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Ministry of Employment &  
Social Welfare  
Post Office Box MB. 84  
ACCRA-GHANA

REPUBLIC OF GHANA

December 7, 2009

The Honorable Hilda L. Solis  
US Secretary of Labour

**GOVERNMENT OF GHANA'S RESPONSE TO THE UNITED STATES  
DEPARTMENT OF LABOUR REPORTS ON CHILD LABOUR OR FORCED LABOUR  
IN FOREIGN COUNTRIES**

The Ministry of Employment and Social Welfare extends its compliments to the United States Secretary of Labour and has the honour to refer to your two reports below:

1. A proposed update to its List of Products Produced by Forced or Indentured Child Labor pursuant to Executive Order 13126 of 1999.
2. The initial *List of Goods Produced by Child or Forced Labor* required by the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA List).

The Government of Ghana notes with appreciation the exclusion of Ghana's cocoa from the proposed update to its List of Products Produced by Forced or Indentured Child Labor pursuant to Executive Order 13126 of 1999. However, in view of the progress made towards the elimination of worst forms of child labour in the cocoa sector, we find it unfortunate and unfair the inclusion of cocoa from Ghana on the TVPRA list. The Government therefore is of the view that cocoa from Ghana be expunged from the TVPRA List.

We recommend the adoption of a three tier system proposal of grading countries in their efforts to eliminate worst forms of child labour and forced adult labour.

We attach for your kind attention and action our response to the above mentioned reports.

We want to take this opportunity to assure you of our unwavering commitment to the fight against worst forms of child labour in all sectors of our economy.

Accept the assurance of our highest esteem.

Yours Sincerely,

STEPHEN AMOANOR KWAO, MP  
MINISTER

Cc:  
The Vice President, Republic of Ghana  
The Vice President, United States of America

**The Speaker of the US House of Representatives**  
**The Hon. Speaker of Parliament, Ghana**  
**The US Senate Majority Leader**  
**The US Senate Minority Leader**  
**The US House Minority Leader**  
**The Ghana Ambassador, USA**  
**The Ghana Ambassador, Canada**  
**The US Ambassador, Ghana**  
**The Minister for Foreign Affairs, Ghana**  
**The Minister for Finance and Economic Planning, Ghana**  
**The Minister for Trade and Industry, Ghana**  
**The Minister for Food and Agriculture, Ghana**  
**The Minister for Women & Children Affairs, Ghana**

GOVERNMENT OF GHANA



MINISTRY OF EMPLOYMENT AND SOCIAL WELFARE (MESW)

**Government of Ghana's Response to United States Department of Labour's Report on Child /  
Forced Labour in Foreign Countries**

**December, 2009**

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## List of Acronyms

CLU	Child Labour Unit
CCLMS	Community Child Labour Monitoring System
CLMS	Child Labour Monitoring System
CGS	Capitation Grant Scheme
CBFMC	Community-Based Fisheries Management Committee
DOVVSU	Domestic Violence and Victims Support Unit
FASDEP	Food and Agricultural Sector Development Policy
FSCBP	Fisheries Sub-Sector Capacity Building
FCUBE	Free Compulsory, Universal Basic Education
GPRS	Growth and Poverty Reduction Strategy
GOG	Government of Ghana
GCLS	Ghana Child Labour Survey
GEA	Ghana Employers' Association
GSFP	Ghana School Feeding Programme
GES	Ghana Education Service
GPS	Ghana Police Service
GJA	Ghana Journalist Association
HAF	Hazardous Child Labour Activity Framework
ICVB	International Cocoa Verification Board
ILAB	Bureau of International Labour Affairs
ILO	International Labour Organization
LEAP	Livelihood Empowerment Against Poverty
MMDA	Metropolitan, Municipal and District Assembly
MTDPF	Medium Term Development Policy Framework
MTDP	Medium Term Development Plan
MOWAC	Ministry of Women and Children Affairs
MESW	Ministry of Employment and Social Welfare
MOU	Memorandum of Understanding
NSPS	National Social Protection Strategy
NHIS	National Health Insurance Scheme
NSC	National Steering Committee
NPECLC	National Programme on the Elimination of the Worst Forms of Child Labour in the Cocoa Sector
NPA	National Plan of Action
OVC	Orphans and Vulnerable Children
SOMOPAC	Social Mobilization Partners Against Child Labour
TVPRA	Trafficking Victims Protection Reauthorization Act
WACAP	West Africa Cocoa and Commercial Agricultural Project
WFCL	Worst Forms of Child Labour
WAJU	Women and Juvenile Unit

## **1.0 INTRODUCTION**

This Report is the Government of Ghana response to the three reports on child labour and/or forced labour in countries around the globe, issued by the Bureau of International Labor Affairs (ILAB) of the United States Department of Labor (US DOL) on September 11, 2009. The reports are:

1. A proposed update to its List of Products Produced by Forced or Indentured Child Labor pursuant to Executive Order 13126 of 1999.
2. The initial *List of Goods Produced by Child or Forced Labor* required by the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA List).
3. The ILAB's eighth annual *Findings on the Worst Forms of Child Labor* as mandated by the Trade and Development Act of 2000.

