

A decorative graphic of a scroll or ribbon, starting from the top right, moving left, then down, then right, and finally down again. The scroll is outlined in black and has a light gray shaded area on its inner curve. The text is centered within the white space of the scroll.

**SITUATIONAL ANALYSIS OF CHILD RIGHTS AND PROTECTION
INSTRUMENTS**

2002

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Executive Summary

The rights of a child are provided for under the constitution of Ghana, which guides legal instruments and mechanisms for addressing issues of child rights and protection. In line with this, several measures have been taken for ensuring that the rights of the child are protected. The following are measures taken within the specific legal instrument framework for protecting the rights of the child:

1. Children's Act has been approved by parliament. The Act suggests that district officers of the social welfare department are to ensure that the rights of the child are protected.
2. Some district assemblies have addressed issues of child rights through various mechanisms including child rights teams set up by various NGOs.
3. The MOE/GES have attempted to address issues of child rights through the district Oversight Committees and the disciplinary committees set up in each district¹. Reports from several NGOs and researchers suggest that these mechanisms have not been effective in ensuring that the rights of the child are fully protected. More objective agencies are required to ensure that teachers and adult offenders are investigated when child rights are abused.
4. The disciplinary committees are to deal with "disciplinary cases referred to it concerning employees of the GES ... in line with the GES code of conduct". The committees must adhere to the code of conduct when dealing with cases of indiscipline in the teaching service. Most sanctions are still subject to approval by the Director General of GES.
5. There are no formalised mechanisms within GES to deal with the issues directly related to child rights, which parents and other adults may have abused, and which directly impact on the welfare and educational status of the child.

¹ In 1999 the GES instructed all regional and district directors to ensure that disciplinary committees were set up at all levels including the districts, region and headquarters. Terms of Reference for the composition and function of these committees were outlined. Lawyers and members of the Ghana Bar Association were identified as key participants on these committees.

Educational awareness and Curriculum Context

6. Child rights have been discussed in some sections of the primary and JSS curriculum (Environmental Studies)
7. The GES curriculum division in collaboration with an NGO has developed child rights and protection supplementary readers on issues of abuse, child labour, HIV/AIDS etc. All district offices have received copies of the readers.
8. PTA and SMCs' have been sensitised on the rights of the child through the training curriculum and handbook developed by the basic education Division and Community School Alliance. At least ... modules deal with issues of child rights and all the PTAs are being trained on this.
9. There has also been some public awareness raised through the media and TV adverts on the rights of the child. USAID, UNICEF, and OXFAM have supported adverts related to child rights, HIV/AIDS, sexual abuse of girls' etc. The SARA series by UNICEF promises to be a powerful medium for assisting children, parents and teachers in addressing issues of rights and protection of children. It is a series of comic books and videos which educate people on different aspects of HIV/AIDS, child abuse etc.

Teachers Training

10. None of the Teacher Training curriculum at college level deals with the rights of the child. This is particularly disturbing and should be a key focus for the teacher education division.
11. Guidance and Counselling teachers are to take up some of the issues of child rights and protection... but there has been little ... in service training of teachers. The Guidance and Counselling unit is in need of support to develop and implement their handbooks across the country.

Weakness

Measures taken to prevent teachers from committing sexual abuse:

Several research studies suggest that sexual abuse of children is a growing phenomenon in Ghana. More work is needed to ensure that abuse within the schools is stopped. There must be a much clearer and more publicly enforced set

of rules governing the misconduct of teachers and severe reprimand. Currently several cases of child sexual abuse by teachers have been reported by NGOs working in the districts. Most of the time these teachers go without any sanctions or a simple transfer of the teacher to another area.

1.0 Situational analysis

This paper examines the situation of children's rights and protection policies. It also assesses the measures taken to address child rights and protection in Ghana. The need to analyse the situation of children's rights is to bring to the fore the priority areas and policy gaps in the protection of children. Both the Convention on the Rights of the Child (CRC) and the Children's Act 1998 define the child as a person below the age of 18. According to the 1992 Ghana Living Standard Survey (GLSS), 54% of the population of Ghana is under 18 years. This analysis looks at the existing child protection policies and instruments that promote the welfare of all children. It also examines the mechanisms for their enforcement and the obstacles that hinder the realisation of children's rights to protection, development and survival. This report first assesses the incidence of child rights violation and abuse of all forms in our societies.

