not regularly employing hired workers.

Light Work

The Convention permits national laws to set a minimum age for light work which is lower than the normal minimum age (i.e. 12-13-year-olds in developing countries). Such work is:

- not likely to be harmful to children’s health or development;
- not likely to prejudice
- attendance at school,
- participation in vocational orientation or training programs,
- capacity to benefit from the instruction received.

Table 1.1: Criteria for Setting Minimum Ages

Description	General	Possible for countries whose economy and educational facilities are insufficiently developed
General minimum age The minimum age for admission to employment or work should not be below the age for finishing compulsory schooling	15 years or more	14 years
Light work Children between the ages of 13 and 15 years old may do light work, as long as it does not threaten their health and safety, or hinder their education or vocational orientation and training.	13 years	12 years
Hazardous work Any work which is likely to jeopardise children’s physical, mental or moral health safety or morals should not be undertaken by anyone under the age of 18	18 years (16 years under certain strict conditions)	18 years (16 years under certain strict conditions)

United Nations Convention on the Rights of the Child (CRC), 1989

What is CRC?

- It makes every person under the age of 18 a priority for everyone, including governments.
- It ensures children their civil, political, economic, social and cultural rights.
- It is universal and so applies to all children.
- It is unconditional and holistic.

Why is the CRC needed?

- In most societies, there are no legal or social structures specifically dedicated to children's rights.
- The healthy development of children is essential to the future of every society.
- Children are more vulnerable than adults to the conditions under which they live.
- In most situations, children's voices are not heard.
- Children are particularly vulnerable to exploitation and abuse.

Key Principles of the CRC

The CRC is based on three key principles that are underlying themes throughout the CRC:

- **Best interests (Article 3):** The Article outlines obligations to consider the best interests of children, especially in certain situations such as separation, child labour, etc. The Article emphasizes that governments and other associations are aware and determine the impact of their actions on children, in order to ensure that the best interests of the child are the primary focus and are positive influences on a child's development.
- **Non-discrimination (Article 2):** The Article relates to the recognition that measures of protection are aimed at removing all discrimination in every field. Children have a right to be treated fairly, whatever their situation or circumstance.
- **Participation (Article 12):** All children have the right to take an active role in their community, to be members of a group, to freely express their opinions and to have a voice in matters affecting their own lives.

Article 32 of the Convention recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. This includes taking legislative, administrative, social and educational measures, such as providing:

- the minimum age for admission to employment;
- appropriate regulation of the hours and conditions of employment; and
- appropriate penalties or other sanctions to ensure effective enforcement of the article.

Article 34: The child should be protected from all forms of sexual exploitation and sexual abuse.

Measures should be taken to prevent:

- the inducement or coercion of a child to engage in any unlawful sexual activity and
- the exploitative use of children in prostitution or other unlawful sexual practices, pornographic performances and materials.

Article 35: A child should not be abducted, sold or trafficked for any purpose or in any form.

In addition to the CRC, the following articles under the UN Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights are of relevance to all children.

The African Charter on the Rights and Welfare of the Child

The African Charter on the Rights and Welfare of the Child states a number of Articles to which States have agreed upon. Some of the key Articles in relation to children who work are as follows:

- **Article 3: Non-discrimination**
Every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed irrespective of the child's or his/her parents' or legal guardians' race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.
- **Article 4: Best interests of the child**
In all actions concerning the child undertaken by any person or authority, the best interests of the child shall be the primary consideration.
- **Article 11: Education**
Every child shall have the right to an education and requires the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential.
This includes:
 - the provision of free and compulsory basic education; encouraging the development of secondary education and to make it free and accessible to all;
 - making higher education accessible to all on the basis of capacity and ability;
 - taking measures to encourage regular attendance at schools and the reduction of drop-out rates;
 - taking special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community; and
 - taking appropriate measures to ensure that a child who is subjected to discipline shall be treated with humanity and with respect for the inherent dignity of the child.

Article 12: Leisure, recreation and cultural activities

Every child has the right to rest and leisure, to engage in play and recreational activities and to participate freely in cultural life and the arts.

Article 14: Health and health services

Every child has the right to enjoy the best attainable state of physical, mental and spiritual health.

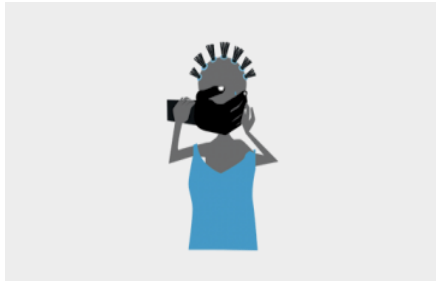
Article 15: Child labour

Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development.

Article 16: Protection against child abuse and torture



Specific legislative, administrative, social and educational measures shall be taken to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse.



Article 27: Sexual exploitation

Every child shall be protected from all forms of sexual exploitation and sexual abuse and shall, in particular, take measures to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity; the use of children in prostitution or other sexual practices; and the use of children in pornographic activities, performances and materials.

Article 29: Sale, trafficking and abduction

Appropriate measures shall be taken to prevent the abduction, the sale of, or traffic in children for any purpose or in any form, by any person; and the use of children in all forms of begging.

NATIONAL LAWS PROHIBITING CHILD LABOUR

The 1992 Constitution

- Protection against child labour in Ghana has a firm constitutional basis. For instance, *Article 28* is devoted to “children’s rights” and aims to secure, by legislation, special care, assistance and maintenance and to protect children from exposure to physical and moral hazards and from torture or other cruel, inhuman or degrading treatment or punishment.
- *Article 28(2)* also stipulates that every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development. These provisions have a direct bearing on apprenticeships since apprenticeships are forms of “work” within the meaning of article 28 of the constitution and also have the propensity to affect the human rights and the general development of the child in terms of the various guarantees in the article.
- Further, the “Directive Principles of State Policy”, which are not directly enforceable unless read in conjunction with other enforceable provisions of the 1992 Constitution, (but which “shall guide all citizens, Parliament, the President, the judiciary, the Council of State, the Cabinet, political parties and other bodies and persons in applying or interpreting this Constitution or any other law and in taking and implementing any policy decisions”) contain provisions that bear directly on apprenticeships.
- *Article 38* provides that the state shall provide educational facilities, at all levels and in all the regions of Ghana and make those facilities available to citizens. Education is stated to include “other appropriate pre-university education...with emphasis on science and technology...and ...free vocational training, rehabilitation and resettlement of disabled persons”. These provisions obviously bear directly on apprenticeships.
- *Article 25* is another provision in the Fundamental Human Rights Provisions on the constitution, which bears on apprenticeships. This article on “educational rights” is directly enforceable in the High Court. It provides that “the development of a system of schools with adequate facilities at all levels shall be actively pursued”. If it can be successfully argued that “a system of schools” covers apprenticeships (at least in the formal sector), then the constitutional basis for apprenticeship will be firmer still.

Children’s Act 1998 (Act 560)

According to the long title of this act, it aims 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.” It is important to note that the overall purpose of this act was, in part, to “regulate child labour and apprenticeship”.

- *Section 12* provides protection for children against exploitative labour.
- *Section 13* provides for the general protection of the child from torture or cruel, inhuman and degrading treatment, including any cultural practice which dehumanises or is injurious to the physical and mental well-being of a child.
- *Section 87* reiterates the prohibition on exploitative child labour and defines exploitative child labour as labour that deprives the child of its health, education or development. *Section 87 (1)* reaffirms the protection for children against exploitative labour and states that “no person shall engage a child in exploitative labour.” Therefore, every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development.
- *Section 88* outlines exploitative child labour and specifically bans ‘night work’ which is defined (for children) as “work between 8 o’clock in the evening and 6 o’clock in the morning”.
- *Section 89* pegs the minimum age for admission of a child to employment shall be fifteen years.
- *Section 90(1)* pegs the minimum age for the engagement of a child in light work at thirteen years.
- *Section 90(2)* defines light work as work which is not likely to be harmful to the health or development of the child and does not affect the child’s attendance at school or the capacity of the child to benefit from school work. For hazardous work, the age of engagement is eighteen. Work is hazardous when it poses a danger to the health, safety or morals of a person and includes: going to sea; mining and quarrying; porterage of heavy loads; manufacturing industries where chemicals are produced or used; work in places where machines are used; and work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.
- *Section 91 (3)* states that ‘hazardous employment’ (which is synonymous with ‘hazardous work’) includes:
 - a) “going to sea;
 - b) “mining and quarrying;
 - c) “porterage of heavy loads;
 - d) “manufacturing industries where chemicals are produced or used;
 - e) “work in places where machines are used; and
 - f) “work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.
- *Section 92* provides that it is applicable to the employment of children in both the formal and informal sectors. District Labour Officers are charged with policing the child labour provisions of the Act in the formal sector. In exercise of this function, they may interrogate any person.
- *Section 93* defines ‘industrial undertakings’ as “an undertaking other than one in commerce or agriculture and including:
 - a) “Mines, quarries, other works for the extraction of minerals from the earth;
 - b) “Undertakings in which articles are manufactured, altered, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings in shipbuilding or the generation, transformation, transmission of electricity or motive power; undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;



- c) “Undertakings engaged in the transport of passengers or goods by road or rail including the handling of goods at docks, quays, wharves, warehouses and airports.”
- *Section 95 (3)* stipulates that if a district labour officer is reasonably satisfied that these provisions are not being complied with, he shall report the matter to the police who shall investigate the matter and take the appropriate steps to prosecute the offender. The Social Services Sub-Committee of a District Assembly and the Department of Social Welfare and Community Development (the Department) are responsible for policing the child labour provisions in the Act in the informal sector. Any member of these two institutions has the power to interrogate any person for the purpose.
- *Section 97* deals specifically with apprenticeships and expressly provide for its application to apprenticeships in the informal sector. All the provisions on child labour in the Act also apply to apprenticeships.
- *Section 98* pegs the minimum age at which a child may commence an apprenticeship with a craftsman is fifteen years (15) or after completion of basic education.
- *Section 101* imposes certain obligations on both the craftsman³³ and the apprentice. The master craftsman has the duty to:
 - a) train and instruct the apprentice in a trade to the best of the ability, skill and knowledge of the craftsman and to the best ability of the apprentice or cause the apprentice to be trained in a trade under the supervision of the craftsman;
 - b) be responsible for any harm caused to the apprentice in the course of his training;
 - c) provide food for the apprentice unless otherwise agreed;
 - d) provide a safe and healthy environment for the apprentice;
 - e) be responsible for the moral training of the apprentice; and
 - f) protect the best interest of the apprentice generally.

Labour Act, 2003 (Act 651)

Section (2) empowers the Minister to, by legislative instrument, “determine the type of employment that is likely to expose a young person to physical or moral hazard.”

Section 7 (1) further states that an employer shall not engage a young person in work which is listed, by The Minister, under a *Legislative Instrument*, as being hazardous.

Section 58 prohibits the employment of young persons in hazardous work and specifically prohibits the employment of a young person in underground mine work.

Section 58 (1) defines ‘Hazardous work’ which is synonymous with ‘hazardous employment’ under the Labour Regulations as work which involves the following:

- a) manual lifting of weights which exceed twenty-five kilograms
- b) work on the scaffold and other structures at a height exceeding two and a half meters
- c) the use of substances and materials that emit radiation, or poisonous gases or fumes
- d) the use of dangerous chemicals
- e) excessive noise
- f) the felling of timber
- g) night work exceeding eight continuous hours
- h) other situations considered by the Chief Labour Officer as hazardous.

Section 58 (2), further lists forms of work which are considered ‘hazardous’ and for which an employer shall not engage a young person. Those forms of work are the production and screening of pornographic material or work at areas in a hotel which are likely to corrupt the moral development of that young person

Section 59, stipulates as follows:

- a) “an employer shall not employ a young person on any work unless a medical practitioner has certified that the young person is in good health and is medically fit for the work”; and that
- b) “where a person fails to comply with subsection (1), the person shall be ordered by the Minister to have the medical examination conducted.”

Section 60 of Labour Act, 2003, Act 651, stipulates that: “an employer in an industrial undertaking shall keep a register of the children and young persons employed by him and of the dates of their births if known or their apparent ages if their dates of birth are not known” (see 6.9(ii) for the definition of ‘industrial undertakings’).

Human Trafficking Act, 2005 (Act 694)

Sections 1 (1) and (2), that ‘human trafficking’ may involve “exploitation of the vulnerable” and that such exploitation may include “forced labour or services.” According to *Section 1 (3) of the Human Trafficking Act*, “placement for sale, bonded placement, temporary placement, placement as services where exploitation by someone else is the motivating factor shall also constitute trafficking.”

Sections 2 (1), 3 (1) and 4 (1) of Act 694 prohibit human trafficking; provision of trafficked persons; and use of trafficked persons.

In the context of child victims of human trafficking, the above-mentioned trafficking-related activities (i.e.: exploitation of the vulnerable; forced labour or services etc.) has to qualify as ‘the worst forms of child labour.’



The Criminal Code, 1960 (Act 29)

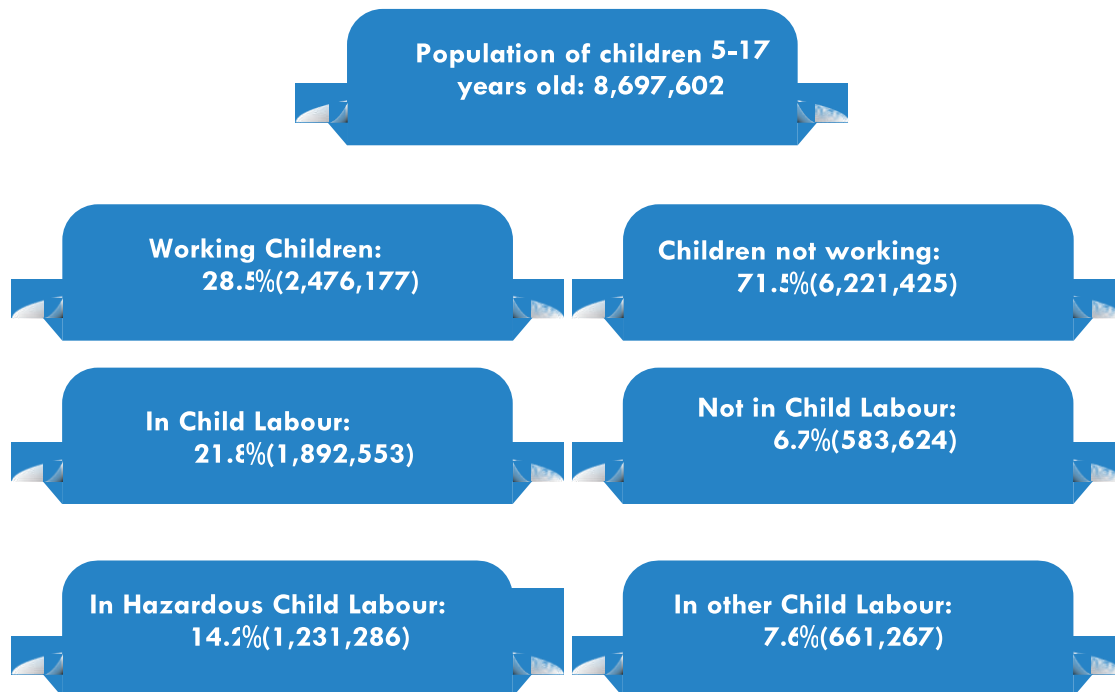
This Act deals generally with criminal offences. Some of its provisions bear directly on child labour and apprenticeships.

Section 84 that prohibits “unlawful assault [of] any person”.

- *Section 41* expressly provides that a “master may correct his servant or apprentice, being under sixteen years of age, for misconduct or default in his duty”. In this regard, a “blow or other force, may be justified for the purpose of correction” except that “no correction can be justified which is unreasonable in kind or degree” considering the age and physical or mental condition of the person on which it is inflicted. Indeed, “no correction can be justified in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted”.
- *Section 71* also provides that no one may expose a child to danger or abandon a child under twelve (12) years. No one may also “expose a physically or mentally handicapped child to danger” or abandon such a child so as to cause any harm to the child. This offence is characterised as a misdemeanour, not a felony, which is the more serious category of offences and carries heavier penalties. As a misdemeanour, such a matter may also be withdrawn from the police or the court for settlement.
- *Sections 79 and 78* provide positive obligations on a category of persons, including masters and craftsmen in an apprenticeship relationship.
- “A person who has agreed or undertaken to supply any of the necessities of health and life to another person whether as his servant, apprentice or otherwise, is under a duty to supply them accordingly.”

- We need to recall that a craftsman may be under an obligation in the children’s Act to provide shelter and an allowance to the apprentice for her daily sustenance according to the terms of the apprenticeship agreement.
- Since the Criminal Code defines “necessaries of health and life” to include “proper food, clothing, shelter, warmth, medical or surgical treatment, and other matters which are reasonably necessary for the preservation of the health and life of a person”, the duties of the craftsman are squarely within the meaning of the code. Thus, where the apprenticeship agreement requires that the craftsman provide any of these “necessaries of health and life”, neglect so to do will be a criminal offence.
- Section 78 of the Criminal Code also contains a positive injunction on craftsmen. It provides that anyone who is charged with providing the “necessaries of health and life” to a person shall also be under a duty to prevent harm to that person.

INCIDENCE OF CHILD LABOUR IN GHANA⁷



- Child labour continues to be prevalent in Ghana; every fifth child is directly affected and more than one-in-ten (14.2%) engaged in the worst forms, particularly hazardous work.
- There is child labour in every region of the country. Apart from the Greater Accra and Central Regions, each region has more than 20% of children as victims.
- The menace is endemic in many local communities especially in deprived areas where opportunities are dwindling.
- In urban areas, it is common to find children in the streets, selling wares and begging (for themselves or assisting adults with disabilities) or in the markets engaged in the manual handling or transportation of heavy loads (Kaya/kayayo).

⁷ GSS (2014) Ghana Living Standard Survey, Round 6, Child Labour Report; adapted from National Action Plan for Elimination of Worst Forms of Child Labour in Ghana (2017-20123)

- In rural communities many children are involved in agriculture including livestock and fisheries, doing work which by its nature or circumstance is injurious to their health. Not every work that children are engaged in is child labour. But most working children are child labourers.

Child Labour and Education

- Over 60% of children not attending school are engaged in child labour, (35.4%) or its worst forms/hazardous work (28.3%).
- Many children are combining working with school attendance. This is affecting the quality of education they get. The detrimental effects of child labour on education cannot be camouflaged by keeping children in school without fully withdrawing them from inappropriate work.

Child labour, Gender and other Socio-Cultural Factors

- Girls form the majority of children in a number of WFCL situations that have low public visibility and may hence receive inadequate attention.
- These cases include commercial sexual exploitation of children and domestic servitude. The hidden nature of these cases of the WFCL contributes to the difficulty in examining the incidence, nature, consequences and possible remedies.
- With regard to domestic servitude, its informal nature and its frequent association with traditional fosterage practices encourage the exploitation of children on a massive scale. Yet domestic servitude has seldom attracted effective attention and action. There is an urgent need to put effective measures in place to end these forms of exploitation.

Child labour and abuse of children

- Many working children engaged in child labour and other forms of hazardous work are often exposed to various forms of abuses in the workplace. The GSS reports that about nine in every ten children (91%) who suffered some form of abuse were involved in child labour while 87.4 percent of such children were engaged in hazardous forms of child labour. Only 22.5 percent of children who did not suffer any abuse was reported to be engaged in child labour.

CAUSES OF CHILD LABOUR

Poverty and other economic factors

- According to the GLSS 6, child labour, particularly unpaid work in family enterprises is high in the rural informal economy. The Rural Savanna zone, including the five regions in the north, has the highest incidence of poverty (55%) and child labour (34%)⁸.
- The 2015 Ghana MDG Report shows that whereas the incidence of poverty is decreasing because of improvements in urban poverty, the poverty gap is increasing because of little progress made against rural poverty. In rural areas, the depth of poverty is worsening, the rural poor are becoming poorer. According to the Child Labour Report from the Ghana Living Standards Survey Round 6, child labour is prevalent in rural areas⁹

⁸ GSS (2014) Ghana Living Standard Survey, Round 6

⁹ GSS (2014) Ghana Living Standard Survey, Round 6, Child Labour Report.

Rural-urban migration for economic reasons. Some children migrate to the cities influenced either by media reports or by their peers returning from the cities.

Poor parenting: The inability of parents to care for their children also results in child migration. Some parents also move from the northern to the southern areas hoping to find jobs so they can revisit their spouses and children in the rural area¹⁰

Undeveloped labour markets, coupled with weak enforcement of child labour laws and the fact that over a fifth of school-going children remains outside of the school system, make it easy and attractive for employers to substitute children's labour, including unpaid child labour, for that of adults.

Disregard of children's rights is a major cause of child labour. Child neglect has been identified as the most common form of child rights abuse by the Commission on Human Right and Administrative Justice (CHRAJ).