We commend the United States Government for her support to eliminate child and forced labour globally by raising public awareness about the incidence of child and forced labour in the production of goods. We would like to state that the Government of Ghana has also been implementing policies and programmes, aimed at eliminating the Worst Forms of Child Labour(WFCL) and Forced Labour.

## **2.0 SPECIFIC COMMENTS ON USDOL REPORTS**

### **2.1 GHANA'S COMMITMENT TOWARDS THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR IN THE COCOA SECTOR**

#### **➤ Executive Order 13126 of 1999**

We note with appreciation the exclusion of cocoa from Ghana from the proposed update to the List of Products Produced by Forced or Indentured Child Labour under the Executive Order 13126 of 1999.

#### **➤ TVPRA of 2005**

Ghana wants to underscore its dissatisfaction over the inclusion of Cocoa from Ghana in the initial List of Goods Produced by Child or Forced Labour required by the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA List).

Listing cocoa from Ghana alongside products that have not benefited from interventions to eliminate child labour undermines the efforts that government and all stakeholders have put in place to eliminate worst forms of child labour in cocoa production chain in Ghana. The Government of Ghana, before the signing of the Harkin-Engel Protocol in 2001 by the chocolate

industry, had ratified International Labour Organization (ILO) Convention 182 and signed Memorandum of Understanding with ILO to eliminate the worst forms of child labour in Ghana.

Since the signing of the protocol, more effective and sustainable measures to eliminate the worst forms of child labour have been put in place. These include the following:

- i. The Government of Ghana in collaboration with ILO implemented the West Africa Cocoa Commercial Agriculture Project (WACAP 2002-2006) that aimed at eliminating the worst forms of child labour in the cocoa sector. This project was funded largely by the US Department of Labour.
- ii. The setting up of the National Programme for the Elimination of Worst Forms of Child Labour in Cocoa (NPECLC) in 2006 to coordinate and implement interventions to eliminate worst forms of child labour in the cocoa sector of Ghana. This is a scale-up on interventions started under WACAP. The conduct of Pilot (2007) and Scale-up (2008) Surveys on Labour Practices in Cocoa Production in Ghana. These surveys culminated in the Ghana Certification Reports of 2007 and 2008 respectively and were independently verified and accepted unconditionally by the International Cocoa Verification Board (ICVB).
- iii. Support to local government structures (Metropolitan/Municipal/District Assemblies (MMDAs) and Civil Society Organizations (CSOs) to undertake aggressive remediation activities. These activities started in 2008 in 122 communities in 11 out of the 68 cocoa producing districts. This was scaled up to 36 more districts and 403 communities in 2009. About 1,300 children were supported in 2008 to attend basic school and skill training and about 6300 have been supported this year (2009). In addition, logistics such as computers and accessories, including motorbikes and bicycles have been given to MMDAs, to enhance implementation and monitoring of interventions.
- iv. The development of Hazardous Child Labour Activity Framework (HAF) that defines hazardous and acceptable work activities and conditions per age of child. A Communication Strategy and an Action Plan to disseminate the HAF have been developed and are being implemented.
- v. The development and implementation of a Community-based Child Labour Monitoring System (CCLMS) – a remediation and data collection tool adapted from the ILO, which will generate information on activities of children directly from the communities. District and community level structures for effective implementation have been put in place and the data collection aspect will commence in 2010. It is a Sector-wide Approach which involves child surveillance and expected to identify any possible incidence of child trafficking.
- vi. Communiqué issued by 47 local government authorities (Municipal/District Assemblies) to commit part of locally generated resources to fight child labour in the respective areas of jurisdiction. They have deepened their commitment by mainstreaming child labour interventions into their Medium Term Development Plans.