1.1 Incidence of child abuse

The Convention on the Rights of the Child (CRC) places a responsibility on the state to take appropriate steps to protect children from all forms of physical, mental and sexual abuse through the establishment of protective, investigative and preventive services. Yet, high incidence of child abuse exists in schools, homes and market places (Fiscian, V.S. and Casley-Hayford, L. 2002) A child is said to have been abused, when other people infringe upon his/her rights. **'Abuse' is the legal term applied to children who are taken advantage of by an adult (and sometimes by another child) by virtue of his/her own benefit or gratification'** (Leach, F. Machakanja, P. with Mandoga, J. 2000) . Child rights abuses are so many and varied that many people in society have come to regard them as 'normal' and as acceptable. Predominate among the various forms of abuse against children is child labour. Information from organisations and agencies working on children's rights and the media suggest that forms of abuse against children include²:

- **Defilement**
- **Incest and harassment**
- **Harmful corporal punishment**
- **Abandonment**

² Carved from situation Analysis of Children and Women in Ghana – UNICEF 2000

- **Child abduction or child stealing**
- **Intentional neglect**
- **Commercial exploitation (sexual & domestic) and;**
- **Outright sale of children**

1.1.1 Child Labour

Even though the CRC states that: " The child has the Right to be protected from work that threatens his/her health, education or development, there are many children in Ghana who have to work to maintain themselves and contribute to their family income. The labour decree also has specific provisions relating to the employment or otherwise of children and young persons. Paragraph 32 of the labour decree states that "No person who in the opinion of the chief labour officer or a labour officer is under the age of sixteen shall be capable of entering into contract for employment as a worker". Nevertheless, as the evidence shows, the law has been ineffective and is out of touch with social and economic realities in Ghana today (UNICEF 1990:64). The GLSS-3 in 1995 reported that 7.8% of 7 – 14 year olds and 31.5% of 15 – 19 year olds are economically active. According to UNICEF 2000, child labour is one of the main reasons why some children are not participating effectively in schooling. A study conducted in some schools in the Eastern region by UNICEF, revealed that in Boadua catholic junior secondary school, 10-15% of the pupils drop out of school because of small scale mining activities. The situation is no different from the other regions in the country. For instance in 1996, FAWE reported that in Dangbe East District, schoolgirls assist their parents in salt-mining and full-time hawking.

There are several reasons given by children why they work. Among such reasons is parental neglect or refusal to support them, which is equally a violation of the rights of the child. For example, article 28c of the 1992 constitution provides for the right of every child to maintenance and assistance that is necessary for his or her development from his or her parents. Yet, many children are denied this fundamental human right. Most of the children who are abused this way live under difficult situations and more often, it is difficult for them to eat twice a day, let alone have three meals. While some children work because of parental neglect, others work because they are orphans or come from broken homes where their mothers' meagre

earnings require the children to work to fend for themselves. Some children work because they have to pay their education even at the primary level (DFID, 2001).

1.1.2 Parental Neglect and Informal fostering

A denial of the child to the right of maintenance by their parents to a large extent constitutes a wilful or gross neglect. Within the Ghanaian family system such children are placed with other relatives. The Ghana National Commission on Children (GNCC) describes this arrangement of child placing as 'Informal Fostering'. According to the GNCC, this practice differs from the formal arrangements overseen by the Department of Social Welfare (1997:24). Again the 1997 GNCC report indicated that the informal fostering arrangement is prevalent in the country. According to a study conducted by GNCC, ninety-six out of the two hundred children interviewed in Komenda-Edina-Eguafo-Abrem district, in the central region, were living under this informal fostering arrangement. The report further indicated that parents of such children do not remit money to maintain them. As a result many of these children have to work to support themselves while they live with their caregivers. The most common jobs these children engaged themselves in are selling of ice water, food, portering and shoe shining. The problem of child maintenance and parental neglect is inter-linked with the issue of paternity and single mother hood (GNCC, 1997:23). The problem of parental neglect and refusal to support children has indeed, contributed to the proliferation of children on and living in the streets of our towns and cities. According to Korboe 1997, majority of children working on the streets, do so in order to survive. For instance 7.1% of girls selling on the streets in Accra are doing so because they are neglected by their parents (Apt & Grieco, 1997).

There are some traditional practices, which influence decisions on child maintenance. For example, in the Bongo District, if a woman is not customarily married and has a child, the child will be deemed the responsibility of the woman's parents and not the husband's. Other traditional practices such as 'Trokosi, Female Genital Mutilation and barter marriage impede on the basic rights of the child. The table below outlines some of the practices, which are found inimical to the survival, development, and protection of children:

Table 1: Traditional/cultural practices found in some districts in Ghana

Districts	Traditional/Cultural Practices
Akuapem North	<ul style="list-style-type: none"> • Girls and women are not allowed to live in the community when they are menstruating • During the ohum festival children leave school for about three weeks to celebrate it in the forest with their parents • Instances cited where communities under the guidance of their fetish priest refused medical attention when there was out break of cholera
Saboba Chereponi	<ul style="list-style-type: none"> • Early betrothal of the girl child • Krubi festival • Children are not allowed to eat eggs • Only girls are made to fetch water
Bongo	<ul style="list-style-type: none"> • “ Sister in Bed” – where a girl can have a sexual relationship with a boy from her clan but cannot marry him as she has been betrothed to someone else from another clan • Early marriage of the girl child
Mpohor wassa East	<ul style="list-style-type: none"> • Early marriage of the girl child
Nkwanta	<ul style="list-style-type: none"> • Early betrothal of the girl child • Barter marriage • Women are not allowed to be aided when delivering babies • Consecration of the Male child to a god • Rituals and religious scarification • Girls are not allowed to eat certain types of foods which are necessary for their diets • Girls and women are not allowed to live in the community when they are menstruating.

