
CHILD TRAFFICKING IN THE CAPE COAST METROPOLITAN AREA - CHILDREN FOR SALE

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This paper is written as part of an internship at the Central Region office of the Commission on Human Rights and Administrative Justice, Cape Coast, Ghana and involved the reporting of human rights issues according to the dailies available in the Cape Coast metropolitan area. The findings from the SOHR 2009 have let the author decide on the topic of child trafficking and its implications in the community.

“Despite an international outcry in 2000 over child exploitation on West African cocoa farms, and ambitious efforts by governments since then to regulate the industry, very little has changed for an estimated 284,000 child labourers, according to campaign groups.

Between them, Ghana and Côte d’Ivoire produce about three-quarters of the world’s cocoa, according to the US State Department, and they employ 200,000 children. Up to 12,000 of these have been illegally trafficked across African borders to work on Ivorian cocoa farms, according to non-governmental organization (NGO) Stop the Traffik”

As is shown above many children in West Africa are being exploited to work in the cocoa industry. Ghana is one of the main producers of cocoa. This paper shall look at how this finding affects the Cape Coast area and recognizes that it is not just cocoa production that is affecting child trafficking, which is supported by the articles mentioned below.

INTRODUCTION

As one of the Department of Public Education exercises it is a very important tool to monitor human rights and their abuses in the local and national media. The Daily Graphic is a daily newspaper that the author used for references.

Child trafficking, or any human trafficking, is a human rights abuse. It deprives the person of its dignity, its right to education and it goes against the constitutionally recognized protection from forced labor.² This report shall first look at the articles used to identify the extent of the human rights abuse before turning to address the definition. And lastly, the report shall try and find a solution against the abuse.

¹ Cote d’Ivoire-Ghana: Efforts too small to curb child labour on cocoa farms, West Africa, 18 Feb. 2008, IRIN

² Article 16(2) of the Constitution of Ghana, 1992

ARTICLES USED

DG 03.09.09 Minister appeals for assistance to keep children in school, p. 11
DG 08.09.09 Essence of Good nutrition, p. 11
DG 10.09.09 NgO rescues 56 children, p. 11
DG 10.09.09 No child labor on cocoa farms, p. 24
DG 12.09.09 Strengthen support systems to protect children, p. 11
DG 12.09.09 Media urge to respect children's rights, p. 11
DG 15.09.09 Child rights, WAEC in row, p. 1 & 3
DG 21.09.09 IO rescues children engaged in small scale mining, p. 31
DG 24.09.09 Central Region records more cases of malnutrition, p. 17
DG 24.09.09 Juvenile crime on the increase, p. 17
DG 25.09.09 Programme to retain girls in school launched, p. 11
DG 03.10.09 Programme to curb child labour, p. 11
DG 14.10.09 Invest in children's education - Akyianu, p. 21
DG 21.10.09 Stop child trafficking in Senya Beraku, p. 9
DG 21.10.09 Inculcate tolerance, respect children - NCCE, p. 16
DG 23.10.09 Government to respond to child labour allegations, p. 31
DG 26.10.09 Ghanaians urged to reduce population, p. 15
DG 11.11.09 Send the Children to School
DG 16.11.09 Ban Corporal Punishment in Schools - MP
DG 17.11.09 Police clamp down on child traffickers

From the above selected articles from the Daily Graphic follows that child trafficking is occurring in Ghana and the impact it has on children in relation to their health, education and general well-being. Let us now turn to the definition.

DEFINITION

The Human Trafficking Act, 2005, Act 694 (hereafter HTA) states in article that trafficking means

“the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders”

by use of various means.

Regarding children, subsection 4 of this article refers to the fact that

“the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this Act”

and it is

“regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of.”

From this Act, as well as from article 1 of the Children's Act 1998, Act 560 (hereafter Children's Act), follows that

“a child is a person below the age of eighteen years.”

One must keep in mind that children can perform labor. Limitations to the form of this labor and the consequent age of the child are provided by Part V of the Children's Act. However, the issue with child

trafficking is twofold. First, children from a very young age perform labor and, secondly, it is done for the purpose of exploitation. The next paragraph shall give a critical interpretation of these issues.

PROBLEM STATEMENT

From the Ghana Child Labour Data Country Brief distributed by the International Labour Organization follows that children from as young as the age of five (5) perform duties, especially girls, which made the author cite articles from the Daily Graphic on girl's enrollment in school.³ Even at the age of 12 are children being trafficked into various industries.⁴

The second issue is that of the underlying purpose of exploitation. The problem herein lies in the fact that the legislator has removed from the Human Trafficking Bill Memorandum the requirement for the labor to be done *for the purpose of exploitation*. The real subject of criminalization lies in the exploitation,⁵ which is when a child gets deprived of its right to education when it is forced to perform labor, for instance when they are forced to work on the farm, just for a token, instead of going to school.⁶

RELEVANT LEGAL DOCUMENTS

There are numerous instruments dealing with the issue of human trafficking⁷, which includes child trafficking. International covenants, such as the Convention on the Rights of the Child in article 35 and ILO Convention No. 182 in article 3, specify that child trafficking is prohibited and there is a duty for the States Parties to ensure implementation thereof. Ghana has implemented and ratified both international conventions.⁸ Then, on national level, the first is the Ghanaian constitution which protects its nationals against forced labor in article 16 (2). Second, is the above mentioned Children's Act which in Part V limits child labor conditions. Article 87 in particular deals with exploitative child labor and states in subsection 1

"No person shall engage a child in exploitative labour"

Subsection 2 then explains when labour is exploitative, i.e. when it deprives a child from its health, education and development. From all this it follows that there are adequate law mechanisms in place to deal with the perpetrators effectively. Then why is it still a widely accepted practice? The next paragraph shall look into a proposed solution.