Socio-cultural factors

Social and cultural factors associated with the child labour problem in Ghana include:

- **Breakdown of the extended and nuclear family system:** Economic hardships have caused the extended family system which used to provide support by absorbing children whose nuclear families could not maintain them.
- **Peer influence:** Studies have shown that children who go onto the streets are greatly influenced by their peers who return home from the cities with money, clothing and other personal belongings especially during festive occasions.
- **Ethnic Violence:** Ethnic violence is known to force children out of their homes and their communities to peaceful settlements or cities.
- **Cultural/traditional practices:** There are several cultural/traditional practices that served good purposes in the past but have become corrupted, resulting in the exploitation of children. Examples include the traditional fosterage system, which has left the legacy of child domestic workers. Another is the Trokosi which used animals for reparation in the past but now uses girls.
- **Discriminatory inheritance patterns:** In some patrilineal communities, it is the practice that fathers bequeath their property to the eldest male child with the intention that he would hold it in trust and manage it on behalf of all the other children. Experience has shown that some of such older children appropriate the property to the total exclusion of their siblings who migrate to the urban areas to fend for themselves.
- **Child abuse/ Violence at home:** Children flee their homes on grounds of neglect, corporal punishment/severe beating, underfeeding, overworking and sexual abuse.
- **Single parent:** Children living with single parents may not receive adequate care and protection, and may be easily lost to delinquent behaviour and child labour. Single parents may not have adequate income to provide the needs of the child.
- **Large family size:** Older children of large families may have to work to assist in family upkeep. Because the parents are not able to work, feed and support their family size, children who are a bit capable

tend to assume the responsibility of working to support their families and thus become child labour in the course.

- **Sickness or death of a parent:** Children of sick or incapacitated parents, including those affected by HIV/AIDS, are forced to find alternative means of looking after themselves and also support their sick parent.

CONSEQUENCES OF CHILD LABOUR

Child labour causes poverty.

- Child labour perpetuates intergenerational socio-economic vulnerabilities on communities, families and individuals.
- Generally, children are not developed enough to have the competent knowledge and skills required for intermediate and future productivity. Thus, they make the least returns from the inappropriate work they are engaged in presently. Because of their inadequate capacity, child labourers do not make sufficient income, yet their continuous engagement in work deprives them of the time to acquire employable skills.
- As they grow into legally employable young people (15-24 years), their chances to acquire decent jobs diminish because of lack of competitiveness. Child labour, in other words, not only poses well known immediate health, safety and development risks but is also associated with compromised earning prospects and chances of securing decent work in the longer term.
- As a result, today's child labourers become tomorrow's poor adults, with families they cannot cater for. Such poor families engage their children in labour as a coping mechanism, thus perpetuating the poverty cycle. Communities consisting of such families are deprived and trapped in perpetual poverty¹¹.

¹¹ ILO (2015), *World Report on Child Labour*



Child labour lowers education outcomes.

- Many boys (39.9%) and girls (31.2%) in illegitimate work do not attend school. More than 60% of children who are not attending school are engaged in child labour or its worst forms (hazardous work)¹².
- As a result of work, many children do not make time for school. Such children have poor learning outcomes and do not benefit from education.
- In some sectors, such as Artisanal Small-scale Gold Mining (ASGM), where child labourers make relative high incomes, the desire of children and families to make quick money obscures their appreciation of the long-term benefits of education.

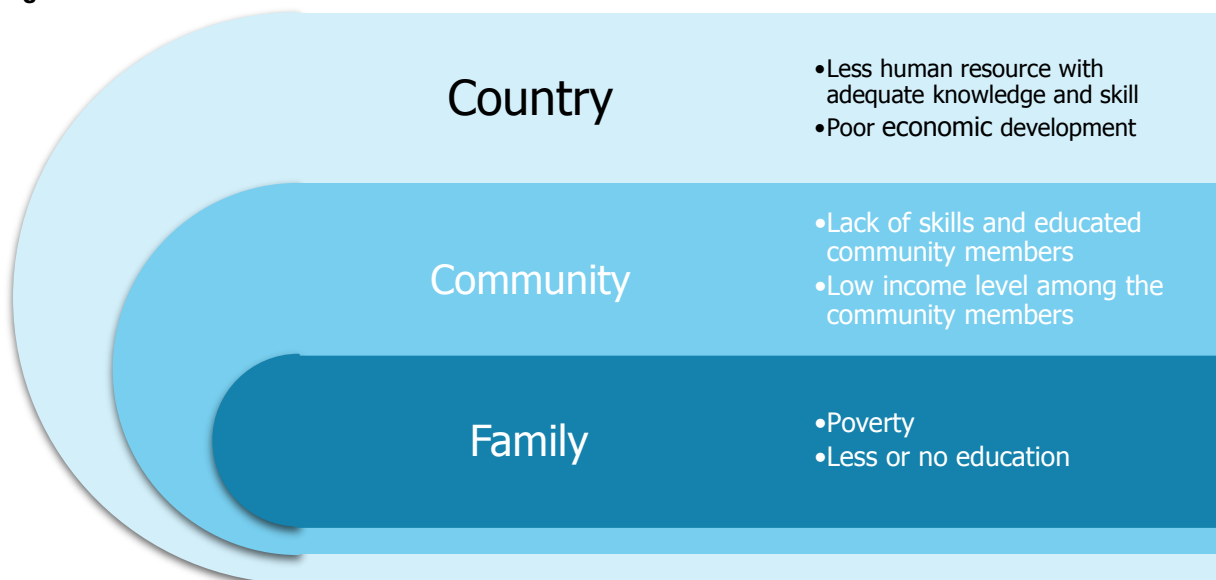
Child labour has a detrimental effect on the health and safety of children.

- Child labour exposes children to many health hazards.
- Working long hours, carrying heavy loads, use of dangerous tools and exposure to toxic chemicals (such as mercury in the ASGM sector) among others, strains their frail bodies and jeopardizes their health.
- Child labourers are also often abused, physically, verbally and/or sexually¹³

¹² 22 GSS (2014), GLSS6, Child Labour Report

¹³ GSS (2014), GLSS6, Child Labour Report

Figure 1.2 Effect of child labour



REFERENCES FOR FURTHER READINGS

International Conventions and Protocols

- The ILO minimum age Convention, 1973 (No. 138)
- The ILO Worst Forms of Child Labour Convention, 1999 (No.182)
- United Nations Convention on the Rights of the Child (CRC), 1989
- The African Charter on the Rights and Welfare of the Child

National laws

- The 1992 Constitution of the Republic of Ghana
- Children's Act 1998 (Act 560)
- Labour Act, 2003 (Act 651)
- Human Trafficking Act, 2005 (Act 694)
- The Criminal Code, 1960 (Act 29)





Policies & Plans




- Ministry of Gender, Children and Social Protection (2014), Child and family Welfare Policy
- National Action Plan for Elimination of worst Forms of Child Labour (II) 2017-2021
- The Ghana Child Labour Monitoring Systems (GCLMS)





Other Publications





- Child Labour Monitoring Framework and Operational Plan For Artisanal and Small Scale Mining (ASGM) in Ghana Produced by the Child Labour and Responsible Mining Network (April 2019).



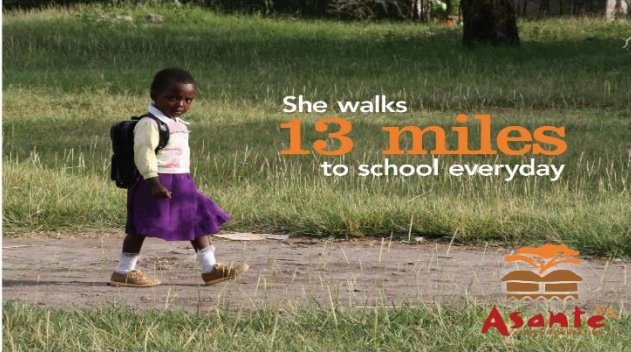

ANNEXURES FOR ACTIVITIES IN PART 1

No.	Image	Activities
1.		<p>A child forced to carry milled rocks at a small-scale mining site.</p>
2.		<p>A child follows his father to a small-scale mining site where he works with sodium cyanide and mercury in the process of extracting the gold with no protective clothing and equipment.</p>
3.		<p>A child sweeping the house compound with her siblings.</p>
4.		<p>Children work in small-scale mining site without schooling in order to pay a loan owed by their parents.</p>

<p>5.</p>	 <p>MEGAPIXL Download from megapixl.com/9044710</p>	<p>Children washing their clothes at home on a weekend.</p>
<p>6.</p>		<p>A child carrying a container full of water which weighs more than average of his weight to the house for domestic use.</p>
<p>7.</p>		<p>A child digging in a tunnel at a small-scale mining site for pay/remuneration</p>
<p>8.</p>		<p>A child pumping and fetching water at the borehole with his friends for household use.</p>

9.		A child creating a water path at a small-scale mining site with his friend.
10.		Children extracting gold from the core dust with water and toxic chemicals at a small-scale mining site.
11.		Parents of Akosua gives room to Akwasi the manager of a small-scale mining site to sleep with their daughter in order to gain favours and financial resources from him to cater for their livelihood expenditure even though is 15 years old.
12.		Children going to fetch water from a long distance before going to school.

13.		A child working with the mother to fetch water for the miners to use in their operations at a small-scale mining site.
14.		A child who works in an underground tunnel at a small-scale mining site digging for gold.
15.		A child quarrying rocks with the mother at a small-scale mining site after school.
16.		A child washing the household utensils in the morning before going to school.

17.		<p>Children take away from their parents from different locations to work in a small-scale mining site.</p>
18.		<p>A child operating a rock milling machine with the elderly brother at a small-scale mining site.</p>
19.		<p>A child who walks 13 miles to school every day.</p>
20.		<p>Musa is 14 years old who dropped from school and now works at a small-scale mining site to feed himself.</p>

PART 2

IMPROVING WORKING CONDITIONS & ENFORCING THE FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (FPRW) IN ASGM OPERATIONS

2.1 CONTENTS

1. The nature, causes and consequence of poor working condition
2. Improving productivity by safe and healthy miners
3. Ensuring Safety and Health in ASGM Operations
4. Use of Personal protective equipment (PPE)
5. Ensuring Safety When mining
6. Fundamental principles and rights at work (FPRW) in ASGM operations
7. Integrating FPRW in ASGM operations
8. Guidelines for the appropriate formalization of informal ASGM

2.2 INTRODUCTION

Working conditions are at the core of paid work and employment relationships. It is the demands, environment, and terms of a job that influence the satisfaction of the employees. Working condition generally covers a broad range of issues from working time (hours of work, rest periods, and work schedules) to remuneration, as well as the physical conditions and mental demands that exist in the workplace.

Very few workers in ASM are formally employed. Virtually no appointment letters are written with specified terms and conditions. Those that are employed are not controlled by their employers. Majority of workers are freelance workers with engagement and disengagement controlled by themselves. This is a key hindrance to formalization and enforcement of working standards. Most ASM do not own key equipment and other infrastructure. Tend to maximize the availability of rented equipment disregarding Health and Safety and the environment.

Three groups are identified; owners, operators and workers. These have no binding agreements guiding their relationships. There is also no attempt to re-invest part of profit into improving working conditions. There are no prior basic standard screening and training before involvement in ASM as a legal requirement by state institutions.

Some workers are only seasonal miners who uses the off-farming seasons to work in ASM. mostly engaging in illegal mining thus making awareness creation efforts difficult. Alluvial workings have mostly short life spans hence the tendency not to properly plan. There are no salary or remuneration structure. Workers are paid from what gold or diamonds mined.

Thus, poor working condition in the ASGM sector is caused by a number of factors

- No training before handling tools and other machinery
- Using equipment for wrong purposes: excavator bucket to fetch water etc.
- Lack of appropriate PPEs
- Lack of uniforms for workers
- Lack of maintenance of equipment
- Lack of proper security at site exposing workers to robbers and other dangers
- Refusal of some workers to wear PPEs claiming discomfort

Fundamental principles and rights at work provide the foundation on which equitable and just societies are built. They are the starting point for a virtuous circle of effective social dialogue, better conditions for workers, rising enterprise productivity, increased consumer demand, more and better jobs and social protection, and for formalizing the informal economy¹⁴.

Working people in the rural and informal economies - notably children, women, migrant workers and indigenous peoples - are most at risk of being denied their fundamental rights at work. Work in artisanal small-scale mining, quarrying and brick kilns, commercial plantations and family farms, as well as fishing and food processing – which commonly take place in informal settings - are among the high-risk activities concerned¹⁵.

Deeply-engrained norms and practices, abusive tenancy systems and lack of access to public goods and services hold workers back from claiming their rights. Climate change, the depletion of natural resources, food insecurity and demographic pressures put rural workers at further risk of violations of their fundamental labour rights. The declaration on the fundamental principles and right at work adopted in 1998, requires ILO member States to respect, promote and realize the following four fundamental principles:

- Freedom of association and the effective recognition of the right to collective bargaining
- The elimination of all forms of forced or compulsory labour
- The effective abolition of child labour
- The elimination of discrimination in respect of employment and occupation.

2.3 OBJECTIVES

- To increase ASGM operator's knowledge and understanding about the nature, causes and consequence of poor working condition
- To highlight the significance of safety and health in ensuring improved productivity in ASGM operations
- To increased ASGM knowledge and understanding about how they can improve Safety and Health in ASGM Operations
- To enhance ASGM operators understanding about Personal protective equipment (PPE) and how to use them
- To increase the knowledge and understanding of ASGM operators about the Fundamental principles and rights at work (FPRW) and how to integrate them in their operations
- To increase ASGM knowledge and understanding about the need to formalize their operations and how to go about the formalization process.

2.4 METHOD OF DELIVERY

Delivery may involve any or a combination of the following approaches as found appropriate:

- Presentation
- Brainstorming
- Group Discussion/ Case Study

2.5 MATERIALS/RESOURCES

Resource materials may include the following:

- Flip chart,
- Flip chart stands,
- Marker and the case study materials etc.

¹⁴ ILO (2019), Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), Governance and Tripartism Department, International Labour Office 4, route des Morillons CH-1211 Geneva 22 – Switzerland www.ilo.org/fundamentals

¹⁵ The ILO, Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023

2.6 SESSIONS

- Understanding the meaning of 'child' and child labour
- The types of work children do that constitute child labour
- Causes, consequences and forms of child labour prevalent and targeted for elimination in Ghana
- National regulations and policies to reduce child labour and eliminate worst forms of child labour in Ghana
- Child labour as obstacle to child development and wellbeing
- Interventions to reduce child labour in mining communities

REFERENCE MATERIALS FOR PART 2: IMPROVING WORKING CONDITIONS AND ENFORCING THE FPRW IN ASGM OPERATIONS

The nature, causes and consequence of poor working condition

Working conditions are at the core of paid work and employment relationships. It is the demands, environment, and terms of a job that influence the satisfaction of the employees. Working condition generally covers a broad range of issues from working time (hours of work, rest periods, and work schedules) to remuneration, as well as the physical conditions and mental demands that exist in the workplace.

Nature of working condition in ASM

- Very few workers in ASM are formally employed. Virtually no appointment letters are written with specified terms and conditions. Those that are employed are not controlled by their employers.
- Majority of workers are freelance workers with engagement and disengagement controlled by themselves. This is a key hindrance to formalization and enforcement of working standards.
- Most ASM do not own key equipment and other infrastructure. Tend to maximize the availability of rented equipment disregarding Health and Safety and the environment.
- Three groups are identified; owners, operators and workers. These have no binding agreements guiding their relationships.
- There is no attempt to reinvest part of profit into improving working conditions.
- There are no prior basic standard screening and training before involvement in ASM as a legal requirement by state institutions.
- Some workers are only seasonal miners who uses the off-farming seasons to work in ASM. mostly engaging in illegal mining thus making awareness creation efforts difficult.
- Alluvial workings have mostly short life spans hence the tendency not to properly plan.
- There are no salary or remuneration structure. Workers are paid from what gold or diamonds mined.

Causes of Poor Working conditions

- No training before handling tools and other machinery
- Using equipment for wrong purposes: excavator bucket to fetch water etc.
- Lack of appropriate PPEs
- Lack of uniforms for workers
- Lack of maintenance of equipment
- Lack of proper security at site exposing workers to robbers and other dangers
- Refusal of some workers to wear PPEs claiming discomfort

Consequence of poor working condition

- People working with bare hands and feet
 - People working with bare chest
 - Worn-out shoes and torn dresses
 - Poor housekeeping issues
 - Crowded working faces
 - Crowded living areas: kitchen, sleeping etc.
 - Unhygienic environment
 - No or poor toilet facilities
 - No changing rooms for workers
 - Women sharing key facilities with men
 - Poor/no baby-sitting areas for mother with young children
 - No source of clean drinking water
 - Improper waste disposal
 - Poorly ventilated vehicle cabins and work areas
- Dusty, noisy and high vibrations environments
 - Likelihood of fighting
 - Potential for spreading diseases
 - Children carrying heavy load
 - Display of hazardous explosives for sale
 - Children working over long hours and in the night
 - High incidence of school dropouts
 - Various forms of child labour

Interventions to improve working condition and reduce child labour

Interventions are mostly multi-dimensional below are some activities that could be deployed to improve working conditions and reduce child labour in ASGM.

Examples of intervention to improve working condition and reduce child labour in ASGM

- Awareness creation and public educational campaigns
 - Training and exposé workshops
 - Financial assistance
 - Provision of PPEs, clothing, key equipment and logistics
 - Geological investigations on ASM area
 - Blocking out viable areas for ASM licensing
 - Strengthening the miners' Association to lead the way highlighting good examples to peers
- Mercury Pollution Abatement drives
 - Awareness creation drives
 - Introducing some basic enforceable pre-licensing criteria and screening
 - Enforcement of laws and regulations
 - Encouraging peer review among ASM operators
 - Encouraging faithful collaboration among sector institutions

Improving productivity by safe and healthy miners

There is a need to improve and develop safety measures and precaution at the mining site or workplace, not one due to the fact that it protects the individual employee/miner but also goes a long way to increase productivity.

Below are some major reasons why an employer must prioritize the need for safety and healthy working condition in an ASGM setting.

Safety measures at the mining site help:

- **Prevent injuries and illness among employees:** The use of safety notice and equipment at the workplace highly reduces the rate of fatalities. Thus, providing adequate personal protective equipment (PPE) such as safety helmets, gloves, goggles, high-visibility clothing, safety footwear, nose mask, and safety harnesses. This PPE helps avoid serious injuries burns, cuts and bruises as well as respiratory diseases resulting from the uses of mercury and excessive inhalation of dust particles when digging and milling in the mining process.
- **Increases work productivity:** When safety becomes a priority at the mining work environment and injuries and illness are prevented, issues such as absenteeism and turnover automatically minimal. Even in the situation of an accident occurring, injuries are less extreme due to the aid of PPEs, enabling injured staff recovery and return to work more quickly. Hence, leading to adequate staff or manpower at the workplace every time to produce higher quality products and services within the shortest possible time.
- **Establishes a positive working environment and relationship between employee and management:** When management or employer put up safety measures and organize training on safety and health management to its employees, it makes them feel that management is interested and seeks for their welfare and proper health at the workplace. Hence, increasing employee satisfaction, loyalty, and retainment in the organization.
- **Increases production and profitability:** As employer and management try to ensure safety and promote the health of miners, they can reduce the use of harmful chemicals such as sodium cyanide and mercury which leads to a lot of respiratory disorder and adopt other gold processing techniques such as the gravity-only or chemical leaching processing techniques which are relatively quite expensive but produces excellent results in the extraction process as compared to the local mercury process.
- **Saves cost in relation to the treatment of injuries and illness:** Managers and employers always want to hit their set targets at the lowest possible cost. Therefore, ensuring and empowering safety of employees in order to prevent avoidable accidents which leads to treatments of injuries and illness which can cost financial disasters such as production losses, wages for work not performed, increased workers' compensation insurance costs, damage to equipment or machinery, recruiting and/or training new employees and high turnover and lost work time to the mining operations.

The importance for improving safety and healthy working condition

- Prevent injuries and illness among employees
- Increases work productivity
- Establishes a positive working environment and relationship between employee and management
- Increases production and profitability
- Saves cost in relation to the treatment of injuries and illness

Ensuring Safety and Health in ASGM Operations

Good standards of safety and health can only be achieved if everyone is competent for the work they have to do and all work together, effectively, as a team. Both mine owners/concession holders and mineworkers must be helped to realize that accident prevention and improved occupational health are worth obtaining and worth keeping. Education, training, demonstration and surveillance are the keys to improving OSH in small scale mining.

Mining accidents and dangerous occurrences

- At the mining sites workers may be injured as a result of mining work within the area of mining activity. This injury may lead to serious body harm, loss of consciousness or death. Dangerous occurrence is unplanned event at mine that has the potential to cause an injury or disease to persons at work¹⁶.
- Artisanal and small-scale mining sites are fraught with a number of dangerous occurrences that substantially affects regular mining activity and/or causes damage to or disrupts the operation of vital mining machinery or equipment. See examples in Box 1:

How to respond to mining accidents and dangerous occurrences

When an accident or dangerous occurrence takes place, as a mine operator, you are expected to ensure that:

- The necessary steps are taken to evacuate and treat injured mineworkers
- Immediate action is taken to prevent further danger arising from the event.
- An investigation into the cause of the mining accident or dangerous occurrence is carried out
- Take preventive action to avoid similar events in the future.
- Record the result of the investigation in a book provided for that purpose and the mining authority is notified about the event

Examples of dangerous occurrences in ASGM sites

- Landslides /collapse of the working face;
- Major fall of rock;
- Inrush of water into the mine;
- Unintentional ignition or detonation of explosives.
- Explosion; fire; bursting of a pressure vessel of machinery/equipment

Reducing hazards in the working environment

In ASGM operations airborne contaminants (such as rock dust and fumes), excessive noise, vibration, heat stress and ergonomic problems can create health risks to mineworkers who are subject to frequent and prolonged exposure.

