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GHANA* **

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** This report has not been edited before being submitted for translation.

LIST OF ACRONYMS

ADHD	Adolescent Health and Development
AIDS	Acquired Immunodeficiency Syndrome
ANC	Ante-natal Coverage
CHRAJ	Commission for Human Rights and Administrative Justice
CRC	Convention on the Rights of the Child
CRS	Catholic Relief Services
CRT	Criterion Referenced Test
CSM	Cerebra-Spinal Meningitis
CSO	Civil Society Organisation
DA	District Assembly
DACF	District Assembly Common Fund
DHS	Demographic Health Survey
DSW	Department of Social Welfare
ECCD	Early Childhood Care and Development
ECOWAS	Economic Community of West African States
EFA	Education for All
EFA-FTI	Education for All-Fast Track Initiative
EPI	Extended Programme of Immunisation
ESTAC	Education Sector Technical Advisory Committee
f ^o CUBE	Free Compulsory Universal Basic Education
FBO	Faith-Based Organisation
FGM	Female Genital Mutilation
FIDA	Federacion Internacional De Abogadas

GDP	Gross Domestic Product
GER	Gross Enrolment Ratio
GES	Ghana Education Service
GETFUND	Ghana Education Trust Fund
GEU	Girls Education Unit
GHS	Ghana Health Service
GLSS	Ghana Living Standards Survey
GNCC	Ghana National Commission on Children
GNCRC	Ghana NGO Coalition on the Rights of the Child
GOG	Government of Ghana
GPRS	Ghana Poverty Reduction Strategy
GRATIS	Ghana Regional Appropriate Technology Industrial Services
GSPA	General Services Provision Assessment
GSS	Ghana Statistics Service
HIPC	Highly Indebted Poor Countries
HIV	Human Immune Virus
HMIS	Health Management Information System
HRU	Health Research Unit
IEC	Information, Education & Communication
ILO	International Labour Organisation
IMCI	Integrated Management of Childhood Illness
IPEC	International Programme for the Elimination of Child Labour
ITTU	Intermediate Technology Transfer Units
JSS	Junior Secondary School
LI	Legislative Instrument

MDA	Ministries, departments and Agencies
MLGRD	Ministry of Local Government and Rural Development
MM	Maternal Mortality
MMDE	Ministry of Manpower Development and Employment
MNS	Minimum National Standards
MOE	Ministry of Education
MOEYS	Ministry of Education Youth and Sports
MOH	Ministry of Health
MOJ	Ministry of Justice
MOWAC	Ministry of Women and Children's Affairs
MTCT	Prevention of Mother to Child Transmission
NACVET	National Co-ordinating Council for Vocational Examinations and Training
NCB	Narcotic Control Board
NCC	National Commission on Culture
NCWD	National Council for Women and Development
NER	Net Enrolment Ratio
NFED	Non-Formal Education Division
NGO	Non-Governmental Organisation
NHIP	National Health Insurance Policy
NPA	National Programme of Action
NVTI	National Vocational Technical Institute
OI	Opportunistic Infections
PMT	Performance Monitoring Test
PNDC	Provisional National Defence Council
PTA	Parent Teacher Associations

RBM	Roll Back Malaria
RCC	Regional Co-ordination Councils
RCH	Reproductive and Child Health
RH	Reproductive Health
SER	Social Enquiry Report
SfL	School for Life
SHP	School Health Programme
SPAM	School Appraisal Meetings
SSS	Senior Secondary School
STEP	Skill Training and Employment Placement
STI	Sexually Transmitted Infections
STME	Science, Technology and Mathematics Education
TED	Technical Education Division
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children Fund
VAT	Value Added Tax
WACAP	West Africa Cocoa and Agriculture project
WAJU	Women and Juvenile Unit of the Police Service
WDF	Women Development Fund
WFP	World Food Programme
WITEC	Women in Technical Education

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
LIST OF ACRONYMS		2
Introduction	1 - 8	12
I. GENERAL MEASURES OF IMPLEMENTATION	9 - 25	13
A. Reservations	9	13
B. Conformity with the CRC	10 - 15	13
C. Domestic status of CRC	16 - 17	15
D. Judicial decisions by judicial and quasi-judicial bodies	18	15
E. Judicial remedies (civil remedies)	19 - 20	16
F. National Strategy for Children	21 - 25	16
II. NATIONAL STRATEGY	26 - 39	17
A. Implementation, coordination and monitoring	26 - 30	17
B. Cooperation with civil society	31	18
C. Publicizing the CRC	32 - 39	19
III. DEFINITION OF THE CHILD	40 - 67	20
A. Legal and medical counselling without parental consent	41	20
B. Medical treatment or surgery without parental consent	42	20
C. End of compulsory education	43	20
D. Admission to employment, including hazardous work, part-time and full-time work	44	20
E. Marriage	45	21
F. Sexual consent	46	21
G. Voluntary enlistment in the armed forces	47	21

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
H. Conscription into the armed forces	48	21
I. Criminal responsibility	49	21
J. Deprivation of liberty	50 - 52	21
K. Giving testimony in court in civil and criminal cases	53	22
L. Lodging complaints and seeking redress before a judicial or quasi-judicial body without parental consent	54 - 55	22
M. Seeking redress before a child panel	56	22
N. Seeking redress before a family tribunal	57	23
O. Participating in administrative and judicial proceedings affecting the child	58	23
P. Giving consent to a change of identity/having access to information concerning the biological family	59	23
Q. Legal capacity to inherit, to conduct property transactions	60	23
R. Form or join associations	61	23
S. Choosing a religion or attending religious school teaching	62	23
T. Consumption of alcohol and other controlled substances	63 - 64	24
U. Schooling and employment	65	24
V. Gender discrimination	66	24
W. Puberty	67	24
IV. GENERAL PRINCIPLES	68 - 101	24
A. Non-discrimination	68 - 76	24
B. District courts	77	27
C. Best interests of the child	78 - 83	27

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
D. The right to life, survival and development	84 - 89	28
E. Early childhood care and development	90 - 93	29
F. Respect for the views of the child	94 - 100	29
G. Constraints	101	30
V. CIVIL RIGHTS AND FREEDOMS	102 - 131	31
A. Name and nationality	102 - 108	31
B. Preservation of identity	109 - 110	32
C. The right to know and be cared for by parents	111 - 112	32
D. Freedom of expression	113 - 114	33
E. Freedom of thought, conscience and religion	115 - 116	33
F. Freedom of association and peaceful assembly	117 - 119	34
G. Protection of privacy	120	34
H. Access to appropriate information	121 - 123	35
I. The right not to be subjected to torture or other cruel, inhuman or degrading treatment	124 - 126	35
J. Complaint procedure	127	36
K. Awareness campaigns	128	36
L. Training activities	129	36
M. Recovery of children	130	36
N. Independent monitoring system	131	37
VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE	132 - 164	37
A. Parental guidance	132 - 135	37
B. Parental responsibility	136 - 137	37
C. Separation from parents	138 - 140	38

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
D. Family reunification	141 - 142	39
E. Illicit transfer and non-return	143 - 147	39
F. Recovery of maintenance for the child	148 - 149	40
G. Children deprived of their family environment	150	40
H. Adoption	151 - 155	40
I. Periodic review of placement	156 - 157	41
J. Abuse and neglect	158 - 164	42
VII. BASIC HEALTH AND WELFARE	165 - 227	44
A. Health and health services	165	44
B. Policies and programmes	166 - 176	44
C. Programmes	177	46
D. Legislation	178 - 179	46
E. Maternal and child mortality	180 - 182	47
F. Top five child killer diseases	183 - 184	48
G. Reproductive and child health coverage	185 - 191	48
H. HIV/AIDS/STIs prevention	192 - 194	50
I. Data collection	195 - 197	51
J. Involvement of non-governmental organizations	198	51
K. Challenges faced by the GHS	199	51
L. Traditional practices	200 - 207	51
M. Children with disabilities	208 - 213	53
N. Standard of living	214 - 223	54
O. Social security and childcare services and facilities	224 - 227	59

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES	228 - 296	60
A. Education, including vocational training and guidance	228 - 244	60
B. Budget allocations	245 - 247	64
C. Real cost of education to a child's family	248 - 249	65
D. Language for school instruction	250	65
E. Mechanisms to ensure all-inclusive education	251 - 253	66
F. Measures to ensure adequacy of teachers in schools	254 - 255	67
G. Provision of educational facilities	256 - 257	67
H. Rate of illiteracy	258 - 259	67
I. Non-formal education	260 - 262	68
J. Changes in the education system	263 - 264	69
K. Enrolments	265	70
L. New legislation	266	70
M. Provision of early childhood education	267	71
N. Education planning	268 - 269	71
O. Retention	270	71
P. Achievements	271 - 273	71
Q. Targets	274 - 275	72
R. Monitoring mechanisms	276 - 277	73
S. Secondary education	278 - 281	73
T. Access to higher education	282	74
U. Corporal punishment	283 - 284	74

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
V. Right to be heard	285	74
W. Training of teachers on child rights	286	75
X. Leisure, recreation and cultural activities	287 - 295	75
Y. Challenges	296	76
IX. SPECIAL PROTECTION MEASURES	297 - 343	77
A. Refugee children	297 - 301	77
B. Removal of children in need of care and protection	302 - 303	78
C. Children in armed conflict	304 - 306	78
D. Children involved with the system of administration of juvenile justice	307 - 319	79
E. Children in situations of exploitation, including physical and psychological recovery and social reintegration	320 - 328	81
F. Sexual exploitation and sexual abuse	329 - 330	83
G. Sale, trafficking and abduction	331 - 339	83
H. Other forms of exploitation	340 - 343	84
X. CONCLUSION	344 - 346	84

Introduction

1. Ghana demonstrated its commitment to children by ratifying the Convention on the Rights of the Child (CRC) on 5th February 1990. The Government and people of Ghana have since made great efforts to ensure that domestic laws and policies are consistent with the CRC. While Ghana acknowledges that there is still much room for improvement, significant progress has been made in spite of economic and cultural constraints.
2. The atmosphere engendered by Ghana's commitment to democratic government resulted in entrenched protection of Children's rights in the country's 1992 constitution and also facilitated the translation of the country's profound sense of family values into Statute Law. By implementing the CRC and other human rights instruments through the domestic legislation such as the Children's Act of 1998 (Act 560), Ghana hopes to build a unified and all-inclusive society that embraces children and enables them to grow and develop to their fullest potential.
3. There is also a renewed commitment to promote and protect the rights of Ghanaian children. This is evident in the establishment of a Ministry for Women and Children's Affairs (MOWAC) in 2001 with Cabinet status. This commitment was further demonstrated in the activities leading to and following the UN General Assembly's Special Session (UNGASS) on Children in 2002. Ghana participated in all three preparatory committee meetings leading to the session, launched the 'Say Yes for Children' campaign, joined the Global Movement for Children and launched the National Partnership for Children and its Trust Fund under the patronage of His Excellency President John Agyekum Kufuor, on 24th April 2001. As a follow up to the UNGASS, Ghana is developing a ten year National Programme of Action (NPA) for Children.
4. Violations of child rights still occur in Ghana even though significant progress has been made to minimise them. In acknowledging this, the Government is addressing issues of child rights abuses through formulation and implementation of child friendly policies, infrastructural development, poverty reduction programmes, good governance and increased child participation.
5. Since the presentation of the first report, the Government of Ghana (GOG) has enacted three major legislations; The Criminal Code (Amendment) Act 1998, (Act 554), The Children's Act 1998, (Act 560) and The Juvenile Justice Act 2003, (Act 653) to ensure that children are protected in accordance with international standards. Ghana National Commission on Children (GNCC), together with other stakeholders, has worked tirelessly to create awareness and sensitise both adults and children of the rights provided for in the CRC and the just mentioned laws.
6. This report is being submitted at a time when Ghana is experiencing a successful acceleration of democratic process and reform. In 2000, Ghana went through a democratic and peaceful change of government, an unprecedented achievement in the nation's history. This has created a conducive environment for the enforcement of human rights and has served as a catalyst for further human rights reforms. By educating the public about human rights, providing the appropriate framework to investigate possible violations of human rights, and ensuring that

appropriate enforcement mechanisms are in place, the government of Ghana hopes to provide justice to its citizens, especially its children, and to continue Ghana's economic and political reform.

7. Concerns raised in the first report have been addressed in this report. These include completion and adoption of comprehensive laws for the protection of children; strengthening of co-ordination between various governmental bodies and mechanisms involved in children's rights; development of a system of child-related data collection and management; incorporation of CRC into curricula and training programmes of professional bodies whose activities affect the development of children among others.

8. This report is an eleven section document, which chronicles the implementation of the CRC up to end of the year 2003. It starts with an introduction, followed by a section on General Measures of the CRC implementation the National Strategy adopted by Ghana to address child-related concerns in the country. Definition of the 'Child' and other issues relating to certain provisions in Ghanaian laws is the next section. The report also touches on General Principles of the CRC in relation to Ghanaian legal and administrative systems. The next section is on Civil Rights and Freedoms of the Ghanaian child with particular references to the 1992 Constitution, the Criminal Code (Amendment) Act 1998 (Act 554) and The Children's Act 1998 (Act 560). Issues on Family Environment and Alternative Care are captured in the seventh section and the proceeding section is on Basic Health and Welfare of children. Issues relating to Education, Leisure and Cultural activities are treated in the ninth section. The tenth section is on Special Protection Measures put in place to address child concerns in Ghana; the last section concludes the report.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Reservations

9. Ghana did not make any reservations to the CRC and fully supports the outcome of the World Conference on Human Rights (1994).

B. Conformity with the CRC

Harmonization of laws

10. Pursuant to article 4 of the CRC, Ghana has made great efforts to bring national legislation and practice into full conformity with the principles and provisions of the Convention. As outlined in paragraphs 8 to 11 in Ghana's initial report, numerous institutions, including the GNCC, have worked to ensure that national practice conform to the CRC. With regard to legislation, as stated in the same paragraphs, the 1992 Constitution works to provide legal protection for children's rights.

11. Since the initial report, the following improvements, amongst others, have been made:

(a) A comprehensive review of all domestic legislation conducted by the Child Law Reform Advisory Committee from 1995 to 1998 culminated in the adoption of the under mentioned legislative instruments;

(b) In 1998 the Criminal Code was amended by the passage of the Criminal Code (Amendment) Act (Act 554) to conform to the CRC. Included in this amendment is an increase in the age of criminal responsibility; increased protection for the ill treatment and abduction of children; increased protection against sexual offences, including incest, and other areas of increased protection for children relating to defilement of children, seduction, child prostitution and child marriages (See accompanying documents for the full text of the amendment);

(c) The Children's Act 1998 (Act 560) conforms to the CRC. Included in this Act is a list of enforceable rights of the child and of parental duty; orders for the care and protection of children; establishment of rules and procedures for the adjudication of judicial and quasi-judicial matters affecting children; the establishment of family tribunals; rules for parental duty and responsibilities, custody and access; rules on fosterage and adoption; rules prohibiting numerous forms of child labour; rules guiding legal apprenticeship; rules outlining the admission of children to institutional care; rules for the operation of day-care centres; and rules guiding the registration of births (See Appendix for the full text of the Act);

(d) The Legislative Instrument (L.I 1705), Child Rights Regulations 2002 has also been passed to operationalise the Children's Act;

(e) The Juvenile Justice Act 2003, (Act 653), is in place to protect the rights of juveniles and young offenders in accordance with the CRC and the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

Institutional reform

Ministry of Women and Children's Affairs

12. The Ministry of Women and Children's Affairs (MOWAC) was established to fill administrative lapses, which hitherto impeded the successful implementation of the CRC. MOWAC is charged with the responsibility of spearheading and co-ordinating gender and child responsive development issues. The Ministry is therefore mandated to co-ordinate, monitor and review the formulation of gender and child responsive policies and their implementation within sectors.

National Council for Women and Development and Ghana National Commission on Children

13. The National Council for Women and Development (NCWD) and GNCC status have been changed into departments that are responsible for the implementation of policies and advice the Ministry on policy issues relating to women and children respectively.

The Women and Juvenile Unit

14. Women and Juvenile Unit (WAJU) was first established in October 1998 in Accra. Currently, the unit has been opened in all ten administrative regions of the country. WAJU is a unique Police unit and the first of its kind in West Africa. The WAJU offices are not new Police

Stations. These units are to serve as information, support and co-ordination centres apart from providing basic counter services supported by a team of civilians support staff, made of clinical psychologists, social workers, counsellors, legal advisers. WAJU is mandated by the Police Administration to work with Federacion Internacional De Abogadas (FIDA), Commission for Human Rights and Administrative Justice (CHRAJ), Legal Aid Board, and other stakeholders. The main objectives of WAJU are to prevent, protect, investigate and prosecute crimes against women and children.

Ghana AIDS Commission

15. The Ghana AIDS Commission (GAC) is a supra-ministerial and multi-sectoral body established in 2002 under the Chairmanship of The President of the Republic of Ghana by Act 613, to direct and co-ordinate programmes and activities of all stakeholders (Ministries, Departments, Agencies, the private sector, development partners, NGOs, community-based organisations and civil society) in the fight against HIV/AIDS. The programme and operations of the GAC are as formulated and guided by the National HIV/AIDS Strategic Framework (2001-2005).

C. Domestic status of CRC

16. While neither the 1992 Constitution nor any domestic legislation specifically mentions the CRC in their texts, Ghana's legislators have sought to instil the spirit of the CRC in Ghana's legal system. The Children's Act, Criminal Code (Amendment) Act, and Juvenile Justice Act all make provisions specifically to ensure conformity of Ghana's laws to the CRC.

17. In the light of article 41 of the CRC, Ghana notes that the CRC shall not affect any provisions in domestic law or other international law in force that may be more conducive to the realization of the rights of the child. Ghana does not wish to comment on which internal or international laws in force might be 'more conducive' to the rights of the child than the provisions of the CRC because of the subjective nature of the classification of 'more conducive'.

D. Judicial decisions by judicial and quasi-judicial bodies

18. Where an action has been brought before a Family Tribunal, Circuit Court or High Court, and the court shall render a reasoned judgement or order which shall be binding on the parties. The parties shall have the right of appeal under Section 38 (4) of Act 560 and the Courts Act. CHRAJ shall render a Decision under Section 7 (1) (d) for the remedying, correction and reversal of actions amounting to a violation of the fundamental rights and freedoms of the child under Section 7 (1) (a) and (c) of the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456). CHRAJ shall serve such Decision on the offending party (person; his superior or Authority). Should the offending party fail to implement the recommendations contained in the Decision, CHRAJ shall take appropriate action before the High Court to enforce its Decision under Section 18 of Act 456.