³ Ghana - Child Labour Country Brief, issued by the International Labour Organization for its International Programme on the Elimination of Child Labour, performed by the Ghana Statistical Service, 2001, p. 2

⁴ Daily Graphic, Tuesday November 17, 2009, where a 12-year old boy was sold for GHc40

⁵ For a discussion on the removal of the requirement *for the purpose of exploitation*, see Tuinese Edward Amuzu, Esq., *What does Human Trafficking mean in Ghana? - A Concept paper written under an ILO Sponsored Project on Fighting Child Trafficking through Nation-wide Sensitization on the Human Trafficking Act, Act 694*, Legal Resources Centre, Ghana, September 2006

⁶ Daily Graphic, Wednesday November 11, 2009, p. 9 Letters by Felix Ntehen; Daily Graphic November 16, p. ---- article is on caning but reference to child labor, where prof. S. Amoako states "that in some rural areas, some teachers asked students to work on their farms during school hours while others sent them on errands to trade for them on the market days".

⁷ Already the Convention on the Elimination of all Forms of Discrimination against Women in article 6 prohibited "*all forms of traffic in women and exploitation of prostitution of women.*"

⁸ Ghana ratified the Convention on the Rights of the Child on 2nd September 1990 and ILO Convention No. 182 in June 2000.

PROPOSED SOLUTION

As has become clear from the 2009 monitoring reports that the Commission performs, child trafficking is very real in the Cape Coast metropolitan area. Five districts⁹ were used for questioning and the overall outcome is as follows:

When asked whether child trafficking occurs, the general outcome is that it does. Children are mostly trafficked into the fishing communities and in small scale mining. When asked if they know it to be illegal and punishable by law, all replied in the affirmative. The reasons for putting children up for personal gain, is poverty related and irresponsible parenthood,¹⁰ which is supported by the answers given to the Commission by the Department of Children. Even though they know it is an offence, the sentences apparently are not deterrent enough or the domestic issues too great to overcome for the parents not to traffic their child. What is curious though is that all districts affirmed that it affects the child and that poverty itself needs to be solved before one can solve the problem of child trafficking.

And this is where the solution comes in. As is said in the preamble of the ILO Convention No. 182,

“recognizing that child labour is to a great extent caused by poverty and that the long term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education”.

What is needed is a greater public education on not only the fact that child trafficking is an offence, but one must foremost address the underlying issues. As is said by Eileen Maybin to IRIN, spokesperson for the Fairtrade Foundation, when talking about the trafficked children at the cocoa farms: “Cocoa certification is a ‘band-aid’ policy - it is attempting to address the problem of child labour without addressing the underlying cause, which is low cocoa prices.”¹¹ This shows that it is a national issue concerning all, not just the parents and the child concerned. As follows from the Daily Graphic Cote d’Ivoire and Ghana are joining forces to influence the prices.¹²

The author agrees with UNICEF child protection adviser in West Africa Joachim Theis when he puts the solution to the problem by “establishing independent ombudsmen which would be a major leap forward in safeguarding children and putting children at the centre of the policy agenda.”¹³ Government is needed to tackle poverty and irresponsible parenthood but recognizing that this is a long term strategy, one must look at a short term one. And that is the creation of a national ombudsman that works independent from the government. The author recognizes that the Commission has taken over the role of the ombudsman in Ghana, but there seems to be a need for a specific children’s ombudsman to deal with this issue.

Other than that, public education is needed in the area of right to education for the child, right to health, how a child has a human dignity that is not to be violated and how there is the constitutional protection from forced labor. Therefore, everyone on the community has the duty to ensure that children are not trafficked out or into the community and that they ought not to aid perpetrators on their actions but confront the wrongfulness of their actions. Lastly, parents should report possible perpetrators and must be receptive to all forms of education.

Regarding irresponsible parenthood, public education is still needed on issues concerning reproduction, albeit recognizing that Ghanaians have reproductive rights. Emphasis should be put on the ABC.

⁹ These include Ntsin, Idan, Amanful, Borofoyedu, Ekon and Effutu communities.

¹⁰ This is also supported by the article by IRIN, TOGO: New HRW report on child-trafficking Abidjan, 1 April 2003 where it is said that “children interviewed [by the organization] came predominantly from poor, agricultural backgrounds and had generally had little schooling before being trafficked.”

¹¹ Cote d’Ivoire-Ghana: Efforts too small to curb child labour on cocoa farms, West Africa, 18 Feb. 2008, IRIN

¹² Daily Graphic, Thursday, November 5, 2009, front page

¹³ WEST AFRICA: A watchdog for children, Dakar 24 June 2009, IRIN