Dust

- Airborne contaminants, such as rock dust, are mainly produced during drilling operations, mineral getting, loading, crushing of rock or ore, and blasting. Persons exposed to excessive dust for prolonged periods may suffer from permanent lung diseases, such as silicosis.
- As far as practicable, the escape of dust into the atmosphere should be prevented, particularly in stagnant zones.
- Dust should be controlled or suppressed by:
 - ~ Using wet drilling techniques.
 - ~ Using water sprays during mineral getting, loading, crushing.
 - ~ In general, any stone surface being worked should be kept moist to reduce the escape of dust into the atmosphere.



¹⁶ ILO (2001), Safety & health in small-scale surface Mines, A handbook, sectoral activities programme Working paper (WP.168); Elaborated by Manfred Walle and Norman Jennings.

- Use water to suppress dust and/or wear a dust mask.

Where such dust control measures are not provided or have not been developed, mineworkers exposed to excessive dust concentrations in their working environment should always use personal protective equipment, such as dust masks, to prevent dust from being inhaled

Harmful fumes

- Fumes, produced during shot-firing operations contain toxic gases (such as sulphur dioxide, nitrous oxide, nitric oxide, etc.) which, when inhaled, can lead to serious health damage
- Small scale miners should not approach a working face after shot-firing until the dust and gaseous products of the blast have completely dissipated.
- The exhaust from diesel engines also contains harmful fumes, including very fine, respirable particles. Frequent and prolonged exposure to diesel exhaust is a health risk and should be prevented.
- As far as practicable, stationary diesel equipment should not be operated in stagnant zones or close to workplaces.
- Persons should not work or travel where hazards may be created as a result of impaired visibility due to dust or fumes

Simple dust masks do not protect against toxic gases which are present in after-blast fumes or in diesel exhaust fumes

Noise

- Repeated or prolonged exposure to excessive noise levels will lead to hearing impairment. Potential sources of noise emissions include compressors, drilling machines, pick-hammers or other mechanical equipment used at a mine.
- Wherever possible, such noise sources should be muffled with an effective acoustic absorbing material so as to reduce noise emissions to tolerable levels.
- Increasing the distance between the noise source and the listener is often a practical method of noise control.
- Where such noise control measures are not possible, comfortable and practical personal hearing protection devices, such as approved ear plugs or ear muffs, should be worn by every person exposed to noise levels exceeding 90dbA.
- Since the sound pressure of pick-hammers or drilling machines normally exceeds acceptable levels, every person working with or in the vicinity of such devices should always use ear protection.

Loud noise at work can damage hearing
Use ear protection when near excessive noise levels.

Vibration

- Workers operating hand-held machinery, especially pneumatic rock drills and pick-hammers — even for one hour a day — can suffer from the effects of vibration in their hands and arms.
- Vibration White Finger (VWF) or “dead finger” starts when the fingers become numb.
- VWF can lead to gangrene.

Prevention and control of Vibration White Finger:

- Avoid long periods using equipment. Work in short bursts.
- Use modern, vibration-dampened equipment.
- Repair or replace old equipment or fit anti-vibration handles.
- Grip handles as lightly as possible.
- Support heavy tools so that a lighter grip can be used.
- Maintain vibrating tools to minimize vibration levels.

- There is no cure for Vibration White Finger.
- There is no personal protective equipment that has proved to be effective against hand and arm vibration syndrome

Heat stress

- ASGM should be aware of the nature of heat stress and its adverse effects, as well as of protective measures. They should be taught that heat tolerance is very dependent on drinking enough water (not merely satisfying thirst) and eating a balanced diet.
- Signs and symptoms of heat disorders includes dizziness, faintness, breathlessness, palpitations, and extreme thirst).
- ASGM should have ready access to water or other appropriate drinks which encourage re-hydration. Carbonated drinks and drinks containing caffeine and heavy concentrations of sugar or salt should not be offered.
- Safe, potable water should be located within close to each worker or brought to the worker every hour.
- Clean cups should be provided and water containers should be shaded or cooled to 15-20 ° C.

Modified work practices can reduce the likelihood of heat stress - e.g. by reducing individual workload through the provision of tools or task-sharing, or by scheduling appropriate breaks.

Health, welfare and hygiene of ASGM workers

- The mine operator should make such provisions as may be necessary to ensure appropriate health care, welfare and hygiene of ASGM workers.

Health care

- The health of mine workers should be checked by a competent physician before being assigned to work in a mine for the first time.
- Periodic health examinations should also be arranged, especially for workers in places where the material handled or the process could be hazardous to health.
- A mineworker who is ill or in any way incapable of normal activity should not be allowed to work.

Changing and bathing facilities

- Where possible, the mine owner should provide adequate facilities at the mine site for the changing, storage and washing of clothes and for bathing by mine workers.
- Water supplied for washing and bathing should be of sufficient purity and must not come from a sump that is part of the works, unless it has been suitably treated.
- Waste water should pass straight to a drainage system.

Sanitary facilities

- The mine owner should ensure that surface mine works are equipped with latrines and urinals that are located and fitted out in such a way as not to spread odours.
- They should be installed so that they do not pollute the working environment — such as in inactive workings.
- Latrines and urinals should always be kept clean and disinfected. Other places than the latrines should not be used for such purposes.

Drinking water

- A mineworker should never drink mine water.
- An adequate supply of potable drinking water should be provided at all main work sites during working hours.
- If it is safe to drink from wells on site, they should be located so that they will not be contaminated by waste water from the mine (e.g. outside the mining area, higher than the mine drainage level).
- Drinking containers should be dust proof and kept closed when not in use.
- Drinking water should not be contaminated in any way.

Areas for food

- Food should not be stored or consumed in any area that is exposed to hazardous material, vapour or dust.
- Food should be stored and consumed in clean, sheltered places. Rest stations may be established for that purpose.
- Intoxicating beverages and narcotics
- Intoxicating beverages and narcotics should not be permitted or used in or around mines.
- Persons appearing to be under the influence of alcohol or narcotics should not be allowed to work.

First aid

According to the code of practice for ASM in Ghana,

- The holder of small-scale licence who employs less than fifty (50) persons shall provide on the surface of the mine a suitable shelter where first aid may be administered.
- The holder of small-scale licence shall appoint competent persons to manage the first aid station(s) and the persons appointed shall:
 - be persons each of whom holds a valid certificate in first aid issued by a recognised body approved by the Chief Inspector of Mines;
 - be readily available at all times when on duty.
- An Injury Record Book is kept at the site. All minor injuries will be recorded in this book.
- Injuries other than minor will be reported to and treated by First Aid/Clinic.
- The supervisor is responsible to maintain a clean and fully stocked first aid kit. Replacement of stock is available from First Aid/Nurse.
- Essential First Aid measures are those which save life, i.e. ;
 - Danger – Protect yourself and patient from all danger.
 - Response – Talk and touch patient to get response to your comments
 - Airway – Check, clear and maintain a clear airway.
 - Breathing – Check and maintain breathing.

- Circulation - Check pulse (neck) and control.
- Seek urgent medical attention – use your 2-way radio or mobile phone.

The minimum equipment required to ensure adequate first-aid treatment should include:

- a stretcher for transporting persons unable to walk;
- a blanket for persons in shock;
- sufficient bandages and sterile dressings for open wounds on limbs, body and head;
- splints for fractures of limbs;
- disinfectants;
- any other first-aid material that may be required due to the nature of work and recommended by a competent physician.

Action following a mining accident

- At any mine where there has been an accident, the necessary measures should be immediately taken to:
 - Remove injured mineworkers to a safe place for first-aid treatment.
 - Eliminate further danger arising from the event.
- Any worker involved in rescue operations should take reasonable care for the safety and health of himself or herself and not endanger them- selves by rash action where there are unknown risks.
- No person should be allowed to enter the area where there has been an accident, except when it has been made safe and express permission is given by a competent person.
- Every injury to a mineworker, however small, should be reported to the person in charge of first aid at the mine for checking up and treatment before the injured person returns to work or leaves the mine.
- Arrangements should be made for transporting injured or sick persons to a hospital or other suitable medical facility, for example through cooperation between mine sites in close proximity.

Use of Personal protective equipment (PPE)

The mine operator should provide, free of charge, the personal protective equipment that is to be worn when hazards cannot be eliminated — and ensure that it is worn properly and maintained in good condition. According to the code of practice for ASM operations developed by the Minerals Commission,

- All employees shall wear helmets at all times on site.
- Eye protection – employees shall wear eye protection whenever there is a danger of eye injuries occurring, i.e. welding, cutting, grinding, dust, handling chemicals, etc.
- Safety foot wear – shall be worn by all persons on site.
- Ear protection shall be worn in areas of high noise levels
- Respirators – shall be used when there is danger of breathing gases, vapours, dusts or any other substances likely to cause breathing problems.
- Suitable gloves must be worn when there is any danger of cuts, abrasions, heat or chemical burns to an employee's hands.
- Any additional job, specific safety equipment will be supplied by the employee's supervisor as required.

Some examples of PPEs need in ASGM operation include:

PPEs	Purpose
 <p data-bbox="532 653 699 680">Safety Helmet</p>	<p data-bbox="1052 321 1351 415">safety helmet (heard hat) where falling objects might create a hazard.</p>
 <p data-bbox="532 1079 695 1106">Safety gloves</p>	<p data-bbox="1052 722 1333 816">It is worn on the hands to protect the palm and fingers from injury.</p>
 <p data-bbox="565 1598 662 1625">Goggles</p>	<p data-bbox="1052 1146 1321 1241">It is worn on the eyes to protect it from dust particles.</p>



Nose Mask

It is worn on the nose to protect it from inhaling dust particles and toxic chemicals.



Safety Cloth

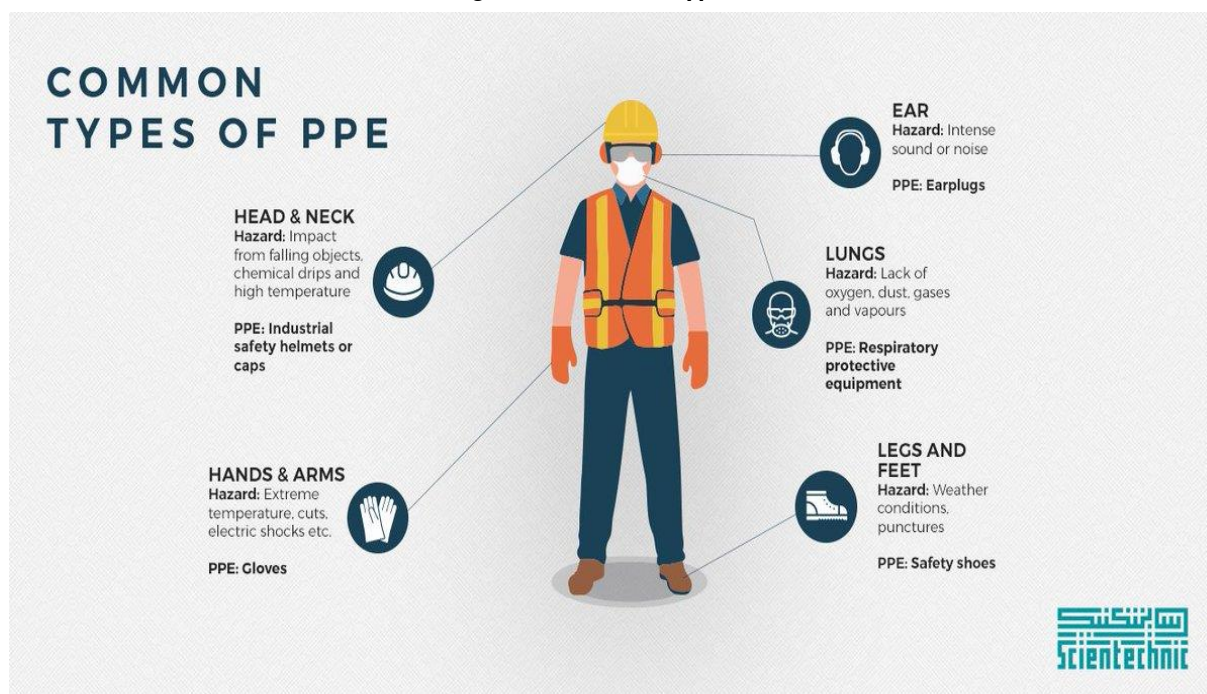
Wear gloves when handling materials or performing work which might cause injury to the hands.



Safety Boots

It is worn on the legs to protect it from injuries.

Figure 2.1 Common types of PPE



Ensuring Safety When mining

Posting warning signs and barriers.

- A surface mine often consists of deep trenches or large holes. There is a high risk that a mineworker or member of the public could fall in. Such workings should be surrounded by a secure fence or otherwise securely barricaded. Suitable warning signs to forbid unauthorized entry and sub-sequent fall of any person should be posted.
- Ground conditions or any other dangerous condition in the mine that creates a hazard to persons should be corrected before other work or travel is permitted in the affected area.
- Until corrective work is completed a warning sign against entry should be posted. When left unattended, a barrier should be installed to prevent unauthorized entry.

Any access exceeding an inclination of 50 degrees from the horizontal should be provided with fixed stairs or a ladder

Travel ways and safe means of access:

- Mineworkers often have to use difficult terrain to travel to and from their work places within the mine (e.g. climbing or walking along steep pit walls and excavations where there may be a danger of slipping or falling, a slide of material, rock fall, etc.).
- To reduce these hazards, the stability of any pit wall, bench or slope where persons normally travel to and from their assigned work places should be regularly examined and properly maintained.
- Each place in the mine where any person normally works should be provided with appropriate travel ways.

To prevent loose soil from sliding back into the mine:

- Pit or wall perimeters consisting of soil or unconsolidated material which could create a fall-of-material hazard, should be stripped back for at least 3 metres from the top of the pit or quarry wall; and
- All material from the stripping of overburden should be removed to a safe distance from the working edge of the mine excavation and be shaped to a safe angle of repose (30 - 40 degrees from the horizontal).

Working on walls and benches

- Falls of rock at the working face, the collapse of the working face and landslides are major risks in the production areas of surface mines. They are often the cause of serious mining accidents. The design and layout of the working faces should therefore be such that the danger of material fall is minimized.

This can be done by applying a benching (terraced) system instead of having a steep pit wall.

- Any wall, slope or bench, where work is to be performed should be regularly examined for cracks or other signs of stress or weakness, in particular:
 - prior to commencing any work;
 - after blasting;
 - after heavy rainfall; and
 - as ground conditions warrant.

Under no circumstances should any face, side or bench be worked in a way that causes unsupported overhanging or undercutting.

Scaling

- Wherever loose rock or soil at any working face could create danger to persons. It should be scaled down or supported in a safe manner before other work or travel is permitted in the affected area.
- If possible, scaling should be done from the top of the working face downward. All persons should be removed from below the scaling area.
- If scaling is performed from below the face, the scaling bar should be of a length and design that will allow the removal of loose material with- out exposing the person performing this work to injury.

Scaling should be carried out from a location which will not expose persons to injury from falling material.

Cessation of mining/ mine closure

- No small-scale surface mine or mine site should be abandoned without any rehabilitation. Nor should it be left in a condition that could lead potential hazards to the public or damage to the environment. The Minerals Commission should ensure that its requirements for abandonment are met.

- Every mine operator should ensure that the necessary steps are taken to meet the requirements of the Minerals Commission to prevent any danger arising from abandoned mine sites, either by progressive rehabilitation during ongoing mining operations or after the completion of mining activities.
- Rehabilitation measures should include, but not limited to:
 - Removal of any harmful or toxic substances, machinery, mine structure and any other left-over material likely to be harmful to persons or nature.
 - Refilling and levelling of deep excavations or holes that may create a danger of fall to persons. Where this is not possible, such danger areas should be provided with secure fencing or otherwise barricaded.
 - Re-contouring (e.g. by trimming slopes to a safe angle), stabilizing (e.g. by revegetation) of potentially unstable faces, pit walls, benches or waste dumps to reduce erosion or potential slope failure.

FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (FPRW) IN ASGM OPERATIONS

2.1 What is Fundamental Principle and Right at Work?

- Fundamental principles and rights at work provide the foundation on which equitable and just societies are built. They are the starting point for a virtuous circle of effective social dialogue, better conditions for workers, rising enterprise productivity, increased consumer demand, more and better jobs and social protection, and for formalizing the informal economy¹⁷.
- Working people in the rural and informal economies - notably children, women, migrant workers and indigenous peoples - are most at risk of being denied their fundamental rights at work. Work in artisanal small-scale mining, quarrying and brick kilns, commercial plantations and family farms, as well as fishing and food processing – which commonly take place in informal settings - are among the high-risk activities concerned¹⁸.
- Deeply-engrained norms and practices, abusive tenancy systems and lack of access to public goods and services hold workers back from claiming their rights.
- Climate change, the depletion of natural resources, food insecurity and demographic pressures put rural workers at further risk of violations of their fundamental labour rights.
- The declaration on the fundamental principles and right at work adopted in 1998, requires ILO member States to respect, promote and realize the following four fundamental principles:
 - Freedom of association and the effective recognition of the right to collective bargaining
 - The elimination of all forms of forced or compulsory labour
 - The effective abolition of child labour
 - The elimination of discrimination in respect of employment and occupation

Freedom of association and the effective recognition of the right to collective bargaining

- The right of workers and employers to form and join organizations of their own choosing is an integral part of a free and open society. In many cases, these organizations have played a significant role in their countries' democratic transformation.
- Both employers and workers, without distinction, have the right to freedom of association – the right to establish and join organizations of their own choosing in order to promote and defend their respective interests.
- The right to organize and bargain collectively provides an essential foundation for social dialogue, effective labour market governance and realization of decent work.

¹⁷ ILO (2019), Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), Governance and Tripartism Department, International Labour Office 4, route des Morillons CH-1211 Geneva 22 – Switzerland www.ilo.org/fundamentals

¹⁸ The ILO, Integrated Strategy on Fundamental Principles and Rights at Work 2017-2023

- According to a report by the ILO¹⁹, an effective legal and institutional framework for labour relations, strong employers' and workers' organizations and an efficient labour administration are the main elements of a conducive and enabling environment for freedom of association and collective bargaining.
- However, recent years have seen continuing pressures on the processes and institutions that support these. In many developing countries such as Ghana, the majority of work continues to be carried out in the informal and rural economies, in which the ability of workers to organize faces major challenges
- Structural changes in employment, including the growth of non-standard forms of employment, have also posed challenges for freedom of association and collective bargaining.²⁰

Forced labour, modern slavery and human trafficking

Forced labour, contemporary forms of slavery, debt bondage and trafficking in persons are closely related, although not identical in a legal sense. They all represent a severe violation of human rights; those who suffer most are among the poorest and least protected – youth, migrant workers and indigenous peoples.

During the past decade, the issue of forced labour and what has been termed “modern-day slavery” has attracted growing attention at the international and national levels with many new actors focusing on the subject. This heightened interest has been reflected in the inclusion of the elimination of forced labour, trafficking in persons and slavery under target 8.7 of the 2030 Agenda.

According to a report by the ILO²¹, at any given time in 2016, an estimated 40.3 million people are in modern slavery, including 24.9 million in forced labour and 15.4 million in forced marriage.

It means there are 5.4 victims of modern slavery for every 1,000 people in the world.

- 1 in 4 victims of modern slavery are children.
- Out of the 24.9 million people trapped in forced labour, 16 million people are exploited in the private sector such as domestic work, construction or agriculture; 4.8 million persons in forced sexual exploitation, and 4 million persons in forced labour imposed by state authorities.
- Women and girls are disproportionately affected by forced labour, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors.²²

Child labour

- The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:
 - is mentally, physically, socially or morally dangerous and harmful to children; and
 - interferes with their schooling by: depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.
- The worst forms of child labour involve children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age. Whether or not particular forms of “work” can be called “child labour” depends on the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

The elimination of discrimination in respect of employment and occupation

¹⁹ ILO: Freedom of association in practice: Lessons learned, Report I(B), ILC, 97th Session, Geneva, 2008, p. ix.

²⁰ ILO: Non-standard employment around the world: Understanding challenges, shaping prospects (Geneva, 2016), pp. 208–215

²¹ Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Geneva, September 2017

²² Ibid

- Despite some progress, inequalities between women and men persist in access to opportunities and earnings in the labour market. While there has been some progress in the past two decades, in women's educational achievements, this has not yet translated into a comparable improvement in their work status.
- According to a report by the ILO²³, the opportunities for women to participate in the labour market are almost 27 per cent lower than for men, a figure that has hardly changed over the past 20 years.
- Within the labour market there are often significant differences between the occupations in which men and women are concentrated; women tend to be overrepresented in the lowest paid occupations and in non-standard forms of employment.
- Within the same sector or company, women predominate in lower-valued and lower-paid occupations, tend to work for fewer years and more frequently work in part-time jobs. Women continue to perform the vast majority of unpaid household and care work, on average two and a half times more than men.
- The principle of equal pay for men and women for work of equal value is set out in the Equal Remuneration Convention, 1951 (No. 100). The Convention provides the foundation for action to combat the discrimination which underlies the unexplained dimensions of the gender wage gap.

Figure 2.2 The FPRW strategy framework²⁴



²³ ILO: Women at work: Trends 2016 (Geneva, 2016), p. xi.

²⁴ ILO (2019), Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), Governance and Tripartism Department, International Labour Office 4, route des Morillons CH-1211 Geneva 22 – Switzerland www.ilo.org/fundamentals

2.2 Integrating PRW in ASGM operations

Right to freedom of Association and right to collective bargaining

- Mobilise miners to join GNASSM membership/other association
- Engage mine operators to prepare collective bargaining agreement with mine workers
- Mine association should provide services and infrastructure to ASGM operators including steps to formalization.
- Awareness raising and sensitization about fundamental principles and rights at work by mine associations.