E. Judicial remedies (civil remedies)

19. Where the rights of the child as guaranteed under section 3-14 of Act 560 and Chapter 5 of the Constitution, is infringed or violated, the child shall have recourse to the enforcement and realisation of such rights by bringing an application before the Family Tribunal, Circuit Court, High Court or CHRAJ for the appropriate remedy under section 35 & 65 of Act 560 and section 7 (1) (d) Act 456 and Article 218 (d) of the 1992 Constitution.

20. An action may be brought by any of the following; a parent of the child, a guardian of the child, any other person, the child, his next friend, a probation Officer, the Department of Social Welfare (DSW), CHRAJ, the Ghana Legal Aid, Non-Governmental Organisations such as FIDA, for the following remedies:

(a) Negotiation and compromise between the Parties concerned;

(b) Causing the complaint and its finding on it to be reported to the superior of an offending person;

(c) Bringing proceedings in a competent court for a remedy to secure the termination of the offending action or conduct or the abandonment or alteration of the offending procedures; and,

(d) Bringing procedures to restrain the enforcement of such legislation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation which is unreasonable or otherwise ultra vires.

F. National Strategy for Children

21. As outlined in paragraphs 22 to 24 of Ghana's initial report, GNCC was established to see to the general welfare and development of children and co-ordinate all essential services for children in the country with a view to promoting the rights of the child. GNCC works to oversee the implementation of the CRC in the country; however, since 2001 MOWAC has the overall mandate to ensure the welfare of women and children. It is envisaged that with the establishment of the Ministry and the restructuring of the departments under it, the Ministry will be in the position to effectively co-ordinate all children and women related concerns.

22. As a department under the new Ministry, the GNCC's functions include the following:

(a) Develop programmes and projects out of policies and plans of the Ministry on child related issues;

(b) Gather information through research, workshops, reports as inputs into policy formulation by the Ministry.

Progress made in the implementation of the National Programme of Action

23. The first National Programme of Action (NPA) for children chalked some successes although it did not meet all its targets. Infant mortality decreased from 103/1,000 in 1990 to 56.7/1,000 in 1998. For the same period under-five mortality decreased from 155/1,000

to 108/1,000. The net primary enrolment ratio of 67.5% in 1990 increased to 88% in 1997 and there was an overall decrease in adult illiteracy rate within the decade from 60% in 1990 to 50% in 2000.¹

24. Factors that enabled the progress include:

(a) The NPA's influence on the focus of work by government institutions enabled progress for children in their survival, protection, participation and development;

(b) Media coverage on issues concerning children has served to raise public awareness of the CRC and other child-related issues;

(c) The increased activities of NGOs in the promotion and protection of children;

(d) The existence of legislation on children's rights;

(e) Support from development partners;

(f) The existence of democracy and good governance.

Challenges faced in the implementation of the National Programme of Action

25. Despite the successes chalked in the implementation of the NPA, the following were some of the challenges:

(a) The failure of sector Ministries, Departments and Agencies (MDAs) to use the NPA as a reference tool;

(b) Lack of effective co-ordination and monitoring to ensure that targets are reached holistically;

(c) Lack of adequate resources and budgetary allocation to support the NPA objectives.

II. NATIONAL STRATEGY

A. Implementation, coordination and monitoring

National level

26. The institutional framework to implement the CRC at the national level since 2001 made MOWAC the overall governmental agency responsible for its implementation. MOWAC recognises that children's issues cut across all spheres of the social fabric. The Ministry therefore co-ordinates with all relevant institutions and stakeholders to ensure the survival, development, protection and participation of children in the country. The establishment of the Ministry allows better co-ordination between government departments on children's issues. Regular cabinet and inter-departmental meetings are likely to ease harmonization efforts.

Regional level

27. The Ministry's department, the GNCC, has ten regional offices in all the administrative regions in the country, working with their respective District Assemblies to implement the CRC. For the implementation of other specific issues, the relevant governmental sectors such as the Ministry of Health (MOH) and Ministry of Education Youth and Sports (MOEYS) have direct responsibility of ensuring the implementation of all health and education related provisions in the CRC respectively.

28. The GNCC is also largely responsible for collating statistics and data on the welfare and rights of children. In 2000, the GNCC undertook a survey on children in Ghana. Four thousand five hundred and thirteen (4,513) children were interviewed to express their views on issues that relate to their welfare and development. The findings of the study led to the compilation of the 'Ghana's Children – 2000' report. This survey constitutes a reasonable and accurate picture of the situation children face and the impact of the CRC, from their perspective. The End Decade Report on the Follow-up to the World Summit on Children, and Situational Analysis of Women and Children in Ghana also served a similar evaluation purpose. The Ghana Statistical Service and other academic/research institutions also collect a wide variety of data including child related areas.

29. For effective monitoring and evaluation of its programmes, projects and activities, the GNCC uses mechanisms such as annual reporting of work by Regional Co-ordinators, fora for child-focused NGOs, periodic research, media monitoring, and annual reporting of work.

District level

30. By Section 16 (2) of the Children's Act, a District Assembly is given the mandate to protect the welfare and promote the rights of children within its area of authority and is further required to co-ordinate the activities of governmental and non governmental agencies as they relate to children. Within the framework of decentralisation, the Department of Social Welfare and Community Development exists in all 110 districts to investigate and take action on all matters of violations of child rights. Other institutions such as the courts, National Commission on Civil Education and Commission on Human rights have exist in almost all the 110 districts to contribute to service delivery to children at the district level. It must be mentioned however that due to limited resources at the district level the aforementioned decentralised agencies have been constrained in the performance of their duties.

B. Cooperation with civil society

31. MOWAC through GNCC co-operates with national and international social partners and civil society groups to promote the CRC. In view of the limited resources and capacity of GNCC, it collaborates with these organisations to undertake some of its programmes. In order to co-ordinate activities and strengthen communication between these groups, the GNCC holds tri-annual fora, bringing together the organizations and people concerned with children's rights within Ghana. The summary results and conclusions of these fora are included in the GNCC's

annual report. The National Partnership for Children, Community based Child Protection teams and Child Rights Clubs are also initiatives used by the government to galvanise support for the implementation of child rights.

C. Publicizing the CRC

32. The CRC has been translated into 6 main Ghanaian languages namely; Ga, Ewe, Twi, Dagbani, Dagare and Nzema. For each language, 1,000 copies of the translated version has been produced and distributed nationwide and is being used as resource material by many stakeholders. The CRC continues to be discussed by both State and Private electronic and print media throughout the country. There has been no translation into any language of refugees domiciled in the country.

33. Between 1997 and 2002, several national, regional, districts and community dissemination programmes have been held through a cross section of stakeholders and civil society groups. Some of the stakeholders have included DSW, FIDA, GNCRC, WAJU, Curious Minds, Women in Broadcasting (WIB), National Commission for Civil Education (NCCE), CHRAJ and NCWD. Over 20,000 copies of Act 560 and Act 554 were distributed and discussed with assistance from partner agencies.

34. A lot of media programmes, both in the print and electronic, have been undertaken to make the CRC widely known to children. In addition, the CRC, with active participation of children, has been simplified for children. All the Teacher-Training institutions have been provided with copies, and trainee teachers' use as reference material.

35. In the process of child participation, the media has proven to be a great ally. There are over 50 private radio stations, many have child focused programmes where children do not act as passive participants but allowed to present and produce their own programmes.

36. The GNCC collaborates with other child-focus state agencies to organize seminars, workshops and meetings aimed at promoting the rights of the child. A number of educational seminars have been held for other agencies, including the media and the Police Service nationwide, which are considered to be important bodies in the implementation of the CRC. The process of integrating the CRC into the curricula of professional groups (e.g. Police, Judiciary, Medical School and Nursing Colleges) has started.

37. A number of child related NGOs are involved in the promotion of the CRC. Some of these NGOs have come together to form the Ghana NGO Coalition on the Rights of the Child (GNCRC) to work to improve the welfare of children in the country. The coalition has a membership of 150 NGOs with an average of 15 in each of the administrative regions in the country.

38. The major activities of the Coalition have been advocacy and awareness creation/public education on thematic issues concerning children, training and capacity building of members and others such as the Media, Musician Associations, Church groups and children. The advocacy programmes aim at influencing policy change in favour of children.

39. NGOs are playing very important roles and are helping to follow up on the CRC through information gathering and documentation and also act as watchdogs by ensuring that the government fulfils its obligations under the CRC.

III. DEFINITION OF THE CHILD

40. Largely, there is no difference between national legislation and the CRC. The Children's Act, 1998, defines a child as a person below the age of eighteen, the same definition is found in the CRC. The child law revision exercise which culminated in the Children's Act rationalised the age for the rights of the child. Formerly, the age of a juvenile, a person in conflict with the law was seventeen. Under the Juvenile Justice Act, the age of a juvenile is eighteen. There is no age of a majority in Ghana. The age for voting under the Constitution is eighteen. The age for making a will is eighteen years under the Wills Act 1971 (Act 360). The age at which a person can legally consume alcohol is eighteen, under the Liquor Licensing Act, 1970 (Act 331). The age for contractual liability under the Companies Code, 1963 (Act 179) is however twenty-one.

A. Legal and medical counselling without parental consent

41. Parental consent is not needed for any form of legal or medical counselling of a child. The Ministry of Health is currently concentrating on methods to improve the needs of adolescents.

B. Medical treatment or surgery without parental consent

42. Children can receive most forms of medical treatment without parental consent. However, in the case of surgery, all persons under the age of 18 must receive parental consent. In recent developments, CHRAJ has held that where parents withhold parental consent by reason only of their religious or other beliefs, the medical practitioner should determine what medical procedure would be in the best interest of the child and proceed accordingly.

C. End of compulsory education

43. The Constitution grants every Ghanaian child the right to education. Under the 1987 Education Reform Programme, the first nine years of school (ages 6-15, i.e. basic education) is free and compulsory however, children above the stipulated age who have not completed basic school can still enjoy the right.

D. Admission to employment, including hazardous work, part-time and full-time work

44. Under Section 87 of The Children's Act, no child may be engaged in 'exploitative labour,' defined as any labour that deprives a child of its health, education or development. Further, under Section 88, no child may be engaged in work between the hours of eight in the evening and six in the morning. Similarly, under Section 91 no one under the age of eighteen may be engaged in 'hazardous work', defined as work that poses a danger to a child's health, safety or morals. The Act provides specific examples of forms of employment which fall under

this category, including going to sea, mining and quarrying, portage of heavy loads and working in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour. Under Sections 89 and 90 of the same Act, the minimum age of employment is fifteen years and the minimum age for the engagement of a child in light work is thirteen years. Light work is defined as work that is not likely to be harmful to the health or development of the child and does not affect the child's attendance at school or the capacity of the child to benefit from schoolwork.

E. Marriage

45. The legal minimum age for marriage of whatever kind is 18 years under The Children's Act. A child has the right to refuse betrothal; to be a subject of a dowry or transaction and to be married under 18 years. The DSW, CHRAJ and WAJU protect children under eighteen (18) years from forced marriage. In cases where juveniles are forced to marry, action is instituted at the Court and the parents of the juvenile together with the would-be-husband are restrained from executing the marriage.

F. Sexual consent

46. Section 101 of the Criminal Code 1960 (Act 29) was amended in 1998 by the Criminal Code (Amendment), Act 554, which stipulates that the legal age of sexual consent is sixteen years. Defilement of a child below sixteen years whether with or without his or her consent, constitutes an offence and the penalty on conviction is imprisonment for a period between 7 and 25 years.

G. Voluntary enlistment in the armed forces

47. As mentioned in the initial report, the minimum age for enlistment into the army is 18 years.

H. Conscription into the armed forces

48. There is no conscription into the Armed Forces.

I. Criminal responsibility

49. Section 4 of the Criminal Code (Amendment) Act 1998 (554) increases the age of criminal responsibility from 7 to 12 years.

J. Deprivation of liberty

50. According to Section 4 of the Criminal Code (Amendment) Act, any person above the age of 12 years may be deemed to be criminally responsible, and hence may be deprived of their liberty in accordance with the Juvenile Justice Act. The treatment for a juvenile convicted of a criminal offence takes various forms depending on the nature of the offence:

(a) Committal to a correctional institution for a period between six to eighteen months or three years for serious offences such as murder and defilement;

(b) Diversion from institutionalisation by releasing on probation, restitution or payment of compensation etc., as under section 26 of the Juvenile Justice Act. When released on probation, the juvenile offender is supervised by a Probation Officer/Social Worker. The freedom of movement of the probationer (child) is restricted and the child is assisted to reform within the home environment;

(c) The content of the probation order is enforced to the letter provided it is in the best interest of the child;

(d) Order to release to a fit person.

51. As mentioned in the initial report, the Criminal Procedure Code 1960 prohibits the death penalty imposed on a juvenile (12-17 years of age) or young offender (17-21 years of age). Further, the section (46) (1) of the Juvenile Justice Act, stipulates that the maximum sentence a juvenile (revised to 12-18 years) or young offender (revised to 18-21 years) can receive is three years in a junior correctional centre, upon conviction of a crime normally punishable by death.

52. Regarding life imprisonment, under the Criminal Procedure Code 1960 and the Juvenile Justice Act, no juvenile or young offender can be imprisoned for life. Under the Criminal Procedure Code, all crimes committed by juveniles and young offenders are punishable by a standard three-year period in a reformatory school or institution. With the aim of improving upon this system, the above-mentioned article of the Juvenile Justice Act limits the maximum sentence to three years.

K. Giving testimony in court in civil and criminal cases

53. Under the Evidence Decree 1975 (NRCD 323), a child is competent to be a witness in civil and criminal case unless disqualified as being incapable of expressing himself or incapable of understanding the duty to be truthful.

L. Lodging complaints and seeking redress before a judicial or quasi-judicial body without parental consent

54. Any person can file a complaint on child abuse or a child in need of care and protection; this includes a child (Section 17 of the Children's Act). Parental consent is not required.

55. Under sections 18 to 19 of The Children's Act if the complaint is against the parent (s) and if the consequences may not be pleasant for the child, the DSW removes the child to a place of safety or assists in finding a fit person for that child and in addition recommends to court for a maintenance of the child.

M. Seeking redress before a child panel

56. A Child panel has quasi-judicial powers over all civil and limited criminal jurisdictions (Section 31 and 32 of The Children's Act) in matters affecting children. Any person with significant interest can be invited to attend and participate in the deliberations of a Child panel.

Furthermore the panel shall permit a child to express an opinion and participate in any decision, which affects the well-being of the child (section 30 of The Children's Act). Finally, filing fee, which usually prevents people from seeking redress at the courts, is not required under the child panel system, making it easier for redress in family/child related issues.

N. Seeking redress before a family tribunal

57. Children can apply for parentage and maintenance without parental consent under the Children's Act and may be assisted by a next friend defined as a person who intervenes to assist a child to bring a legal action.

O. Participating in administrative and judicial proceedings affecting the child

58. There are no laws prohibiting children from participating in administrative and judicial proceedings. Under section 38 of The Children's Act, a child has the right to legal representation at a Family Tribunal, the right to give a fair account and to express an opinion, the right to privacy and the right to appeal. In all other administrative and judicial proceedings children are afforded all rights applicable to adults in addition to those protected under the Constitution and other legislation that relate to children.

P. Giving consent to a change of identity/having access to information concerning the biological family

59. Under Section 11 of The Children's Act, a child has the right to form an opinion on any matter. Section 70 of The Children's Act spells out the conditions for an adoption order that indicates that the wishes of the child are to be considered and if the child is at least 14 years that child is to be given consent to the adoption. A child has the right to know that he/she has been adopted if it is in his/her best interest (Section 72 of The Children's Act).

Q. Legal capacity to inherit, to conduct property transactions

60. There are no legal age restrictions to inheritance. Under the Contract Act, 1960 (Act 25), the legal age at which a person can conduct property transactions through formal contracts is 21 years.

R. Form or join associations

61. Article (21) (1) (e) of the Constitution provides freedom of association for all persons, including children. Children can form and join associations and clubs, which include Child Rights Clubs, Girls and Boys' Brigades, Cultural Clubs and Environmental Clubs.

S. Choosing a religion or attending religious school teaching

62. There is no specific law that addresses this issue with regard to children. However, the Constitution guarantees the right to practise any religion. Every child is granted this right.

T. Consumption of alcohol and other controlled substances

63. Under the Liquor Licensing Act, 1970 (Act 331), children who are under 18 years are not to be served alcohol. The main body mandated to deal with issues related to drugs and controlled substances is the Narcotic Control Board (NCB) which has procedures in place to deal with drug related issues in the country. The Narcotic Drugs (Control, Enforcement and Sanctions) Law 1990 (PNDCL 236) bans narcotic drugs and establishes the NCB to stem the flow of drugs into the country.

64. Ghana is a signatory to many United Nations Conventions and Protocols on drugs such as the 1961 Single Convention, 1971 Convention on Psychotropic Substances, 1972 Protocol Amending the 1961 Single Convention and 1988 Convention against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances. In line with UN guidelines, all signatories, including Ghana, are obliged to follow guidelines set out to tackle issues related to drug control and related controlled substances that affect younger people, especially children.

U. Schooling and employment

65. Under Section 89 of the Children's Act, the minimum age for admission to employment is 15 years, which coincides with age of completion of basic education. Light work is however permissible from the age of 13, provided this does not impede classroom attendance, academic performance and completion of basic education. Incidentally, in Ghana, there are some children who work in the informal sector but combine working with schooling.

V. Gender discrimination

66. Boys and girls are equal before the law and this is derived from Article 17 of the Constitution, which also prohibits discrimination on grounds of gender. The age of sexual consent under The Criminal Code (Amendment) Act, 1998 (Act 554) is 16 years; age of marriage under the Children's Act is 18 years, regardless of sex. This meets the requirements of section 2 of the CRC.

W. Puberty

67. Puberty is not used as criteria in the criminal laws of Ghana.

IV. GENERAL PRINCIPLES

A. Non-discrimination

68. The principle of non-discrimination is included in the Constitution as a binding principle applying equally to all persons in Ghana. The principle of non-discrimination, with specific regard to its effects on children, is protected under The Children's Act.

69. Article 17 of the Constitution makes it clear that "all persons are equal before the law," and that no person shall be discriminated against "on grounds of gender, race, colour, ethnic origin, religion or creed, social or economic status." Further, Article 17, (3), reads: "For the

purposes of this article, ‘discriminate’ means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, occupation, religion or creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description.”

70. Article (28) (4) states further that “No child shall be deprived by any other person of medical treatment, education, or any other social or economic benefit by reason only of religious or other beliefs. This is amplified by Section 3 of The Children’s Act, which states that “No person shall discriminate against a child on the grounds of gender, race, age, religion, disability, health status, custom, ethnic origin, rural or urban background, birth or other status, socio-economic status or because the child is a refugee”.

71. In the case of a suspected violation of any of these rights, the child or the guardians of the child whose rights have been violated may take their case either to the Courts, CHRAJ, DSW, and NGOs such as FIDA, as outlined in the section 2.5 “Judicial Remedies” of this report.