Source: Ghana National Commission on Children, 1997: 29.

1.1.3 Child Sexual Abuse

Most of the girls among these children are often sexually abused harassed. Sexual abuse in the form of defilement, rape, incest and harassment are the different forms that are perpetuated against girls. In a study by Apt and Grieco 1997, thirty out of the one hundred and forty-five Kayayoo girls interviewed face harassment of various kinds, which are mostly sexual in nature. According to the study, the girls first source of harassment is the city guards. Street boys constitute another source of harassment to them. Some of the girls according to the study, cited instances of forcing them to have sex. (Apt & Grieco, 1997:19).

Another study by the Gender Studies and Human rights Documentation Centre published in 1999 revealed that 49% of adolescent girls experience various forms of sexual abuse. Among the 2,049 girls and women aged 13 and above who were interviewed, in twenty districts across the ten regions, the first experience of sexual

intercourse for 20% out of the total study sample was by force. Another disturbing feature of these abuses against girls is that if the situation is not curbed, it can greatly affect the education of the girl child. The study further revealed that six percent of those interviewed had been threatened by a teacher or a school principal that their schooling will suffer if they do not have sex with them (Gender studies and Human Rights Documentation Centre 1999). Similarly, a recent research on abuse of girls in schools in Ghana conducted by Fiscian V.S. and Casely-Hayford L. (2002)³ revealed that 27.1% of the girls who were interviewed have had teachers propositioning them. In addition to the above, the women and juvenile unit (WAJU) of the Ghana Police service between 1999 and November 2001 recorded 496 cases of defilement in the country⁴. Table 2 below shows the trend and types of abuse cases that WAJU has been handling from 1999 to May 2002.

Table 2. Cases handled by WAJU from January 1999 to May 2002

TYPE OF ABUSE	1999	2000	2001	May 2002
Defilement	154	181	204	216
Rape	23	34	58	65
Assault	95	86	232	584
Threatening	21	16	60	317
Indecent Assault	11	17	28	18
Abduction	3	5	9	41
Incest	5	6	5	6
Unnatural Canal Knowledge	3	2	--	--
Attempted Rape				
Causing harm	4	6	7	20
Failing to supply the Necessities of Health and Life (Child Maintenance)	523	1383	1047	768

Source: WAJU, June 2002.

The table indicates the different variations and prevalence of cases that are reported to the police. It is evident that more than half of the cases involve defilement, rape and parental neglect or refusal to support children. According to UNICEF, available records from WAJU suggest that over half of the cases involve defilement of female children and the failure or refusal of a parent to supply their child with the necessities of life (UNICEF, 2000:109).

³ An Investigative study into the Abuse of Girls in Ghanaian Primary and Junior Secondary schools (2002) A University of Sussex/DFID –UK Commissioned study.

⁴ The January 26 edition of the 'WEEKLY SPECTATOR' page 11.

1.1.4 Physical Abuse

Children in Ghana are also increasingly subjected to various forms of physical abuse. Available data suggest that the different forms of physical abuse perpetrated against children include harmful corporal punishment both at home and school, beatings, verbal chastisement and bullying. Research on abuse in schools (2002) in Ghana revealed that physical and verbal abuse were some of the problems pupils often experience in school. Bullying of girls by male pupils was the most common form of physical abuse in schools. The Gender studies and Human Rights Documentation Centre 1999 also reported that 78% of adolescents experience physical abuse by a guardian before age 13. Again in Ghana, the notion that if you spare the rod you will spoil the child is almost universally accepted and this was repeatedly emphasised by teachers and parents during interviews and discussions conducted for the study on Abuse of Girls in Schools (Fiscian, V. S. and Casely-Hayford, L.2002).

In most communities some levels of physical and verbal discipline of children is considered acceptable. For instance caning of children is one of the tools used to discipline pupils in schools. In the Abuse research in Ghanaian schools, teachers did not consider caning as a form of abuse against pupils. They largely acknowledged it as a disciplinary weapon that works with children in the school setting. It must be noted however that when silencing obstacles such as caning are used to silence children, they are prevented to speak out about abuses they suffer. Removing such obstacles give the children the voice to speak out and defend their rights.