Ensuring Social Protection in ASGM

- Safety net on vulnerability
- Sustained collaboration with NBSSI-BAC

Social Dialogue in ASGM

- Workers and employer's conversation to enhance productivity

- Reduce forced labour, modern slavery and human trafficking
- Sensitize mine operators on issues of child trafficking and forced labour in ASGM- GNASSM to play a leading role
- Enforce laws/regulations at work site by labour inspectorate officers.
- Sensitize mine operators on the need to prepare appointment letters/formal agreement with employees.
- Supporting mine workers to enter into formal contract with employers to safeguard their rights
- An effective monitoring system with direct communication to law enforcement officers and installation of a nd regulators conversations to improve compliance on FPRW

Guidelines for the appropriate formalization of informal ASGM

1. Legalization and legitimization

- Legalization: licensing
- Legitimization: social contract and regulatory compliance

2. Organization

- Employers: concession owner, sponsors
- Workers: ghetto owner, chislers, loko boys
- Regulator: Mincom
- Community: chiefs and community members, land owners

3. Documentation

- Development and application of operational Instrument
 - Plans and report
 - Tools and Mechanisms
 - Knowledge base
- Develop and Application of Administrative and Financial framework and information
 - Employee log book
 - Attendance log book
 - Site occurrences log book
 - security

REFERENCES FOR FURTHER READINGS

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- Code of Risk mitigation for ASM engaging in Formal Trade
- The Fundamental Principles and Rights at Work in Mining Communities
- Tychsen, J; Boamah, D; Ahadjie, J; Sandow Ali, M; Alidu, S; Awuah, P; Quaicoe, I; Amankwah, R; Fobil, J; Nyame, F; Davis, E (2017), "ASM Handbook for Ghana" Geological Survey of Denmark and Greenland (GEUS), Copenhagen, Denmark, 160 pp.
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PART 3

DEVELOPMENT/IMPLEMENTATION OF CHILD LABOUR POLICIES AND REGULATIONS IN ASGM OPERATIONS

3.1 CONTENTS

1. Policies framework on child labour in ASM operations
 - National Child and Family Welfare Policy
 - National Action Plan for the Elimination of Worst Forms of Child Labour
 - Sectoral and Sub-National (DMTDPs) plans
 - Minerals and Mining Policy
 - Multi-lateral Mining Integrated project (MMIP).
2. Legal and Regulatory framework on child labour in ASGM
3. Unpacking policies into programs, Action Plans, Work plans, Schedules and to-do lists
4. Monitoring, documentation and reporting child labour intervention
5. Assessing child labour interventions
6. Development and application of child labour instruments, tools and mechanisms

3.2 INTRODUCTION

Policy frameworks are a set of concepts, directives or guidelines with long term goals for which policies must be aligned to when being developed. There are a number of policy frameworks that serves as the foundation for child labour policies. Policies and regulations are made to influence and determine all major decisions and actions, and so all activities are expected to take place within its boundaries.

Child protection policy seeks to guarantee the rights of all children to a life free from violence, abuse, exploitation and neglect. As evidence that the Government of Ghana is committed to the protection of children by guaranteeing them a life free from violence, abuse, exploitation and neglect, Ghana was the first country to ratify the UN Convention on the Rights of the Child (1990) and has signed or ratified most major international instruments relating to child protection. Ghana has also ratified the African Charter on the Rights and Welfare of the Child (2005).

Also, in showing her commitment to the elimination of child labour, especially its worst forms, Ghana has ratified all key Conventions on child labour notably the ILO Conventions on Minimum Age (C138, 1973) and on Worst Forms of Child Labour (C182, 1999).The 1992 Fourth Republican Constitution of the Republic of Ghana establishes the rights of the child and provides the framework for the enactment of appropriate legislation to protect the rights of children. The Constitution further describes a child as discussed in earlier chapters of this manual. That is, a child is a person below eighteen years.

In particular, Section 28 (2) of the Constitution thus instructs Ghana's Parliament to enact laws that are necessary to ensure that, every child has the right to be protected from engaging in work that constitutes a threat to his/her health, education or development. In this regard, the Children's Act, 1998 (Act 560) was enacted. The Act introduces the Protection of children from exploitative labour (Section 12) under Sub-Part 1 – Rights of the child and parental duty and succinctly deals with the subject matter under Part V – Employment of Children (Section 87 to 96). These policy frameworks have enabled the enactment of specific policies and action plans to ensure the protection of children.

Other important child protection laws and regulations include Child Rights Regulation, 2002, Human Trafficking Act, 2005 (Act 694) and the Criminal Code (Amendments) Act, 1998 (Act 554) and its Amendments. The many actors engaged in child protection include children and youth, families, communities, government, civil society and private organizations. These policy frameworks have enabled the enactment of specific policies and action plans to ensure the protection of children.

There are number of policies and intervention in the area of child labour and ASM operations. The key among them are the National Child and Family Welfare Policy, National Plan of Action for the Elimination of the Worst Forms of Child Labour in Ghana, the Multi-lateral Mining Integrated project (MMIP), Minerals and Mining Policy etc.

3.3 OBJECTIVES

- To enhance participants knowledge about child labour policies and programmes
- To increase participants knowledge and understanding about the legal and regulatory framework on child labour and how it is being enforced in practice
- To enhance the skills of participants about the key strategies that could be deployed to operationalise key child labour policies and regulations in ASGM communities
- To increase the skills of participants on how to develop effective work plans to reduce child labour in a sustainable manner in our local (e.g. mining) communities
- To increase participants' knowledge and skills on innovative ways that could be used to mobilise resources to sustain efforts after the initial funding from donors.
- To promote information sharing and joint intra-district or inter agency action to reduce child labour.
- To increase the skills of MMDAs on how child labour can be effectively monitored in all local communities in the district

3.4. METHOD OF DELIVERY

Delivery may involve any or a combination of the following approaches as found appropriate:

- Presentation
- Brainstorming
- Group Discussion

3.5 MATERIALS/RESOURCES

Resource materials may include the following:

- Flip chart,
- Flip chart stands,
- Marker and the case study materials etc.

3.6 SESSIONS

- Policies framework on child labour in ASM operations
- Legal and Regulatory framework on child labour in ASGM
- Unpacking policies into programs, Action Plans, Work plans, Schedules and to-do lists
- Monitoring, documentation and reporting child labour intervention
- Assessing child labour interventions
- Development and application of child labour instruments, tools and mechanisms

3.7 KEY MESSAGES

- Child labour polices needs to be implemented effectively at the district level if we are to observe changes or reduction in child labour
- Ghana has adequate laws to eliminate or reduce child labour to the barest minimum.
- Agencies and departments needs to work together to comeback all forms of child labour in Ghana
- Monitoring of child labour should be a joint and sustain effort of all agencies concerned in a coordinated faction to bring about sustainable improvement in child labour prevalence rates.

3.8 SESSION A: UNDERSTANDING POLICIES ON CHILD LABOUR

INSTRUCTIONS TO FACILITATOR:

STEP 1:

- Ask participants if they have any idea about national policies, strategies and action plans which talks about child labour in Ghana?
- Ask them to share their knowledge about the policies (if any) and experiences in implementing any of the policy/plans /strategies in their functional organizations. Lead participants to discuss what is or is not working and why?

STEP 2:

Make a presentation to participants on key policies, why it was introduced and expectations of the policies. These Policies may include:

- Child and Family Welfare policy,
- National Plan of Action to Eliminate Worst Forms of Child Labour,
- the Mineral and Mining Policy (Child Labour contents)
- Multilateral Mining Implementation Project etc.

Note: Sample Power Point Presentation have been attached to this material

3.9 Section B: Legal and Regulatory framework in ASGM

STEP 1:

- Ask participants if they have any idea about any legal and regulatory framework on child labour in Ghana?

- Ask them to share their knowledge about such legal and regulatory framework (if any) and experiences in operationalizing/enforcing such regulations (if any) in their functional organizations/agencies. Lead participants to discuss what is working or not working and why?

STEP 2:

Make a presentation to participants on key legal and regulatory frameworks in ASGM operations and key prescriptions. These legal and regulatory frameworks may include:

Overarching framework	Minerals and mining Act, 2006 (Act 703) Minerals and mining (Amended Act), 2016 (Act 900) Minerals and mining policy frameworks, 2014
Supporting legislations	
Regulation and management of resources	Minerals Commissions Act, 1993 (Act 450)
Investment policy	Ghana Investment Promotion Centre Act, 2013 (Act 865)
Local content policy	Minerals and Mining (General) Regulations, 2012 (L.I 2173)
Support Services	Minerals and Mining (Support Services) Regulations, 2012 (L.I 2174);
Compensation and Settlement	Minerals and Mining (Compensation and Settlement) Regulations, 2012 (L.I 2175);
Licensing	Minerals and Mining (Licensing) Regulations, 2012 (L.I 2176); Health
Health and Safety	Minerals and Mining (Explosives) Regulations, 2012 (L.I 2177); Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I 2182)
Environmental Protection	The Environmental Protection Agency Act, 1994 (Act 490); The Environmental Assessment Regulations, 1999 (L.I. 1652)
Revenue management	The Internal Revenue Act, 2000 (Act 592) as amended; Minerals and Mining (Amendment), 2010 Act 794
Other specific legislations	Applicable to ASM sector
Registration and Licensing	Small-scale Gold Mining Law (PNDC Law 218)
Health and safety	Mercury Act, 1989 (Act 217)
Authorization to buy and sell gold to ASM	Precious Minerals Marketing Corporation Law (PNDC Law 219)
Relevant codes of practice	Code of Practice for Small-scale Gold-mining Operations

STEP 3:

Put participants into their functional groups (Social Welfare and Community Development, NCCE, CHIRAJ, CSOs etc) and ask them to brainstorm on the key strategies and actions they have been using to implement the legislative prescriptions to reduce child labour in ASGM communities.

STEP 4:

- Let each group present their results in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation

Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants. Here, you may mention some of the key legislative actions that could be enforced by decentralized departments of the MMDAs and reduce child labour.

SECTION C: UNPACKING POLICIES INTO PROGRAMS, ACTION PLANS, WORK PLANS, SCHEDULES AND TO-DO LISTS

STEP 1:

Put participants into their functional groups (Social Welfare and Community Development, NCCE, CHIRAJ, CSOs etc) and ask them to brainstorm on the specific strategies/ actions they have being using to implement specific child labour policies in the past.

Step 2

Using the template below, ask participants to indicate (1) the problem that brought about their intervention(s); (2) the specific activities they implemented; (3) what the outcome/results were (4) gaps they identified in their intervention (5) what they would do differently if they are to implement the intervention elsewhere in future.

Table 3 1: (Example)

Problem	Specific activities implemented	Outcome or results	Gaps identified in interventions	What they would do differently

STEP 3:

- Let each group present their results in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation

Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants. Here, you may mention some of the key strategies/ actions or good practices that could be implemented to reduce child labour in ASGM

SECTION D: CASE STUDY 1- HOW TO DEVELOP EFFECTIVE WORK PLANS: PLAN YOUR WORK AND WORK YOUR PLANS

STEP 1:

Set the agenda: outline the plan and expectations for the case discussion

- Outline the plan and expectations for the case discussion. The purpose of case study discussion to increase our skills on how to develop effective workplans to reduce child labour in a sustainable manner in our

local (e.g. mining) communities. It also seeks to increase our knowledge and skills on some of the innovative ways that we could use to mobilise resources to sustain our efforts after the initial funding from the district Assembly has run out.

STEP 2:

- Put the participants into groups.
- Read out the case study to help their understanding of the issues.

STEP 3:

- Distribute the case study among the groups
- Ask groups to read the case studies carefully and provide responses to all questions that follow.

STEP 4:

- Let each group present their responses in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation
- Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants.

CASE STUDY

THE CHALLENGES CONFRONTING SOCIAL WELFARE AND COMMUNITY DEVELOPMENT (SWCD) OFFICERS IN MMOFRA NE YEN DAAKYE DISTRICT ASSEMBLY

Abigail, Michael and Sharon are staff of the Department of Social Welfare and Community Development (SWCD) in Mmofra Ne Yen Daakye District Assembly Office. Recently data from a local NGO showed that child labour was a serious issue in many of the communities. Children were enrolled in school but attendance was poor and performance below the national average. The traditional leaders have expressed some concern but things have not improved. Many girls are engaged in petty trade, hawking around as vendors. The boys are heavily involved in “galamsey” with all its attendant challenges. Many of the Communities in Mmofra Ne Yen Daakye District are poor and underdeveloped. The District SWCD officers are worried by the NGO report but feel helpless because they lack basic logistics to do their work. There is no funding from anywhere and DACF is woefully inadequate and often used for capital projects rather than social interventions. In one of their ordinary DPCU meetings, the District Coordinating Director assures the SWCD officials that if it is able to come up with a good work plan, the Assembly could get them some initial funding to start something. But they must find a way to sustain their effort. Sharon is excited and wants to do something; but Michael is skeptical about the possibility of any change. Abigail is ready if only others will help.

DISCUSSION QUESTIONS

1. Is the problem facing the Social Welfare and Community Development (SWCD) officers in Mmofra Ne Yen Daakye District Assembly unique or related to our district Assembly as well?
2. As professional social welfare officers, what do you have to do under these situations?
3. Design and draft a work plan that will be effective to address the child labour issue in Mmofra Ne Yen Daakye District.
4. Identify the number of things (Activities) that needs to be done to organize these activities in a logical way (e.g. arrange them in sequence)
5. Identify who, how, when and where the Activities will be done

6. List 5 practical and innovative ways you can do to mobilise resources to sustain your efforts after the initial funding from the District Assembly run out.
7. List at least 3 things you should not do if you want your work plan to be effective; and why?
8. List 3 things you should do if you want your work plan to be effective; and why?

SECTION E: CASE 2: INFORMATION SHARING AND JOINT INTRA-DISTRICT/INTER-AGENCY ACTION TO REDUCE CHILD LABOUR

STEP 1:

Set the agenda: outline the plan and expectations for the case discussion

- Outline the plan and expectations for the case discussion. The purpose of case study discussion to promote information sharing and joint intra-district or inter agency action to reduce child labour.

STEP 2:

- Put the participants into groups.
- Read out the case study to help understanding of the issues contained in it.

STEP 3:

- Distribute the case study among the groups
- Ask groups to read the case studies carefully and provide responses to all questions that follow.

STEP 4:

- Let each group present their responses in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation
- Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants.

Case study 2: Information Sharing and Joint Intra-District/Inter-Agency Action

Target 8.7 of the Sustainable Development Goals (SDGs) is for countries to “take immediate and effective measures to eradicate forced labour, end modern day slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”. As a Co-Chair to the UN Secretary General’s Advocacy on the implementation of the SDGs, Ghana is a high-profile country expected to achieve the SDGs. the SDGs have been mainstreamed into national policies and plans by the National Development Planning Commission (NDPC). So, for example, there is a National Plan of Action on the Elimination of Child Labour (NPA2)²⁵.

The NPA2 requires Districts to take action towards reducing child labour to the barest minimum by 2021. The ILO Caring Gold Mining Project is supporting Adansi-North and Aowin districts to reduce child labour in Artisanal and Small-scale Gold Mining (ASGM). As part of this support, effective coordinating mechanisms are to be put in place in the District to enhance collaboration between stakeholders in the district.

²⁵ Participants to Check online for copy of NPA2

DISCUSSION QUESTIONS

- a. Discuss how the different District Line Agencies can work together to achieve the SDGs Target 8.7 in their districts
 - i. Which agencies are relevant for the achievement of Target 8.7 in Aowin Municipality/ Adansi-North District
 - ii. Is it possible to have a joint work plan among the various district agencies; how can this be achieved
 - iii. What are some of the difficult areas in inter-agency collaboration?
 - iv. How can similar agencies (e.g. CHRAJ and NCCE; or Social Welfare and Community Development) collaborate more in areas such as resource mobilisation and allocation; staff capacity and assignment; documentation and reporting?
- b. Discuss how Adansi-North District and Aowin Municipality can work together to achieve SDGs Target 8.7 in Ghana
 - i. Development and implementation of district plans
 - ii. Resource mobilization
 - iii. Field visits
 - iv. Networking and advocacy
 - v. Law enforcement and social protection packages

SECTION FA: CASE STUDY 3 COLLABORATION AND COORDINATION FOR EFFECTIVE CHILD LABOUR MONITORING IN ASGM

STEP 1:

Set the agenda: outline the plan and expectations for the case discussion

- Outline the plan and expectations for the case discussion. The purpose of case study discussion to increase our skills on how child labour can be effectively monitored in all local communities in the district

STEP 2:

- Put the participants into groups
- Read out the case study to help understanding of the issues contained in it.

STEP 3:

- Distribute the case study among the groups
- Ask groups to read the case studies carefully and provide responses to all questions that follow.

STEP 4:

- Let each group present their responses in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation
- Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants.

Case study

The concerns of Social Welfare officer in Damamendwen and Agbenohevi

The Community Child Protection Committee (CCPCs) in Damamendwen and Agbenohevi have brought the data they collected from their communities. The data shows that most household heads (90%) responded that children in their households were not engaged in child labour. The district officials are not too sure about this information because it is well known that many children are involved in “galamsey”. The district education officer is concerned because although most children are enrolled in schools, their attendance and performance are poor because many have to do work that deprives them from getting the benefits of school. Furthermore, it is observed that many children may not have been captured in the community register because they were not reachable due to living on care-taker farm houses outside the mainstream community or because they are “children on the move” and not stable in a particular household.

DISCUSSION QUESTIONS

1. Discuss how child labour can be effectively monitored in all local communities in the district
 - a. What issues can you identify in the case above?
 - b. How can children be properly identified and profiled for support
 - c. Child labour monitoring is an active continuous process to identify children affected by child labour, refer them to appropriate service providers (school, vocational training, health services, livelihood support and social protection, law enforcement, etc.): list the Agencies in the district that should be engaged in child labour monitoring
 - d. Design a work plan for collaboration and coordination for effective child labour monitoring. Your
 - e. List 5 ways in which resources can be mobilized for sustained child labour monitoring in the district and communities.

SECTION FB ACTIVITY 5: INTER-AGENCY POLICY IMPLEMENTATION INCLUDING COLLABORATION ON JOINT ACTION

Step 1

- The CHIRAJ and NCCE have signed an MoU on how they intend to implement the NPA on the Elimination of the Worst Forms of Child Labour.
- Form two groups per each functional agency and brainstorm on how you intend to implement the commitment made by your respective agencies (CHIRAJ and NCCE). Use the action plan template below for this exercise.

Table 3.2: Action Plan Template

OBJECTIVES:						
STRATEGY:						
No.	Implementation steps(activities)	Individual Responsible	Resources (people, Time, Materials)	Timeline	Budget	Constraints
1						
2						

3						

Step 2:

- Let each group present their responses in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation

Step 3:

Based on the action plans of your respective agencies (i.e. NCCE & CHRAJ), develop a joint workplan (3 months) for implementation in the next 12 months.

Step 4:

- Let the joint group present their workplan in a plenary
- Briefly allow the participants to ask questions after each presentation.

REFERENCE MATERIALS FOR PART 3:
IMPLEMENTATION OF CHILD LABOUR LAWS AND REGULATIONS IN ASGM OPERATIONS

Policy frameworks on child labour in Ghana

Child and Family Welfare Policy

- The Child and Family Welfare Policy seeks to establish a well-structured and coordinated Child and Family Welfare system that promotes the wellbeing of children, prevents abuse and protect children from harm.
- The Policy statement is guided by national and internationally recognised principles, as well as values, beliefs and practices specific to Ghana. Thus, ensuring that the Child and Family Welfare System will be 'fit' for the context of Ghana.
- The **rationale** of the Child and Family Welfare Policy is to provide guidance to the reform of child and family welfare programmes and activities and establish a coherent system.
- The Policy is applicable to each sector and is expected to provide guidance for legislation, strategic plans, actions plans and intervention-specific standards and protocols concerning the protection of children

The **main objectives** of the Child and Family Welfare Policy are:

- To design child and family welfare programmes and activities to more effectively prevent and protect children from all forms of violence, abuse, neglect and exploitation
- To ensure effective coordination of the child and family welfare system at all levels
- To empower children and families to better understand abusive situations and make choices to prevent and respond to situations of risk

- To build capacity of institutions and service providers to ensure quality of services for children and families in urban and rural areas
- To promote reform of existing laws and policies to conform with the Child and Family Welfare system
- To ensure provision of adequate human, technical and financial resources required for the functioning of the Child and Family Welfare system at all levels
- To design an effective monitoring and evaluation system for the implementation of the policy

National Plan of Action for the Elimination of the Worst Forms of Child Labour in Ghana (2017 – 2021)

- The main objective of the National Plan of Action (Framework) is to reduce the worst forms of child labour to the barest minimum (<10%), by 2021 while laying strong social, policy and institutional foundations for the elimination and prevention of all forms of child labour in the longer term.
- The National Plan of Action for the eliminate of the worst forms of Child Labour (2017 to 2021) document identified four (4) key issues that have been unpacked into a number of issues and the corresponding measures for addressing them.

Key Issues Identified in the National Plan of Action (2017- 2021)

- There is low public awareness on child labour and insufficient advocacy on child development interventions
- National implementation of Policy interventions and law enforcement on Child labour are not sufficiently effective, efficient and sustainable. There is insufficient capacity, collaboration, coordination by institutions and agencies responsible for the design and implementation of child development policies and programmes
- Low prioritization and inadequate implementation modalities for child development policies at Regional and District levels
- Inadequate leadership and low ownership of community action to protect children from engaging in worst forms of child labour.