- vii. Formation of 56 Child Protection Clubs in 2008 to provide peer education against child labour.
- viii. Extensive sensitization at all levels – community, district and national levels about child labour in the cocoa sector and its effects on the children and the nation as a whole. The scale-up survey gives awareness rate of 76%.
- viii. Capacity building of various actors including Ministries, Departments and Agencies, Municipal/District Assemblies, the Ghana Cocoa Board, the media, Security Agencies, Ghana Education Service, Civil Society Organisations and Trade Unions. Capacities of over 7000 national, district and community actors have been built to effectively develop and implement interventions to eliminate child labour
- ix. Establishment of a National Partners Forum to coordinate and harmonize efforts and interventions against child labour in the cocoa sector.
- x. A pilot livelihood support scheme has been initiated to enhance the income of cocoa farmers

In addition to the above, other partner organizations including Civil Society Organizations, Trade Unions and Industry are implementing activities to mitigate child labour and improve the livelihoods of families in cocoa growing communities.

#### ➤ **Tulane University’s Third Annual Report**

The efforts of GOG in addressing child labour as stated above have been corroborated by the Third Annual Report of the Tulane University which provides positive remarks about the efforts the Government of Ghana is making to eliminate child labour in the cocoa sector.

The Report:

1. Shows a reduction in child participation in agricultural areas in general and cocoa sector in particular, which were partly attributed to government and industry efforts to reduce child labour.
2. Recognizes Ghana for her *“lead role in addressing at policy level the issues of child labour in cocoa which provides a model for collective action”*.
3. Indicates that most children found from worst forms of child labour in cocoa were residents of the farming communities and they live with their parents or relatives.
4. Indicates that cases of debts and the need to work to pay off debts are very rare.
5. Indicates that *“approximately 90% of children in cocoa growing areas in Ghana are enrolled in school and that reading and writing skills are increasing”*.
6. Commends the Government of Ghana for creating legislation to eliminate worst forms of child labour and the steps taken to implement certification and verification systems. It

says that the Government of Ghana *continues to demonstrate appropriate response to combat worst forms of child labour in the cocoa sector*".

➤ **International Cocoa Verification Board's Response**

The International Cocoa Verification Board (ICVB), a non-profit, multi-stakeholder organization was set up to ensure that certification efforts to evaluate the occurrence of child or forced adult labor in cocoa producing areas in Ghana and Côte d'Ivoire are independently verified. It issued its comments on the reports on. [www.cocoaverification.org](http://www.cocoaverification.org).

The ICVB expressed regrets over the listing of cocoa from Ghana *"alongside products that have not undertaken multi-year, multi-million dollar initiative engaging all stakeholders (civil society, governments and industry) within the supply chain"*.

Infact, the ICVB argues that the *"current approach or process of listing all products and all countries in the same manner, characterizes each country and products as having been produced in an equivalent fashion", can be "counterproductive"*. This is because the current approach does not recognize specific efforts that have been initiated and that are making a difference for children in the cocoa production chain.

The Government of Ghana agrees with ICVB's recommendations that the U.S. Department of Labour should introduce a tiered list based on clearly defined criteria that demonstrates the degree of engagement and processes against the issue. As stated by the ICVB, the list could be based on the following criteria:

1. *Countries that violate human rights within a specific supply chain and do not recognize nor address the problem*
2. *Countries that have clearly identified and acknowledged the existence of the problem and are in the very early stages of addressing it.*
3. *Countries that have identified the issue and are making appreciable and clearly defined efforts at addressing it.*

➤ **Response of Senator Tom Harkin and Congressman Eliot Engel to Tulane University Third Annual Report**

We also recognize the statement issued by Senator Tom Harkin and Congressman Eliot Engel after the issuance of the Third Annual Report:

- That *"over 1.6 million children in Ghana and Cote d'Ivoire perform potentially hazardous activities"*. The word *"potentially"* is instructive and suggests that the children are not necessarily in hazardous activities.  
The statement further declared that *"Governments of Ghana and Cote d'Ivoire are taking steps to demonstrate they are working to stop the worst forms of child labour in the cocoa sector"*.
- *The weighting of our 2007/8 Scale-up Survey, estimated 186,307 out of 1,846.125 children to be involved in hazardous activities in the cocoa sector.*

## ➤ **Conclusion**

The Government of Ghana appreciates the exclusion of Ghana's cocoa from the proposed update to its List of Products Produced by Forced or Indentured Child Labor pursuant to Executive Order 13126 of 1999.

On the basis of all the efforts mentioned above, it is unfortunate and unfair to include cocoa from Ghana on the TVPRA list. The Government therefore is of the view that cocoa from Ghana be expunged from the TVPRA List.