72. CHRAJ, GNCC, WAJU, DSW, NCCE, Ghana Legal Aid, Civil Society Organisations (CSO) and other stakeholders, all work to educate the public and children about children’s rights, including non-discrimination nationwide. Steps have also been taken to address discrimination among vulnerable groups of children. These include the following:

(a) The Ministry of Manpower Development and Employment (MMDE) developed a policy on disability in 2002 to take account of discrimination against persons with disabilities;

(b) The Federation of the Disabled and the DSW sensitize the public on the rights of Persons with Disabilities (PWD) through advocacy;

(c) GOG and the private sector have rehabilitated and established a number of schools designed for the blind, deaf and mentally handicapped children;

(d) DSW identifies and registers people with disabilities. Parents of disabled children are counselled to accept their disabilities and assisted to seek medical help, where necessary. The department also runs a Community Based Rehabilitation Programme that integrates the disabled into mainstream society. Children with disabilities are encouraged to enrol in regular and special schools;

(e) The MOEYS has included important aspects of the disability policy into its Teacher Training programmes. The Ministry also has put in place peri-pathetic teachers in every region to aid in teaching and learning process of disabled children;

(f) MMDE has developed a draft policy framework to address key issues affecting street children, including health, shelter, education, training and advocacy;

(g) The UNHCR has established schools for refugee children in their camps. It has also established a fostering system through which unaccompanied children are placed in the care of willing adult refugees;

(h) The electronic media (Television) is reaching out to the deaf and dumb with news items and other social development messages including HIV/AIDS and children's rights.

73. The Girls' Education Unit (GEU) was established within the Basic Education Division of the Ghana Education Service to increase participation of girls in the formal education system. The Unit's task within the overall context of the Free Compulsory Universal Basic Education (FCUBE) program includes increasing the enrolment of girls in basic education to equal that of boys and increasing the transition of girls from basic education to senior secondary education. These targets are supposed to be met by the year 2005. The appointment of a Minister of State for Primary, Secondary and Girl Child Education by the current government is among other things to ensure the effective implementation of this goal.

74. Following the Beijing Conference on Women (1995), measures have been taken to eliminate discrimination against the girl child as one of the 12 critical areas of concern. The MOE in close collaboration with agencies such as the World Food Programme (WFP), Catholic Relief Services (CRS), UNICEF, World Bank, and other NGO's instituted measures to improve upon girl child enrolment. These include:

- (a) The school lunch programme in deprived areas;
- (b) School for life for girl-child drop-outs;
- (c) The provision of bicycles to facilitate movement of girls to and from school;
- (d) Expansion of Science, Mathematics and Technology Clinics across the country;
- (e) The provision of school uniforms, furniture and other teaching and learning aids;
- (f) Special scholarship schemes for brilliant but needy girls;
- (g) The appointment of a Minister of State for primary, secondary and girl child education;
- (h) The removal of gender stereotypes in the design of text books and selection of subject;
- (i) The training of teachers to be gender sensitive in their teaching techniques;
- (j) Creation of girl child friendly environment in schools.

75. Various laws have also been passed to abolish traditional practices that impact negatively on the advancement of the girl child. Among them include section 17 of the Criminal Code (Amendment) Act 1998 (Act 554) which prohibits all forms of customary servitude such as

Trokosi, section 14 of the Children's Act which abolishes child marriages and forced betrothals. Widowhood rites have been abolished by section 88 of the Criminal Code as amended by PNDCL 90 which states that "whoever compels a bereaved spouse or relative of such spouse to undergo any custom or practice that is cruel in nature shall be guilty of a misdemeanour".

76. The Constitution further endorses affirmative actions as a mechanism for addressing gender imbalances in society.

B. District courts

77. District Courts exist and are vested with the power to handle issues concerned with children as Juvenile Courts or Family Tribunals. Section 47 of the Courts (Amendment) Act 2002 (Act 620) empowers the courts with jurisdiction to determine both civil and criminal matters affecting children.

C. Best interests of the child

78. The general spirit of the principle is found in the Constitution and is further espoused in other legislation. The principle of the best interests of the child is stated explicitly in the Children's Act, the Juvenile Justice Act and the Matrimonial Causes Act, 1971 (Act 367) amongst others.

79. According to sub-section (2) of section 2 of The Children's Act, all courts are bound to take the principle as a guiding standard to their decisions regarding children. Likewise, many agencies—such as the CHRAJ, DSW and the GNCC—have adopted the principle with respect to their activities concerning children.

80. In the light of article 3 (2) of the CRC, the Children's Act ensures that all institutions that are responsible for the care and protection of children adhere to appropriate standards of safety, health and supervision. It establishes the rules for the establishment of institutions for the care of children. Under section 105 of the Children's Act, the Minister responsible for Social Welfare may establish residential homes and must approve of the establishment of non-governmental residential homes. Once established, the DSW of a District Assembly is to monitor residential homes within its area of authority.

81. Under section 108 the Minister may authorize the inspection of residential homes at any time to ensure that they are maintained at appropriate standards. If the residential homes do not meet the required standards, under section 109 (2) their licenses to operate may be withdrawn. Further, under section 110, while the child is under the supervision of the staff of the residential home, they shall assume parental responsibility and uphold the rights of the child.

82. With specific regard to day-care centres, section 116 of the Act compels the Department of a District Assembly to inspect the premises, books, accounts and other records of day-care centres within their district at least once every six months.

83. While Ghana has made efforts to ensure that the principle of best interest is considered in the legislative and administrative activities that concern children, there are a number of difficulties remaining in this respect. These include, lack of knowledge of the principle, its application and inadequate infrastructure.

D. The right to life, survival and development

84. The Criminal Code of 1960 (Act 29) prohibits abortion unless it is endorsed by a registered medical practitioner; in instances such as where the pregnancy is the result of rape, defilement and where the continuance of the pregnancy would involve a risk to the life of the pregnant woman, injury to her physical or mental health or where there is substantial risk that the child to be born may suffer from, or later develop a serious physical abnormality or disease.

85. The Code further provides that the abetment of suicide and attempted suicide is a criminal offence. There is no data to show the incidence of the phenomenon, however, there have been isolated cases of child suicides reported in the media.

86. Survival is a fundamental human right that is guaranteed to all persons regardless of age and sex. In pursuing the right to life, a strategy has been devised for improving health services for the mother and the child, which includes empowerment, capacity building and service delivery. One of the major objectives of the strategy is to significantly reduce maternal, child and infant mortality by improving access to quality health services. Article 29 of the 1992 Constitution and article 6 (2) of the Children's Act, guarantee all children the right to survival through the provision of adequate social services such as nutrition and health.

87. As part of the efforts to increase access to health services, new facilities have been built and a number of existing facilities have been upgraded, making them capable of providing a wider range of services. There has been a general increase in the number of government, mission and private health facilities. To further ensure the survival of children of all ages, the government has increased its activities aimed at improving accessibility and the quality of health services in the country. Quality assurance programmes have been introduced in to some hospitals, while attempts have been made to provide health services closer to the populace through the operation of outreach services and the use of community based health delivery systems. Community based professional health staff (Community Health Officers) have been introduced in the various communities to enable interactions at the family level and also to improve access to reproductive and child health services at the grassroots level.

88. To further address the major causes of morbidity and mortality especially in children under five, the Integrated Management of Childhood Illness (IMCI) strategy was adopted in 30 districts with plans to expand to all 110 districts by the year 2006. The components of IMCI are improving the case management skills of health workers, the health system (drug supply, supervision, referral etc.) and family and community practices.

89. The IMCI strategy focuses on malaria, diarrhoea, acute respiratory infections, measles and malnutrition, which are the major causes of illness and deaths in under fives in the country.

E. Early childhood care and development

90. In accordance with section 8 of The Children's Act, the GOG has drafted a comprehensive Early Childhood Care and Development (ECCD) policy. This is to provide a good start in life for all children in line with the global goal of providing a World Fit for Children among others.

91. The objectives of the policy include the following:

- (a) Promote widespread acceptance and observation of the Children's Act;
- (b) Expand ECCD programmes for survival, growth and development to children especially those in rural and poor communities;
- (c) Promote nutrition and household food security;
- (d) Reduce the high infant and under-five mortality rates;
- (e) Promote pre-school education;
- (f) Enforce existing laws to reduce all forms of child abuse and socio-cultural practices which are detrimental to the well being of the young child;
- (g) Strengthen the institutional capabilities of those delivering ECCD services at the national, regional, district, and sub district (Zonal, Urban, Town and Area Councils) levels to foster closer collaboration among all such institutions.

92. Article 28 (a) and (d) of the Constitution makes provision for the physical and moral development of the child. Under this article, every child has the right to the same measure of special care, assistance and maintenance as is necessary for its physical, moral and mental development.

93. Recognizing the importance of education in the development of the child, the Constitution of Ghana guarantees free compulsory universal basic education for all children, and the Children's Act provides the legal framework for the full development of the child. The strategic plan of the MOE (2003) provides for the inclusion of ECCD into the mainstream of basic education.

F. Respects for the views of the child

94. Section 11 of The Children's Act reads: "No person shall deprive a child capable of forming views the right to express an opinion, to be listened to and to participate in decisions which affect his well-being, the opinion of the child being given due weight in accordance with the age and maturity of the child." This thereby grants the child the right to express an opinion in any matter which affects it, whether it be in family life, school life, judicial proceedings, placement and life in institutional and other forms of care, or asylum-seeking procedures.

95. In the specific case of judicial proceedings affecting the child, the child's right to express an opinion is ensured. Apart from section 11 of The Children's Act, section 38 of the same Act, outlines the rights of the child at family tribunals. Sub-Section 2 of the section reads: "A child shall have a right to give an account and express an opinion at a Family Tribunal." Children can also bring complaints, whether directly or through an intermediary, to the CHRAJ for consideration. As outlined in paragraphs 49 and 50 of Ghana's initial report, within many Ghanaian families the views of the child are not taken into account. However, the cultural constraints of the views of the child are slowly being lifted with the help from educational programmes run by the GNCC, CHRAJ and other NGOs that deal with children's rights.

96. In all the second cycle institutions, there is a Student Representative Council (SRC), a platform for the student body to comment on how the school is being run and discuss issues that affect the school. The leader of the Council is on the school board representing the students'. Children are not invited to participate in decision making at the local councils.

97. Over 1,000 professional (teachers, doctors, lawyers, police and judges) have been trained in this aspect of the CRC. Efforts are being made to integrate this aspect of the CRC into the training curriculum of the afore mentioned groups.

98. Over 3,000 members in-school children's clubs have been trained on the CRC, leadership skills and on methods of influencing policy at local, national and international levels. In 2002 for instance, a group of children from deprived areas of the Country interacted with the vice-president and parliament on specific issues affecting their communities.

99. Children have also been involved in the formulation of policies such as the Adolescent Health Policy, the draft Child Labour Policy and proposed Trafficking Bill. Children and the youth are key actors in sensitizing their peers on the dangers of HIV/AIDS. The Children and Youth in Broadcasting CURIOS MINDS, a children's NGO with membership of more than a hundred, is an example of Children organisation that advocates and works with children trained in basic broadcasting skills and aspects of journalism with a focus on child rights and responsibilities. Similar clubs have been established in other regions as well as in schools.

100. CURIOS MINDS handle's a regular radio programme on one of the country's national radio stations. Children are directly involved in determining the topical issues to be discussed on air. CURIOS MINDS through its radio broadcast has educated many children on the CRC, the Children's Act, 1998 (Act 560) and aspects of the Criminal Code (Amendment) Act 1998 (Act 554). The NGO has been very effective pressure group in influencing government and other policy related issues that affect children.

G. Constraints

101. Although much success has been chalked in the field of child participation, the coverage has been minimal due to the continued perceived notion that children must be seen and not heard. Out of school children and other vulnerable groups such as street children do not have channels of communicating their views on matters affecting them. Mechanisms are yet to be found to ensure that debates at both local and national levels reflect the views of children. One suggestion has been the creation of a national children congress.

V. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

Registration of births and deaths

102. As noted in paragraph 53 of the country's 1st report, the Births and Deaths Registration Act of 1965 (Act 301) which established the current births and deaths registration system, makes the registration of births and deaths compulsory in all regions of the country.

103. In order to make registration facilities accessible to a larger section of the population, the Births and Deaths Registry has offices in all the 10 regions, 110 districts and several communities. Section (8) (1) of the Registration Act stipulates that the birth of every child shall be registered in the district in which the child was born. Even in situations where a new born child is found deserted and no information as to birthplace is available, the birth is registered by the Registrar for the district where the child was found. (Section (80) (2)). The registration law empowers the Registrar to summon the parents of a child who may not have registered the birth of the child to attend personally at the Births and Deaths Registry to furnish the prescribed particulars for registration within a prescribed time (section 8 (5)). Even though cultural practices such as the late naming of a child, as practiced by some ethnic groups, can impede the early registration of the birth, the Registration law, (section 10) provides relief as it makes it possible for registration of the name subsequent to the registration of the birth. The issue of non-registration is therefore adequately addressed in the registration law.

104. Children who are born to refugee parents, asylum seekers and displaced persons are eligible to be registered in Ghana so long as they are born within the borders of the country. Under the Citizenship Act 2000, (Act 591) such children can either opt for Ghanaian nationality or that of their parent when they reach a mature age.

Elements of the child's identity included in birth registration

105. There are specific details required of every child for births registration. These include name, sex and date of birth of child, type of birth (single, twin, triplet etc, place of birth, parents' names, ages, and addresses, occupation, religious status, educational level of the father and parents nationality status.

106. To avoid stigmatization and discrimination, the marriage status of the parents and their ethnicity, to which most people are sensitive, are not included. In order not to violate the child's right to privacy, which could also lead to stigmatization and discrimination, section 6 of the Registration Act forbids any person from disclosing to any other person information collected under the Act. Contravention of this provision renders the offending party liable to a fine or conviction or both (section 38).

Measures taken to sensitize public on birth registration

107. The Registry has taken some important steps to increase awareness on the importance of birth registration. Intensive public education has been embarked at national, district and

community levels to sensitize and also motivate the population to register their births and deaths. Materials have also been developed for community level sensitization activities, these include T-Shirts, stickers, leaflets, posters and others. The media has been very active in all these programmes. As part of activities to encourage birth registration, fees charged for the registration of infants has been abolished. Data on registered births from the regions, especially in the rural communities have indicated a steady increase in infant registration figures in the months following the removal of the fees.

Challenges confronting the registration system

108. The major challenges confronting the Births and Deaths Registry in achieving its goals are inadequate staff and logistics, lack of motivation on the part of the public to register events, low coverage of registration and inadequate funding of activities of the department.

B. Preservation of identity

109. The Births and Deaths registry has submitted a memorandum to Cabinet to increase the age at which non-registration of births can attract a penalty after 21 days, under The Registration of Births and Deaths Act, 1965, (Act 301), to 12 months. This is to ensure that as many children as possible are registered without any cultural inhibition. Under The Children's Act, it is illegal to deprive a child the right to a name, the right to acquire a nationality or the right as far as possible to know his natural parents and extended family.

110. Furthermore, the Family Tribunal has jurisdiction to entertain an application to confirm the parentage of a child, by taking into account various factors such as the name of the parent entered into the register of births.

C. The right to know and be cared for by parents

111. The Constitution and The Children's Act both provide every child the right to know and be cared for by their parents. Article 28, section 1, of the Constitution reads in part: "Parliament shall enact such laws as are necessary to ensure that:

(a) Every child has the right to the same measure of special care, assistance and maintenance as is necessary for its development from its natural parents, except where those parents have effectively surrendered their rights and responsibilities in respect of the child in accordance with law;

(b) Parents undertake their natural right and obligation of care, maintenance and upbringing of their children in cooperation with such institutions as Parliament may, by law, prescribe in such manner that in all cases the interests of the children are paramount;

(c) The protection and advancement of the family as the unit of society are safeguarded in promotion of the interest of children."

112. Section 6 of The Children's Act reads:

(a) No parent shall deprive a child his welfare whether—(a) the parents of the child are married or not at the time of the child's birth; (b) the parents of the child continue to live together or not;

(b) Every child has the right to life, dignity, leisure, liberty, health, education and shelter from his parents;

(c) Every parent has rights and responsibilities whether imposed by law or otherwise towards his child which include the duty to:

1. Protect the child from neglect, discrimination, violence, abuse, exposure to physical and moral hazards and oppression;
2. Provide good guidance, care, assistance and maintenance for the child and assurance of the child's survival and development;
3. Ensure that in the temporary absence of a parent, the child shall be cared for by a competent person and that a child under eighteen months of age shall only be cared for by a person of fifteen years and above; except where the parent has surrendered his rights and responsibilities in accordance with the law."

D. Freedom of expression

113. Article 21 (1) (a) of the Constitution, guarantee to all persons the rights of speech and expression, which includes freedom of the press. Section 11 of the Children's Act further provided that "no person shall deprive a child capable of forming views the right to express an opinion, to be listened to and to participate in decision affecting his/her well being, the opinion of the child being given due weight in accordance in accordance with the age and maturity of the child." This right has been exercised through diverse avenues such as radio, television and the print media. An example is the organisation, Children and Youth in Broadcasting, which is an initiative currently undergoing expansion from 4 to all 10 regions of the country. The result will be an increase opportunity for children to produce and express themselves through their own performance.

114. The restrictions to which the exercise of this right may be subjected to in conformity with article 13 (2) of the CRC, apply only to persons who are under 18 years of age (and hence by definition a child), but older than 12 (and hence able to be criminally responsible as in the Criminal Code Amendment Act 1998 (Act 554)). In this case, all normal restrictions on free speech and expression (such as anti-libel laws) are applicable. It must be noted, however, that Ghana has only minimal restrictions of expression, fully compatible with international standards.

E. Freedom of thought, conscience and religion

115. Article 21 (1) of the Constitution protects freedom of thought, conscience and religion, and in article 28 (4) it prohibits deprivation on reason of religious or other beliefs. The Children's Act also protects children's right to the aforementioned under section 11.

116. No minority or indigenous group is denied the right to practice the religion, or manifest the beliefs, of their choice. Apart from a small number of denominational private schools, all schools in Ghana officially promote religious tolerance. In some small and isolated areas where such beliefs tend to be homogenous, however, teachers do sometimes educate children about religion and traditional practices. There are no legal restrictions on these freedoms except in the cases where a child above the age of criminal responsibility uses these freedoms to unlawfully infringe on the rights and freedoms of another individual, contravening statute law.

F. Freedom of association and peaceful assembly

117. Article 21 (1) (d) and (e) of the Constitution protects all the right to association and assembly. It reads that all persons shall have the right to “(d) freedom of assembly including freedom to take part in processions or demonstrations; (e) freedom of association, which shall include freedom to form or join trade unions or other associations, national and international, for the protection of their interests”. There are no restrictions on the conditions under which children are allowed to join or form associations.