Sectoral and Sub-National plans

- While a number of Ministries, Departments and Agencies (MDA) have varied responsibilities to ensure that the rights of a child are protected especially in eliminating the worst forms of child labour, the Ministry of Local Government and Rural Development (MLGRD) has a critical role to play due to their oversight role on Metropolitan, Municipal and District Assemblies (MMDAs).
- Thus, the MLGRD supervises MMDAs in the area of governance, particularly in areas of development of Medium-Term Development Plans (MTDPs), resource allocation, promoting transparency and accountability and support of integration of laws, policies and regulations of all MDAs in districts development agenda (Local Governance Act 936).
- At the district level, issues of child protection and for that matter, child labour falls under the ambit of the Social Welfare Community Development Department as part of their three main functions child protection, community care and justice administration.
- National Development Planning Commission's (NDPC) is responsible for providing guidelines for the preparation of development plans by MMDAs. The guidelines as espoused under the Ghana Shared

Growth and Development Agenda II (2014 – 2017) for instance, requires for vulnerability analysis (under step three of the guideline) when developing District Medium-Term Development (DMTDP).

- Vulnerability analysis as requested for in the NDPC guidelines among issues identifies child protection (child poverty, child abuse, children in conflict with the law, child trafficking, child labour, orphans and vulnerable children) as one of the key areas to be considered in the development of DMTDP.
- The DMTDP forms the basis for the preparation of Composite Budget, thus the DMTDP drives the developmental agenda of the various MMDAs.
- DMTDP can therefore be one of the key entry point of mainstreaming child labour issues with budgetary allocation for implementation at the district level.

Regulatory Frameworks Associated with the Mining Sector

- The Government of Ghana launched the Minerals and Mining Policy Framework in 2014 with the objective to consolidate the various policies relating to the mining sector into one main guiding document.
- The policy document establishes a comprehensive and forward-looking framework, which aims at setting government’s orientation regarding the management of the mining and minerals sector, namely through economic diversification away from mineral dependency; the promotion of economic linkages to maximize value creation and capture domestically; investment promotion; revenue optimization through taxation and equitable revenue distribution; geo-scientific knowledge; infrastructure development and efficiency in use; capacity development and institutional strengthening; and the provision of better opportunities for artisanal and small scale mining.
- The Overall legal and regulatory frameworks applicable to the mining sector are found in the Table 3.3.

Table 3.3 Legal and Regulatory Framework Associated with Mining sector in Ghana

Governing mining policy frameworks	
Constitution of the Republic of Ghana, 1992	
Overarching framework	Minerals and mining Act, 2006 (Act 703) Minerals and mining (Amended Act), 2016 (Act 900) Minerals and mining policy frameworks, 2014
Supporting legislations	
Regulation and management of resources	Minerals Commissions Act, 1993 (Act 450)
Investment policy	Ghana Investment Promotion Centre Act, 2013 (Act 865)
Local content policy	Minerals and Mining (General) Regulations, 2012 (L.I 2173)
Support Services	Minerals and Mining (Support Services) Regulations, 2012 (L.I 2174);
Compensation and Settlement	Minerals and Mining (Compensation and Settlement) Regulations, 2012 (L.I 2175);
Licensing	Minerals and Mining (Licensing) Regulations, 2012 (L.I 2176); Health
Health and Safety	Minerals and Mining (Explosives) Regulations, 2012 (L.I 2177); Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I 2182)
Environmental Protection	The Environmental Protection Agency Act, 1994 (Act 490); The Environmental Assessment Regulations, 1999 (L.I. 1652)
Revenue management	The Internal Revenue Act, 2000 (Act 592) as amended; Minerals and Mining (Amendment), 2010 Act 794

Other specific legislations	Applicable to ASM sector
Registration and Licensing	Small-scale Gold Mining Law (PNDCL 218)
Health and safety	Mercury Act, 1989 (Act 217)
Authorization to buy and sell gold to ASM	Precious Minerals Marketing Corporation Law (PNDC Law 219)
Relevant codes of practice	Code of Practice for Small-scale Gold-mining Operations

The table above summarizes the overall regulatory framework pertinent to the mineral sector in Ghana.

- The Minerals and Mining Act was enacted in 2006, in replacement of the 1986 Minerals and Mining Law. The 2006 law reflects the conclusion of a modernization process, which began in the early 2000s, following extensive consultation with customary landowners. As a result, the law includes notification, consultation and compensation provisions (IM4DC: 2015).
- A number of supporting regulations have been passed to complement the 2006 Act: of particular interests are Regulation L.I 2173 of 2012, that establishes requirements regarding local content for goods to be sourced in Ghana by mining companies and their contractors. Regulation L.I 2175 regarding support services also establish the conditions under which such services must be provided, including on requirements for sourcing locally.

The next section presents some detailed insights into these laws and regulations as it relates to the ASGM sector.

Legal & Regulatory framework specific to ASM

Minerals property of Republic (Act 703, Section 1)

- Every mineral in its natural state is the property of the Republic and is vested in the President in trust for the people of Ghana.

Mining activities require mineral rights (Act 703, Section 9 (1))

- a person shall not conduct activities for a mineral unless the person has been granted a mineral right [by the Minister]

License for small scale mining: Act 703, Section 82 (1)

- a person shall not engage in or undertake a small-scale mining operation for a mineral unless there is a license granted by the Minister for Mines

Qualification of applicant for small scale mining license (Act 703, Section 83)

- A license for small-scale mining operation shall not be granted to a person unless that person
 - is a citizen of Ghana,
 - has attained the age of eighteen years

Conditions for the grant of a license (Act 703, Section 84)

- a license granted by the Minister shall be in respect of the mineral specified in the license and shall be subject to conditions specified in the license.

Duration of a license (Act 703, Section 85(a))

- A license granted Shall be for a period not more than five years from the date of issue in the first instance and may be renewed on expiry.

Area covered by license (Act 703, Section 86)

- The size of the area in respect of which a license may be granted for SSM shall be in accordance with the number of blocks prescribed. (12 SS Cadastral Blocks – 25.2 acres or 10.2 hectares)

Revocation of license (Act 703, Section 87)

- The Minister may revoke a license granted under section 82 (1) where,
 - the Minister is satisfied that the licensee has contravened or failed to comply with a term or condition of the license.
 - the licensee is convicted of any offence relating to the smuggling or illegal sale or dealing in minerals © the Minister is satisfied that it is in the public interest to do so.

Transfer of license (Act 703, Section 88)

- A license granted may be transferred only to a citizen and with the consent of the Minister

Designated area (Act 703, Section 89)

- Where the Minister, after consultation with the Commission considers that it is in the public interest to encourage small-scale mining in an area, the Minister may by notice in the Gazette, designate that area for SSM and specify the mineral to be mined.

Establishment of District Offices of the Commission (Act 703, Section 90)

Registration of prospective licensee (Act 703, Section 91)

Small scale Mining Committees (Act 703, Section 92)

(1) There is established in every designated area a SSM Committee.

(2) The Committee consists of the following members:

- (a) the District Chief Executive or the Rep who shall be the chairperson
- (b) The District officer appointed under section 90 (2)
- (c) One person nominated by the relevant District Assembly
- (d) One person nominated by the relevant Traditional Council
- (e) An officer from the Inspectorate Division of the Commission; and
- (f) An officer from the Environmental Protection Agency.

(3) The Committee shall assist the District Office to effectively monitor, promote and develop mining operations in the designated area.

(4) The members off the Committee shall be appointed by the Minister and shall hold office for a period and on terms and conditions determined by the Minister.

Operations of small-scale miners (Act 703, Section 93)

- A person licensed ... may win, mine, and produce minerals by an effective and efficient method and shall observe good mining practices, health and safety rules and pay due regard to the protection of the environment during mining operations.

Compensation for use of land (Act 703, Section 94)

- The licensee shall pay compensation for the use of the land and destruction of crops to the owner of the land that the Minister in consultation with the Commission and the Government agency with responsibility for valuation of public lands may prescribed.

Use of explosives (Act 703, Section 94)

- A small-scale miner shall not without the written permission of the Minister on the recommendation of the Commission use explosives in the area of operation

Purchase of mercury (Act 703, Section 96)

- A small-scale miner may purchase from an authorized mercury dealer the quantities of mercury that may be reasonably necessary for the mining operations of the small-scale miner

Sale of minerals (Act 703, Section 97)

- (1) The sale of a mineral won by a licensed small-scale miner shall be subject to Rules and Regulations prescribed by the Minister.
- (2) A person is presumed to be lawfully in possession of minerals until the contrary is proved.
- (3) Shipment of rough diamonds to and from the country shall be subject to rules and regulations as prescribed by the Minister and shall be in accordance with the Kimberly Process Certification Scheme

Sale of jewellery (Act 703, Section 98)

- (1) Nothing precludes a person from disposing of personal jewellery to an authorized dealer or another person.
- (2) A person shall dispose of a gold artefact or gold coin only to an authorized dealer.

Offences and penalties under section 81 to 99 (Act 703, Section 99)

- (1) A person who buys or sells minerals without a license granted under section 81 to 99 or without a valid authority granted under an enactment for the time being in force commits an offence and is liable on summary conviction to a minimum fine of three thousand penalty units or to imprisonment for a term not more than five years or to both.
- (2) A person who,
 - without a license granted by the Minister undertakes a small-scale mining operation contrary to section 1, or
 - acts in contravention of provision of this Act in respect of which an offence has not been specified, commits an offence and is liable on summary conviction to a minimum fine of one thousand penalty units or to imprisonment for a term not more than three years or to both.
- (3) A court before which a person is convicted under this Act may in addition to a penalty that it may impose, order the forfeiture to the state of the mineral in respect of which the offence was committed.

Summary of Legal & Regulatory Framework

1. License issued by the Minister for Lands & Natural Resources: SSM Reserved for Ghanaians & License is Site Specific
2. Environmental Permit issued by the EPA [Act 703, Section 18]
3. Operating Permit issued by the Minerals Commission

Therefore, any activity by individuals, group or companies without the 3 key requirements is an illegal operation, including “galamsey” which must not be tolerated by all stakeholders.

Records of and reports by mineral right holders

Sec 19 of Minerals and Mining Act 2006 (Act 703):

- (1) A holder of a mineral right shall maintain, at an address in Ghana notified to the Commission for the purposes of this section, the documents and records that may be prescribed and shall permit an authorized officer of the Commission at a reasonable time to inspect the documents and records and take copies of them.
- (2) A holder of a mineral right shall furnish the Commission, Geological Survey Department and other persons prescribed, with such reports on the mineral operations of and geological information attained by or on behalf of the holder

Reason for keeping records:

- As a requirement by the laws and directive by regulatory bodies
- To bring orderliness into the working environment
- To Preserve information for the future
- To avoid conflict among interest holders
- To aid research and development of new ideas
- To track revenue inflow into the economy

Importance of Recordkeeping

- Good recordkeeping helps you to find and share the information you need
- Good recordkeeping results in information that can be trusted
- Good recordkeeping helps you to make sound decisions
- Good record keeping can save you money
- Good recordkeeping enables information to be reused
- Good recordkeeping can bring you commercial advantage

Types of records

Three (3) types:

- Before mining- concessions applications stage
- During mining- prospecting and actual mining activity stage
- After mining- closure, end of mining stage

Classifications of Records

- **Equipment** records, machinery, tools

- **Environment** records, soil, streams, weather
- **Labour** records, service providers food vendors
- **Safety** records, fire, incidents and accidents, security
- **Daily** records, Monthly, Quarterly, Annual
- **Photo or Video** records, Forms, Reports, Publications

Scope of Recordkeeping

Types:

- **Single** item records
- **Multiple** item records
- **Entire** mining site records
- **Special** record for specific uses

Fiscal Regime Applicable to ASM sector

- The fiscal regime applicable to ASM is summarized in the table below. There is no means to negotiate any more favourable terms with the government on the basis of one’s investment unlike in the large scale mining sector.

Table 3.4 Fiscal regime applicable to ASM

Provisions	
Application fees	As prescribed in the regulation
Royalty rate	Currently 5% on gross market value
Ground rent	Payable to the landowner
Annual Mineral Rights Fee	Payable the minerals commission as prescribed
Income tax	35%
Capital allowance	Same as LSM
Import duty	Plant, machinery, equipment exclusively used for mining operations are exempt
Assay fee	0.5 %

Source: Minerals Commission

Unpacking policies into programs, Action Plans, Work plans, Schedules and to-do lists

- “Policy implementation” refers to the mechanisms, resources, and relationships that link policies to program action. It is the set of activities and operations undertaken by various stakeholders toward the achievement of goals and objectives defined in an authorized policy²⁶.
- It is well understood that policies, once adopted, are not always implemented as envisioned and do not necessarily achieve intended results.

²⁶ Nakamura and Smallwood, 1980

- Moreover, some services are provided with little attention as to how such activities fit into or contribute to broader policy goals. Policymakers and program implementers also often have limited understanding of how broader policies might help overcome service delivery obstacles.
- Various factors influence policy implementation, including the content of the policy, the nature of the policy process, the actors involved in the process, and the context in which the policy is designed and must be implemented.²⁷
- Since policy implementation is an ongoing process of decision making by key actors who work in complex policy and institutional contexts and face pressures from interested as well as opposing parties, the motivation, flow of information, and balance of power and resources among stakeholders' influences the implementation processes.²⁸
- Moreover, different stakeholders may have differing perspectives on what constitutes successful policy implementation. A top-down approach emphasizes the faithfulness with which implementation adheres to the policymakers' intentions. Conversely, a bottom-up approach argues for local implementers to adapt policy strategies to meet local needs and concerns²⁹.
- These two perspectives can result in very different strategies and outcomes. Increasingly, democratic policy systems support moving away from top-down or bottom-up dichotomies to a centrist approach emphasizing how actors from different institutional contexts influence what gets implemented³⁰

Translating policies into programmes and Action Plans

- In translating policies into programmes and action plans, **the Policy-to-Action Framework**³¹ is proposed. This framework recognizes that moving from policy to action is a dynamic, iterative process that unfolds differently in different contexts.
- In practice, the interdependent elements must be mixed together— sometimes out of sequence, often many elements at once, and over and over again—to achieve effective policy implementation. Also, while implementation involves elements that should be carried out in a more methodical way, bringing all of the elements together is indeed an art. It requires understanding policy issues, the context, and stakeholders; anticipating potential roadblocks; seizing windows of opportunity; and building and sustaining commitment, capacity, and resources over time.

The elements of the framework include the following:

- **Data analysis and use** refers to the strategic use of information to help stakeholders understand child labour issues, design appropriate strategies, and monitor policy implementation.
- **Policy dialogue and advocacy** that engages various sectors and stakeholders gives people a voice in the decisions that affect their lives and children; keeps attention on child labour issues throughout the process, from policy formulation to implementation and monitoring; and encourages consensus for policy action.
- **Policy and strategy development** require attention to policy content (e.g., clear goals, strategic directions, institutional arrangements, indicators of success) and policy processes (e.g., evidence-based, participatory processes).
- **Addressing barriers** will be an ongoing process as implementation unfolds. It entails identifying barriers to implementation, devising solutions, revising plans accordingly, and moving forward again.

²⁷ Walt and Gilson, 1994.

²⁸ Calista, 1994; Grindle and Thomas, 1991; and Nakamura and Smallwood, 1980.

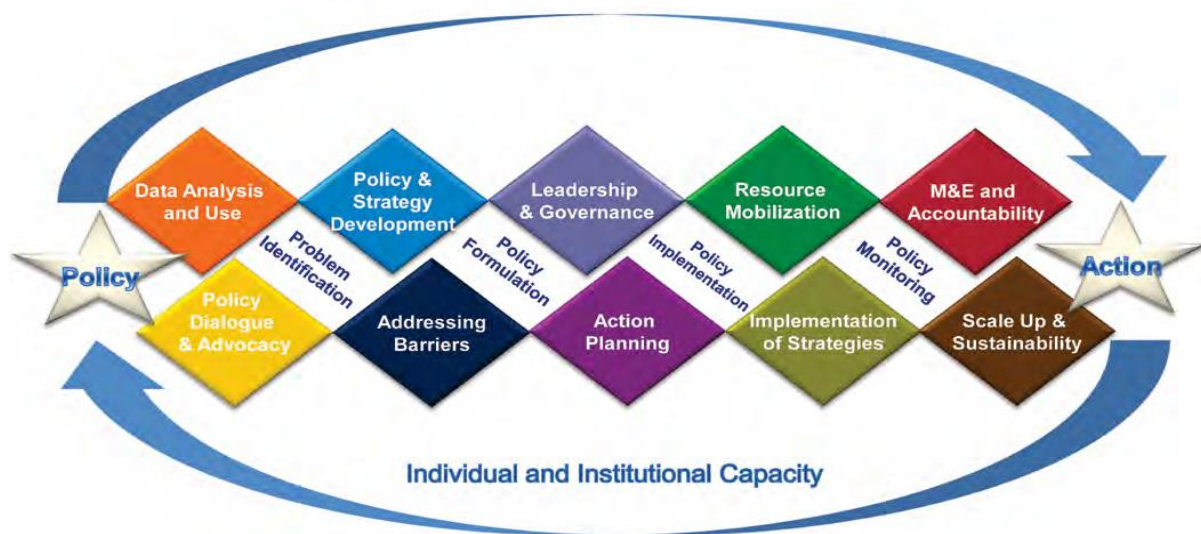
²⁹ Bressers, 2004.

³⁰ Calista, 1994.

³¹ For details see

- **Leadership and governance** are needed to guide strategic policy development, harness resources, provide effective oversight and coordination, and ensure accountability and transparency for actions and goals.
- Strengthening networks of leaders—from the district assembly to religious leaders to women and marginalized groups—helps to sustain leadership and commitment.
- **Action planning** is a consultative process that seeks to outline *what, how, who, when, and where* resources and efforts are needed to put policies into practice.
- **Resource mobilization** encompasses the financial, human, material, and other resources needed to carry out plans and programs.
- Stakeholders must maximize resources through mobilization of new resources, as well as efficient and equitable allocation of existing resources—that is, “more money, better spent.”
- **Implementation of strategies** is the actual “doing” of the actions outlined in policies and plans. It typically involves testing and rolling out new or improved services in alignment with policy goals.
- **Monitoring, evaluation, and accountability** efforts entail tracking service delivery and impact on health outcomes, as well as the process of policy implementation itself to determine what is and is not working.
- Monitoring should also engage government leaders, civil society, and other stakeholders to promote accountability, transparency, and ownership of policy initiatives.
- **Scale-up and sustainability** are achieved when the goals, principles, and operational guidelines contained in policy directives are normalized and consistently supported as part of the everyday practice of health service planning and provision

Moving Policy to Action

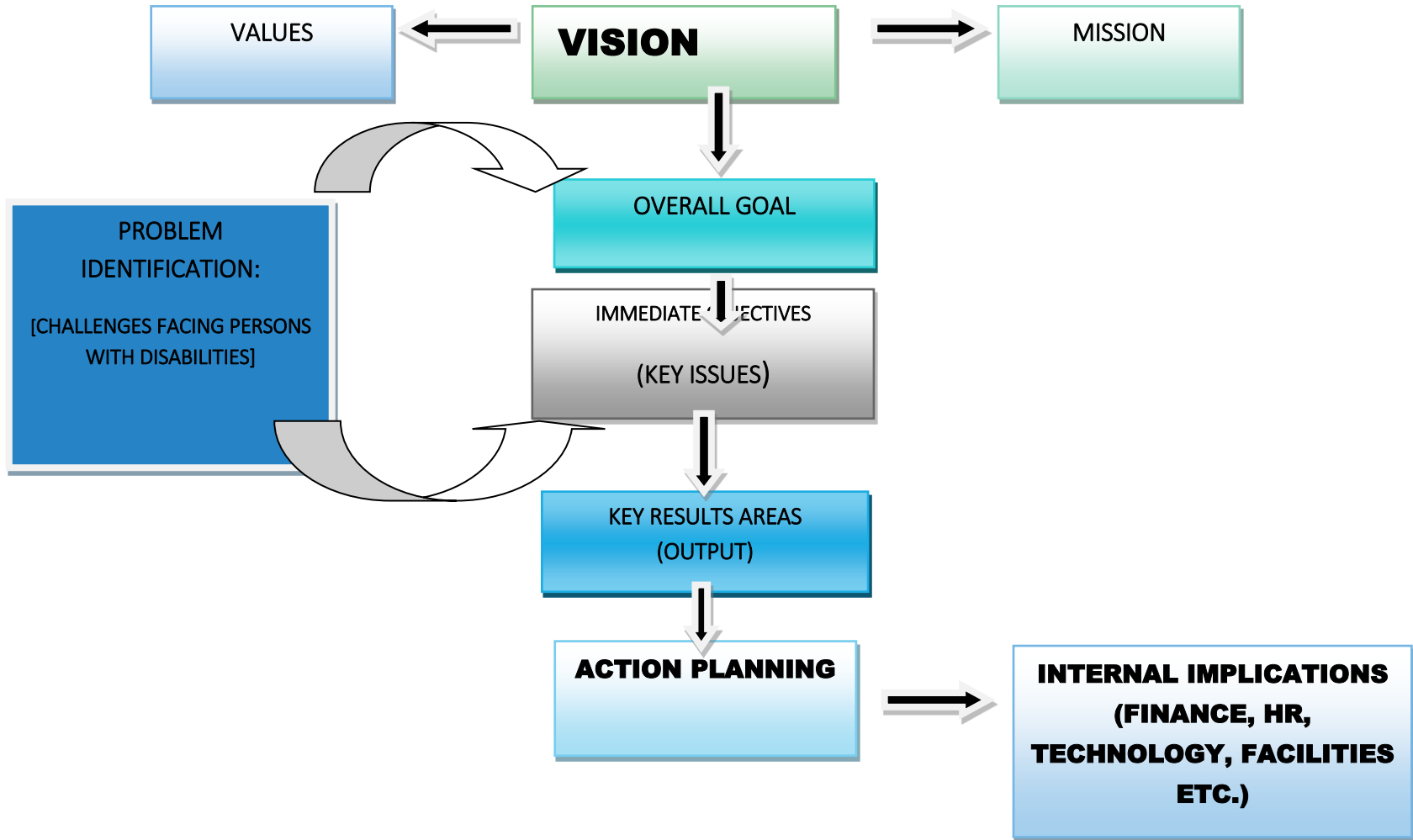


Unpacking policies into programs, Action Plans, Work plans, Schedules and to-do lists

- The strategic planning framework below help to practically illustrate where action planning is situated. Once policies are developed, key issues emanate from the policy which are then translated into strategic goals and objectives. Strategies and activities are then developed to achieve the strategic objectives teased out of the policy statements.
- The **strategic planning process** are thus the steps that you go through as an organization to determine
 - the direction of your organization (**Vision**)
 - what you're going to do and for whom (**Mission**)

- how to measure it and guide your strategy to get to where you want to be (**Goals**)
- Action planning commences once you have identified your key results areas/outputs as shown in the Figure 3.1 below

Figure 3.1- The strategic planning framework



- Once policies are developed, there is the need to develop concrete strategies and actionable steps (activities) to address the policy objectives.
- To develop an effective action-able steps, the policy implementer needs to first tease out the key strategies that needs to be adopted to achieve the objective.
- Once the key strategies are formulated, the expected output should be clearly defined. This will aid the development of specific activities to achieve the strategy intentions.