The Government wishes to reiterate that the listing of cocoa from Ghana in the TVPRA List serves to undermine the tremendous efforts that it is making to address the issue of the worst forms of child as well as disincentive for other countries to embark on any comprehensive effort.

It is unfortunate the US Department of Labour, the source of these reports, has been a major and consistent partner of Ghana since 2000 and is aware of the gains the country is making in our fight against all forms of child labour.

## **2.2 GHANA'S COMMITMENT TO THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR IN GOLD MINING**

The TVPRA cited Gold from Ghana, among the list of 122 products from 58 countries that the ILAB has reason to believe are produced by child labour. This is not a fair assessment because 90% of Ghana's gold is produced by multinational regulated companies where children are not engaged.

### ➤ **Gold Mining in Ghana**

Gold is mined in the Ashanti, Brong Ahafo, Central, Eastern, Northern, Upper East, Upper West and Western Regions of Ghana. Records at the Minerals Commission indicate that 269 prospecting and 91 reconnaissance licenses have been granted for gold exploration as at 16<sup>th</sup> November, 2009. Additionally, 55 Mining leases for the mining of gold were valid as at 16<sup>th</sup> November, 2009.

In addition to the large-scale producers, Section 82 -99 of the Minerals and Mining Act, 2006 (Act 703), provides an opportunity for small scale miners to regularize their activities by acquiring licenses to mine gold and other minerals.

Child labour is non-existent whatsoever in the regulated large scale mining companies and to a large extent licensed small scale mines. It is within the illegal sector that children's participation is known to exist.

The Ghana Child Labour Survey (GCLS 2003), the most authentic official information on the state of child labour in Ghana, estimates the number of children participating in Mining and Quarrying activities as 10,574.

It is unlawful under the Children's Act 1998 (Act 560) and the Labour Act 2003 (Act 651) to employ anybody below the age of 18 years in any mining activity in Ghana. The Minerals and Mining Act 2006 (Act 703), also prohibits granting of licenses to persons below 18 years for the operation of small scale mines.

The use of the term "illegal gold mining" (galamsey), as indicated in your report refers to the artisanal mining sub sector where children incidentally participate. This illegality connotes the fact that it is an activity frowned upon by the Government of Ghana. Hence a number of interventions are being pursued to address the challenge.

### ➤ **Interventions to Address Child Labour in Gold Mining**

- i. The Ministry of Lands and Natural Resources has put in place the following measures to reduce illegal mining where child labour occurs:
  - Sensitization and Education of small-scale miners and prospective small-scale miners on mining policies, the need to regularize their operations and the safety precautions;
  - Establishment of a revolving loan scheme of 700,000 Ghana Cedis has so far been made available to organized small scale mining groups, specifically, Konongo-Odumasi Cooperative Society (Konongo), Ekom YeYa Cooperative Society (Bibiani) and Talensi-Nabdum Small Scale Miners Association (Bolgatanga);
  - Establishment of an Alternative livelihood projects by both the Government and mining companies to provide decent alternative livelihoods to mining communities, such as oil palm plantation (Prestea), grass cutter and snail rearing amongst others;
  - Setting up of the National Security Sub-Committee to clamp down on illegal mining;
  - Reservation of 66 designated sites for the exclusive access by prospective small scale miners country wide, for effective standardization and supervision;
  - Geological investigation of some of the designated areas to make it attractive to small scale miners and to allow for periodic supervision and monitoring;

All the above activities are targeting illegal mining operations where child labour could be used.

- ii. The Government of Ghana collaborated with the ILO Capacity Building Project to withdraw and mainstream 450 children engaged in illegal gold mining activities in the Obuasi Municipality into formal education and vocational training, between 2003 and 2006.
- iii. Under the National Time Bound Programme, a total of 2,750 children were withdrawn and prevented from illegal mining operations between 2005 and 2009 in 2 mining municipalities and 1 district namely: Obuasi and Tarkwa-Nsuem Municipalities and the Talensi Nabdum District, (700 withdrawn and 2050 prevented). The children were

mainstreamed into formal education and vocational training and supported with school and training materials. Parents of the supported children were also provided with livelihood opportunities to sustain their families and children in school.

- iv. The Ghana Employers' Association (GEA), is collaborating with selected MMDAs to address child labour in illegal mining (October 2009 and ongoing).
- v. District Assemblies in endemic areas such as Tarkwa and Obuasi are collaborating with local NGOs to develop and implement community action plans to address the issue of child labour in illegal mining.
- vi. Under the National Plan of Action (NPA), mining and quarrying is one of the priority areas the Government of Ghana will be focusing its attention.