2.0 Child protection policies

The Convention on the Rights of the Child (CRC), which Ghana was the first country to ratify, has become the internationally recognised set of principles and standards for laws, policies and practices that protect the rights of the child. Ghana has a responsibility to ensure that the contents of the conventions are translated into practice. Although a national policy on the child rights is yet to be operationalised for the Education sector⁵, there are several policy guidelines that seek to protect and promote children's welfare. Within the education sector and Ghana in general, there

⁵ See Asiegbor, Fincham, Nanang, Gala and Britwum. November,2001: V

are some policy statements and guidelines, which seek the protection of all Children. The following are some of the existing policy statements and guidelines on child rights:

- Under the current constitutional regime, article 25 of the 1992 constitution provides that:
“All persons shall have the right to equal educational opportunities and facilities with a view to achieving the full realisation of that right”
(MOE/GES2001:19)

- The constitution further has a general provision on the Rights of the Child, which states that :
“Parliament shall enact such laws as are necessary to ensure that every child has the right to the same measure of special care, assistance and maintenance as is necessary for its developments from its natural parents except where those parents have effectively surrendered their right and responsibilities in respect of the child in accordance with the law”.

- There is also the children’s Act – Act 560, which places a responsibility on the State to take appropriate measures to protect children from all forms of human rights abuse through the establishment of protective, investigative and preventive services. Section 13 of this Act states that:
“ No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including cultural practice which dehumanises or is injurious to the physical and mental well being of a child”.

- In section 47 of the same children’s Act, it is stated further that:
“A parents or any person who is legally liable to maintain a child or contribute towards the maintenance of the child is under a duty to supply the necessaries of health, life, education and reasonable shelter for the child”.

- There is also a provision under section 87 on child labour which states that:
“No person shall engage a child in exploitative labour” ... any person who contravenes the provisions commit an offence on summary

conviction to a fine not exceeding 10million cedis or to imprisonment for a term not exceeding two years or both.

2.1 Ministry of Education and Ghana Education Service Provisions

Within the Ghana Education Service (GES) there is the 1995 GES Act – Act 506 that guides teachers relationship with pupils. This Act however is sketchy on issues of human rights violation. The provisions under this Act mainly provide the required attention and specialised administrative management system of pre-tertiary education of the education sector in the country. Section 9 (2) this Act empowers the GES council to appoint in every district a District Oversight Committee⁶ to oversee related issues of rights violation such as:

- The moral behaviour of staff and pupils and matter relating to general discipline
- Complaints relating to or from teachers, non-teaching staff and pupils

Section 19(1) the GES Act provide the disciplinary proceedings for the Disciplinary Committee provided under section 9(4) in cases of disciplinary matters that may be referred to by the appointing authority. Apart from the provisions specified in sections 9 and 19, there is no other related provision under the Act, which seeks to promote child rights within the pre-tertiary education.

There is also the Ghana National Association of Teachers' (GNAT) code of professional conduct, which has provisions that seek to promote and protect school children from human rights abuse. Section 27 of the GNAT code of professional conduct states that:

“No teacher shall indulge in immoral relations with a pupil or student in his own school or in any educational institution in which he performs any official duties” ... contrary to this section may result in disciplinary proceedings being taken against the offender.

Part V (p12) of the Code of conduct enumerates the different degrees of penalties for any breach or non-observance of the rules and regulations. These include:

⁶ See appendix I for functions of the committee

- Section 63 of the Teachers' Code of conduct specifies:
 - (i) *“Any breach or non observance in any section or part thereof of any of the foregoing rules and regulations shall constitute a misconduct for which the offender shall be liable to a disciplinary action”.*
 - (ii) *“For the purpose of this section, misconduct is classified as either minor or major as defined sections 63 – 67”.*
 - (iii) *“The penalty for the various categories of misconduct shall be as follows”.*
 - **Category ‘A’ Penalty for Minor Misconduct**
 - (i) *Warning or reprimand (plus surcharge where applicable, to be given, in writing always for record purposes); or*
 - (ii) *Suspension with loss of pay and/ or allowance (Not more than 14 days in case of pay); or*
 - (iii) *Stoppage of increment. (This means non-payment for a specified period of an increment otherwise due); or*
 - (iv) *Disciplinary transfer.*
 - **Category ‘B’ Penalty for Major Misconduct**
 - (i) *Deferment of increment.*
 - (ii) *Reduction in rank or of salary. (Reduction in rank means a removal to lower grade with an immediate reduction in salary. Reduction of salary means an adjustment of salary to a lower point on the scale attached to the post in question while the post remain unaffected).*
 - (iii) *Suspension means loss of pay and allowances for a period not exceeding two years as the disciplinary authority may direct;*
 - (iv) *Removal from Ghana Education Service.(This means termination of appointment with full or reduced retirement benefits as the disciplinary authority may direct).*
 - (v) *Dismissal. (This means termination of appointment with forfeiture of all retirement benefits).*
 - (vi) *Striking off name from the Register of Teachers. (This means withdrawal of one’s certificate or licence to teach with consequent termination of appointment for good)*

The GES Act (506) of 1995 recommends the GES council establish Education Oversight Committees (DEOC) in all Districts, Municipal and Metropolitan Assemblies to handle cases of disciplinary matters.