Table 3.5: Template for development of strategies and outputs

Key issues to be addressed: There is low public awareness on child labour and insufficient advocacy on child development interventions			
OBJECTIVES: To ensure that residents in Wassa Amenfi East are well-informed on the rights of children and mobilized to support the fight against child labour			
	Strategies	Outputs	Indicators
1	Increase awareness on child labour in galamsey communities in the district through sensitization and formation/strengthening of community CCPCs.	Mining communities in the district sensitized on the harmful effect of child labour and the need for action	<ul style="list-style-type: none"> • Number of community members sensitized • Number/type of sensitization activities organized
2	To improve the income of vulnerable households through support with income generating opportunities to wean their children from galamsey activities	Poor households linked up to Government livelihood programme Poor household supported with income generating activities	<ul style="list-style-type: none"> • Number of vulnerable households linked up to government social programme • Number of HHs supported with income generating activities
3			
4			
6			

Developing and implementing effective Action/work plans

- A work plan is an outline of a set of goals and processes by which an organisation/team can accomplish its goals. Work plans, whether used in professional or academic life, help you to stay organized while working on projects. Through work plans, you break down a process into small, achievable tasks and identify the things you want to accomplish.
- Restate the objective of the action plan from the strategy template.
- **Identify the purpose for your work plan.** Work plans are written for various reasons. Determine the purpose up front so you can prepare properly. Keep in mind that most work plans are for a shorter period of time (i.e., 6 months or 1 year).
- **Restate the goals and objectives from the strategy template.** Goals and objectives are related in that they both point to things you hope to accomplish through your work plan. However, remember the differences, too; goals are general and objectives are more specific.
- State the **specific activities**/implementing steps that you need to implement to achieve the stated about in Table 2 above.
- **Who is accountable:** Accountability is essential for a good plan? Who is responsible for completing each task?
- **List your resources.** Include anything that will be necessary for you to achieve your goals and objectives. Resources will vary, depending on the purpose of your work plan.
- **Indicate the timelines for completion of the assignment**
- State the **amount** that you will need to complete each of the activities

- **Identify any constraints.** Constraints are obstacles that may get in the way of achieving your goals and objectives.

Table 3.6: Action Plan Template

OBJECTIVES:						
STRATEGY:						
No.	Implementation steps(activities)	Individual Responsible	Resources (people, Time, Materials)	Timeline	Budget	Constraints
1						
2						
3						
4						
5						

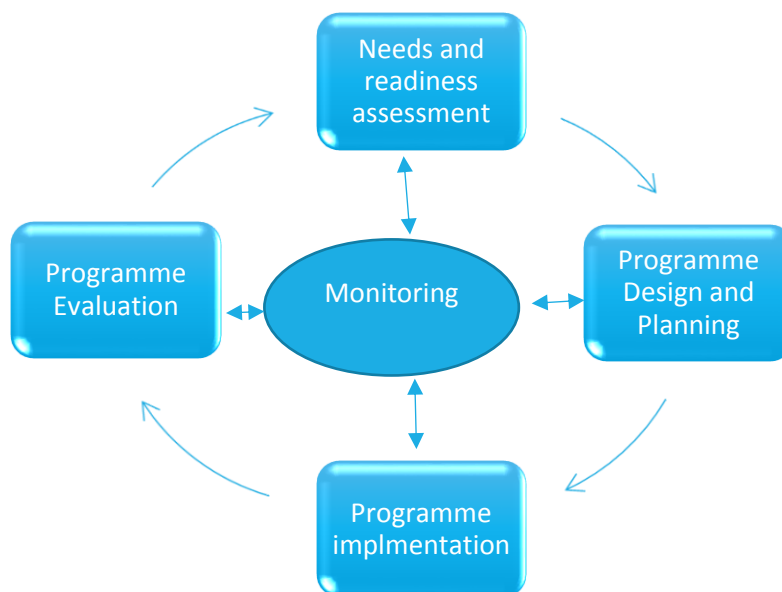
MONITORING, DOCUMENTATION AND REPORTING CHILD LABOUR INTERVENTION

Integrating the child labour topic into the programme cycle

Programme Cycle

- Programme cycle describes the way in which development programmes are planned and carried out. A “cycle” illustrates a continuous process in which each stage provides the foundation for the next.
- The generic programme cycle consists of five stages. However, this manual focuses on the three stages of planning, monitoring and evaluation, it is applicable in all five stages. The child labour topic can be integrated into each step of the cycle, depending on the programme design. In practice, the duration and importance of each stage may vary between programmes.

Figure 3.2 Programme cycle diagram



Planning

- Most development programmes are designed on the basis of the Logical Framework Approach (LFA) and/or results-based management (RBM). In addition, the Theory of Change broadens the picture to consider external effects and unintended impacts from the start.
- These approaches share the same overall purpose: to describe how the programme will lead to results and to support critical reflection during the programme's lifetime.
- The approaches are continually updated throughout programme implementation and they provide an essential resource for monitoring and evaluation. The M&E concept is applicable, regardless of the programme's planning and management approach.
- Ideally, small-scale mining programmes should consider the child labour topic in the needs assessment and incorporate it into the planning and design phase.
- Its inclusion helps reduce the likelihood of negative impacts of the programme and enhance potential positive impacts on the children's working situation.
- Wherever possible, baseline data including child labour criteria/indicators should be gathered right at the start of the programme. This facilitates the ongoing monitoring and evaluation lead to assess the impact on working situation of children. It, therefore, serves as an early warning system to prompt the revision of the programme strategy if necessary.
- On the other hand, positive impacts on the working situation of children can be identified and strengthened. Impact monitoring requires detailed and accurate preparation and broad participation of programme staff and beneficiaries.

Baseline

A baseline study is conducted for the set of indicators and can be used to assess programme achievements. "when compared with the condition of the same indicators at some point during implementation and post-operation, the baseline study forms the basis for a 'before and after' assessment or a 'change over time' assessment".

Monitoring

- Monitoring is an ongoing process and involves the systematic collection and analysis of data related to specified indicators or emerging from guiding questions.
- It provides information about the current extent of progress and achievements of a development programme. Monitoring activities should be an integral part of the programme's operation plan. Dates, tasks and responsibilities for the monitoring should be clearly assigned. Throughout the monitoring process, the active and effective participation of beneficiaries should be assured.

Participation of beneficiaries

Participation provides a basis for mutual learning and contributes to the programme's legitimacy and accountability. complementing participatory tools, joint reflection workshops can be used to discuss findings of the monitoring with the target group and to include their opinions and perceptions in the further process.

- Monitoring has several major functions such as:
 - It enables verification of whether the programme is on target.
 - It assists programme management in the decision-making process; whether or not to proceed with a programme initiative;
 - the appropriateness of the results described in the initial log frame;
 - the need to revise the planned and ongoing activities and/or inputs;
 - Whether or not to continue the implementation of a programme initiative.
 - It supports awareness-raising, mutual learning and knowledge-sharing among programme staff and beneficiaries.
- Monitoring the impacts of the child labour in ASGM operation enable project implementers to verify whether their activities are making negative impacts on the working situation of children. It, therefore, serves as an early warning system to prompt the revision of the programme strategy if necessary. On the other hand, positive impacts on the working situation of children can be identified and strengthened.
- Outcome monitoring requires detailed and accurate preparation and broad participation of programme staff and beneficiaries.
- Monitoring is a continuous process that provides evidence-based reporting about programme progress and input utilization to stakeholders

Evaluation

- While monitoring supervises and controls the ongoing implementation process of the programme, an evaluation is an appraisal of a programme's performance at a certain point in time.
- The findings of the evaluation are not only for use by programme management and steering but are communicated to stakeholders, development partners and donors. They, therefore, prove the legitimacy and accountability of the intervention.
- The evaluation examines whether a programme achieved its objective and what changes the intervention produced. According to the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation (OECD), there are five key criteria that need to be considered when evaluating development programmes. An evaluation can be conducted midway through the programme, upon completion of the programme, or retrospectively sometime after the end of the programme.

Criteria for evaluation

- **Relevance:** is the programme suited to the priorities of the target group and donor?
- **Effectiveness:** To what extent is the programme attaining its objectives?
- **Efficiency:** Are the programme's outputs in relation to its inputs?
- **Impact:** what changes does the programme produce?
- **Sustainability:** is the programme socially, environmentally and financially sustainable.

- Regardless of the timing, the child labour topic can be integrated into all stages of a typical evaluation process. When establishing the terms for the evaluation, a detailed assessment of the programme's impacts on child labour should be explicitly agreed upon.
- The design of the evaluation depends on whether the programme integrated the child labour topic in the planning and monitoring stages or whether it is to be an on-the-spot evaluation. A final evaluation helps identify areas of good performance and lessons learned that can be useful for future programmes.

Assessing child labour interventions

Still focuses on three different stages of the programme cycle: planning, monitoring and evaluation. To conduct an assessment of the impacts of small-scale mining programmes on child labour comprises four main steps:



1. Preparation of the process:

The assessment of programme impacts on child labour requires different preparatory steps:

- Research on the child labour situation
- Identification of actual and/or potential programme impacts on child labour
- Identification of relevant stakeholders, their roles and interests
- Formulation of indicators
- Formulation of guiding questions

Indicator must be SMART!!!

Specific: The indicator targets a specific area for improvement.

Measurable: The indicator is definitely measurable and the required data can be collected in appropriate time and with acceptable effort.

Achievable: The targeted result is realistic.

Relevant: The indicator captures the essential regarding the objectives and the changes in the target group.

Time-bound: The indicator specifies the time by which the result can be achieved.

2. Data collection

Data collection is central to the M&E process and comprises the four steps listed below. Where the planning process comprises a baseline survey, these steps should be considered in the planning stage.

- Research on existing secondary data
- Identification of tools for data collection
- Selection of the sample
- Collection of data

3. Data Analysis

The analysis of collected data involves processing, cross-checking and interpreting the information. Data analysis serves two main purposes:

- Identification of the child labour situation in the programme region
- Identification of the programme's impacts on the child labour situation

4. Follow up

The follow-up process for the programme's monitoring and evaluation comprises two major steps:

- Sharing the findings
- Adjusting the programme

Development /application of child labour instruments, tools and mechanisms

When developing instruments/tools for assessment of a child labour programme. The following steps are utilized:

a. Research on existing secondary data/tool used in assessing child labour: Secondary data cannot substitute the collection of primary data; they are however useful. Secondary data form an essential basis for adapting tools and templates relevant to the specific situation in the programme region and for cross-checking the collected data during the M&E process in a TOOLKIT. Data on child labour a range of sources and are often used in combination. Possible data sources include the following:

- Statistics institutions
- National population censuses
- Existing national household surveys
- Special child labour studies and surveys

b. Identification of tools for data collection: The TOOLKIT provides several tools for data collection. Each tool is designed for a different purpose and includes a set of analytical methods and techniques appropriate for planning, monitoring and evaluation.

- It provides a mix of qualitative and quantitative methods and includes a set of participatory methods.
- The data collection tools can be used for:
 - exploring stakeholders and characteristics of the programme region;
 - assessing the perception and causes of child labour;
 - gathering individual data on child labour;
 - analysing the programme impacts; and
 - visualizing the findings.
- The different tools can be applied during focus group discussions, interviews or programme staff discussions.
- It is recommended to use a combination of different tools during data collection, in order to obtain diverse data which can be cross-checked against each other. With a combination of tools, the strengths of one can overcome the potential weaknesses of another, and the data obtained are therefore more reliable.
- Guiding questions for tool selection:
 - Which tool can provide the information needed?
 - Which combination of tools can produce meaningful results?
 - What tools are feasible in terms of time and money?
 - Who will collect the data? What methods correspond to the skills of the staff?
 - Are the persons responsible for collecting the data sufficiently qualified or do they need further training?
 - What methods are already known and tested?

Gathering Information Using Tools in the Toolkit

Kinds of information	Possible Tools to use	
		Tools with visual, spatial and/or participatory component
Exploring stakeholders and characteristics of the programme region	<ul style="list-style-type: none"> Expert interview 	<ul style="list-style-type: none"> Venn diagram Stakeholder map Observation walk Village social map
Assessing the perception and causes of child labour	<ul style="list-style-type: none"> Expert interview Impact discussion Interview with beneficiaries 	<ul style="list-style-type: none"> Problem and solution tree Influence matrix Observation walk Village social map
Gathering individual data on child labour	<ul style="list-style-type: none"> Interview with beneficiaries Interview with children Household survey School attendance monitoring 	<ul style="list-style-type: none"> Daily schedule/clock
Analysing the programme impacts	<ul style="list-style-type: none"> Expert interview Impact discussion Interview with beneficiaries 	<ul style="list-style-type: none"> Influence matrix Programme impact analysis Extended programme impact analysis
Visualizing the findings		<ul style="list-style-type: none"> Spider diagram

The table below is an example of a tool for identifying child labour.

Date, place and no. of interview				
Age and sex of child	Age: — Sex: —	Does the age fall below the legal working age? (Children below the age of 15)	Does the age fall within the range for permissible light work? (normally children aged 13–14)	Does the age fall above the legal working age? (normally children aged 15–17)
Working hours per day/week	<input type="checkbox"/> Yes <input type="checkbox"/> No	Does the child spend too much time on non-age appropriate tasks?	Do the working hours exceed the permitted working hours for light work defined in national law?	Do the working hours exceed the permitted working hours for children above minimum age for employment defined in national law?
Working tasks of child	<input type="checkbox"/> Yes <input type="checkbox"/> No	Are the tasks too demanding for the age of the child?	Do the tasks exceed permissible light work as defined in national law?	
Hazards of working tasks	<input type="checkbox"/> Yes <input type="checkbox"/> No	Does the child work under hazardous conditions or is he/she exposed to hazards?		
Impacts of child's work on his/her health	<input type="checkbox"/> Yes <input type="checkbox"/> No	Does the child have diseases and/or impairments due to work or has the child had accidents during agricultural work?		
Impacts of child's work on his/her education	<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the child not enrolled at school because of work, or does the child not attend school regularly because of work?		
Child labour (yes or no)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If one of the answers in the above row is "yes", the work of the child is identified as child labour.		

REFERENCES FOR FURTHER READINGS

- Labour Act 2003 (651) Section 122, 124, 175
- International Conventions and protocols
- Labour Inspection Recommendation, 1923 (No. 20)
- Labour Inspection Convention, 1947 (No. 81);
- Protocol of 1995 to the Labour Inspection Convention, 1947 (P. 81)
- ILO, (2001) Safety & health in small-scale surface Mines A handbook, SECTORAL ACTIVITIES PROGRAMME WORKING PAPER (WP.168)

PART 4

ENFORCEMENT OF CHILD LABOUR LAWS AND REGULATIONS IN ASGM SECTOR

4.1 CONTENTS

- Principles of Preventive Law Enforcement and its application to the child labour issue
- Unpacking Regulations into Programmes, Action Plans, Work plans, Schedules and to-do lists
- Strategies for Monitoring and Enforcing Child Labour Laws and Regulations
- Application of Child labour instruments, tools and mechanism for Monitoring and Enforcement

4.2 INTRODUCTION

There is clear evidence that well-planned crime prevention strategies not only prevent crime and victimization, but also promote community safety and contribute to the sustainable development of countries. Effective, responsible crime prevention enhances the quality of life of all citizens.³²

The concept of prevention is grounded in the notion that crime is driven by many causal or underlying factors. Determining what factors are associated with different types of crime can lead to the development of a set of strategies and programs to change those factors and prevent or reduce the incidence of those crimes. These underlying or causal factors are often termed risk factors. These include

- Global changes and trends that affect the social and economic conditions of regions and countries.
- Factors affecting individual countries and local environments and communities
- Those relating to the family and close relationships, and
- Those that affect individuals

At the global level, major population movements, rapid urbanization, environmental disasters, economic recessions can all have serious consequences for regions and countries. Such events can influence the state of a region or a country's political economy, and the infrastructure and the capacity to govern may be affected. Migration policies, for example, may affect the extent of child trafficking/labour and the numbers of victims and perpetrators of those crimes.

At the national level the extent of the disparity in household income between the poorest and the wealthiest population of a country, levels of corruption, the quality of the infrastructure, institutions and social and cultural patterns can all create situations that increase the risks of crime.

At the local level, inadequate infrastructure and fiscal and administrative powers, poor housing and neighbourhood conditions, lack of facilities such as good education and health services, high unemployment and easy access to drugs or small arms can all increase the risks. Poor or disorganized schools for instance can result in poor achievements and dropping out of school and therefore identified as a risk factor.

³² Handbook on Crime Prevention Guidelines, United Nations, New York 2010

At the individual level, risk factors for offending include biological and personal factors that may lead to early aggressive behaviour or substance abuse, for example. Risk factors connected with relationships include family conflict, poverty can lead to risk-taking and law breaking.

Knowledge about the factors that put populations, communities and individuals at risk enables prevention programs to be targeted at areas and neighbourhoods at high risk.

4.3 OBJECTIVES

In this unit, participants will become familiar with the key underlying principles for preventive law enforcement. The unit introduces participants to the various type of preventive law enforcement and how law enforcement officers and Social Service Workers could work together to enforce child labour laws and regulations. He the concept of community regulations are introduced to complement the enforcement work by law enforcement agencies. The section also seeks to increase stakeholder knowledge and skills with practical actions on how to enforce child labour laws and regulations in ASGM sector.

By the end of this unit, participants will be able to:

- Understand the key principles of preventive law enforcement and its relevance in combating worst forms of child labour
- Develop requisite programmes, Action plan and Work plans to enforce child labour laws and regulations in the ASGM sector
- Understand and apply the various strategies for monitoring and enforcement of child Labour laws and regulations
- Be abreast with necessary instruments, tools and mechanism for enforcement of child labour laws and regulations.

4.4. METHOD OF DELIVERY

Delivery may involve any or a combination of the following approaches as found appropriate:

- Presentation
- Brainstorming
- Group Discussion /Case studies

4.5 MATERIALS/RESOURCES

Resource materials may include the following:

- Flip chart,
- Flip chart stands,
- Marker and the case study materials etc.

4.6 SESSIONS

- Principles of Preventive Law Enforcement and its application to the child labour issue
- Strategies for Monitoring and Enforcing Child Labour Laws and Regulations
- Unpacking Regulations into Programmes, Action Plans, Work plans, Schedules and to-do lists
- Application of instruments, tools and mechanism for law enforcement on child labour

4.7 KEY MESSAGES

- There is knowledge gap on type and duration of work that children are permitted under the law to engage in. Ghana has clear laws and regulations that specify the type and duration of work child labourers are permitted to undertake.
- Conduct vigorous community level sensitisation and campaign on the child labour issues with specific reference to the type and duration of work the laws accept to be carried by children. Other

examples include education project in schools, recreation or skills training projects for children and young people in the community also in an attempt to increase awareness.

- Awareness on the legal regime and the knowledge of the punishment that awaits offenders will go a long way in deterring many from engaging in the practice.
- Without community owned and community led change it is difficult to create a child labour free society in the long term. Artisanal and small-scale mining is carried out in small scale and many in remote rural locations.
- While labour inspection and law enforcement are important, the most effective and immediate way to reach children is by community regulation of child labour, including identifying and responding to child trafficking.
- Virtually all programmes that combat child labour include community level strategies that either address the issue directly or focus on root causes or contributory factors, or a combination of these.
- Experience has shown the importance of identifying and involving community leaders and other key people in all community initiatives, since they are the ones that set priorities and influence ideas and behaviour. The ethos behind the design of activities ranges from empowerment and rights based on the one hand to more paternalistic and charitable on the other.
- Effective sharing of information among key law enforcement agencies help in combating the incidence of child labour and child trafficking
- Different agencies of states such as the police, CHIRAJ, Department of Social Welfare and Community Development should work together in a coordinated manner to reduce all incidence of child labour in the district.