118. Restrictions on assembly, again, apply only to those who are still children but above the age of criminal responsibility, and who contravenes any law or engage in any activity that may forfeit his or her right to assembly, meeting the conditions for removal of fundamental freedoms outlined under Article 21 (4) of the Constitution. Currently, numerous children’s organizations exist, such as the Boys and Girls Brigade, Boys Scouts, Wildlife Clubs, Child Rights Clubs, Girl Guides, Cultural Clubs/Troupes, Colt Sporting Clubs, AIDS Clubs and many others. These associations play very significant roles in advocating and disseminating information on the rights and freedoms of children.

Child participation

119. Child participation in national affairs is slowly becoming an emerging trend in the nations governance approach. Children’s views are increasingly being sought to implement programmes that are child-focused, for instance peer-to-peer approach often used to reach out to the young people on sexually transmitted diseases (STDs) has been very effective. Again, as part of Ghana’s evaluation process of a decade in implementing the goals of the World Summit on Children, a study was conducted where children were the main respondents. Opportunity is also given to children to meet and discuss child-related issues with decision-makers such as Parliamentarians, Judiciary, Policy Implementers and the Presidency.

G. Protection of privacy

120. The protection of privacy, family, home or correspondence is guaranteed under the Constitution, the Children’s Act and the Criminal Code Amendment Act of 1998. Article 18 (2) of the Constitution reads: “No person shall be subjected to interference with the privacy of his home, property, correspondence or communication except in accordance with law and as may be

necessary in a free and democratic society for public safety or the economic well-being of the country, for the protection of health or morals, for the prevention of disorder or crime or for the protection of the rights and freedoms of others.” No special restrictions for children are included beyond that mentioned. The Children’s Act and the Juvenile Justice Act protect the right to privacy in civil and criminal judicial proceedings.

H. Access to appropriate information

121. Article 21 (f) of the Constitution guarantees the right to information, subject to such qualifications and laws as are necessary in a democratic society. Hence, there are no legal obstacles to providing children with national and international sources of information. Through the school system, the government to a large extent provides all children with adequate information sources to develop the child’s social, spiritual and moral well-being and physical and mental health. However, due to shortages in funding and materials, some children, especially in the rural areas of the country, are not provided with adequate textbooks or written material. Most Ghanaian children, however, are exposed to radio broadcasts in both English and their local languages. In addition, many children have access to information through television broadcasts, libraries, Internet and news papers such as the Junior Graphic.²

122. The country has 44 local languages. The Ministry of Education in collaboration with other agencies such as Bureau of Ghana Languages publishes written materials in 11 local languages for use in schools. The provision of written materials in the 44 local languages has been difficult because of the diversity of languages and financial constraints.

123. The Constitution, The Children’s Act, and The Cinematography Act protect children against morally hazardous information from the mass media. Article 28 (1) (d) of the Constitution protects children from “physical and moral hazards.” Likewise, section 6 (3) (a) of The Children’s Act stipulates that parents are to “protect the child from neglect, discrimination, violence, abuse, exposure to physical and moral hazards and oppression.” As mentioned in Ghana’s initial report, paragraph 57, The Cinematography Act protects children from exposure to unsuitable materials especially through the state owned mass media. Unfortunately, because of the increased access to information technology and trade liberalisation, children are often exposed to undesirable material, which do not promote their well-being. This is especially true in urban centres, where films, magazines and the use of the Internet are popular among the youth.

I. The right not to be subjected to torture or other cruel, inhuman or degrading treatment

124. Under article 15 of the Constitution, the dignity of all persons shall be inviolable. No person whether or not he is arrested, restricted or detained shall be subjected to torture, or other cruel, inhuman or degrading treatment, or punishment and other condition that detracts or is likely to detract from his dignity and worth as a human being. Juvenile offenders are

guaranteed the right to be kept in lawful custody in cells specially designed for them. Further more article 28(3) provides that “a child shall not be subjected to torture or other cruel, inhuman or degrading treatment or punishment”.

Corporal punishment

125. Steps are currently in place to remove corporal punishment from the Teachers Hand Book. However, section 13(20) of the Children’s Act does not necessarily prohibit this kind of punishment. It states that “No correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction”.

126. The position on corporal punishment continues to be the subject of extensive debate due to long standing cultural and religious views on how children should be punished. The Children’s Act nevertheless imposes a penalty on any person who unjustifiably and unreasonably corrects a child in a manner that does not commensurate with the child’s age, physical and mental condition.

J. Complaint procedures

127. Complaints procedure exists in schools to enable aggrieved children to report cases of abuse. The WAJU also exists investigate and to prosecute cases of assault and grievous bodily harm committed against children. However, due to the cultural inhibition that prevents children from reporting adults, these mechanisms are hardly used. Again, cases of abuse at the domestic level, are also difficult to monitor.

K. Awareness campaigns

128. Awareness campaigns have been launched to sensitize the general public on the dangers of child abuse. One television advert currently exists on the subject. However, more time and resources will be required to ensure that the message reaches a larger audience.

L. Training activities

129. No formal training programme has been initiated to sensitize professional groups such as teachers and the police on the dangers and prevention of torture, cruel and inhuman treatment.

M. Recovery of children

130. Psycho-socio counselling programmes now exist within specific institutions such as WAJU, CHRAJ, and NGOs such as the Ark Foundation and FIDA to provide support to victims and survivors of cruel treatment. However, the service is available to only a limited section of the population and is yet to be replicated in rural and other urban parts of the country.

N. Independent monitoring system

131. The CHRAJ and Ghana NGO Coalition on the Rights of the Child serve as independent mechanisms for monitoring cases of violation. However, insufficient capacity and financial means limits their ability to monitor and report on these cases on regular basis. Special mentioned must be made of the media, which has been pro-active in expressing and reporting violations.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance

132. Both the Constitution and the Children's Act provide guidelines for placement of children in a family environment and alternative care. All members of the family play a part in the socialisation of the child. The legal and cultural framework places a duty on family members, especially biological parents, to provide the necessities of life for the child. These necessities include education, health, food, shelter, clothing, warmth and affection. Section 15 of the Children's Act makes it a punishable offence for a parent or guardian to neglect his or her responsibility towards a child. Additionally, people who have adopted a child or fostered a child are legally bound to provide maintenance and guidance for that child.

133. Children are placed in the custody of fit persons or children's homes when conditions in their home environment are not suitable for the child's growth and development. It is worth emphasizing that The Children's Act and the Intestate Succession Law, PNDC Law 111 of 1985 seek to promote the interests of the child where its parent(s) have died.

134. There are established government and private institutions that work collectively to ensure that the rights of the child are upheld where the family fails to play its role responsibly. Alternative care is provided for children faced with extreme difficult circumstances in special homes, e.g. orphans and other vulnerable children. Other institutions such as the MMDE, DSW, GNCC, WAJU, and the GEU of the Basic Education Division of the Ghana Education Service (GES), and some identified NGOs also provide support services to children in difficult situations.

135. Traditionally, the family system in Ghana provides avenues through socialisation for family education and training to ensure the survival, development and protection of the child. Most Faith Based Organisations (FBOs) also offer family counselling services to their members. The electronic and print media have been instrumental in promoting and propagating information on good parenting.

B. Parental responsibility

136. Legal consideration of parental responsibility is found in the Children's Act, sections 5 and 6. Under these, every child is given the right to grow up with his/her parents and family, unless it is proven in court that living with his/her parents would be against the best interests of

that child. Failure to exercise parental responsibility has also been criminalised under section 79 of the Criminal Code (Amendment) Act 1998 (Act 554). These laws take into consideration the principles of non-discrimination, respect for the views of the child and the maximum development of the child.

137. There are schemes in place to empower families economically. Such schemes include soft loans and micro-finance schemes operated by financial institutions, NGOs and some government institutions. For instance, MOWAC provides micro-finance schemes through the Women's Development Fund (WDF) to empower families economically, to enable them take care of their children. In addition, MOWAC also assists parents to pay their children's school and apprenticeship fees in some special cases. District Assemblies and some charitable institutions have instituted scholarship schemes to support needy but brilliant children in basic and secondary schools. In some instances, special scholarship schemes have been instituted for girls to address gender imbalances.

C. Separation from parents

138. Section 5 of The Children's Act assures children of the right to grow up with their parents unless it is established that it is not in the best interests of the child. Under this article, a child must not be separated from its parents unless living with its parents would: "(a) lead to significant harm to the child; (b) subject the child to serious abuse; (c) not be in the best interest of the child." Such a determination must be made by a competent authority. Section 19 of the Children's Act also mandates the DSW to investigate all suspected and actual cases of abuse and neglect. In the same Act, both Child Panels and Family Tribunals have been given the mandate to determine matters of access, custody, paternity and maintenance.

139. The rights of the child to participate in these proceedings and to make their views known are protected in section 30 (5) of the Children's Act, which states that: "A Child Panel shall permit a child to express his opinion and participate in any decision which affects the child's well-being that is commensurate with the level of understanding of the child concerned." Further, section 38 outlines a number of rights children have at Family Tribunal. It reads: "(1) A child shall have a right to legal representation at a Family Tribunal. (2) A child shall have a right to give an account and express an opinion at a Family Tribunal. (3) A child's right to privacy shall be respected throughout the proceedings at a Family Tribunal. (4) The right to appeal shall be explained to the child, guardian and parents."

140. Section 44 of the Children's Act also ensures that a child who is separated from one or both parents can maintain personal relations with them, unless it will not be in the best interests of the child. It states: "A parent, family member or any person who has been caring for a child may apply to a family tribunal for periodic access to the child." The guidelines for the review of such a request are outlined under section 45, and include consideration of the best interest of the child and the importance of a young child to be with his mother. The Family Tribunal may also consider the age of the child, whether or not the views of the child were independently given and whether it will be in the best interest of the child for s/he to be with either of his or her parents.

D. Family reunification

141. The Children's Act provides that every child has the right to live and grow up with his or her parents. This legislation further states that nobody should deny the child the right to be with its parents unless it is proved by a court of law that the parent is insane and abuses the child or exposes the child to moral and physical danger. Within this context, any application for family reunification whether internal or external takes into accounts the best interest of the child and is dealt with expeditiously.

142. Where disaster strikes, International Red Cross and the International Social Services combine efforts and trace parents or children as the case may be and reunite them.

E. Illicit transfer and non-return

143. Some form of internal and cross-border trafficking is evident. The majority of persons trafficked internally are children, particularly girls between the ages of 7-16, mostly coming from the northern parts of Ghana. Young boys aged 10-17 are also lured to mining areas to engage in illegal mining. Contractors or agents (traders) approach parents for the release of their children, using deceitful means and promises of training and good paying jobs. The contractors or agents tend to befriend potential child labourers in rural areas and subsequently take them away. An ILO-IPEC report indicated that the main internal trafficking of children occurs in the Northern Region, parts of fishing communities in the Volta, Brong Ahafo, Eastern and Greater Accra, to urban centres in Accra and Kumasi.

144. Cross-boarder or international trafficking involves both children and young girls between the ages of 16 and 25. They are lured mostly with promises of better life and end up in brothels or other forced labour. There is evidence of such trafficking in the West African Sub-Region. Ghana has acceded to the ECOWAS Protocol on trafficking (2002-2003) and is currently in the process of enacting legislation to criminalise the act. A task force has been put in place by the MOWAC and MMDE to set in motion a process that will ensure both speedy consideration of the Bill by Parliament and its enforcement.

145. Ghana legally protects against such activity in a variety of ways. Sections 107 and 108 of the Criminal Code, 1960, make many activities relating to the procurement of women and underage sexual activity criminal offences. Sections 111 of the same Act deals with the power to search for a child detained for immoral purposes, and section 314 makes all forms of slave-trading a criminal offence.

146. Although the provisions above address the issue of trafficking to some extent, the government recognizes they are inadequate. The Ministry of Justice (MOJ) has prepared draft legislation on human trafficking. Ghana has ratified the Optional Protocol to the UNCRC to prevent and suppress trafficking in women and children.

147. Further suggestions being considered by the MOJ regarding illicit transfer include: providing legal recognition for victims of trafficking so they are free of prosecution as prostitutes or illegal immigrants; allowing victims to remain in the country to serve as prosecution

witnesses; the establishment of a register whereby all children living with relatives who are not the child's parents are legally registered as such to avoid trafficking activities; amending the 1960 Criminal Code to raise the penalty under sections 107 and 108 from a misdemeanour to Second Degree Felony.

F. Recovery of maintenance for the child

148. Traditionally, family elders ensure that parents provide adequate maintenance of children without involving law courts or governmental agencies. However, of late, government authorities have increasingly been active in the recovery of the maintenance of the child. This has occurred in the following manner:

(a) In the case where a working individual is found by the DSW to be shirking his responsibilities to maintain his children, his employer is notified of his' employee's off the employee's salary, for the upkeep and care of the children in question;

(b) Family Tribunals also make orders to compel parents, or those people who are legally liable to maintain children, to look after their best interests. The court may also, while hearing maintenance cases, grant not only custody but also order payment of maintenance for such a child;

(c) In cases where the parents or legal guardians of a child simply cannot provide for the child, the services of charitable organizations, the international community and NGOs are relied upon. Unfortunately, Ghana does not have an adequate resource base to offer national social services to any portion of its population.

149. Legally, 'maintenance' covers all children less than eighteen years unless a child under that age is employed and earns income. However, children above eighteen years who are still in school or undergoing some form of training still qualify to enjoy maintenance from their parents under the traditional system.

G. Children deprived of their family environment

150. The DSW is the state agency responsible for providing homes or family for children deprived of their family environment. Some of the measures taken to provide conducive family environment to children include adoption, care, placement and fosterage.

H. Adoption

151. The DSW places such children with interested persons and processes reports to the courts for the legalisation of the adoption, to ensure that the children are not thrown out of the family, even after the death of the adoptive parent. During this period, if DSW finds out that the adoptor (s) and the placed child are incompatible, the child will be returned to the DSW.

152. The applicable law and procedures on the basis of which adoption is determined is in the Children's Act, sections 65-86 and the Adoption Rules. The Act outlines the following:

jurisdiction and procedure for adoption; application for adoption; restrictions on making adoption orders; consent of parents and guardians; other consent; conditions for adoption order; interim order; knowledge of adoption by child; application by non-citizen; children previously adopted; effect of adoption on parental rights.

153. Section 70 (1) (b) of the Children's Act states that before a court grants an adoption order, it will be satisfied that the adoption "is in the best interests of the child and that the wishes of the child have been considered if the child is capable of forming an opinion." The application to adopt a child may be made to the High Court, Circuit Court or to any Family Tribunal with jurisdiction where the applicant or the child resides at the date of application (section 65).

154. By contrast to local adoption, the procedure for inter country adoption has become more stringent under the Children's Act to reflect international standards, than it was under the previous law. Under the Children's Act an order of adoption may be not be granted to a non citizen who is single. In addition to this, an adoption order cannot be granted to a foreigner unless the foreign applicant and the child are both resident in Ghana. Adoption orders for non citizens are also affected by the restrictions and interim orders that can be imposed on citizens. The relevant portions may be found from sections 65-78.

155. The DSW does the following before a court grants an adoption order:

(a) Investigates the background of the couples who want to adopt, to see their financial and social status and their living conditions before placing children with them. Within the first-three months of placement, the DSW visits the adoptor placed with children to ascertain the compatibility of the child and the adopted parent (s);

(b) The principle of the best interest of the child is always ensured even in the case of relative adoption. The child is interviewed and the process is explained to him/her in the language within the capacity of his/her understanding.

I. Periodic review of placement

156. Before placement is effected, applicants are interviewed taking the following into account:

(a) Applicant (s) home, living conditions, employment history and means of livelihood;

(b) Whether applicant (s) has/have any criminal record and any other information which should be in the best interest of the child;

(c) Whether applicant (s) has/have suffered from tuberculosis and whether there is any history of epilepsy or mental illness in the family of the applicant (s);

(d) Whether the applicant (s) is/are addicted to any narcotic drugs.

157. Placement duration is not less than three months and not more than six months. During this period if the applicants find the placed child to be incompatible he/she can return the child to the DSW. As much as practicable, the principle of the best interest of the child is adhered to. If the child is of age and can understand the issue, the situation is explained and consent is elicited before placement.

J. Abuse and neglect

158. Children are protected by law from all forms of abuse and neglect. The Criminal Code (Amendment) Act 1998 (Act 554), criminalizes the abandonment or exposure of a child to danger (section 5), abduction of a child (article 7), and a range of sexual offences including rape, forced marriage, indecent assault, incest, defilement, procuration, causing or encouraging the seduction or prostitution of a child under 16, custody of child under 16, and allowing persons under 16 to be in brothels (articles 11-13).

159. Further, the Children's Act protects a wide range of rights of children as well as imposing a number of parental duties (sections 1-15). Included in this Act is the protection of children from degrading and inhuman treatment, in section 13 (1) which reads: "No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental well-being of a child." If it is proven in a court that this provision has been contravened, under section 15 of the same Act, the person responsible for the action may be fined and jailed for up to a year. Under the Children's Act, this applies to all persons, whether family members or not. In the case where a child is institutionalised, section 110 (1) of the Children's Act states that all staff responsible for the care of the child are bound by the same parental responsibilities as the child's natural parents.

160. In the case where a child or some other authority believes that a child has been abused or neglected, that child or authority may either take their claims to the CHRAJ or the courts, including Family Tribunals (as outlined in 'Judicial Remedies' above). CHRAJ may issue orders for compensation or action or non-action, while a Family Tribunal or Court may issue criminal sentences or other orders. Sections 16-26 of the Children's Act outlines the procedure developed for the intervention by authorities, in cases where the child requires protection from violence, abuse, or negligence.

161. The MOJ is currently drafting legislation on domestic violence, which will provide added protection to children exposed to violence in a domestic setting. Legislation is also being prepared to proscribe the trafficking in persons, which will give protection to children removed from a familiar environment for the purposes of exploitation. The consent of the trafficked person will be irrelevant.

162. In an attempt to make the criminal justice system more responsive to the special needs of children and women victims of violence, in 1998 the government set up the WAJU of the Ghana Police Service. There are currently twelve of such units nationwide with at least one in each of the ten Regional capitals. Attempts are also being made to provide desks officers at

various Police Stations to increase access to women and children. Cases regarding the abuse of children handled from November 1998 to December 2002 by the Accra WAJU are indicated in Table 7.1.