All these statements and guidelines deal with a wide variety of issues of child rights abuse. One key provision of the functions of these legal frameworks is the role of the State and district assemblies to protect children. For instance, the Children's Act requires the state to assume the role of parents for children in need. It also requires the district assemblies in section 27, to establish and manage child panels. Under section 16 of the children's Act it is specified that:

- (1) *"A District Assembly shall protect the welfare and promote the rights of children within its area of authority and shall ensure that within the district, governmental agencies liaise with other agencies in matters concerning children"*
- (2) *"The social welfare and community development departments of a District Assembly referred to in this Act as 'the department' shall investigate cases of contravention of children's rights".*

In section 31 of the same Act, it is stated that:

" A child panel may mediate in any civil matter concerned with the rights of the child and parental duties".

The process of Child Law Reform began in 1995. The children's Bill was drafted through the revision of all existing child related laws and the provision of proposed amendments to ensure conformity of national legislation with principles of the CRC. In spite of all the efforts geared toward the promotion of children's welfare and rights protection, abuse of the rights and freedom of children are a daily occurrence and increasingly becoming prevalent in societies. Table 3 below presents types of abuse and the relevant policies.

Table 3. Child Protection Policies

Types of Abuse and the relevant policy	Policy statement/guidelines for protection								
Sexual abuse	<p>GES Head Teachers' Hand Book appendix 1: 255 Section 21 specify the following:</p> <table border="1" data-bbox="594 417 1281 768"> <thead> <tr> <th data-bbox="594 417 894 449"><i>MISCONDUCT</i></th> <th data-bbox="901 417 1281 449"><i>SANCTION</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="594 457 894 489"><i>a) Rape</i></td> <td data-bbox="901 457 1281 489"><i>Dismissal</i></td> </tr> <tr> <td data-bbox="594 497 894 642"><i>b) Sexual affair with schoolgirl other than rape; 1st Offence 2nd Offence</i></td> <td data-bbox="901 497 1281 642"><i>Suspension for two years Dismissal</i></td> </tr> <tr> <td data-bbox="594 651 894 768"><i>c) Sexual affair with schoolgirl resulting in pregnancy and abortion.</i></td> <td data-bbox="901 651 1281 768"><i>Dismissal</i></td> </tr> </tbody> </table> <p>Section 27 of the GNAT code of professional conduct for teachers states that:</p> <ul style="list-style-type: none"> (i) <i>“No teacher shall indulge in immoral relations with a pupil or student in his own school or in any educational institution in which he performs any official duties”</i> (ii) <i>No teacher shall indulge in immoral relations with a pupil or student in his own school or in any educational institution. This may result in disciplinary proceedings being taken against the offender.”</i> 	<i>MISCONDUCT</i>	<i>SANCTION</i>	<i>a) Rape</i>	<i>Dismissal</i>	<i>b) Sexual affair with schoolgirl other than rape; 1st Offence 2nd Offence</i>	<i>Suspension for two years Dismissal</i>	<i>c) Sexual affair with schoolgirl resulting in pregnancy and abortion.</i>	<i>Dismissal</i>
<i>MISCONDUCT</i>	<i>SANCTION</i>								
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<i>c) Sexual affair with schoolgirl resulting in pregnancy and abortion.</i>	<i>Dismissal</i>								
Child Labour	<p>Children’s Act- Act 560 (Part V, Sub-part 1) section 87(1) states that :</p> <p><i>“No person shall engage a child in exploitative labour” and (2) further states “labour is exploitative of a child if it deprives the child of its health, education or development”.</i></p> <p>There is further provision under this Act in section 94(1) that:</p> <p><i>“Any person who contravenes the provisions of this sub-part commits an offence and is liable on summary of conviction to a fine not exceeding ₦10 million or to imprisonment for a term not exceeding two years or to both.</i></p>								
Physical Abuse	<p>Children’s Act-Act 560 section 13(1) states,</p> <p><i>“No Person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanizes or is injurious to</i></p>								

Types of Abuse and the relevant policy	Policy statement/guidelines for protection
	<i>the physical and mental well being of a child”.</i>
Verbal Abuse	No direct Policy
Child Neglect/ abandonment (i.e. fostering)	<p>Children’s Act- Act 560 section 47(1) states, <i>“ No parent or any other person who is legally liable to maintain a child or contribute towards the maintenance of the child is under a duty to supply the necessaries of health, life, education and reasonable shelter”</i></p> <p>Offences under this part are provided for in Section 59:”any person who –</p> <ul style="list-style-type: none"> (a) <i>unlawfully removes a child from another person who has lawful custody of the child contrary to section 46;</i> (b) <i>fails to supply the necessaries of health, life, education and reasonable shelter for a child when legally liable to do so contrary to section 47; or</i> (c) <i>brings an action for maintenance under this part while an application for maintenance is pending in matrimonial proceedings,</i> <p>commits an offence and is liable on summary of conviction to a fine not exceeding ₵2 million or to imprisonment for a term not exceeding six months or to both.</p>