4.8 SESSION A: Principles of preventive law enforcement and its application to the child labour offences

INSTRUCTIONS TO FACILITATOR:

STEP 1:

- Ask participants if they have any idea about the term, preventive law enforcement.

Step 2:

- Ask them to share their knowledge and experience about how they have applied preventive law enforcement strategies in their policing work bringing out what worked well and what did not work well and why.

STEP 3:

Make a presentation to participants on key principles of preventive law enforcement to deepened participants knowledge about the concept.

4.9 Section B: Enforcing Child Labour Laws and Regulations in ASGM

STEP 1:

- Ask participants to share their experience about how they have been enforcing child labour laws and regulations as part of their daily work.
- Lead participants to discuss what is working or not working and why?

STEP 2

Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants. Here, you may mention some of the key strategies for enforcement including effective collaboration with other

departments and agencies such as CHIRAJ, Social Welfare, Community leaders (CCPC) and Social Services Committee of the District Assembly.

SECTION C: CASE STUDY 1- PROSECUTING CHILD LABOUR CASES _ CHALLENGES AND LESSONS

STEP 1:

Set the agenda: outline the plan and expectations for the case discussion

- Outline the plan and expectations for the case discussion. The purpose of case study discussion to increase the skills of law enforcement officers on how to effectively prosecute child labour cases

STEP 2:

- Put the participants into groups.
- Read out the case study to help their understanding of the issues.

STEP 3:

- Distribute the case study among the groups
- Ask groups to read the case studies carefully and provide responses to all questions that follow.

STEP 4:

- Let each group present their responses in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation
- Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants.

CASE STUDY THE FRUSTRATION OF MR OMANBENIE

“Massa, stop worrying us; no law works here in this country”. This was the response of a senior Police Officer when he was being questioned for not pursuing a case reported to him. He added “You these NGOs you go and collect big monies and come here and worry us...are you the one to teach me my work. Massa, fa wa sem fri ho...” At the close of the day the officer goes home very worried and angry. Actually, he had done his best to prosecute the case of child trafficking that was reported at his station 3 months ago. But he has faced so many hurdles and has now become frustrated. He won’t even eat the nice supper his wonderful wife has prepared and has no presence of mind to chat with his children who are worrying him with questions. After many questions from his persistent wife, Officer Omanbenie, breaks down with shouting: “Ah what should I do; I have prepared the docket, all the evidence is there; any time I take the issue to the court the judge adjourns the case...is it my fault. And this NGO man continues to worry me as if I am the one causing the problem”. His wife tries to calm him down to no avail. “This is a clear case of child trafficking... the child was recruited, transported, harboured, coerced, exploited, treated like a slave; they even abused him psychologically; yet this Judge doesn’t want to rule on the matter”. His wife asks: “Darling, did you have witnesses”. He is quiet. I told you I have evidence, why are you asking me questions; go and ask the judge”. Both of them go to work sad. The next day it was reported in the news that 3 children trafficked and exploited had collapsed and died while engaged in child labour. Mrs Omanbenie is devastated by the news.

DISCUSSION QUESTIONS

1. Why is the police officer unhappy?
2. Are NGOs helpful to law enforcement agencies in the prosecution of child labour cases? Give reasons for your answer
3. List and discuss 5 key reasons why prosecution of child trafficking cases is sometimes difficult for the police
4. Is the Media helpful to law enforcement agencies in the prosecution of child labour cases? Give reasons for your answer.
5. Can Mrs. Omanbanie do anything to help the husband in this situation? Explain.

6. What other issues do you note in this case?
7. and why?

SECTION D: CASE 2: INFORMATION SHARING AND JOINT INTRA-DISTRICT/INTER-AGENCY ACTION TO ENFORCE CHILD LABOUR LAWS AND REGULATION

STEP 1:

Set the agenda: outline the plan and expectations for the case discussion

- Explain the purpose of the case discussion. The purpose of case study discussion is to promote information sharing and joint intra-district or inter agency action to enforce child labour laws and regulations.

STEP 2:

- Put the participants into groups.
- Read out the case study to help their understanding of the issues contained in it.

STEP 3:

- Distribute the case study among the groups
- Ask groups to read the case studies carefully and provide responses to all questions that follow.

STEP 4:

- Let each group present their responses in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation
- Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants.

CASE STUDY 2: COLLABORATING TO ADDRESS CHILD LABOUR

A Non-Governmental Organisation (NGO) has noticed that many children begging on the streets of Accra, Kumasi and Tarkoradi have migrated from neighbouring countries like Niger, Mali, and Chad. They complain to the Ministry of Interior (Moi) and threaten to organize a demonstration if nothing is done about the situation. The Ghana Police Service (GPS) and Ghana Immigration Service (GIS) are tasked to effectively address the issue. In their first meeting on the issues, officers from GPS and GIS begin to argue on who has the mandate to lead the action and receive the resources required. Each of them is trying to defend their turf and prevent the other from “taking their mandate”. The meeting ends without any agreement because all the time is spent on mandate clarification. Thankfully, they get resources to have another meeting on collaboration and coordination.

DISCUSSION QUESTIONS

1. Is this an important issue or the NGO is just making noise about nothing? Give reasons for your answer
2. Why do you think the two Agencies were “fighting” over the issue?
3. List 5 ways in which the police and Immigration Services can enhance collaboration and coordination among themselves instead of “turf fighting”
4. List 7 ways by which children from other countries can be stopped from engaging in child labour in Ghana.

SECTION 4E: CASE STUDY 3 COLLABORATION AND COORDINATION FOR EFFECTIVE CHILD LABOUR LAW ENFORCEMENT

STEP 1:

Set the agenda: outline the plan and expectations for the case discussion

- Outline the plan and expectations for the case discussion. The purpose of case study discussion to increase our skills on how child labour Laws and Regulations can be effectively enforced in local communities.

STEP 2:

- Put the participants into groups
- Read out the case study to help their understanding of the issues contained in it.

STEP 3:

- Distribute the case study among the groups
- Ask groups to read the case studies carefully and provide responses to all questions that follow.

STEP 4:

- Let each group present their responses in a plenary
- Summarize their presentation on a flip chart
- Briefly allow the participants to ask questions after each presentation
- Use the facilitators notes at the end of the section to fill in the gaps in the presentations by participants.

CASE STUDY

THE DILEMMA OF CONSTABLE ADJUMAYEDEN

Case Study: L 1

Constable Adjumayeden is a newly recruited police officer who has vowed to eliminate child labour in his station at Nmofra-ye-nkwa community in the newly carved district in the Oti Region. He has received many complaints from the social welfare officer and noticed that much of the offences are perpetuated in the context of the family: parents taking their children to farm, family members taking their relatives; children to other places with the promise of a better life, domestic work and street hawking and begging. Constable Adjumayeden has noticed from the file cases that the ages of the children are not clearly stated. Also, he is not sure which of the country's laws is applicable for each particular case. Meanwhile he has heard that in Mmofra-ye-nkwa community anybody who reports a case to law enforcement agency is stigmatized and "targeted" and any police officer who has tried to pursue a criminal case of child labour is quickly transferred out of the community. In the last training he attended, officers were trained on how to pursue and prosecute child labour cases.

DISCUSSION QUESTIONS

1. Identify the forms of child labour mentioned in the case above. Justify your answer
2. Identify the specific challenges facing Constable Adwumayeden as he works on these cases
3. How can the Officer confirm the ages of the children affected?
4. Which laws can Constable use to address the various cases?
5. What does the law say about cases involving family relatives?
6. Is the community police-friendly; why?
7. What can Constable Adjumayeden do to make his stay in the community more productive
8. What should Constable Adjumayeden do to make sure that prosecution is carried out?

ROLE PLAY

Enforcing Child Labour Laws and Regulations in ASGM Operations

Mr. Nyamebekyere is an immigration officer in Anidaso-wo-ho community, a border town between Ghana and Burkina Faso. After attending a workshop on child labour issues and enforcing associated laws and regulations, he and his team have decided to do everything possible to ensure that the rights of children within his area are protected. A complaint by Mrs Mmofra-ye-yen-dakyi, a social welfare officer has been reported to the immigration office. In the complaint, it was noted that some children are involved in working in a small-scale mining site in the community. This has resulted in high rate of school dropouts and low school attendance by children. It was also recorded in the complaint that some children come from a neighbouring town in Burkina Faso to join in working in the small-scale mining site. Mr. Nyamebekyere, in collaboration with the Ghana Police Service are leading an investigation into the matter and have started arresting some people. Word has spread in Anidaso-wo-ho community about the issue and community members have labelled Mrs. Mmofra-ye-yen-dakyi as an 'enemy of progress' and a 'barrier to blessings' because children are no more able to bring home additional income from their work in the mining site.

1. In a role play, show a complaint being made to Mr. Nyamebekyere's office of the issue.
2. Display how Mr. Nyamebekyere, as an immigration officer, will collaborate with the Police to arrest and interrogate the perpetrators involved in engaging children in small scale mining.
3. Mrs. Mmofra-ye-yen-dakyi, the social welfare officer has been tagged as an enemy of progress. Show how the police and immigration can contribute to remove this stigma.

REFERENCE MATERIALS FOR PART 4: ENFORCING CHILD LABOUR LAWS AND REGULATIONS IN ASGM OPERATIONS

Principles and Practice of Preventive Law Enforcement

- There is clear evidence that well-planned crime prevention strategies not only prevent crime and victimization, but also promote community safety and contribute to the sustainable development of countries. Effective, responsible crime prevention enhances the quality of life of all citizens.³³
- The concept of prevention is grounded in the notion that crime is driven by many causal or underlying factors.
- Determining what factors are associated with different types of crime can lead to the development of a set of strategies and programs to change those factors and prevent or reduce the incidence of those crimes.
- These underlying or causal factors are often termed risk factors. These include
 - Global changes and trends that affect the social and economic conditions of regions and countries.
 - Factors affecting individual countries and local environments and communities
 - Those relating to the family and close relationships, and
 - Those that affect individuals
- At the global level, major population movements, rapid urbanization, environmental disasters, economic recessions can all have serious consequences for regions and countries. Such events can influence the state of a region or a country's political economy, and the infrastructure and the

³³ Handbook on Crime Prevention Guidelines, United Nations, New York 2010

capacity to govern may be affected. Migration policies, for example, may affect the extent of child trafficking/labour and the numbers of victims and perpetrators of those crimes.

- At the national level the extent of the disparity in household income between the poorest and the wealthiest population of a country, levels of corruption, the quality of the infrastructure, institutions and social and cultural patterns can all create situations that increase the risks of crime.
- At the local level, inadequate infrastructure and fiscal and administrative powers, poor housing and neighbourhood conditions, lack of facilities such as good education and health services, high unemployment and easy access to drugs or small arms can all increase the risks. Poor or disorganized schools for instance can result in poor achievements and dropping out of school and therefore identified as a risk factor.
- At the individual level, risk factors for offending include biological and personal factors that may lead to early aggressive behaviour or substance abuse, for example. Risk factors connected with relationships include family conflict, poverty can lead to risk-taking and law breaking.
- Knowledge about the factors that put populations, communities and individuals at risk enables prevention programs to be targeted at areas and neighbourhoods at high risk.

Types of crime prevention

- Over the past two decades various approaches to preventing crime have been developed. The various approaches are grouped into four³⁴:
 - *Crime prevention through social development* includes a range of social, educational, health and training programs such as those that target at-risk children
 - *Situational crime prevention* covers approaches that aim to reduce the opportunities for people to commit crime, to increase the risks and costs of being caught and to minimize the benefits. Such techniques include the use of closed-circuit television
 - *Reintegration programs* refers to all programs that work with children, young people or adults already involved in the criminal justice system, including those in custody and returning to the community. This is based on the thinking that those convicted of offences run the greatest risk of re-offending.
 - *Community or locally based crime prevention* targets areas where the risks of becoming involved in crime are high. Such programs work to increase the sense of safety and security of the residents of a particular community to respond to community concerns and crime problems affecting the population. Community crime prevention also involves the active participation of local residents and organizations in those communities and neighbourhoods. The term “community” can refer to small neighbourhoods, areas within a city, or small villages or towns, or in some cases groups of citizens with particular concerns.

Increase community awareness on child labour laws

- There is knowledge gap on type and duration of work that children are permitted under the law to engage in. Ghana has clear laws and regulations that specify the type and duration of work child labourers are permitted to undertake.

- The Ghana Children Act 1998, minimum age for admission of children into employment is fifteen (15). However, children may be employed at the age of thirteen (13) to do light work. The minimum age for engagement of persons in hazardous work is eighteen (18).
- Ghana is also a signatory to the ILO convention No. 138 (Minimum Age) and No. 182 (Worst Forms). These laws and regulations need to be made part and parcel of the activities of miners in order to guide their activities.
- Conduct vigorous community level sensitisation and campaign on the child labour issues with specific reference to the type and duration of work the laws accept to be carried by children. Other examples include education project in schools, recreation or skills training projects for children and young people in the community also in an attempt to increase awareness.
- Awareness on the legal regime and the knowledge of the punishment that awaits offenders will go a long way in deterring many from engaging in the practice.

Community empowerment and self-regulation

- Without community owned and community led change it is difficult to create a child labour free society in the long term. Artisanal and small-scale mining is carried out in small scale and many in remote rural locations.
- While labour inspection and law enforcement are important, the most effective and immediate way to reach children is by community regulation of child labour, including identifying and responding to child trafficking.
- Virtually all programmes that combat child labour include community level strategies that either address the issue directly or focus on root causes or contributory factors, or a combination of these.
- Experience has shown the importance of identifying and involving community leaders and other key people in all community initiatives, since they are the ones that set priorities and influence ideas and behaviour. The ethos behind the design of activities ranges from empowerment and rights based on the one hand to more paternalistic and charitable on the other.

EXAMPLE OF COMMUNITY REGULATIONS ON CHILD LABOUR- ABEDWUM COMMUNITY, ADANSI-NORTH DISTRICT, ASHANTI REGION, GHANA

The development and implementation of this document is facilitated by the Local Government Authority (District Assembly)

Regulation 1: Community Development

- I. The main resource needed for our community to develop is quality human resources, therefore every community member shall seek the welfare of any child in the community
- II. No member of the community shall in any way jeopardise the provision of quality education and skills training to children
- III. Community Authorities shall work with Local Government Authority provide leadership for resource mobilization so that children can be given quality education and skills training

Regulation 2. Measures for the protection and development of children

- a. Every child in this community must be enrolled in school. Therefore, every parent or guardian shall ensure that their wards are enrolled in

- b. Every parent or guard shall ensure that their child/ward attends school diligently and consistently
- c. Every parent or teacher shall encourage their child/ward to do well in school, whether in academic work, technical or vocational skills
- d. Community leaders shall ensure efficient running of Parent-Teacher Association or School Management Committee (SMC) in every school ion the community
- e. The local government authority shall work with community leaders to ensure no child, in school or out of school, should be engaged in any form of child labour, including work in Artisanal or Small-scale Gold Mining (ASGM)
- f. The Local Government Authority shall support the Community to set up and run an efficient Community Child Protection Community (CCPC)

Regulation 3. Sanctions against perpetrators of child labour

- Persons, including Parents or guardians, teachers, community leaders and employers who flout the above provisions shall be liable to a summons by the Social Services Sub-Committee in process of Regulation 34 of L.I. 1705 under the Children’s Act, 1998 (Act 560) of the Republic of Ghana.

Other examples of past interventions

Sensitisation & behavioural change

- If individuals, families and communities are to change their behaviour with regard to child labour (or anything else) they need access to information and opportunities to discuss and analyse the advantages and disadvantages of the changes under consideration.
- They are then in a position, both individually and collectively, to make decisions, develop strategies and organise themselves to implement what they have decided. This is a process that takes time to get going and time to spread throughout a community.
- The length of time depends on a number of factors, such as the strength of local leadership, the skills of the change agents, the degree of community cohesion, beliefs about established behaviour and local access to resources.
- These factors will vary from one community to another so, while an idea of the period required for sustainable change can be developed through experience, each community’s situation needs to be assessed in its own right.
- It makes sense to start working in the communities that show the greatest potential for change – it increases the chances of success and provides models for others to observe.

KEY LESSONS

For change to be sustainable the people concerned have to decide that it is in their best interests and have access to the necessary resources.

- The change agent needs to facilitate and accompany the process of change over time. Some change agents going into a community are tempted to take the approach that “you have a problem here and we can tell you how to solve it”. This doesn’t work! It may appear to bring change in the short term. People in traditional societies are generally obliging and in some cultures are accustomed to doing what they are told by authority figures, or they may have learnt that projects come with handouts in return for compliance.
- A few public meetings to explain the dangers of child labour and the proscribed solution may result in some superficial adjustments to local practice in order to please the external change agents and access whatever they have to offer. motivation will cease when the project ends.

Community organisation for empowerment

Some of the initiatives that revolve around community organisation are listed here:

- Community Action Plans (CAP)
- Cooperatives
- Workers' unions
- Child protection committees (under a variety of names)
- Community Child Labour Monitoring Committees (CLMS)
- School Management Committees and other school related groupings
- Clubs and camps for children and young people
- Capacity building for community leaders
- Working with women's groups
- Economic empowerment: support for improved /alternative livelihoods

KEY LESSONS

Decisions related to community organisation need to be made at community level, taking into account the views and needs of not only the most powerful but also the more marginalised and vulnerable.

- This will ensure that it is locally owned and thus have a chance of being sustainable. Many change agents arrive in a community with a mission to “create a committee” – the decision was made far away, the committee becomes known as the “the X project committee” and when the project finishes, the motivation for the committee finishes with it.
- It cannot be stressed too often that the process is all important – the change agent's mission must begin with sharing of information and facilitation of dialogue and analysis by members of the community. It doesn't matter that such analysis may already have taken place within the project organisation and resulted in a decision to “create community committees” to resolve an issue. The people affected by any proposed change or initiative need the opportunity to discuss, analyse and decide for themselves how they want to tackle the issue in question.
- Numerous community committees have been set up to protect children across Ghana. Their members are invariably enthusiastic and committed and put in many hours of work but many also talk about the lack of support and recompense for their work and few remain active in the long term once the project that created them leaves.
- There is also the danger that such committees may take on an overly controlling or policing role, without the necessary skills or authority to do so. Examples exist of children suspected of being trafficked being returned to their home communities, albeit with the best of intentions. With no follow up, the same children often simply leave once again, in search of wider opportunities, but this time they take more hidden routes, avoiding villages along the way, which may put them at increased risk.

Community Action Plan (CAP)

- Once a decision is made to develop a Community Action Plan, one effective approach is the organisation of a community gathering, possibly over two days. After a general introduction, open discussion and questions and answers, the assembly divides into peer groups (men, women, young people, children...) for a number of successive exercises, with shared feedback between each.
- The first exercise is to identify the dream or the vision (perhaps “no child labour in our community”) and what that would look like, in as much detail as possible. The second exercise describes the current situation, again in as much detail as possible, and the third serves to identify the difference between the current situation and the vision – what needs to change.
- The integration of the work of each group provides the content for the CAP – what remains is a planning process, identifying what can be achieved with resources from within the community and strategies to implement these components and what external support is required and strategies to source this³⁵.

Working with women for economic empowerment

- Since working children contribute to the family income, the elimination of child labour often has economic consequences.
- It has proved challenging to find sustainable and alternative livelihood options in countries where national economies are far from booming and in rural communities with limited market access or food processing capacity.
- However, a number of successful strategies have focused on building women’s skills, mutual self-help and opportunities for savings and loans.
- Increasing women’s incomes has a positive effect on school enrolment, school retention and children’s health and has been seen to change family dynamics so that women play a greater role in decision making.
- However, since rural women already have a heavy workload, they need to be involved throughout the process of design, implementation and evaluation of new initiatives, to ensure adaptation to their local realities.
- Some projects have not been able to support people long enough for their new income generation to become sufficiently established and this means that the time needed must be factored into project time frames and budgets.

Holistic approaches to working with communities

Some interventions attempt to address the development needs of the entire communities.

- In addition to programme components which focus on education and agriculture it includes:
 - Family Support Scholarships with entrepreneurship training for women;
 - Leadership training for community leaders including village chiefs;
 - Community Challenge Grants to support community groups to put their development ideas into practice;

³⁵ Drawn from Participatory Community Diagnosis – World Education, Mali and other similar processes

- Establishment of Community Resource Centres with computer technology which are open to the entire community.
- Such holistic approaches can help communities to collectively become more confident to address development issues to improve their lives.
- In addition to introducing new information and ideas and building capacity, project interventions need to encourage communities to discuss, analyse, revisit, explore, exploit and adapt traditional self-help approaches and strategies for protecting vulnerable members of the community, thus integrating traditional values with new information and ideas.
- If change is well rooted in local values it is more likely to grow and flourish, as opposed to withering away after the change agent departs.

Involving children

- A range of activities have been developed to find out what children think about child labour, encourage their participation in responses to it and enhance their personal development.
- Some of these activities specifically concern child labourers and others aim to inform and involve children in general.
- Such initiatives can be valuable components of wider programmes, promoting child-to-child learning and contributing to the sustainable elimination of child labour.
- They are ways of giving children their right to self-expression and building their confidence and skills.