### ➤ **Conclusion**

The Government of Ghana has put in enormous efforts to address the problem in our society and has also developed a comprehensive National Plan of Action to tackle the problem in a holistic manner.

In view of the above, it is not a fair assessment to hold a 'blanket view' that Ghana's Gold is produced with child labour.

## **2.3 GHANA'S COMMITMENT TO THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR IN FISHERIES**

### ➤ **Fish Production in Ghana**

Fish is obtained from three sources:

- Culture Fisheries: This is mainly farming of fish in ponds, cages, pens, reservoirs, raceways, etc;
- Culture-based Fisheries: This is when the water has multiple uses other than for fisheries purposes. Usually the activities are carried out in water reservoirs like small dams.
- Capture Fisheries: This involves hunting for the fish in the wild (i.e. Inland and Marine). It is within this sector that child labour and forced labour are known to exist.

The GCLS 2003 estimates 49,185 children to be engaged in economic activities in the fishing sub-sector.

### ➤ **Interventions to Address Forced and Child Labour in Fisheries**

Pursuant to the relevant laws, the following measures have been adopted to address the issues in fisheries:

- i. The Government of Ghana, in collaboration with some international and national NGOs has withdrawn, rehabilitated and re-integrated over 2,857 children from fishing along the Volta Lake.
- ii. Government is also promoting aqua-culture for the production of fish in the Volta Lake. This effort has a potential to reduce the involvement of children in fish production.
- iii. Six District Child Labour Committees and 60 Community Child Labour Committees were established in identified child labour endemic communities to monitor, advocate and mobilize their communities against child labour
- iv. As a result of the School Feeding Programme and other interventions, nine districts along the Volta Lake have recorded an average of 92.7% increase in school enrolment between 2007 and 2008.
- v. Capacities of government MDAs such as the Judiciary, the Ghana Police Service, Ghana Immigration Service, Attorney General's Department, Social Partners and CSOs, are continuously being built to contribute to the overall combat of child labour in Ghana.
- vi. The principal agency, Ministry of Food and Agriculture has since 2008, initiated:
  - Sensitization programmes for its key staff at the National, Regional and District staff on child labour related issues and their roles and responsibilities in addressing the problem;
  - Appointed and trained National, Regional and District Child Labour Desk Officers as focal persons country-wide. A data on them has been created at the Directorate of Extension Services;
  - Child Labour has been mainstreamed into the FASDEP (Food and Agricultural Sector development Policy);
  - Integrating Child Labour into their Strategic Plan to provide guidance and direction in the solution of child labour in agriculture.
- vii. From 1995, the Government of Ghana under the Fisheries Sub-Sector Capacity Building Project (FSCBP) implemented the concept of Community-based Fisheries Management Committees (CBFMC) to ensure community participation in the management of the beaches and the lake.

A key activity of the CBFMC is the prevention of children of school-going age from loitering along the beaches and the lake during school hours. Twenty-five (25) MMDAs have incorporated the CBFMC activities into their bye-laws.

- viii. The CBFMC concept was replicated since 2003, under the Sustainable Fisheries Livelihood Programme (SFLP)-GCP/INT/735/UK, in some communities along the Volta Lake to reduce poverty in the inland fishery communities by introducing alternative livelihood programmes and micro-credit schemes to the people dependent on fishery and aquatic resources.

➤ **Conclusion**

The National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labour in Ghana has identified the fisheries sector as one of the main priority sectors to be addressed.

### **3.0 GHANA'S COMMITMENT TO THE ELIMINATION OF ALL WORST FORMS OF CHILD LABOUR**

➤ **Interventions to Address Child Labour in Ghana**

The Government of Ghana recognizes the problem of child labour and is committed to addressing the issue in all sectors and has, in collaboration with national and international partners, put in place interventions to address the problem in the areas of policy, legislation and programmes.

#### **3.1 POLICY FRAMEWORK**

##### **3.1.1 National Development Policy**

The National Development Policy Framework (Growth and Poverty Reduction Strategy II (GPRS II 2006-2009) has the issue of child labour mainstreamed into it. This provided the guidelines for the development and implementation of programmes to address the issue.