2.2 Legal instruments and their implementation

Several policies’ are in place but not the legal instruments to assist children to protect themselves. In pursuance of government’s objective of promoting child rights, a number of legal frameworks have been formulated within the context of International Human Rights Norms and Treaties. From colonial education to date, Ghana has responded positively to various Acts and policies and effected necessary constitutional provisions on the rights to education. Article 25(1) of the 1992 constitution for example is a replica of Article 13(2) of International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 28 of the Convention on the Rights of the Child (CRC) and to a large extent Article 10 of Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) – MOE/GES 2001:20. The challenge remains the government ability to enforce and ensure

implementation. Public awareness is required to educate especially parents on how to manage incidence of abuse against their children.

[interviews with MOE lawyers, WAJU and UNICEF]

2.1.1 Mechanisms for their Enforcement.

Table 4 Mechanisms for their Enforcement at the District and National Levels

Level	Ongoing Preventive Measures
School level	<p>GNAT code of professional conduct specifies punitive measures for teachers who violate school children's rights. It specifies, "any breach or non observance in any section or part thereof of any of the foregoing rules and regulations shall be liable to disciplinary action" (page 12).</p>
District	<p>Children's act (ACT 560) section 16 specifies that the " Social Welfare and Community Development Department of a District Assembly shall investigate cases of contravention of Children's rights" .</p> <p>Save the Children Fund an NGO, have set up District Child Protection Teams which contain members of various departments including the Ministry of Education, Social Welfare and others. (5 districts in the Northern region and 5 districts in the Brong- Ahafo region.)</p> <p>The Ghana National Commission on Children is working on building capacity at district assembly levels on proposed legislation and policies on children⁷</p> <p>Section 19 and 20 of the Children's Act empowers the investigative services and the family tribunal to investigate and protect the child on reasonable grounds to suspect child abuse or a need for care and protection.</p> <p>Under the 1995 GES Act – Act 506 empowers the District Oversight Committee to ensure the enforcement of the punitive measures as specified in the teachers' code of conduct.</p>

⁷ See p13 of a report submitted to save the children's fund by Agyemang-Mensah 1998

Regional	
National	The Ghana National Commission on Children is promoting the implementation and monitoring of the Convention on the Rights of the Child (CRC) and evolving child law reform process to ensure effective harmonization of the national laws on child rights with the CRC.

All these policies were developed within the frame of the various International Statutes and Conventions. These statutes and conventions have served as a baseline for child rights-based framework in the country. Within the context of international conventions and laws, the Ghana government has initiated a number of policies and programmes which are supposed to be implemented by established protective and preventive agencies such as Ghana National Commission on Children, Department of Social Welfare, Commission on Human Rights and Administrative Justice and the Women and Juvenile Unit of the Ghana police service. According to Agyemang-Mensah 1998, the sector agencies which have made significant impact on ensuring child rights and protection are the Department of Social Welfare, the Commission on Human Rights and Administrative Justice (CHRAJ) and the Girls' Education Unit.

In 1992, a ten-year National Programme of Action for Children titled, "**The Child Cannot Wait**" was drawn up, which reflected the provisions in the UN convention on the rights of the child and the world summit for children goals to the actual situation of Ghana's children. The goals, strategies and activities, which were outline outlined were in accordance with the country's long-term social development priorities as presented in the Human Development Strategy for Ghana (UNICEF, 2000:15; Republic of Ghana, 1992:i) According to Agyemang-Mensah (1998:2), the document represented an important Blue-print which has guided the implementation of child welfare programmes and activities in Ghana to date. Yet almost nine years after this programme of action, the Ministry of Education is still in the process of adopting and operationalised a national policy child rights (Asiegbor and others, 2001:v). The 1992 constitution of Ghana also makes basic education free and compulsory to all children. Nevertheless, not all children enjoy their rights to education. According to MOE/GES 2001, about 17% of Ghanaian children are denied their rights to basic

education. The question is; how free is basic education? And how compulsory is it? The enforcement of the compulsory aspect of the right to education is however, enshrined in the general processes created under the CHRAJ mechanisms. The Children's Act has made provision for the enforcement of the rights of the child created under the Act (MOE/GES 2001:45). Even though it is very clear as a national policy that the government provides free tuition, text books, teaching and learning materials and subsidise the cost of exercise books, what is not certain is the policy on the collection of what one might classify as levies or ancillary fees. Enforcement of CHRAJ's policy guidelines remains a challenge. The fact is, some head-teachers are compelled as a reaction to policies of the district Education Authorities, to send away children for non-payment of these levies (MOE/GES 2001:42). This indeed defeats the rights of the child to education and a challenge to CHRAJ in enforcing its policy guidelines in ensuring compulsory basic education for all children.