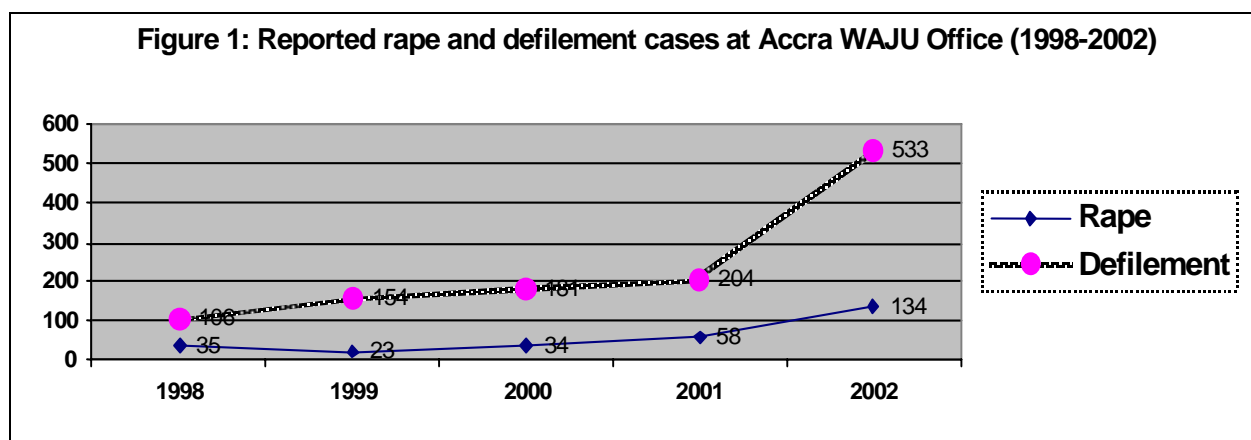
Table 7.1

Child-related cases handled by Accra WAJU (November 1998-December 2002)

Type of case	1998	1999	2000	2001	2002
Incest	10	5	6	5	16
Offensive conduct	-	4	2	175	81
Unnatural carnal knowledge	-	3	2	-	-
Failing to supply basic necessities and non-maintenance	286	537	1 390	1 054	2 031
Abduction	6	3	5	9	15
Child trafficking			4	1	1
Child stealing		3	16	4	20
Exposing child to harm		1		4	67
Attempted defilement			1	1	
Attempted rape	3	1	2	3	17
Rape	35	23	34	58	134
Defilement	106	154	181	204	533
Assault	120	95	86	323	1 456
Indecent assault	12	11	17	28	69

Source: WAJU, Accra, May 2003.

163. Figure 1 is the number of rape and defilement cases reported at the Accra WAJU office between November 1998 and December 2002. The trend in Figure 1 indicates an increase in rape and defilement, however, WAJU officials attributed the trend increase to increase in awareness creation on sexual offences and the fact that more and more people are gaining confidence in the Police in handling child-related cases.



164. State institutions and Civil Society Organisations (CSO) have collaborated to advocate against any form of abuse against children. The Media has been the main medium at the forefront of the advocacy work. Advocacy materials such as brochures and posters are also used to propagate messages on child abuse.

VII. BASIC HEALTH AND WELFARE

A. Health and health services

165. As stated in Ghana's initial report, the Ministry of Health is the main government body that sees to the health needs of Ghanaians. It exists to ensure the equitable access to health care delivery and implementation of public health programmes. Articles 28 (4) and 30 of the 1992 Constitution state that no child shall be denied medical treatment. Section 8 of The Children's Act also provides that no person shall deprive a child access to health, medical attention or any other thing required for his/her healthy development. In pursuance of the above, the government has put in place policies and programmes to address the health needs of children.

B. Policies and programmes

166. The Child Health Programme constitutes all child health activities aimed at promoting and maintaining the optimal growth and development of children aged 0-18 years. The under mentioned are the programmes and policies being pursued to achieve quality health in the country.

Policies

167. In its document 'Policies and strategies for improving the health of children under five', the Ghana Health Service under the auspices of the Ministry of Health have identified five priority intervention areas for improving the health of children under five years. These are Neonatal Health, control of growth and nutritional problems, prevention and control of infectious diseases and injuries, clinical care of the sick and injured child, and other health related interventions.

168. The school health and adolescent health policies cater for the needs of children above five years. Other supporting policies being pursued to improve child health include the National Breastfeeding Policy, Breastfeeding Promotion Regulations (LI 1667) 2000, EPI Policy, Prevention of Mother to Child Transmission of HIV/AIDS (MTCT) Policy (developed as part of the National AIDS Policy) and Exemption Policy for Children Under Five.

National breastfeeding policy

169. The Policy promotes exclusive breastfeeding for the first 6 months after delivery, introduction of complementary foods from 6 months and continued breastfeeding until 2 years and beyond. HIV positive mothers are counselled and allowed to make informed choice on the mode of feeding for their infants (exclusive breastfeeding for the first 6 months with abrupt cessation thereafter or replacement feeding).

Extended programme of immunisation policy

170. The Extended Programme of Immunisation (EPI) programme makes provision for free routine immunization for all infants. Vaccines in the schedule include BCG, DPT, Hepatitis B/Haemophilus influenza type B (these were introduced in 2002), OPV, Measles and Yellow Fever.

Prevention of mother to child transmission of HIV/AIDS policy

171. This is a new policy area developed as part of the National AIDS Policy to reduce and control Mother to Child Transmission of HIV/AIDS (MTCT) transmissions in the country. There are significant efforts being undertaken to provide voluntary counselling and testing, antiretroviral therapy, and infant feeding counselling to pregnant women.

172. The programme which started in 2001, in the district with the highest HIV prevalence is currently on-going in 24 districts with plans to scale up to all 110 districts. In addition, care and support services are being put in place to take care of the affected.

The School Health Policy

173. The School Health Policy (SHP) is jointly undertaken by the GES and the Ghana Health Service (GHS). School health services are designed to promote the health of pre-school and school-age children. The policy outlines the following as its objectives:

- (a) Establish health screening and examination of children on first entry into pre-school, primary, Junior Secondary School (JSS) and Senior Secondary School (SSS);
- (b) Set up a health referral system for children in school on account of visual, dental, hearing or speech defect and emotional or behavioural problems;
- (c) Establish a system to reduce causes of ill-health e.g. air and noise pollution;
- (d) Monitor the health status of food vendors in school and advice on quality of food preparation and sale under hygienic condition.

The adolescent health policy

174. The above policy goal is to improve adolescent health through the provision of adequate health information and knowledge, which will ensure behavioural change and increase utilization of health services including Reproductive Health (RH) in both public and private health delivery systems.

Exemption policy for children under five years

175. The policy covers children under five years, pregnant women and the aged. Exemption applies to services given in facilities below the level of District Hospitals, i.e. clinics and health centres. For the children, all preventive services, i.e. Immunization, growth promotion and vitamin A supplementation are free.

176. There have been problems due to the lack of clear guidelines for the implementation of the policy. Facilities have given their own interpretation. Moreover, problems with delay or lack of reimbursement for free treatment given have led to suspension of exemption by some facilities. Apart from this policy all paupers who cannot pay are treated free of charge after verification of their inability to pay by social workers attached to health facilities. The policy is being reviewed in the light of the National Health Insurance Policy (NHIP).

C. Programmes

177. The under mentioned programmes are also being undertaken to improve health status of children in the country:

- (a) Neonatal Health Care (delivered as part of Safe Motherhood Programme);
- (b) Growth and Nutrition (Breast Feeding, Complementary Feeding, Micronutrient supplementation (Vitamins A, Iodine and Iron), Food Supplementation for deprived areas and Nutritional rehabilitation for malnourished children);
- (c) Management of the sick and injured children;
- (d) Integrated Management of Childhood Illness (IMCI);
- (e) Roll Back Malaria (RBM);
- (f) Prevention and Control Of Infectious Diseases;
- (g) Expanded Programme of Immunisation (EPI);
- (h) Health Promotion (There is an active component of this programme for all the above-mentioned programmes).

D. Legislation

Breastfeeding Promotion Regulation 2000 (L1 1667)

178. The Breastfeeding Promotion Regulation 2000 (L1 1667) regulates the marketing and distribution of breast milk substitutes. It also ensures that women are not influenced unduly to use substitutes thereby promoting breastfeeding. The Food and Drugs Board is responsible for monitoring the LI.

Salt Iodation Law

179. The Salt Iodation Law, Food and Drugs (Amendment) Act 1996, (Act 523) seeks to ensure that salt marketed in the country is iodated. The Regional Co-ordination Councils (RCC) are responsible for monitoring within their specific administrative jurisdictions.

E. Maternal and child mortality

Infant and child mortality

180. Morbidity and mortality for children under five years accounts for a major proportion of all health and deaths, making them the most vulnerable group. Infant and child mortality rates have fallen significantly over the last decade. Under five mortality fell from 215 per 1,000 in 1960 to 130 in 1995, 107 in 1997, and 105 in 2000 and infant mortality fell from 127 in 1960, 67 in 1998 and 55 in 2,000 per 1,000 births³ (Table 8.1). Infant and child mortality rates are consistently lower in urban than rural areas. Infant and child mortality rates vary according to regions with Greater Accra Region registering the lowest and Central Region the highest.

Table 8.1

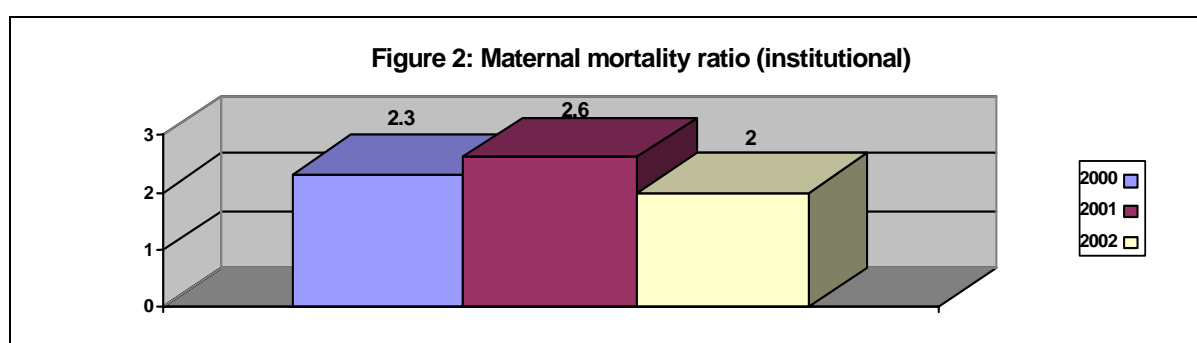
Under five/infant mortality rates

Year	1960	1993	1998	2000
Under five mortality (per 1 000)	215	119	107	105
Infant mortality (per 1 000)	127	57	67	55

Source: Ghana Health Service (2000) & DHS (1960, 1993 & 1998).

Maternal mortality

181. Maternal Mortality (MM) is estimated at 214 per 100,000 but in the remote rural communities, where health facilities are minimal, the rate could be as high as over 500 per 100,000⁴ (Figure 2).



182. Efforts to reduce MM include; Safe Motherhood Training for service providers, provision of equipment and logistics, IEC including institution of safe motherhood week celebration, intensifying maternal death audits, improving ante-natal care, and provision of communication systems for deprived communities.

F. Top five child killer diseases

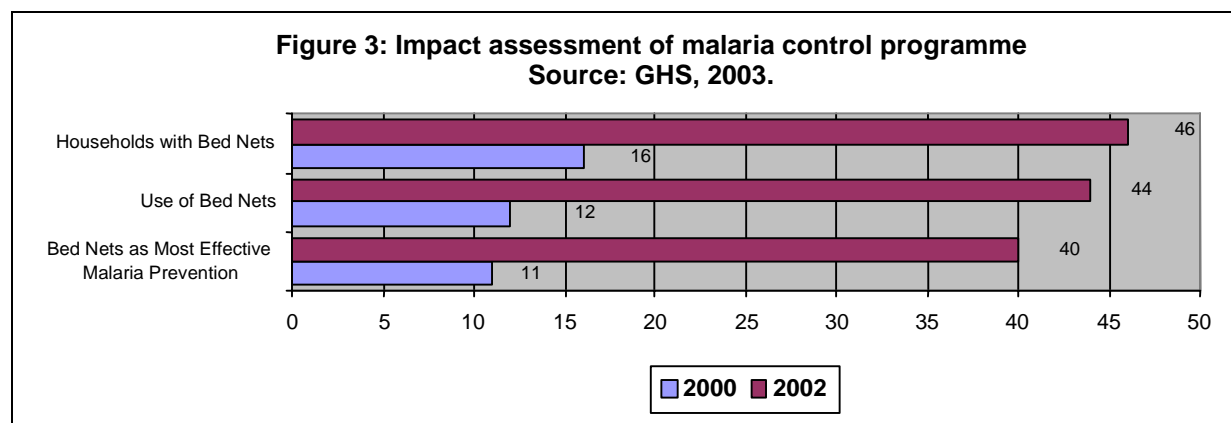
183. The five leading killers that account for about 70% of all death in children under five are malaria, Acute Respiratory Infections (pneumonia), diarrhoea, anaemia and measles.

184. Malaria alone accounts for 22% of deaths in children under five. A number of initiatives have been taken to control malaria. One of such initiatives is the public/commercial partnership for the insecticide treated bed-nets/materials project. An impact assessment of the project has revealed the under mentioned results and shown in (Figure 3):

(a) Increased perception of bed net as most effective malaria prevention method from 11% in 2000 to 40% 2002;

(b) Increased use of mosquito nets to prevent mosquito bites from 12% in 2000 to 44% in 2002;

(c) Increased number of households with bet nets from 16% in 2000 to 46% in 2002.



G. Reproductive and child health coverage

185. Table 8.4 shows the major indicators for Reproductive and Child Health (RCH) Programme. The RCH Unit of the GHS has registered improvement in service delivery over the years. The ante-natal coverage was 98.4% for 2001 it saw a slight improvement over the 2000 coverage of 96.7%. The national coverage for teenage pregnancies for the year 2001 was 14.1%, a slight drop from the 2000 figure of 14.6%. Supervised delivery has been rising over the years as shown in Table 8.2.

186. The LBWR for 2001 was 8.3%, an improvement over the 2000 rate of 8.7%. This rate has been relatively stagnant since 1995 with only marginal swings despite increases in Ante-Natal Coverage (ANC) coverage further strengthening the need to improve the quality of ANC services.

Table 8.2
Reproductive and child health programme

Indicator	1999	2000	2001
Ante-natal	86.4	96.7	98.4
TT2+	57.7	73	72.9
DPT3	73%	83.9	76.3
Teenage pregnancies		14.6	14.1
Supervised delivery	43.5	51.6	60.4
Low birth rate	8.3	8.7	8.3
Post-natal	43.1	47.6	54.2
Number of baby-friendly health facilities	-	39	40
Exclusive breast feeding rate at 4 month	-	37	37
Exclusive breast feeding rate at 6 month	-	17	17
Supervised delivery institutions	-	51.6	60.4
+B weight rate	-	8.7	8.3
Maternal mortality ratio (Institutional)	2.5	2.3	2.6
Still birth rate	-	-	2.4

Source: Reproductive Health Programme, GHS, 2003.

Measures for early pregnancy prevention including appropriate information and counselling

187. The MOH and GHS provide health services for all people living in Ghana including adolescents. Since 1996, the MOH and GHS have identified adolescents as an important sub-group because of the large numbers and problems that confront them during the period of adolescence. To obtain a basis for development of the Adolescent Health and Development (ADHD) programme in Ghana, three baseline studies preceded by an organizational analysis were carried out between 1997 and 2000. Findings of the baseline studies indicate a number of problems confronting young people, health workers, parents/guardians, community leaders and teachers in the management of young people's problems. Early pregnancy was a major problem identified, among others, as consequences of early sexual activities and unprotected sex.

Strategies of ADHD programme

188. Key strategies for the adolescent health and development programme include the following:

- (a) Capacity-building (training, recognition of services and space refurbishment and putting up physical structures;
- (b) IEC and advocacy (Adopting and Adapting IEC materials targeting the needs of young people);
- (c) Adolescent-friendly health service delivery (include setting up Adolescent Corners in health facilities).

Achievements

189. A number of achievements have been chalked even though there is still much to do to complete the development of the programme as well as set up adolescent health-friendly services as an integral part of health delivery in both public and private health sectors. Successes chalked have been in the area of capacity building, information, education and communication, advocacy and comprehensive service delivery towards youth-friendliness.

Role played by the education system in preventing early pregnancy

190. The GHS and GES have established a working relationship to enable the two organizations to provide adequate information and health service to children in school and Parent Teacher Associations (PTA). As part of the collaboration, a School Health Policy has been drafted.

191. Health workers provide school health services through regular inspection of school facilities. Information on appropriate public health issues is also disseminated to school children. Regular medical inspection is conducted on school children to identify and manage acute and chronic health problems. The Ghana Health Service also collects, collates and keeps reliable disaggregated data on adolescent pregnancy by age and region. Table 8.3 in Appendix A indicates recorded cases between 1999 and 2002.

H. HIV/AIDS/STIs prevention

192. There have been a lot of educational campaigns on HIV/AIDS and other sexually transmitted infection (STIs) in schools and communities to prevent the risks to which children, particularly adolescents, are exposed. Access to treatment for STIs has also increased through the provision of adolescent-friendly health services. Active campaigns are also underway to help break the stigma associated with the disease.

193. A programme to prevent mother-to child transmission of HIV/AIDS is also under way in selected districts of the 10 regions of the country. It promotes voluntary counselling and testing, seeks to improve delivery services and also provides counselling on infant feeding to pregnant women. The programme is yet to reach all the 110 districts of the country. Through this programme, the antiretroviral drug, Nevirapine is supplied to HIV positive women at the onset of labour and a dose also given to their infants within 72 hours of delivery to reduce the rate of transmission.

Coverage of the HIV/AIDS care and support program

194. The coverage of the HIV/AIDS care and support program is as follows:

- (a) Antiretroviral treatment (limited to tertiary institutions and selected districts and sites);
- (b) Treatment for Opportunistic Infections (OI) at tertiary, regional and district health institutions;

- (c) Counseling at all tertiary, regional and district health institutions;
- (d) Home based care at the district, sub-district health institutions;
- (e) VCT at tertiary, regional and district levels.

I. Data collection

Routine

195. Routine reporting is through the Health Management Information System (HMIS). Facilities report to sub districts then to districts, regions and finally to the national level. Various programmes and units also have their monitoring systems for routine data collection on quarterly, half-yearly and annual basis. Reporting of epidemic prone diseases e.g. Cerebra-Spinal Meningitis (CSM), Polio, Cholera, Guinea Worm is weekly. For instance, the strong surveillance system in place led to the identification of the 6 Wild Polio cases in 2003.

Special surveys

196. Ghana Statistical Service (GSS) also undertakes periodic surveys such as the Demographic Health Survey (DHS) and the General Services Provision Assessment (GSPA). The GHS depends on these surveys specifically for reproductive and child health service delivery. The Health Research Unit (HRU) also undertakes specific research, whilst the Noguchi Memorial Institute also provides adequate medical research information.

197. Monitoring visits are conducted respectively from districts, regions and the national level for the Public Health Division, there are also quarterly integrated monitoring visits.