With GPRS II coming to an end, the Government of Ghana in collaboration with Developmental Partners and Civil Society Organizations is working to ensure that Child Labour and its Worst Forms is adequately addressed in the new Medium Term Development Policy Framework (MTDPF) and Guidelines for the preparation of Sectoral Medium-Term Development Plans (MTDPs)

##### **3.1.2 Other Policy Interventions**

➤ **The National Social Protection Strategy (NSPS)**

The Government has developed and is implementing the NSPS and its flagship programme the Livelihood Empowerment Against Poverty (LEAP) to enhance the well-being of the poor, vulnerable and excluded. The programme targets orphans, vulnerable children (OVCs) and their caregivers. The OVCs have the potential to move into the labour force prematurely. The WFCL

is both a criteria and conditionality for selecting beneficiary districts and household. A beneficiary household is assisted to withdraw their children from the WFCL and enroll them in school.

➤ **Education Sector Programmes**

To ensure that all Ghanaian children of school-going age are provided with quality formal education and training, the Government of Ghana, has made Free Compulsory Universal Basic Education (FCUBE) a constitutional right. This has been translated into the FCUBE policy. Under the Policy the following programmes are being implemented:

➤ **Capitation Grant Scheme (CGS)**

The Scheme, piloted in 2003/04 in 53 deprived districts, was extended nationwide in 2004/05 to all public basic schools in Ghana. Under the Scheme, all forms of fees/levies being paid at the basic level in public schools by parents were absorbed by the Government. The Grant has since made tremendous impact on school enrolment and retention.

➤ **Early Childhood Development Policy**

The Policy developed in 2004, seeks to address the holistic development of the child and promote inter-sectoral planning for the welfare of children. Under the Policy, kindergarten has been mainstreamed into basic education. This has encouraged parents to take their “at risk” young children to kindergarten instead of their workplaces which exposes them to hazards.

➤ **The Ghana School Feeding Programme (GSFP)**

The aim of the Programme is to increase access to and participation in quality education, retain and improve attendance of children in school and also to reduce hunger and mal-nutrition among fschool children. The programme covers about 645,000 school children in selected deprived schools across the country with a target of one million (1,000,000) children by 2010.

All the above interventions have contributed to increase in enrolment and retention of children in school. Gross Enrolment Ratio in Pre-school increased from 60.14% in 2004/05 to 83.6 in 2006/07 and to 89.9% in 2007/08. There was also an increase in Gross Enrolment Ratio in Primary from 87.50 in 2004/05 to 93.7 in 2006/07 and further to 95.2% in 2007/08 academic year. The same indicator for JSS increased from 70.3% in 2004/05 to 74.8% in 2006/07 and to 78.8% in 2007/08.

In addition to the above, other interventions being developed include the following:

- i. Complementary Education to provide appropriate, equitable and skillful basic education opportunities for all out-of-school children, especially girls in difficult-to-reach areas of the country. The programme is an intermediary step to mainstream children who have dropped out of school including those engaged in child labour into the formal education system.

- ii. A Two-Year Apprenticeship for Graduates of Junior High School being introduced in the New Education Reforms to acquire employable skills, in order not to fall prey to the WFCL at that age.

➤ **Supply of School Uniforms to Children of Public Basic Schools**

The current Government is in the process of providing school uniforms to children in public basic schools in deprived communities as a complement to efforts by other Civil Society Organisations.

### **3.1.3 Other Interventions**

1. In addition to the above the education sector has adopted ILO's methodology and tools called "Supporting Children's Rights through Education, Arts and Media" (SCREAM) to promote child participation in addressing the issue of child labour.
2. The establishment of the Girl Child education Unit of GES has the potential to reduce child labour since girls drop out from schools and engage in child labour activities.

These programmes are also meant to provide opportunity for children from extreme poor and vulnerable households who are likely to engage in the WFCL to go to schools.

➤ **The National Health Insurance Scheme (NHIS)**

The National Health Insurance Scheme (NHIS), introduced in 2002, seeks to strengthen the health delivery system, to improve access to basic health care services to vulnerable groups, especially children. The Scheme has outlined measures to detach child access to the NHIS services from the registration of parents to enhance the access of children to health care.

## **3.1 LEGAL FRAMEWORK ON CHILD LABOUR**

### **3.2.1 International Legal Response**

Ghana ratified the UN Convention on the Rights of the Child in 1990, in recognition of children's right. This was followed with the development of a National Plan of Action dubbed, 'The Child Cannot Wait', in June 1992, to provide critical policy framework, strategies and programmes, to meet the urgent needs of children. The Government also promptly ratified the ILO Worst Forms of Child Labour Convention (C. No. 182), in June 2000; the African Charter on the Rights and Welfare of the Child.