The Ghana National Commission on Children (GNCC) is supposed to be the main governmental body responsible for child welfare, rights and coordination in the country. The GNCC is expected to ensure the protection of children's rights at all levels. Yet, a report by Agyemang-Mensah 1999⁸ indicated that although the GNCC has under taken several activities on child rights and abuse – such as working on building capacity at the district assembly level on proposed legislation and policies on children, it however, admits that it has not been successful in dissemination of the CRC. According to the report most NGOs including one that had been in existence since 1976, indicated that they are not aware of the existence of the GNCC. The few NGOs who according to the report knew about the existence of GNCC, expressed frustration at their inability to interact with the commission on children. Even though, the GNCC is promoting the implementation and monitoring of the CRC and evolving the child law reform process, its process of decentralisation of structures and networking with rural areas are still lagging behind. **(Interview GNCC)**

Several NGOs and institutions have however, mapped out activities that seek to complement national efforts toward child rights protection. **The Save the Children Fund** an NGO has for example set up district child protection teams which have

⁸ A report on the implementation of the CRC submitted to Save the Children Fund. Page 33.

members from various departments of the Ministry of Education, Department of Social Welfare and others. The activities of the teams are operational in 5 districts in the Northern Region and 5 districts in the Brong Ahafo Region. **UNICEF** has also established a child protection unit to assist the government implement and disseminate the Convention on the Rights of the Child. This is also to complement government's efforts at promoting child welfare in the country. It is presently running a television sensitisation series on the African child in collaboration with the Ministries of Education and Women and Children Affairs. The UNICEF's special unit for child protection deals with issues such as the 'kayayoo' street children, child labour and sexual abuse.

Within the education sector, GES Council under the 1995 GES Act – ACT506 section 9(4), is empowered to appoint a Disciplinary Committee which when formed, is supposed to ensure the enforcement of the punitive measures as specified in the teachers' code of conduct, against any teacher who violates the rights of pupils. The fact still remains that the guidelines for punitive action as stated in the code of conduct are not explicit and this allows the committee to exercise its discretion in cases of professional misconduct, which may relate to violation of pupils rights.

2.2.1 Materials and Curriculum on Rights Promotion

Several NGOs have produced relevant literature, which discusses child rights in Ghana. The following are some of the NGOs:

- The WUSC is also involved in child rights education. It has produced eight small storybooks on different child rights issues. The books are appropriate for pupils in primary four to JSS 3.
- The Higher Ground Foundation a local NGO, has also produced one small story book on child sexual abuse appropriate as reading material for children in primary and JSS
- SARA also an NGO has video and comic materials which seek to address the problems of abuse of girls in schools.

The school curriculum also seeks to promote awareness on fundamental human rights. The Environmental studies syllabus for primary schools feature a topic on

Human Rights. Within the context of the topic, teachers handling the subject are to teach pupils their fundamental human rights and freedoms. The revised social studies syllabus for junior secondary school also covers Human Rights abuse and mechanisms for preventing such abuses. Similarly at the senior secondary level, the issue of Rights and responsibilities of individuals feature in the Social Studies syllabus. The implementation of the revised Social Studies syllabus commenced in the 2001/2002 academic year. This means that all those who passed through the basic and senior secondary education before the revision were denied access to human rights education. Another limitation here is that only teachers who teach environmental and social studies have opportunity to teach issues of human rights in school. Children who in one or the other missed out formal education do not have access to human rights education. All these remain a challenge to the realisation and achievements of the Convention on the Rights of the Child. Table 5 presents details of the school curriculum on child rights related topics.

Table 5 Child Rights Related Topics in the School Syllabus

Grade	Details of the Curriculum
KG	Nothing
Primary	Unit 3 of the teaching syllabus for Environmental Studies features a topic on Human Rights . It covers issues such as the fundamental human rights and basic freedoms.
JSS	Unit 4 of the revised Social Studies syllabus now has a topic on Citizenship and Human Rights . It covers issues such as democratic governance at school, home and in the community, human rights abuse and mechanisms for preventing such abuses.
SSS	Unit 2 of the Teaching syllabus for social studies features a topic on Rights and Responsibility of Individuals . It covers fundamental human rights, which are enshrined in the UN charter and the Constitution of Ghana.

2.3 How effective these mechanisms have been in protecting children

Interview with the Department for Social Welfare suggest that they are not in the process of enforcing or even engaging in child protection with regard to child abuse at the school level. The Department for Social Welfare states that there are too many schools and that the Ministry of Education is responsible for this issue.

Research conducted in three schools in the Cape Coast area suggest that Ministry of Education/GES Staff at the district level or not able to objectively handle cases of school related abuse. Findings suggest that:

- Communities are not aware of the procedures and legal channels for reporting abuse.
- In rare cases where they report the cases of abuse to the district education authorities, these officers do not want to get involved, often ignore or try to cover up the offence and rarely sanction the teachers.
- Most district education disciplinary committees are not operational

Research on "Abuse of Girls in Schools" in Ghana suggests that there are very few transparent systematised mechanisms for children and parents to report cases of abuse and ensure that action is taken. Studies suggest that mechanisms at district level must involve a larger body of stakeholders outside the education system in order to carry out an objective investigation and enforce punitive measures.