J. Involvement of non-governmental organizations

198. NGOs are partners in health care delivery in Ghana. Several of them are involved in the planning, implementation, monitoring and evaluation of child health programmes at all levels.

K. Challenges faced by the GHS

199. The challenges faced by the GHS include; socio-cultural beliefs and practices (food taboos, FGM, immunizations), brain drain, lack of infrastructure (roads, water and sanitation facilities).

L. Traditional practices

200. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment is a subject that is of much concern to Ghanaians. A lot of advocacy work has been made in the press, both international and national, about the practices of Female Genital

Cutting (FGC)⁵ and Trokosi.⁶ Such activity is banned under the Constitution and punishable by criminal law under The Children's Act and the Criminal Code (Amendment) Act of 1994 and 1998.

201. The Constitution, Article 28 (3) bans the general ill treatment of children. It states: "A child shall not be subjected to torture or other cruel, inhuman or degrading treatment or punishment." The Children's Act works to criminalize such activity. Section 13 (1) reads: "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 the physical or mental well-being of a child." Under this Act, the penalty of contravention on summary conviction is a fine not exceeding five million cedis⁷ or a term of imprisonment not exceeding one year or both.

202. FGC, as outlined in Ghana's initial report, is illegal and subject to criminal prosecution under the Criminal Code Amendment Act of 1994 (section 1). It reads: "Whoever excises, infibulates, or otherwise mutilates the whole or any part of the labia majora and the clitoris of another person commits an offence and shall be guilty of a second degree felony and liable on conviction to imprisonment of not less than three years."

203. Trokosi, and all acts of customary servitude, are illegal under the Criminal Code (Amendment) Act 1998 (Act 554). Section 17 of the Amendment reads: "(1) Whoever—(a) sends to or receives at any place any person; or (b) participates in or is concerned in any ritual or customary activity in respect to any person with the purpose of subjecting that person to any form of ritual or customary servitude or any form of forced labour related to a customary ritual commits an offence and shall be liable on conviction to imprisonment for a term not less than three years. (2) In this section 'to be concerned in' means—(a) to send to, take to, consent to the taking to or receive at any place any person for the purpose of the customary ritual; or (b) to enter into any agreement whether written or oral to subject any of the parties to the agreement or any other person to the performance of the customary ritual; or (c) to be present at any activity connected with or related to the performance of the customary ritual."

204. In all the above incidences of unfair treatment directed towards children, complaints may be either directed towards CHRAJ, the police or the local authorities. In the case of FGC, Ghana while being a leader among African nations in legislating against it, still has a problem. Steps have been taken by the government and other civil rights groups and agencies to sensitise people on the practice. Institutions such as the Police, health service providers, Immigration or border officials and District Assembly officials have been trained to handle issues relating to the practice.

205. The media has also played a very effective role in propagating various messages on the subject. However, owing to the strength of traditional beliefs and general illiteracy and low levels of education in the northern regions (where virtually all FGC occurs), few prosecutions has resulted. However, progress is being made and awareness level is on the increase.

206. In the case of Trokosi, much improvement has occurred. Currently, over half of the almost 5000 females in servitude under the Trokosi system have been liberated. This has occurred with assistance from many organizations (including the Fetish Slaves Liberation Movement and International Needs).

207. The general public outcry over the practice has also spurred involvement from the President's office. CHRAJ also made a significant push to educate the public about the negative effects of the practice and to enforce the law against it. Victims of Trokosi have been given much assistance from the international community, notably the Danish Government, which has established a training and vocational centre to rehabilitate liberated victims.

M. Children with disabilities

208. The general provisions of non discrimination found in article 17 of the Constitution also apply to persons with disabilities. Further to this, article 29 of the Constitution which is captioned "Rights of disabled persons" provides comprehensively for persons with disabilities by ensuring their full participation in social or recreational activities, protection from exploitation and access to public places and facilities. The 2000 disability policy is directed towards ensuring that persons with disabilities participate effectively in mainstream economic and political life. It is estimated that 10% the population constitutes people with disabilities. This figure indicates that persons with disability constitute a significant portion of society, and improving their lives and living conditions, including the effective protection of their fundamental human rights, constitute a major policy issue.

209. There are no schools for the physically challenged. Children with physical disabilities are integrated into regular schools. There are 2 schools for the blind, 8 schools for the deaf located in 8 regions, 5 special schools for the mentally challenged situated in various parts of the country. Most of the institutions do not have adequate facilities.

210. The lack of adequate funds to purchase special equipment, teaching aids and educational materials limits the disabled child's educational attainment. The disabled child is likely also to face rejection, discrimination and abandonment in the family and at community levels.

Interventions

211. The following interventions have been made to improve the living standards of persons with disabilities:

(a) Section 10 of the Children's Act, 1998 (Act 560), stipulates special provision for the treatment of the disabled child;

(b) Access to public places such as educational facilities and libraries have been improved for the use of persons with disabilities;

- (c) Concession is given to disabled children in school enrolment;
- (d) Special schools for those with auditory and visual impairment have been established whilst existing ones have been improved;
- (e) District Assemblies and civil society organisations have made significant efforts in the provision of medical and other support services to children with disabilities;
- (f) Steps have been taken by the MOE and other stakeholders to train teachers to handle the disabled in educational institutions.

212. Even though mechanisms have been put in place to ensure the survival, protection and development of children with disabilities, it has not been possible to create equal opportunities to facilitate integration. This has had a negative impact on the development of the disabled child as many parents do not deem the education of such children as important for fear that they may waste resources on them.

213. There is still a lot more to be done to change the attitudes of parents and society towards recognising the disabled child as an individual with equal rights and potentials. Much more advocacy work needs to be done to increase awareness and change this negative perception.

N. Standard of living

214. Despite the best efforts of the government, civil society and NGO's, the standard of living for many children remains low. Poverty is the fundamental factor preventing children from enjoying a good standard of living. According to the Ghana Living Standard Survey (GLSS) (4), 39.5% of Ghanaians are poor and 25% are extremely poor, meaning that they cannot afford to meet their basic needs. Deprived communities experience a vicious cycle of ill health, low-employment rate, inadequate social amenities and infrastructure. Table 8.3 shows the mean average income of Ghanaians by quintile.

Table 8.3

Mean annual household and per capita income, by quintile⁸

Quintile	Mean annual household income (¢)	Mean annual per capita income (¢)	Mean household size
Lowest	979 000	166 000	5.9
Second	1 770 000	328 000	5.4
Third	2 009 000	419 000	4.8
Fourth	2 673 000	652 000	4.1
Highest	3 025 000	1 080 000	2.8
All	2 267 000	527 000	4.3

Source:⁹ GLSS 4, Ghana Statistical Service, October 2000.

215. In Ghana, the annual income, and the general standard of living, is lower in the north than in the south. Table 8.4 shows the annual income per household in the various regions of the country.

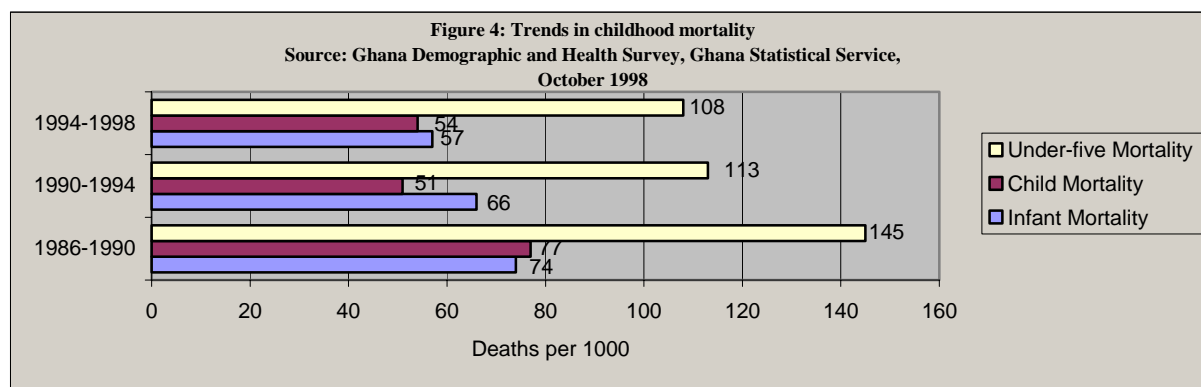
Table 8.4
Mean annual household and per capita income by region¹⁰

Region	Mean annual household income (¢)	Mean annual per capita income (¢)
Western	2 671 000	568 000
Central	1 464 000	444 000
Greater Accra	3 356 000	932 000
Eastern	2 055 000	415 000
Volta	1 950 000	527 000
Ashanti	2 550 000	622 000
Brong Ahafo	2 302 000	548 000
Northern	1 552 000	210 000
Upper West	1 442 000	206 000
Upper East	1 446 000	321 000
All	2 267 000	527 000

Source: GLSS 4, Ghana Statistical Service, October 2000.

Infant mortality

216. The poverty of Ghanaian families translates into a high infant mortality rate. Approximately 1 in 9 children die before their 5th birthday. The improvement in figures of mortality among children from 1986 to 1998 is indicated in Figure 4.



Malnutrition

217. A high proportion of children in Ghana suffer the effects of malnutrition, such as mild and severe stunting, wasting and underweight. Table 8.5 shows the distribution of malnutrition in Ghana.

Table 8.5**Percentage distribution of the prevalence of malnutrition**

	Stunted	Wasted	Underweight
All	25.1	6.8	23.3
Boys	26.5	6.6	23.8
Girls	23.7	8.4	22.7
Rural	30.2	6.2	28.8
Poor	36.7	8.8	27.1
Boys	38.9	7.4	40.3
Girls	34.5	10.2	31.7
Non-poor	23.8	4.3	18.3
Boys	24.6	2.4	16.3
Girls	23.0	6.3	20.3
Urban	20.8	7.5	17.8
Poor	27.1	7.5	23.8
Boys	28.0	8.5	24.9
Girls	26.2	6.5	22.8
Non-poor	12.9	9.4	14.8
Boys	14.6	8.3	13.5
Girls	11.2	10.6	16.2
1993 Accra	12.2	6.1	13.0
1998 Accra	17.9	4.1	20.5

Source: Situation Analysis of Children and Women in Ghana 2000, UNICEF.

218. The inability to have access to safe or wholesome sources of water also contributes to the poor health status of many Ghanaian children. Table 8.6 indicates that, as at 1997, only 66.8% of Ghanaian households have access to safe drinking water. The disparity between the rural and urban households is also apparent from Table 8.6. This could be a reflection of the living standards of people in these localities.

Table 8.6
Distribution of households by locality and source of drinking water, 1992-1997

Type of facility	Urban		Rural		National	
	1992	1997	1992	1997	1992	1997
Source of drinking water						
Piped in house	38.3	37.2	2.5	2.5	15.3	15.4
Outside tap	35.0	37.4	10.9	12.2	19.2	21.5
Borehole/well with pump	2.5	4.1	21.1	28.6	14.5	19.4
Protected well		6.0		7.3		6.9
Vendor/tanker	3.6	6.6	0.4	1.8	1.5	3.6
Total access to safe water	79.4	91.3	34.9	52.5	50.5	3.6
Total access to unsafe water	20.6	8.7	65.1	47.5	49.5	33.2

Source: Situation Analysis of Children and Women in Ghana 2000, UNICEF.

Water

219. Poor access to basic health facility further affects the health status of many especially those in the rural areas, this affects the living standards of the average Ghanaian. Table 8.7 shows the percentage of the each region's population that lives within a half-hour travel time to a basic health facility.

Table 8.7
Proportion of the population of Ghana living within a half-hour travel time to a basic health facility

Region	% Urban	% Rural
Ashanti	75.1	48.0
Brong Ahafo	75.8	38.4
Central	75.1	42.4
Eastern	75.8	44.9
Greater Accra	93.5	62.8
Northern	49.9	16.4
Upper East	21.8	16.0
Upper West	82.6	13.9
Volta	74.8	51.1
Western	84.7	30.9
All regions	80.4	38.6
National average	52.9	

Source: Situation Analysis of Children and Women in Ghana 2000, UNICEF.

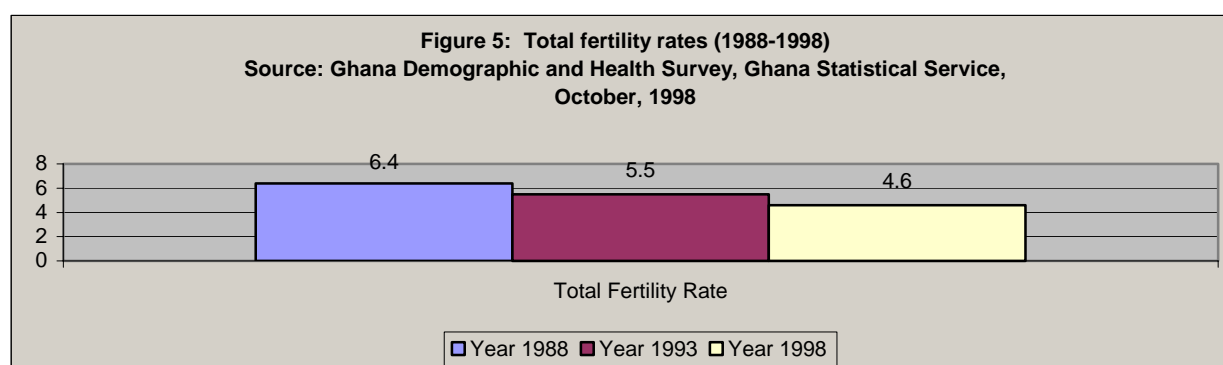
220. Table 8.9 shows distribution of the population by gender and age. The high percentage of children has placed large burdens on the current working population. While Ghana's fertility rates are falling, the rates are still above the desired level as shown in Figure 5.

Table 8.9

Percentage age distribution of the population, by locality and sex

Age	Urban		Rural		All	
	Male	Female	Male	Female	Male	Female
0-4	5.4	5.4	7.2	7.1	6.6	6.5
5-9	7.4	7.3	8.4	8.0	7.9	7.7
10-14	7.2	8.0	7.5	7.3	7.3	7.5
15-19	6.0	6.0	5.2	4.5	5.4	5.0
20-24	3.9	4.3	3.2	3.0	3.5	3.5
25-29	2.6	4.1	2.3	3.7	2.6	3.8
30-34	2.4	3.4	2.2	3.3	2.3	3.4
35-39	2.5	2.9	2.4	3.1	2.4	3.1
40-44	1.8	3.0	2.0	2.3	2.0	2.5
45-49	2.1	2.0	1.8	2.1	1.9	2.1
50-54	1.3	1.6	1.7	1.9	1.6	1.8
55-60	1.2	1.1	1.1	1.2	1.1	1.2
60-64	0.9	1.3	1.0	1.4	0.9	1.3
65+	2.1	2.9	2.4	2.8	2.2	2.8
All	46.6	53.4	48.3	51.7	47.8	52.2

Source: GLSS 4, Ghana Statistical Service, October 2000.



221. One other indicator of a person's standard of living is the ability to afford social services. This is evident for example in cases where people have to make a choice. As social services are relatively expensive, a child's needs may not receive adequate attention when placed as a priority on family expenditure if he or she is from a poor home. A water facility may be within easy access of a household but due to the inability to pay for the water families may decide to use other water sources that may not be portable. The poor are less inclined to report illness and seek treatment than those who are more able to afford it; this is related to the impact of health cost relative to income. One's income level also affects his or her ability to access sanitary facilities. For instance the practise of charging fees for the use of sanitary facilities has led to children being denied use of toilet facilities as their parents are unable to afford the fee per visit.

222. The government's main focus is to build foundations for a strong economy that will support all of Ghanaians. While the government continues to provide good governance and improve its infrastructure the overarching problem of poverty still exists. However, the living standards of Ghana's children are improving. With the assistance from development partners, civil society and the government, this trend will continue and many more children will be able to lead their lives to their fullest potential.

Strategies undertaken to improve living standards

223. As part of strategies to alleviate poverty and improve living standards, especially amongst children and women, certain measures have been adopted. These include the following:

- (a) Decision to join the Highly Indebted Poor Countries Initiative (HIPC) in 2001 and channel proceeds into poverty reduction programmes;
- (b) Adoption of the Ghana Poverty Reduction Strategy;
- (c) Implementation of Free Compulsory Universal Basic Education (fCUBE);
- (d) Establishment of a Ministry for Women and Children's Affairs;
- (e) Integrated Management of Childhood Illness.

O. Social security and childcare services and facilities

224. The traditional extended family system has an in-built safety net, which to some extent provides for the well-being of children. The system encourages family members to contribute towards the upkeep of children of their less endowed relatives. The state cannot boast of sufficient resources to make provision for substantial government funding to support social security or social insurance schemes for children. There is also a lack of firm institutional framework to carry out any comprehensive social insurance scheme.

225. Significant improvements have however been made in addition to social services that were in place as outlined in Ghana's initial report, paragraphs 96 and 97. The under mentioned are some social services schemes and modalities put in place:

- (a) Social Security and National Insurance Trust coverage is being expanded to include the informal sector;
- (b) Insurance enterprises are developing new products whose benefit will inure to the benefit of the child;
- (c) Children under 5 years have access to free preventive health care services;
- (d) A National Health Insurance Law has been passed to implement a health insurance scheme to replace the cash and carry system;

- (e) Provision of free antenatal and post natal services;
- (f) Subsidising medical bills of children of government employees.

226. In accordance with article 18 (3) of the CRC, parents may benefit from child-care services and facilities for which they are eligible. Both the public and private sectors operate day care services for children. Sections 115-120 of the Children's Act outline the procedures of application to run a child-care centre, with the DSW having the mandate to enforce the guidelines for the operation of such centres and to monitor their operations.

Challenges

227. Many of the institutional insurance schemes benefit only children whose parents are contributors. Other challenges include:

- (a) Increasing economic difficulties have weakened the safety nets provided by the extended family;
- (b) Most children in Extreme Difficult Circumstances (CEDS) do not have access to any form of social security;
- (c) Low awareness of the scheme;
- (d) Lack of confidence in the scheme.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance

228. The Children's Act provides the legal framework for the full development of the child. Section 8 of the Act spells out the right of the child to education and any other thing required for the child's educational development. The Act also includes regulations on formal education and apprenticeship in the informal sector.

229. Under the Constitution, basic education is to be made free, compulsory and available to all, while secondary education in its various forms including technical and vocational is to be made generally available and accessible and progressively free.

230. The Education Act, 1961 (Act 87) provides for free compulsory primary education for all children of school going age. The major educational reforms introduced in 1987 sought to increase school enrolment rates higher than population growth and strengthen the relationship between educational content and national socio-economic aspirations.

231. The Constitution further provides for Free, Compulsory Universal Basic Education (f'CUBE) to all children. Consequently, the f'CUBE program was introduced in 1996. The four strategic objectives of the programmes are:

- (a) To raise the quality of teaching and learning outcomes;

- (b) To increase access and participation;
- (c) To improve management, efficiency and sustainability; and
- (d) To decentralize the management of the education system.