### **3.1.2 National Legislation**

Ghana has had provisions for the protection of children as far back as 1967 when the Labour Decree, (NLCD 157), was promulgated. The 1992 Constitution guarantees the protection of children from engaging in any work that constitutes a threat to their health, education or development.

The Children's Act, 1998, (Act 560) seeks to protect the rights of children, including the right to education, health and shelter, and proscribes the engagement of children in exploitative labour, in line with Article 28(2) of the Constitution. Section 91 of Act 560, prohibits the engagement of children below 18 years in hazardous work and provides a list of hazardous activities. The Act also sets the minimum age for employment at 15 years, to coincide with the age for completion of basic education.

The other provisions include the Criminal Code Amendment Act 1998 (Act 554); the Juvenile Justice Administration Act, 2003 (Act 653) the Human Trafficking Act 2005 (Act 694), the Whistle Blower's Act, 2006 (Act 720) and the Domestic Violence Act of 2007 (Act 732) have further strengthened the legal framework for protecting children from exploitation.

Section 58 of the Labour Act, 2003 (Act 651), prohibits the engagement of 'Young Persons' '.....in any type of employment or work likely to expose the person to physical or moral hazard' Part VII, Section (3) further prohibits the engagement of Young Persons, defined as 'Person above 18 years and below 21 years' in any hazardous undertaking. Sect 58(b) specifically prohibits the engagement of young persons '.....in an underground mine work.'

Section 116 of the Labour Act also prohibits forced labour and defines forced labour as '....service that is exacted from a person under threat of a penalty and for which that person has not offered himself or herself voluntarily....'

Section 83 (b) of the Minerals and Mining Act, 2006 (Act 703), also prohibits granting of licenses to persons below 18 years for the operation of small scale mines.

To ensure the implementation of the above legal provisions the Government in collaboration with Development Partners is building the capacity of the law enforcement agencies to enforce the laws and regulations.

### **3.3 INSTITUTIONAL ARRANGEMENTS THAT CONTRIBUTE TO THE ELIMINATION OF CHILD LABOUR**

The following are a few institutions put in place to ensure the protection of children:

- i. Establishment of the Ghana National Commission on Children (Now Department of Children) and the creation of the Ministry of Women and Children's Affairs to deal with children's issues;
- ii. Establishment of a 34-member multi-sectoral National Steering Committee (NSC) on child labour in 2000, to serve as a policy advisor on child labour: reviewing interventions; and making recommendations to government;

- iii. Creation of the Child Labour Unit (CLU) within the Labour Department in 2000, as the focal and coordinating point for all child labour issues and a Secretariat of the National Steering Committee on Child Labour;
- iv. Establishment of the Programme Secretariat to coordinate the National Programme for the Elimination of the WFCL in Cocoa (NPECLC);
- v. A Child Labour Monitoring System has been established at the Employment and Information Branch of the Labour Department, to collaborate with Metropolitan/Municipal/District Assemblies in the monitoring of child labour and as a tool for social mobilization against child labour;
- vi. Establishment of the Human Trafficking Board to manage trafficking issues to help in the prevention, reduction and the punishment of traffickers and to also provide policy advice under the Human Trafficking Act. The Board has developed a National Plan of Action to Combat Human Trafficking covering 2006 to 2011;
- vii. Establishment of a specialized Domestic Violence and Victim's Support Unit (DOVVSU formally WAJU) within the Ghana Police Service (GPS), to improve law enforcement related to family oriented issues, including child maintenance and care. An Anti-Human Trafficking Unit has also been established within the Service, to handle human trafficking issues. The Ghana Police Service has also developed a Child Labour Training Curriculum for the police administration and Police Training Schools.
- viii. Establishment of the Social Mobilization Partners against Child labour (SOMOPAC) by the Ghana Journalists Association (GJA). This network has identified and trained selected journalists in both print and electronic media and is actively engaged in media advocacy against child labour and runs a website on child labour.
- ix. Local government institutions, have mainstreamed child labour issues into their District Medium Term Development Plans, as well as developed and managing the Child Labour Monitoring System (CLMS) in selected child labour endemic districts;
- x. Organized Labour and Employers' Organizations have developed sustainable interventions, including, provision of direct support to vulnerable children and families, inclusion of child labour into the Ghana Business Code, development of Codes of Conduct on Child Labour and inclusion of child labour clauses in Collective Bargaining Certificates, among others.
- xi. Establishment of an intervention database on Human Trafficking at MOWAC through Government - Civil Society collaboration.

All the above institutions have aggressively developed and implemented various interventions to deal with the issue of child labour.