Clubs

- SCREAM, or Supporting Children's Rights through Education, the Arts and the Media, is an education and social mobilization initiative developed by ILO-IPEC to help educators worldwide, in both formal and non-formal education settings, to cultivate young people's understanding of the causes and consequences of child labour.
- The programme uses visual, literary and performing arts and provides young people with a range of tools for self-expression while supporting their personal and social development.
- Specially trained teachers have piloted SCREAM clubs in a number of schools in Ghana.
- Members act as peer educators and sensitise their parents and other members of the community on child labour issues using the kits provided and drama, role plays and radio and television interviews.

Monitoring child labour and remediation

- A number of Child Labour Monitoring Systems (CLMS) have been tried with the aim of some or all of the following:
 - measuring the impact of the project in question;
 - helping communities to monitor and respond to child labour;
 - as part of national child labour monitoring systems.
- Many community CLMS are based on local volunteers (often members of a community child protection committee) monitoring and reporting on various indicators such as:
 - numbers of children in school;
 - numbers of children observed at a particular worksite;
 - numbers of children reported doing hazardous work;

- number of referrals to appropriate services and tracking of each child's progress;
 - numbers of children who stop doing hazardous work;
 - numbers of children receiving school books/ uniforms etc to support their school attendance.
- Some CLMS are based on a community child register where incidents are reported, alongside the action taken.
 - Volunteers are usually provided with training, sometimes with motivation in kind such as a bicycle, but are rarely paid for their time or provided with financial resources to cover their costs.
 - A community-based remediation system is also important since official and legal remediation procedures require reporting of child labour cases to local authority/district assembly officials who are usually based outside the community in urban centres, thus making it more difficult for them to be informed.
 - Such systems require a high degree of local ownership of the child labour issue as well as sufficient community resources to act in the short term and good linkages to local authority services.
 - Project interventions need to build capacity and promote such systems without taking responsibility for them, since the biggest challenge is sustainability after the project ends.
 - This means ensuring the participation of local communities and district assembly in planning of improvements and the monitoring and evaluation of the system.

Strengthening traditional (Punitive) law enforcement

- Lack of co-ordination between the various stakeholders especially the law enforcement agencies (Operation Vanguard, Police, etc.) and the assemblies (MMDAs).
- To ensure that enacted laws, regulations and guidelines bothering on child labour and ASGM activities are strictly followed various law enforcement agencies (Operation Vanguard, the Police, Military, etc.), courts, traditional leaders and other key stakeholders must work hands in gloves with the assemblies (MMDAs)
- Interference from traditional and political leaders which makes bringing offenders to book challenging needs to be confronted by all.
- Inadequate funds, vehicles and other logistics to carry out monitoring exercises also need to be addressed

Inter-district collaboration, cooperation and coordination

- To ensure sustainability district assemblies must follow up on activities and monitoring (bye laws and of child labour issues), assessing and handling identified cases (by Social Service Sub-committee.
- Various districts together with development partners, district education directorates, CSOs, CBOs and mining offices should organize periodic meetings (quarterly/six-monthly) to share good practices and lessons learnt.

Instruments to Facilitate Law Enforcement on Child Labour

- Part V, Sub-Part 1 on Child Labour under Section 96 of the Children' Act, 1998 (Act 560) stipulates five clear provisions for the enforcement of child labour law in the informal sector. The provisions include the mandate of the Social Services Sub-Committee (SSs-C) of the District Assembly and the Department (of Social Welfare) to interrogate and report to the police any person considered to be in violation of the provisions on child labour.
- Regulations 34- of The Child Rights' Regulation (L.I. 1705) provides a mechanism for the implementation of the provisions in Act 560. However, there are insufficient instruments for the operationalization of these mechanisms. The L.I. presents only one operational instrument, Form 10; which is just for the summoning of suspected offenders. There are no templates to guide further procedures beyond the summons, to wit the interrogation and reporting.

- In order to enhance the practical enforcement of child labour laws, additional instruments such as 1. Child Labour Interrogation Form (CLIF), used to interrogate suspected child labour offender and 2. Child Labour Report to the Police, used for reporting a child labour matter to the police are presented for the use of the SSs-C and Department of Social Welfare of all Metropolitan, Municipal and District Assemblies (MMDAs).
- In addition, to facilitate preventive law enforcement, Community Regulations on child labour should be developed and adopted in all child labour endemic communities in the country. Below is a draft sample of Community Regulations on Child Labour.
- The SSs-C can also present quarterly reports on child labour to the District Assembly Sessions In order to adequately inform the “House” (during Assembly sessions) on the efforts, progress and challenges faced in the district’s fight against child labour. Below is a template to guide such quarterly SSs-C child labour report to the District Assembly

List of additional operational instruments for the enforcement of Section 96 of the Children’s Act

- A. Child Labour Interrogation Form (CLIF): used to interrogate suspected child labour offender
- B. Child Labour Report to the Police: used for reporting a child labour matter to the police
- C. Community Child Labour Regulations: used for child labour awareness in local communities
- D. Quarterly child labour reporting form: used to report child labour cases to the District Assembly

Table 4.1 Child labour Interrogation Form (CLIF)³⁶

1.	Name of Person under interrogation: _____		
2.	Age: _____	Date of Birth: _____	
3.	Address:		
	a.	Name of community: _____	
	b.	Digital _____ location _____	GPS)
		: _____	
	c.	Telephone _____	
		Contact: _____	
	d.	Email: _____	
	e.	Tax Identification Number(TIN): _____	
	f.	I.D (Health insurance, Voter’s etc.) Number: _____	
4.	Occupation: _____		
5.	Which provision of Sub-Part 1 of Part V of the Children’s Act, 1998 (Act 560) are not being complied with?:		

6.	What form of child labour _____		

³⁶ Form 10.1-L.I. 1709

Item	Sector of work in which child is engaged	Tick	
1.	Agriculture		
2.	Mining or quarrying		
3.	Domestic servitude		
4.	Fishing		
5.	Construction		
6.	Wholesale or retail trade		
7.	Trafficking		
8.	Begging		
9.	Other specify		

Item	Hazard to which child is exposed	Tick
1.	Verbal, psychological or sexual abuse	
2.	Work underground, under water, dangerous heights or confined spaces	
3.	Work with dangerous machinery, equipment and tools or manual handling or transport of heavy loads	
4.	Work in unhealthy environment: exposure to hazardous substances, agents or processes, temperatures, noise levels, vibrations damaging to the ears	
5.	Working for long hours, during the night, or unreasonably confined to the premises of the employer	
6.	Other specify	

7. Why was the child engaged in the work: _____

8. Is the suspected offender a family of the child? _____

9. Conclusion and recommendation

- a. The person interrogated is a prospective child labour offender: Yes/No
- b. The person interrogated is referred to the police: Yes/No

10. Particulars of Social Service Sub-Committee Member who conducted the interrogation

- a. Name: _____
- b. Contact Number: _____
- c. Signature: _____

11. Date of interrogation: _____

Table 4.2 Child Labour Report to Police (CLRP)³⁷

1. Name of person suspected child labour offender: _____
2. Age : _____ Date of Birth: _____
3. Marital status: _____
4. Name of Community: _____
5. Date of interrogation _____
6. The interrogation confirms a child labour offense by the suspect: Yes/No
7. Interrogation Report is attached: Yes/No
8. Names of member(s) of the Social Services Committee who conducted the interrogation
9. Name of Chairman of Social Services Sub- Committee: _____
10. Signature of SSS-C Chairman: _____
11. Date: _____

³⁷ Form 10.2_L.I. 1709

STANDARD OPERATING PROCEDURES (SOPS) FOR COMBATING CHILD LABOUR IN ARTISANAL AND SMALL-SCALE MINING (ASGM)

Introduction

- The SOPs define best practices, guiding principles, roles and responsibilities, case management processes, and coordination procedures of children engaged in child labour in Ghana's Artisanal and Small-Scale Gold Mining (ASGM) sector.
- SOPs are aligned with the minimum international guidelines and standards relating to child protection in general and child labour in particular in the context of case management.

Intended users of SOP

1. Law enforcement agencies of state
2. State and Non-State Social workers
3. Civil Society Organisations
4. Labour Inspectors
5. Mine Inspectors (with focus on ASGM)
6. District Assemblies (Social Services Sub-Committees, DCPCs, Department of Social Development) and their sub-district structures
7. Community level stakeholders (Traditional Authorities, CCPCs, School Management Committees/Parent-Teacher Associations, local interest groups, Parents/Guardians)
8. Trade Unions
9. Outreach Workers

Key Content of the SOP

Strategies to prevent child labour

Examples of strategies for prevention of child Labour in ASGM sector include;

1. Awareness creation
 2. Building Capacity of Institutions of Awareness
 3. Coordination and Convergence among Agencies
- Coordination among various child protection agencies at the national, district and community levels through:
 - Coordination with school authorities

- Ensuring enrolment and retention of all children in schools;
- Promote inclusion of information about child labour in the syllabus and education material to enhance prevention of child labour;
- Consistent coordination and work with other agencies at the district level such as District Child Protection Committee (DCPC), Juvenile Police Unit (JUPOL), Child Line, DSD, CCPC, GNASSM;
- Coordination and convergence with local level skill development department can ensure skill training of young persons to protect them from being employed in ASGM
- Coordination with Ghana Education Service (GES), Council for Technical; and
- Vocational Education and Training (COTVET), National Vocational Training Institute (NVTI), Public Employment Centres (PECs) and Integrated Community Centre for Employable Skills (ICCES).

4. Knowledge Management

- Managing existing knowledge and ensuring availability of sufficient information for data driven planning to prevent child labour is key.
- Information from surveys carried out by donor community, CSOs, etc. on child labour ensure identification and mapping of vulnerability towards child labour and adolescent labour in hazardous employment;
- Information from districts and communities are fed into Child labour Unit, Employment Information Branch (EIB) and then analyzed to map vulnerable geographical areas, areas of employment etc. to plan prevention programs as well as to identify new forms of hazardous labour where children should not work leads to prevention
- Information received from previously withdrawn child labourers can also help to document information about potential violations
- Forming a strong network with stakeholders and law enforcement agencies engaged in involved in anti-child labour will ensure data collection and management leading to prevention of child labour.

Strategies for consultation and engagement towards removal/ withdrawal of working children in ASGM

Removal/Withdrawal Strategies

a. Identification-

- *Who can identify a working child?*
- *Where to Report a Complaint?*

Reporting Agencies for ASGM in Child Labour

- GNASSM Office
- Traditional Authority
- District Social Welfare Department
- Community Child Protection Committee (CCPC)
- District Child Protection Committee (DCPC)
- Child Labour Unit (CLU), Department of Labour, Ministry of Employment and Labour Relations
- Ghana Police (At any Unit)

What should the complaint contain and how to register a complaint?

Content of complaints

- Details about the child including number involved
- Details about place of work and employer
- Details about the person reporting (Privacy is key)

Action on receipt of complaints

- The Police proceeds to identify the relevant laws to include when a complaint is registered, including the Children's Act, Criminal Code, Labour Law, among others.
- The major offences and charges will be preferred by the law enforcement agency, but could include the following:
 - (a) employing a child or permitting a child to work in the ASGM;
 - (b) employing a child to work in a hazardous work such as mining (as list in the HAF);
 - (c) a repeated offence of any of the aforementioned offences,
 - (d) parents who commit a repeat offence; and
 - (e) violations of any relevant laws.

Withdrawal

How do you withdraw a child from child labour?

For every complaint received and verified, the following needs to be done:

- Assess the vulnerability of the situation.
- If there is risk to life, liberty or safety of the child or if there is a risk of the child being moved, conduct withdrawal immediately.
- The CCPC may create a schedule every month for a stand by team of stakeholders who may be called upon for immediate withdrawal. These may be shared with all stakeholders involved.
- Ensure adequate number of officials for withdrawal.
- If a child due for withdrawal is to be interviewed, it shall be by the DSDO, a qualified social worker, a labour officer or Police and not in the presence of the employer or any of his agents.
- Arrange materials and equipment required for documentation and evidence collection (such as writing paper, pen, pencil, box for transporting the exhibits, box for belongings of the withdrawn child, first aid kit, among others).
- If accommodation is suspected to be provided, alert authorities of homes/shelters regarding the mission, number of children expected to be withdrawn and number to be accommodated at the facility.
- Immediate efforts should be made to win the confidence of the child; bearing in mind that most child labourers or children in general are scared of the Police and are often threatened by the employers that if they don't work harder, Police will arrest them.
- Identified child for withdrawal must be informed immediately as to what is happening (or why the Police and others have come and why he/she is being withdrawn

Constituting a withdrawal Team

Members of a withdrawal team

- Police (both male and female Police Officer)
- District Social Development Officer (DSD)
- District Child Protection Committee representative
- Community Child Protection Committee representatives
- Representative of Ghana National Small-Scale Miners (GNASSM)
- Representatives of district Judicial service
- Representative of health service providers
- Trained Counsellor

The withdrawal process

- Step 1: Enter source information in the General Diary (GD) of the Police Station (PS) in such a way that anonymity of the source/child/location is not compromised.
- Step 2: Withdrawal team should, where ever possible, obtain a search warrant from appropriate legal jurisdiction.
- Step 3: Explain the situation to the child. Use the help of the translator and the NGO representative or the DSDO for the same. Remember to use child friendly language.
- Step 4: Ensure adequate number of officials for withdrawal
- Step 5: Arrange materials and equipment required for documentation and evidence collection (such as writing pad, white paper, pen, pencil, box for transporting the exhibits, box for belongings of the rescued persons, camera, videography, audio recording equipment, first aid kit, torch lights, hammers, cutters, etc.) Drinking water, snacks, etc. may also be arranged well in advance before a withdrawal.
- Step 6: Inform the appropriate authorities regarding the proposed activities, including the places to be visited/ searched and the proposed time.
- Step 7: Alert the authorities of the Government run Homes or recognized homes run by NGOs at the place of withdrawal regarding the approximate number of persons likely to be rescued and the time when they are likely to be brought to the Home.
- Step 8: Arrange adequate number of vehicles and escort for the withdrawn persons so that the victims are always kept segregated from the offenders.
- Step 9: Identifying the victims during rescue; age is immaterial. No victim should be left behind.
Step 11: Talk to the victim. Try and make the victim comfortable as soon as possible.
- Step 10: Immediate efforts should be made to win the confidence of the victim.
- Remember, most withdrawn children, especially children are scared of the police and many victims are often threatened by the employers that if they don't work harder, police will arrest them.

Post Withdrawal Activities

How to protect withdrawn child labourers

- Rehabilitation of all child labourers who have been withdrawn may be done through coordinated and convergent action by a series of stakeholders.
- The District Social Development Officer (DSDO) has the responsibility to prepare an Index card and decide on rehabilitative method.
- All persons below 18 years who have been withdrawn have to be produced in front of the District Social Development Officer (DSDO).
- The DSDO must conduct an inquiry which includes a home verification process and a social investigation report.

Based on the same the DSDO may pass orders for:

- If home verification is approved: the child should be sent back to his/her community/home and the DSDO may pass an order for return and re-integration.

- The DSDO can order and provide for the necessary monetary support required for re- integration. For safe re-integration within the Community and between Districts the DSDO will inform the concerned authorities in the receiving area, or may also order an NGO official to accompany the child.
- If home verification is not approved: arrangement should be made for the child. For a long-term rehabilitation, a child in need of institutional support may be send by the DSDO to,
 - Children's home
 - Fit facility
 - Fit person
 - Foster Care
 - - till he/she attains 18 years of age, with periodic monitoring of the DSDO through the individual care plan.
- The DSDO will issue rehabilitation card for each child to monitor the progress made on their individual care plan.
- DSDO to make an individual care plan (with information on health and nutrition needs, special needs, educational, training, emotional, psychological, restoration, follow up, social mainstreaming, life skills, protection from all kinds of exploitation and abuse).
- This has to be reviewed after three months and modified as per progress.

Key roles and responsibilities of agencies providing assistance

- National actors that have a role in providing direct assistance to working children include:
- Law enforcement officers
- Social workers
- Health practitioners
- Legal aid agents
- Officials from civil society organizations/NGOs
- Officials from international organizations

Referral and Minimum Care

- Counseling and Psychological support

Community Mining Scheme – Operating Manual

Introduction – What is CMC?

A Community Mining Scheme area is defined as:

- Land that has been designated by the Minister responsible for Mines in accordance with Section 89 of the Minerals and Mining Act, 2006 (Act 703) or
- A portion of the concession of a large scale mining lease that has been permitted for the purpose of the Tributer System in accordance with Regulations 493 - 506 of the Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I. 2182) or
- An area within a Prospecting License (PL) held by a large Scale Company that has been relinquished/surrendered in accordance with Section 38 of the Minerals and Mining Act, 2006 (Act 703) and specifically requested and designated for small scale mining.
- The maximum area to be granted to a person/company under the Community Mining Scheme will be 25.2 acres in accordance with Regulation 204 of the Minerals and Mining (Licensing) Regulations 2012 (L.I. 2176).
- The Scheme (CMS) is aimed at encouraging effective local community participation in Small Scale Mining.

- The Scheme combines:
 - Small Scale Mining in accordance with the Minerals and Mining Act, 2006 (Act 703) and;
 - Tributer System in accordance with Regulations 493 - 506 of the Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I. 2182)

Rationale of the CMC

- Although most mining communities are adversely impacted by mining operations, they receive little benefit from mining operations as host communities.
- It is in this light that the Government is introducing the Community Mining Scheme (CMS) aimed at providing members of mining communities an opportunity to engage in small-scale mining as well as obtain direct benefit from mining operations

Key characteristics of the CMS

- It is a small scale mining operation in line with Sections 81 - 99 of the Minerals and Mining Act, 2006 (Act 703)
- The scheme can also be operated under Large Scale Mining Leases in line with the Tributer System in accordance with Regulations 493 - 506 of the Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I.2182)
- The CMS shall be governed by a Code of Practice as stated in Regulations 475 and 515 of the Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I. 2182) and this shall be signed by the operators with the Minerals Commission; and
- Shall be supervised by a Community Mining Oversight Committee.
- Operators under (ii) above shall register under the Scheme,
- Sign onto the Code of Practice developed by the Minerals Commission for
- Small Scale Mining
- May register as member of Ghana National Association of Small Scale Miners (GNASSM).

Administration of the CMC

- The Scheme shall be implemented by the Minerals Commission and supported by the following governance structures:
- A Community Mining Oversight Committee
- A Code of Practice and
- Support service providers.
- Government Institutions
 - a. Environmental Protection Agency
 - b. Water Resources Commission
 - c. Forestry Commission (where applicable)
 - d. Ghana Geological Survey Authority
 - e. MMDCEs
 - f. Security services

COMMUNITY MINING COMMITTEE

- The Small Scale Mining Committee as prescribed under section 92 shall in conjunction with Minerals Commission have oversight responsibility over the Community Mining Scheme.
- The Committee members will be appointed by the Minister responsible for Mines and will serve for a period of three (3) years.
- The Committee will comprise:

- All members of the Small Scale Mining Committee as stated in the Minerals and Mining Act, 2006 (Act 703)

The following and others may be co-opted:

- a. Water Resources Commission - One (1) Representative
- b. Forestry Commission- one Representative
- c. Divisional/District Police Commander- 1 representative
- d. A Chief of the relevant community – one representative

The Committee will meet once every quarter.

Responsibilities of Community Mining Oversight Committee

The responsibilities of the Committee under section 92(3) of Act 703 will be to assist the District Office of the Minerals Commission to effectively monitor and develop mining operation. These may include but not limited to:

- Overseeing the administration of the designated/permited area under the Scheme
- The registration of holders of small scale mining license within the designated areas or within areas permitted under the tributer system
- Ensuring compliance with the relevant or applicable Legislation and
- Ensuring that illegal mining activities do not occur within the community.

Code of Practice

- A Code of Practice developed by the Minerals Commission (Appendix 1), shall guide the operations of the Scheme in accordance with Regulation 475 of the Minerals and Mining (Health, Safety and Technical) Regulations, 2012 (L.I. 2182).
- This Code of Practice shall be adhered to by the miners who are licensed/permited to participate in the CMS and shall be signed off as part of the application process.

Support Services

Persons/Companies registered and permitted by the Minerals Commission and other institutions may provide the following services to assist in the implementation of the Scheme:

- Exploration
- Mining
- Environmental management
- Equipment Hire
- Financial Services
- Centralised Processing Unit
- Gold trading

License Holders

- These underlisted entities have been identified as prospective license holders under the Scheme:
 - Limited Liability Company
 - Co -operatives (Registered Groups)
 - Partnership
 - Sole Proprietorship.
- These entities will be required to:
- Obtain the requisite permits and licences i.e. Small Scale Mining Licence, EPA Permit, Operating Permit, Forest Entry Permit and Water Use Permit;
- Comply with the Code of Practice and Site Regulations, etc and;

REFERENCES FOR FURTHER READINGS

Laws

- Small Scale Gold Mining Law, PNDCL 218 (1989)
- Minerals and Mining Act, 2006 (Act 703) SECTION 1, 9(1), 19 (1-2),PPE 81-99
- Minerals and Mining (Amendment) Act, 2010 (Act 794)
- Minerals and Mining (Amendment) Act, 2015 (Act 900)

Regulatory Instruments

- Minerals and Mining (General) Regulations, 2012 (LI 2173) SECTION 24-25
- Minerals and Mining (Support Services) Regulations, 2012 (LI 2174) SECTION 2(2) & 5
- Minerals and Mining (Compensation and Resettlement) Regulations, 2012 (LI 2175)
- Minerals and Mining (Licensing) Regulations, 2012 (LI 2176) SECTIONS 227-256
- Minerals and Mining (Explosives) Regulations, 2012 (LI 2177)
- Minerals and Mining (Health, Safety & Technical) Regulations, 2012 (LI 2182) SECTION 469-492