232. In pursuance of these objectives, the MOEYS has put in place a number of measures which include:

- (a) Infrastructure development, refurbishment and maintenance;
- (b) Management reform, restructuring and training;
- (c) Curriculum review;
- (d) Improvement in the capacity of teachers at the basic education level;
- (e) Community participation;
- (f) Functional literacy programmes through non-formal education; and
- (g) Improvement of teacher education programmes.

233. Both the MOE and the private sector have provided children access to basic schools throughout the country. Between 2000 and 2003, the government has constructed 2000 new basic schools. Many rehabilitation works have also been undertaken in some schools.

Girls' education

234. A Girls' Education Unit was also established in 1997 within the Basic Education Division of the Ghana Education Service to increase participation of girls in the formal education system. The establishment of the Girls' Education Unit in 1997 marked a major step in the country's commitment to ensuring the respect for the general principles of the Convention, particularly in the direction of securing a non-discriminatory environment and the reduction of gender disparities in the sector.

235. The maxim '*if you train a boy you train an individual but if you train a girl you train a nation*' (credited to Dr. Kwegyir Aggrey, a Ghanaian Educationist) began to gain meaning. The focus of the work of the Unit, among others, is the development of a programme that would promote the education of the girl-child as a means to attaining gender parity in education, particularly at the basic education level.

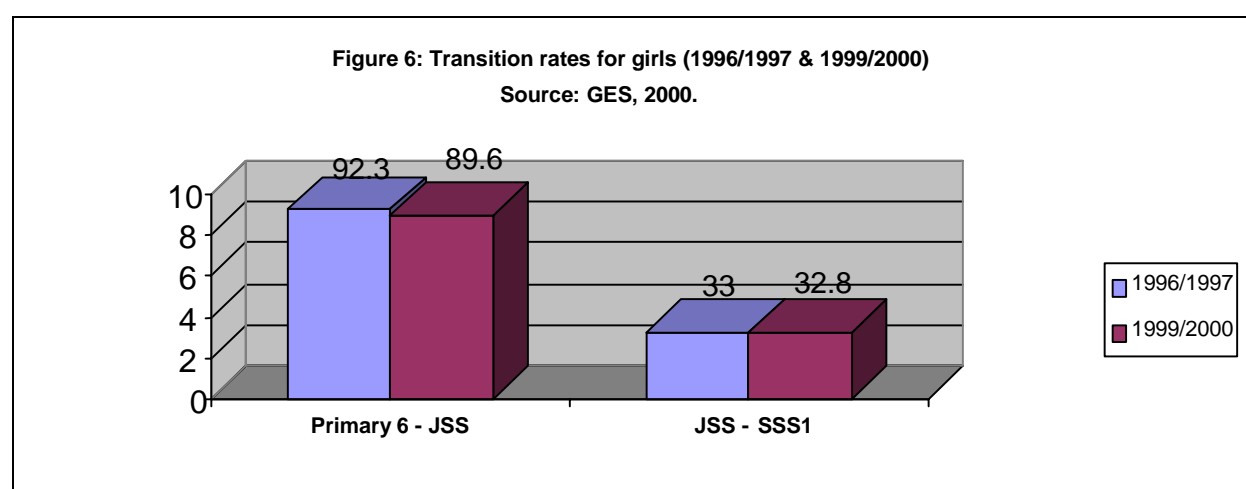
236. The Unit's task within the overall context of the f'CUBE program, is to achieve by 2005 targets which include the following:

- (a) Increase the enrolment of girls in basic education to equal that of boys;
- (b) Increase the transition rate from basic education to senior secondary education from 30% (1996 estimate) to 50%; and

(c) Expose 10,000 girls to Science, Technology and Mathematics Education (STME) clinics with the expectation that at least 30% of girls would choose science as an elective at the senior secondary school level.

237. At the inception of the Girls' Education Unit in 1997, the enrolment of girls in public schools was 46.2%. As at 2000/2001, the figure had moved up to 47.2% showing an increase of 1%. At the JSS level within the same period, the enrolment was 43.7% and increased to 45.3% as at 2000/2001 showing an increase of 1.6%. the enrolment at SSS stood at 38.7% and increased to 40.7% in 1999/2000, an increase of 2%.

238. The transition rate of girls from primary six (P6) to JSS in 1996/1997 was 92.3% but this dropped to 89.6% in 2000/2001. Transition from JSS to SSS 1 was at 33% and dropped to 32.8% during the same period (Figure 6).



Vocational and technical training

239. The government has also established vocational and technical training institutions with the objective of providing skilled human resource base for the manufacturing and other productive sectors of the economy. Intermediate Technology Transfer Units (ITTUs) have also been set up in all the regional centres under the Ghana Regional Appropriate Technology Industrial Services (GRATIS) initiative to offer apprenticeship training in various vocations and to provide refresher courses for artisans.

Pre-school education

240. The period is also notable for the increase in the number of pre-schools in the country, which reveals the growing nationwide appreciation of the importance of giving more attention to child survival, growth and development. According to the 2000 population and housing census, as many as 44% of children between 3 and 5 (inclusive) are able to access some type of early childhood education programmes, such as pre-school or kindergarten, as shown in Table 9.1.

Table 9.1

Percentage of children in pre-school from rural and urban households

Ages	Rural	Urban
3 year olds	25%	35%
4 year olds	46%	62%
5 year olds	60%	73%

Source: Ministry of Education, Education Sector Review, 2000 (CWIQ, 1997).

241. Table 9.2 also indicates pre-school enrolment trends in the public pre-schools from 1998/1999 to 2001/2002 academic years.

Table 9.2

Pre-school (public) enrolment trends (1998/99 to 2001/2002)

Year	Female	%	Male	%	Sub-total	%
1998/1999	223 088	49.6	226 750	50.4	449 838	100
1999/2000	225 402	49.7	228 279	50.3	453 681	100
2000/2001	216 466	49.7	219 157	50.3	435 623	100
2001/2002	226 819	50.0	230 778	50.0	457 597	100

Source: SRIMPR Division, MOE 2001.

242. In the 2001/2002 school year, the total number of pre-schools was 9,634, comprising 6,321 in the public sector and 3,313 in the private sector (Table 9.3).

Table 9.3

Number of pre-schools by region (2001/2002)

Region	Public	Private	Total
Greater Accra	214	833	1 047
Volta	636	282	918
Eastern	984	383	1 367
Central	848	338	1 186
Western	1 021	366	1 387
Ashanti	1 116	780	1 896
Brong Ahafo	798	225	1 023
Northern	461	57	518
Upper East	152	29	181
Upper West	91	20	111
Total	6 321	3 313	9 634

Source: EMIS, MOE, 2002.

243. These institutions are supported through a co-ordinated inter-sectoral collaboration between the Health and Education sectors. Health officers visit these centres to record growth monitoring of children, while Education officers support with in-service training for care givers and teachers in these institutions.

244. The ECCD Policy when passed will guide Government, as well as other relevant Sector Ministries, District Assemblies, Communities, Families, the private sector, Non-Governmental Organisations (NGOs) and Development Partners in the effective implementation of ECCD programmes, particularly the decision to attach a pre-school to each primary school.

B. Budget allocations

245. Ghana does not make any direct budgetary allocations to children. Allocations for children are, however, made to the sectors whose work involves children, e.g. Education, Health and Social Welfare. At the central level, overall allocation of funding to education has increased with the setting up of the Ghana Education Trust Fund (GETFund) and the share of education in the District Assembly Common Fund (DACF). These two sources are part of the statutory funds of the national budget, which are mandatory. Through the GETFund, 2.5 % of the 12.5% VAT charged on goods and services is allocated to education, while 20% of the DACF provides extra funds for improving education delivery at the District level.

246. In 1996, education was allocated 34.7% of the national recurrent budget together with an amount of ₵15,500,000¹¹ to cover capital expenditure. This allocation took cognisance of the proposed targets in the Reform Programme, which provided for 6% annual growth rate for primary education, 50% in-take to senior secondary school, nine years basic education and 30% intake by the tertiary institutions.¹² Tables 9.4 and 9.5 show the breakdown of expenditure on Education for the period 1994-1996.

Table 9.4

Total public (recurrent) expenditure on education (as % of national recurrent expenditure and of GDP)

Year	Total national recurrent budget (₵billion)	Education recurrent budget (₵ billion)	Education budget as % of national recurrent budget	As % of GDP
1994	455.5	186.9	40.7	3.6
1995	702.33	252.6	36.0	3.3
1996	1 034.96	359.19	34.7	N/A

Source: The development of Education: National Report from Ghana 1994-1996 (MOE).

Table 9.5

Breakdown of recurrent and capital expenditure on education

Year	Recurrent expenditure (¢million)	Capital budget (¢ million)	Total education budget (¢million)
1994	186 989.2	9 800.00	196 789.2
1995	252 693.7	12 000.00	264 693.7
1996	359 199.7	15 600.00	374 799.7

Source: The Development of Education: National Report (1994-1996), MOE.

247. In 2001, the total government spending on education as determined under the Ghana Poverty Reduction Strategy (GPRS) was 16.9%. The re-allocation of this by level provides primary education the highest share with 32.9% and Special Education receiving the lowest with 0.4%. Overall, basic education, which comprises pre-school, primary and JSS as well as non-formal is allocated 60.6%, which will increase to 64.7% in 2004.

C. Real cost of education to a child's family

248. Education policy in Ghana states that education is free at the basic level, yet some forms of charges have been approved to be paid by parents. These levies include parent-teacher association contributions, sports and culture, and guidance and counselling. The charges differ between the primary and JSS levels and schools adopt varying means, including different forms of exclusion, to ensure the payment of the levies, in spite of government directives that no child should be excluded for non-payment of school levies. Though these levies are presumed to be affordable, some parents are unable to make good their contribution, hence constituting one of the major causes of non-attendance to school by some children.

249. In giving consideration to the real cost of the child's education to the family, the Ghana Education Service with assistance from Development Partners, supports identified groups and individual children with a variety of packages. These include scholarship that covers the cost of schooling and support to needy pupils, especially girls (comprising school uniforms, school bag, sandals, exercise books and pencils). This type of assistance is available to fifty pupils in each school in all the districts annually since its introduction in 1999.

D. Language for school instruction

250. The issue of language of instruction continues to generate debate with regards to its appropriateness for an educational system that is dominated by the use of English Language. The education policy directs that the Ghanaian language that is common in the area where schools are located should be used as the language of instruction in school from P1 to P3. English as a second language is a subject at these levels. The Education Strategic Plan (2003-2015) ensures literacy in English and a Ghanaian language as a related objective

under its policy goal, 'Improve Quality of Teaching and Learning for Enhanced Pupil/Student Achievement (Policy Goal 2)'. The target set is to achieve literacy and numeracy in 30% of P3 pupils by 2007 and in 50% of P6 pupils by 2010.

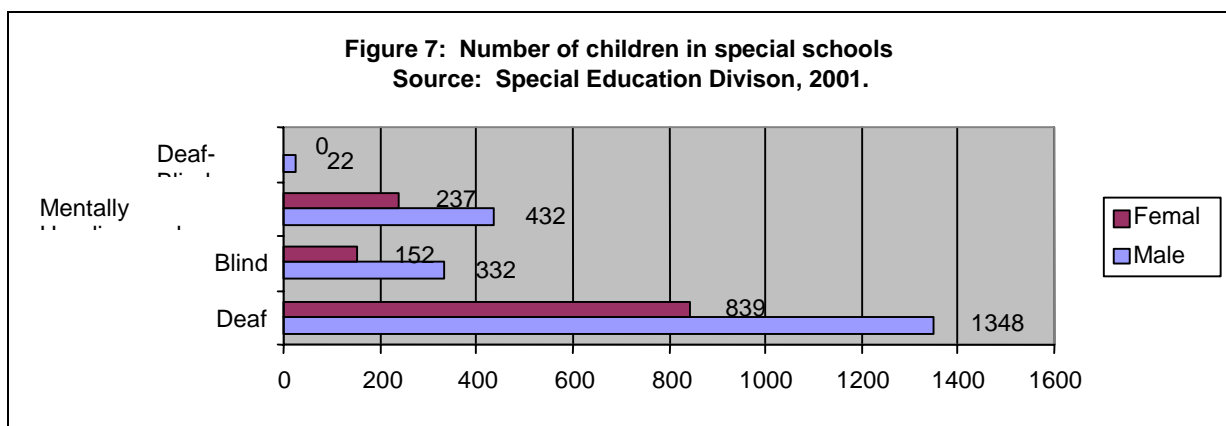
E. Mechanisms to ensure all-inclusive education

251. A variety of mechanisms are in place to ensure access and participation of all children, especially girls. Educational facilities in all districts are undergoing rehabilitation, while additional schools are being constructed to serve areas where these are lacking or are in temporary structures. The Girls' Education Unit, established to facilitate and advocate the education of the girl-child undertakes regular sensitisation and awareness creation programmes to encourage families to send their children to school. Some NGOs¹³ are assisting in this effort by providing some small grants to families to undertake income generating projects. The World Food Programme and the Catholic Relief Services provide food rations, both dry and cooked, to encourage children to access school and to ensure the retention of girls in school.

Children with disabilities

252. Increased efforts are being made to promote inclusive education; nevertheless, provisions are also made to support children with severe forms of disability and retardation to access schools. According to the latest data 3,362 children are provided with special needs and services representing less than 2% of the population. Of this number, 2187 are in schools for the deaf, 484 in schools for the blind, 669 Mentally Handicapped and 22 in special institutions that cater for deaf-blind children as indicated in Figure 7.

253. Recent studies further indicate that approximately 10% of visually impaired children are being serviced through Special Needs Institutions.¹⁴ Provision is made in a World Bank supported Education Sector Project to provide adequate reading materials for blind children alongside equipment for children with auditory defects. In addition, school construction designs are being adapted to make them friendlier to children with Special needs. The number of children in Special Needs Institutions is indicated below in Figure 7.



F. Measures to ensure adequacy of teachers in schools

254. The following measures are in place to ensure that sufficient teachers are in the school system.

- (a) Increase in the number of teachers admitted into and turned out by Training Colleges;
- (b) Increase in the District Teacher Sponsorship programmes;
- (c) Introduction of an IN-IN-OUT Teacher Training programme;
- (d) Incentive packages for teachers in deprived areas;
- (e) Reduction in the number of teachers going on study leave and the introduction of Distance Education Programmes to provide alternative opportunities for teacher professional and academic development;
- (f) Access courses for non-college trained teachers to gain admission into training colleges.

255. In-service training programmes are organised regularly to build on the competency of teachers. School and cluster based training programmes are conducted in all circuits and districts.

G. Provision of educational facilities

256. The adoption of a participatory approach to education delivery in Ghana has contributed to the increase in the provision of education facilities. By this approach, all stakeholders in the education sector are encouraged to contribute to the improvement of education at all levels. Consequently, the introduction of interventions at the basic level with assistance from Development Partners has resulted in the construction of additional classroom facilities, rehabilitation of the old ones, increase in the supply of teaching and learning materials.

257. In some cases, pupils are provided with bicycles to reduce the burden and time spent arriving at school from home. Some private educational institutions have procured buses to transport children to and from school.

H. Rate of illiteracy

258. During the period under review, the implementation of the first phase of functional literacy programme saw the provision of basic literacy and numeracy skills to 1.2 million learners from 15 language groups in the country.¹⁵ A survey conducted by the Ghana Statistical Service¹⁶ reports that women constitute the majority of the non-literate population in Ghana at 62.3% (GSS, 2000). It also suggests that only one out of every three women between 15 and 34 years and one out of every 10 women between 45 and 51 years are literate. It adds that as

many as 41% of Ghanaian women as against 21% of men, have never been to school. The majority of these women live in rural areas. Table 9.6 presents the education attainment by gender in relation to the various level of the education system.

Table 9.6

Levels of education by gender

Category	Males (%)	Females (%)	All (%)
Never been to school	21.1	41.0	31.8
Less than MSLC/BECE	24.6	25.6	25.1
MSLC/BECE	38.6	27.8	32.8
Secondary Education or Higher	15.8	5.7	10.4

Source: GSS, 2000.

259. The gender disaggregated distribution of the rate of literacy as depicted in the table below (Table 9.7) reveals that more women than men in both urban and rural areas are illiterate. Of the 74.2% of women who are illiterate in rural areas, at least 40% is within the 15-34 age groups and 25% is in the age group of 9-14 years of age (NFED, 1996).

Table 9.7

Gender disaggregated data for illiteracy rates

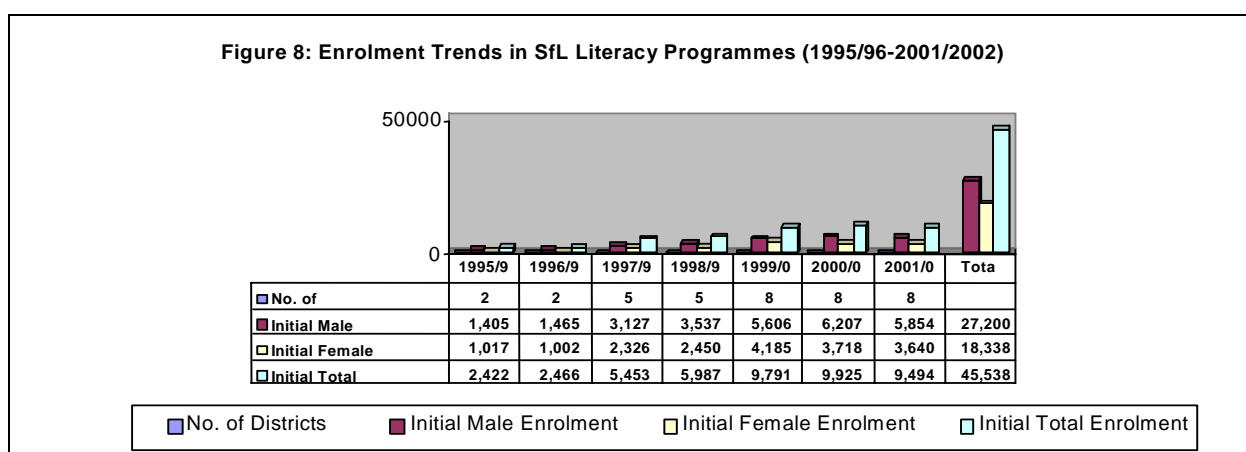
Rates	Women	Men	National
National rates of illiteracy	62.6	35.8	50.2
Rural area illiteracy rates	74.2	44.9	60.8
Urban area illiteracy rates	42.1	20.5	32.2

Source: GSS, 2000.