(Get more information during Interviews)

2.2.1 Evidence Based Strategies

Several NGOs across the country are taking up the issues and assisting communities build their capacity to enforce rights of children. The table below outlines the key strategies and agencies undertaking these actions.

Table 6: Key strategies and agencies undertaking these actions

Strategies	Agency Experience/	Result
Holding Community Durbars	University of Sussex and Associates for Change conducted a community participatory durbar including a social drama on child abuse in schools.	Sensitized all community stakeholders of the channels for addressing cases of abuse Made teachers and male members of the community more aware of consequences of their actions against children
Building awareness in the PTA/SMC	<ul style="list-style-type: none"> ➤ WUSC and Canadian Feed the Children's Fund (CFCF) Have been empowering community PTA/SMC in northern Ghana to address issues of child rights and lobby district assemblies where there are violations of children's rights. ➤ Both organisations use social drama to raise awareness in the schools and communities. 	Stronger agitation by community PTA's to lobby for better education quality and services at district level.
Community radio programmes	The Foundation Builders a local based in Cape Coast runs an FM radio programme for children. As part of the programme children are educated on their fundamental human rights.	Sensitise coverage communities on issues of child rights abuses.
TV Programming	There is an ongoing TV Programme on the theme "African Child Rights Series". It sensitizes the public on rape and defilement of girls. It shows possible places where such abuses are likely to occur and who the potential abusers are.	Create public awareness about potential child abusers and places where children are likely to be abused.
Girls Clubs	Foundation Builders in Cape Coast, FAWE, African Center for Human Development and the Girls Alliance have all been involved in supporting clubs, which create awareness on child rights and protection.	Awareness creation of Children. Building self-esteem of girls. Empower children to report cases of abuse against them to parents or adult relations.
District Protection teams	Save the Children fund supports the work of 10 districts protection teams, which have members from various departments of the Ministry of Education, Department of Social Welfare and others. The teams take complaints and investigate...	

3.0 Recommendations from Child Rights Protection Workshop

Participants at a workshop organised under the **Education Sector Review** exercise to assess the measures taken in addressing Child Rights Protection within the Education Sector suggested the following for consideration:

- Abolish corporal punishment in schools (use of canes and other instruments)
- IEC to widely disseminate the Children's Act
- Legal points for children
 - G&C in schools
 - Community level
 - District Level – child protection committees
 - District education officers liaising with DSW, SHEP, WAJU, GEU, G&C
 - Disciplinary committees
- Strengthening Disciplinary Committee at district and regional levels and ensure regular monitoring at all levels.
- Curriculum – integration of child rights issues
 - Review and Amendment subjects such as;
 - Moral & Religious Education
 - Social Studies
 - History
 - Management in living
 - All schools should have educational materials developed by WUSC
- Teacher Training
 - Integrate Child Rights issues properly in Teacher Training Curriculum (Educational Psychology)
 - Increase alternatives for disciplinary action in schools e.g. withdrawal of privileges.
 - Review Head teachers Handbook
- Policy Level
 - Review the Code of Professional Conduct to detail procedures for dealing with cases of abuse in schools.

3.1 Key Recommendations to Government/ MOE/GES and all Stakeholders involved in education

There is as yet no substantive national policy on child abuse and the implementation and enforcement of existing protection policies have not been rigorous. There are also no existing channels of communication for abused children and this is an observed gap in national response towards the protection child rights and promotion of children's welfare.

- Consider the adoption of the Child Panel and Family Tribunals provided under the Children's Act, under the new education law, which is yet to be operationalised.
- Expand on the activities and operations of the Save the Children's Fund Child Protection teams.
- Broaden the scope of the topics on child rights and protection in the school curriculum
- Train School Management Committee and District oversight committee in child rights and protection instruments as well as mechanisms for handling cases of child rights abuse
- Include issues of child rights and protection in the teacher training syllabus
- Strengthen the GNCC activities and programmes and decentralise their operations at the district and community levels.
- Sponsor a national Media campaign to promote child rights protection.

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APPENDICES

Appendix I

Section 9(3) of the GES ACT, 1995 – Act 506 Specifies the following:

A District Education Oversight Committee shall in the relevant district and subject to the directives of the Council, be concerned with and oversee –

- a) Conditions of school buildings and other infrastructural requirements of the schools;
- b) The provision of teachers and the regular and punctual attendance of teachers and pupils at the schools;
- c) The proper performance of duties by staff at the schools;
- d) The moral behaviour of staff and pupils in matters relating to general discipline;
- e) Complaints relating to or from teachers, non teaching staff and pupils;
- f) The environmental cleanliness of schools and facilities therein; and
- g) The supply of textbooks and other teaching and learning materials.