### **3.4 PROGRAMMES TO ADDRESS CHILD LABOUR**

Since 2000, the Government of Ghana through the ministry of Employment and Social Welfare, and its Child Labour Unit, and Ghanaian Civil Society Organizations with support from ILO/IPEC and other partners in implementing the following programmes:

- i. Country Programme, 2000 to 2003
- ii. LUTRENA, (West Africa Anti-Child Trafficking Project) from 2001 and ongoing
- iii. West African Cocoa and Commercial Agriculture Project, 2003-2006
- iv. Capacity Building Project, 2003-2006:
- v. Vocational Skills Training Project, 2004 to 2006:
- vi. Project of Support to the National Time Bound Programme, 2004 to 2009:

#### **3.4.1 National Programme for the Elimination of the Worst Forms of Child Labour in the Cocoa Sector**

Ghana in collaboration with national and international partners is implementing a National Programme to eliminate the worst forms of child labour in the cocoa sector (NPECLC) since August 2006. It has seven strategic objectives as follows: Enhancement of the knowledge base about WFCL in cocoa

- i. Strengthening of the legal framework for dealing with WFCL
- ii. Community mobilization for action against WFCL
- iii. Development and implementation of interventions to eliminate WFCL in cocoa
- iv. Promotion of universal basic education
- v. Development and implementation of interventions that reduce the need for child labour in cocoa
- vi. Development of institutional and technical capacities to effectively address child labour in the country

#### **3.4.2 National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labour In Ghana (2009-2015)**

A 7-year National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labour has just been finalized by the Ministry of Employment and Social Welfare and its stakeholders and awaiting Cabinet Approval. The NPA is now the national framework to provide the necessary focus and impetus for eliminating all forms of the WFCL in a timely, efficient, effective and sustainable manner.

The overall goal of this National Plan of Action is ‘to reduce the incidence of the WFCL to the barest minimum by 2015, while laying strong social, policy and institutional foundations for the elimination and prevention of all other forms of child labour in the longer term’.

Through stakeholder consultations, Ghana has prioritized the following forms of the WFCL to be tackled as a matter of urgency for its elimination by 2015, under the NPA, in line with the Millennium Development Goals. These are:

- Child trafficking;
- Ritual servitude;
- Domestic servitude;
- Manual handling and transportation of heavy loads;
- Mining and quarrying;
- Agriculture;
- Fisheries;
- Commercial Sexual Exploitation; and
- Street Hawking, including begging

To facilitate the effective implementation of the NPA, the MESW has developed and will be signing Memoranda of Understanding (MOU) with relevant stakeholders, including: MDAs and its Social Partners (Employers and Worker’s Organizations) on their roles and responsibilities in its implementation

The following areas will receive priority attention:

- Enforcement of laws;
- Broad-based sensitization and mobilization to promote attitudinal and behaviour change;
- Protection of children and their rights;
- Pursuit of universal basic education and generalization of post-basic education;
- Withdrawal of children below age 15 from child labour and protection of working children aged 15 and above from exploitation and hazardous work;
- Establishment of standard procedures and protocols for dealing with cases of child abuse and exploitation;
- Development of institutional capacities at all levels of government and within civil society to ensure the effective application of established procedures and protocols; and
- Extension of social protection measures to provide safety nets for the most vulnerable households and children.

#### **4.0 CONCLUSION**

The above efforts by the Government of Ghana indicate the seriousness it attaches to the issues of child labour and its commitment to the elimination of the Worst Forms of Child Labour in the three sectors.

#### **5.0 RECOMMENDATIONS**

The Government of Ghana therefore recommends that:

- the listing of cocoa from Ghana in the TVPRA List serves to undermine the efforts that it is making to address the issue of the worst forms of child as well as disincentive for other

countries to embark on any comprehensive effort. Therefore cocoa should be expunged from the TVPRA List;

- the adoption of the ICVB proposal of a three tier system of grading countries.

These are:

1. Countries that violate human rights within a specific supply chain and do not recognize nor address the problem;
  2. Countries that have clearly identified and acknowledged the existence of the problem and are in the very early stages of addressing it; and
  3. Countries that have identified the issue and are making appreciable and clearly defined efforts at addressing it.
- In our view, the fisheries and mining sectors in Ghana, could be located within the third tier, considering the interventions, as enumerated above.

ANNEX A

**THE NATIONAL PLAN OF ACTION FOR THE ELIMINATION OF THE WORST  
FORMS OF CHILD LABOUR IN GHANA (2009-2015)**