I. Non-formal education

260. Non-formal education is very much an integral part of the education. The establishment of the Non-formal Education Division under the Ministry of Education in 1989 marked the beginning of a conscious formal approach to addressing the needs of the adult non-literate population. Through the Literacy and Functional Skills Programme, cycles of literacy courses are organised for learners in all the 10 regions in the country. As indicated earlier, some children of school going age who for various reasons could not attend formal school, participated in the programmes.

261. Besides the government effort, there are other non-formal programmes provided by non-governmental organisations. The School for Life (SfL)¹⁷ is an example, its literacy and numeracy programmes in the Northern Region has contributed in reducing the number of potentially illiterate persons in the area. The programme has enrolled a total of 45,538 learners between 1995/96 and 2001/2002 academic school years. Figure 8 shows the enrolment trends of the SfL classes.



262. The effectiveness of the SfL programme is demonstrated by the number of its graduates who have entered the formal system. The table below shows that since 1995/95 to 2001/02 school year groups, a total of 41,883 learners have graduated from their classes. Of this 28,833 graduates have entered formal schooling representing 69% of those graduating over the same period (Table 9.8).

Table 9.8

Transition from non-formal to formal education

Year	District	Graduated			Number in formal school			Percentage of graduates in formal school
		Male	Female	Total	Male	Female	Total	
1995/96	2	1 344	933	2 277	766	425	1 191	53
1996/97	2	1 343	922	2 265	1 016	660	1 676	74
1997/98	5	2 950	1 948	4 894	1 635	1 178	2 813	57
1998/99	5	3 208	2 302	5 510	1 811	1 691	3 502	64
1999/00	8	5 115	4 039	9 154	3 359	2 278	5 673	62
2000/01	8	5 818	3 200	9 018	4 409	2 862	7 271	81
2001/02	8	5 461	3 300	8 761	4 121	2 622	6 743	77
Total		25 239	16 644	41 883	17 117	11 716	28 833	69

Source: School for Life (Tamale, 2003).

J. Changes in the education system

263. Since the last report, the one most significant change in the education sector was the introduction of the Free Compulsory and Universal Basic Education (f^rCUBE). This programme, introduced in fulfillment of a constitutional mandate, (Article 38 of the 1992 Constitution) provides for the implementation of education programmes that are guided by three main components:

- (a) Increase in Access and Participation;

- (b) Improvement in the Quality of Teaching and Learning;
- (c) Improve efficiency in the management of education.

264. A fourth component, Decentralisation, was added to ensure that the focus of programme activities conform to the government's decentralisation policy as well as district-driven.

K. Enrolments

265. The period has seen Gross enrolment rates wavering from 75.5% in 1987/88 to 74.6% in 1995/95 to the current 80% in 2002. The Gross Enrolment Ratio (GER) gender gap in favour of boys decreased from 14.7% in 1987/98 to 10% in 1996/97. At present the GER gender gap is 7% in favour of boys. Analysis of gender participation in education for 2001/2002, based on net enrolment rates (showing actual participation of boys and girls of school-going age, following the population and housing census of 2000) indicate that in real terms the difference is only 1% in favour of boys. The national average for net enrolment is 58% representing 59% for boys and 58% for girls in 2001/2002. Table 9.9 shows the gross and net enrolment rates by gender and region.

Table 9.9

Primary level GER/NER by gender by region 2001/2002

Region	GER			NER		
	Boys	Girls	Total	Boys	Girls	Total
Volta	87	78	83	57	55	56
Central	96	90	93	71	69	70
Greater Accra	85	80	83	62	60	61
Eastern	94	88	91	67	66	57
Brong-Ahafo	88	78	83	61	57	59
Western	88	80	84	66	62	64
Ashanti	80	75	77	60	58	59
Upper West	63	63	63	44	47	45
Northern	74	55	65	53	43	48
Upper East	70	69	70	50	53	52
National	83	76	80	59	58	58

Source: EMIS, MOE, 2002.

L. New legislation

266. No new legislation have been passed in the sector. At present it is the Education Act of 1961, which is undergoing a review. A new draft bill is to be presented to Cabinet for consideration and discussion by Parliament to be passed into law. The new Act seeks to address contemporary developments that influence education delivery but are not included in the current education Act. This includes issues on decentralisation and the registration of teachers.

M. Provision of early childhood education

267. The government has equally given consent to the attachment of pre-school to every primary school, while the National policy on Early Childhood Development is awaiting consideration and adoption. This decision is important because it addresses the earlier situation where pre-schools were not formally considered a part of the mandate for the Ghana Education Service, which was charged to deliver education for children from the age of 6. If adopted, the mandate will now commence from the age of 4 and it will be part of the f' CUBE.

N. Education planning

268. There is a new commitment in ensuring that the country fulfils its obligations towards the attainment of global education objectives. Educational planning has thus intensified with the Ministry of Education, Youth and Sports completing the preparation of a National Plan of Action for Education for All (EFA) under the Dakar 2000 Framework. In addition, proposals for securing additional funding support under the EFA Fast Track Initiative (EFA-FTI) has been completed and submitted.

269. The core principles under these programmes are universal access and completion. The programme of work for the two programmes are derived from the Education Strategic Plan (2003-2015), which is in itself a new approach to the implementation and dissemination of education policies, strategies and targets for the period.

O. Retention

270. The introduction of the school feeding programmes has contributed to increasing enrolments in school in the three regions of northern Ghana. These areas are still, however, grappling with problems of retention as the estimates of drop out rates of 29.5 percent for girls and 20.2 percent for boys (Boakye, et al, 1998) and 10 percent for boys and 12 percent for girls (ESSP, 2001) suggests persistent gender gaps. Approximately 30 percent of girls and 19 percent of boys of primary school age are out of school. Getting these back in schools will require more innovative approaches which are flexible to the deprived rural contexts and labour livelihood requirements of the family.

P. Achievements

271. Additional effort is required to raise the quality of education in Ghana. School rehabilitation and construction projects have resulted in improving the environment of teaching and learning in schools. At present, it is estimated that 3000 new schools have been constructed and more than two hundred schools have been rehabilitated. The revision of syllabuses for Primary and Junior Secondary School has broadened the scope of the content and the addition of new topics to the academic curriculum. Issues on HIV/AIDS, Life skills, rights and morals education have been incorporated in the school curriculum.

272. One remarkable change in the education system is the introduction of the Performance Monitoring Test (PMT) and the School Performance Appraisal Meetings (SPAM) in 1999 as a second group of activities designed to assess pupil learning achievement alongside the Criterion

Referenced Tests (CRT), which was started in 1992. The SPAM, which followed the release of PMT results to schools, brought together parents and other stakeholders to discuss the outcomes of the PMT and other related issues about the school. The CRT and PMT raise important issues about the state and level of the teaching and learning process in schools. They raise fundamental questions about quality of education and its availability to different sections/categories of Ghanaian children.

273. Efforts are underway to firm the ground in the assessment of quality outcomes in the education system. Propositions have been tabled for the introduction of a Minimum National Standards Test (MNS) that would combine the advantages of both the CRT and PMT, since the two tests have raised some concerns over their appropriateness.

Q. Targets

274. The ESP (2003-2015) has identified a number of targets for the future under the 10 sector objectives. These objectives are:

- (a) Increase access to and participation in education and training;
- (b) Improve quality of teaching and learning for enhanced pupil/student achievement;
- (c) Extend and Improve technical and vocational education and training;
- (d) Promote good health and environmental sanitation in schools and institutions of higher learning;
- (e) Strengthen and improve educational planning and management;
- (f) Promote and extend the provision of science and technology education and training;
- (g) Improve the quality of academic and research programmes;
- (h) Promote and extend pre-school education;
- (i) Identify and promote education programmes that will assist in the prevention and management of HIV/AIDS;
- (j) Provide girls equal opportunities to access the full cycle of education and also provide the opportunity for parents.

275. The policy goals are encapsulated in four-focus areas that express the intentions of the Ministry concerning its attainment. The four areas are:

- (a) **Equitable Access to Education:** Provide a foundation for increased equitable access to universal basic education, by increasing opportunities for out-of-school, hard-to-reach children and adults and by providing more opportunities at secondary and tertiary levels. Absorb an increasing number of school leavers from basic education within expanded and more diverse secondary and tertiary systems;

(b) **Quality of Education:** Make the various resources available to the system (including teachers, teaching practices, learning conditions and facilities) more effective and more equitable and target educational outputs for improvement;

(c) **Educational Management:** The Ministry, its agencies and schools will make the most efficient use of scarce resources within clearly defined roles that will develop a new culture of service, support and mutual trust;

(d) **Science, Technology and TVET:** There will be an extension of opportunities for young people, including out-of-school children, drop outs and 'normal' school leavers to engage in technical and vocational opportunities. There needs to be increased investment in the promotion of science and technology, particularly in JSS and in post-basic institutions.

R. Monitoring mechanisms

276. An Advisory Committee referred to as Education Sector Technical Advisory Committee (ESTAC) has been established as part of the monitoring mechanism designed to track progress made and the outcomes of the targets set. The other group that was tasked to monitor development in the sector is the monitoring and Evaluation team in the Planning, Budget, Monitoring and Evaluation Division of the Ministry.

277. In addition to these, the inspectorate Division of the GES will undertake periodic visits to schools through Circuit Supervisors, who would provide support to Head teachers in their daily duty of ensuring in-school supervision.

S. Secondary education

278. The expansion of second cycle education has been a matter of concern. During the period, investments in second cycle education have not grown compared to that of basic education. The GPRS forecasts that participation in the SSS will grow from 17% to 25% by 2004. Enrolments in SSS grew from about 146,000 of the age group in 1987/1988 to 195,000 in 1997/1998 and 204,000 in 2000/2001. The number of public secondary schools increased from 240 to 474. The number of technical institutions has not changed - the total number now lies at 23. Many Community Day Secondary Schools that began in the 1990s to make secondary school more accessible without the additional costs of boarding and lodging, are under enrolled. A sizeable number have less than hundred pupils.

279. In the circumstances where many SSS students have poor literacy and numeracy skills, a strong encouragement for participation in technical and vocational programmes has emerged both in the formal and non formal approach. The establishment of VOTEC Resource Centres, which is a programme to make machinery and other technical equipments available to a cluster of schools in addition to providing an avenue for training non-formal artisans, has helped to add more value to Vocational and Technical education and training.

280. Furthermore the establishment of the Women in Technical Education (WITED) unit of the Technical Education Division (TED), is helping to provide assistance to girls who desire to pursue Vocational and technical programmes perceived to be the preserve of males. The strengthening of institutional support for vocational and Technical education through the provision of additional support to the National Vocational Training Institute (NVTI) and the National Co-ordinating Council for Vocational Examinations and Training (NACVET) is helping to add substance to Technical education.

281. The national education policy provides for free tuition for all. Students in secondary schools are only therefore made to pay fees for textbooks and other agreed fees decided on by parents and teachers. Payment of boarding fees is subsidised by the government. In the case of students with financial difficulties, some scholarships are available, which unfortunately are not able to meet the demand. The establishment of education endowment funds by some traditional rulers, communities and schools serve as added avenues to solicit assistance for secondary education.

T. Access to higher education

282. Education is free and accessible. Over the years, the exclusion of some children from schooling is attributable to poverty and the lack of flexibility of the formal system. In some odd circumstances, some children have been denied access due to some traditional practices, for example, Trokosi, fostering and early marriages. Cases of temporary exclusion from schooling resulting from pregnancy has reduced as government directives now require that girls who are victims in such situations should be admitted in school. Data on such cases are, however, not available as most of these cases are not officially reported and documented.

U. Corporal punishment

283. Corporal punishment is still widely practiced in schools. The Ghana Education Code of Discipline for second cycle school provide for corporal punishment in very rare cases, in which case the head of the school must authorise or administer it. At the basic level corporal punishment is extensively used in many rural areas, where various arguments are advanced for its persistent and continuous usage. However, in many schools in the urban areas, particularly in private schools, corporal punishment is prohibited. Sometimes at Parent-Teacher meetings, the subject of abolition of corporal punishment has provoked some controversy as some parents tend to prefer that form of punishment.

284. There are no monitoring mechanisms in place, an issue that needs to be taken up in preparation for a formal policy on the subject of promoting the best interest of the child.

V. Right to be heard

285. Opportunities exist in schools for the views of children to be heard, particularly at the second cycle and tertiary levels. Basic Schools, which provide avenues for children's views are few and far between. There are no records on these and hence tend to be

considered non-existent. However, Student Representative Councils in secondary school and tertiary institutions provide the forum for children to discuss issues of concern to them and also a medium for communicating the broad views of students regarding specific matters.

W. Training of teachers on child rights

286. As part of the process to educate and create awareness among teachers on the convention, a Manual for Training Teachers in the promotion and protection of Children's rights in school is completed. Training programmes are scheduled to take place, which would eventually produce the expected results of dialoguing with children to review school policies and the preparation of relevant programmes. Peer counselling programmes in schools are gradually gaining popularity. The frequency of activities directed at providing the chance for peer counselling is however rare.

X. Leisure, recreation and cultural activities

Leisure and recreation

287. For the full development of the child, the education curriculum includes time for leisure. There are two breaks on school time tables during which children engage in play to relax their developing brains. During the period, children engage in sporting activities and games for which provision is made in schools. Every year all schools take part in sporting competitions organised by the GES. Many schools have clubs where children have the option to join a club of their choice.

Children's park

288. In almost all communities, there are designated places of some sort for children's leisure and recreation. The GNCC, however, manages the Efua Sutherland Park, which serves as the major national recreation and entertainment park for children. It also serves as a venue for other social functions for both children and adults. There are similar parks in the country which are owned by private entities but the Efua Sutherland Park receives the highest patronage in terms of child programmes. In 2001, forty-two child-related entertainment and educational programmes were organised at the park.

MOWAC children's leisure centres

289. MOWAC also creates awareness on the need to provide recreational/learning facilities for children. In pursuance of this objective a Children Centre concept has been introduced. This concept seeks to promote and guide child development, both in his creative abilities and social and environmental development. The Centres will not only serve as recreational facilities but also provide opportunities for children, especially in rural areas, to learn and develop their talents. They will be taught batik, tie-dye making, basketry, painting etc. The centres will also serve as a focus for Child Literacy Programmes for non-formal education.

Cultural activities

290. The GES has a Cultural Education Unit, which ensures that cultural education is actually monitored in schools, especially at the basic level. Article 39 of the Constitution makes provision for the conscious introduction of cultural dimensions to relevant aspects of national planning. The National Commission on Culture (NCC) as a result adopted a draft Cultural Policy that serves as a guide to all sectors of governance and development to ensure that culture is promoted and preserved to underscore the importance of the equitable growth and development of the nation of which children are the most valuable assets.

291. In pursuance of this cultural policy, there are established in each of the 110 districts a Centre for National Culture. These centres which work in close collaboration with the District Assemblies, the traditional authorities and other relevant sectors such as health, education among others have the under-listed objectives:

- (a) Development and maintenance of recreation and learning centres for children;
- (b) Development and dissemination of traditional knowledge including oral literature, history, science and technology.

292. Consultations are also being held with each of the DAs to establish theme parks in the communities.

293. There is a close collaboration between the NCC and the GES to revise the curriculum and syllabus for basic schools to ensure that positive traditional values and concepts are used in the design of textbooks. As part of this collaboration, textbooks in 11 Ghanaian languages have been developed for schools.

294. Article 39 of the Constitution further provides that traditional practices that are injurious to the health and well being of children are abolished. The Criminal Code (Amendment) Act makes it an offence to indulge in such inhuman practices as FGM and Trokosi.

295. Research and advocacy work are also being undertaken to complement enforcement of legislation to reduce, if not completely eliminate such acts practised by only a few ethnic groups. There is a need for enhanced funding and support to relevant agencies, NGOs and advocacy groups to sustain research and education to completely eliminate all health related and injurious cultural practices.

Y. Challenges

296. There are difficulties in enforcing legislation against these injurious cultural practices as the adherents and persons from the affected ethnic areas consider the practice central to their religious philosophy, belief and worldview. These difficulties are being resolved through persuasive advocacy and economic interventions to make owners of the shrine and other cults give up these practices.

IX. SPECIAL PROTECTION MEASURES

A. Refugee children

297. As outlined in paragraph 125 of Ghana's initial report, MMDE is the agency responsible for protecting the rights of refugee children. In Ghana a refugee child is entitled to the rights and is subject to the duties specified in:

- (a) The articles of the United Nation's Convention relating to the Status of refugees of 1951;
- (b) Protocol relating to the Status of refugees of 1967;
- (c) The Organisation of African Unity Convention governing specific aspects of refugee problem in Africa;
- (d) Refugee Law, 1992 (PNDCL 305D).

298. A refugee child who has been granted refugee status is issued an Identity Card (in the prescribed form), Resident Permit and a United Nation's Travel Document (where appropriate).

299. The DSW collaborates with other agencies to give special protection to refugee children by providing them and their mothers with shelter, food, counselling and other emotional support for their survival. DSW has seconded Social Workers to the Liberian Refugee Camps at Budumbura and Zanzule in the Central and Western Regions. In extreme cases DSW helps to settle refugee children in homes of fit persons.

Table 10.1

Number of refugees by country, June 2000

Country	Number	Percentage
Liberia ¹⁸	9 528	75
Sierra Leone	2 004	16
Togo	1 067	8
Sudan	22	0.8
Nigeria	6	0.05
Rwanda	32	0.25
Ethiopia	6	0.05
Burundi	8	0.06
Libya	6	0.05
Congo Brazzaville	5	0.03
Democratic Republic of Congo	13	0.10
Total	12 697	

Source: Situation Analysis of Children and Women in Ghana 2000, UNICEF.

300. Table 10.1 shows that refugees from Liberia constitutes the highest (75%) in the country, followed by Sierra Leone (16%) and Togo (8%) and the smallest group is Congo Brazzaville (0.03%). Children (classified in these statistics as 0-17 years of age) constitute 21.1% and the male female ratio is almost 50/50 of the refugee population as shown in Table 10.2.¹⁹

Table 10.2
Age distribution of refugees by sex, June 2000

Age	Female	Male	Total	% Total
0-4	325	309	634	5
5-17	2 358	2 383	4 741	37
18-59	3 279	3 930	7 209	57
60+	44	84	128	1
Grand total	6 006	6 706	12 712	

Source: Situation Analysis of Children and Women in Ghana 2000, UNICEF.

301. In order to reunite unaccompanied children with their families, the ICRC and the Save the Children Fund have established the Child Tracing System.

B. Removal of children in need of care and protection

302. Section 3 of Act 560 on Non-discrimination and Section 19 (3) gives DSW the mandate “to remove” a child in need of care and protection as stated under Section 18 (1) (a-n) to a place of safety irrespective of the status of that child, whether a Ghanaian or a refugee.

303. The places of safety include the various Children’s Homes managed by the DSW or recognized private Children’s Homes or to the home of a fit person in the locality or fosterage within the family.

C. Children in armed conflict

304. As mentioned in paragraph 126 of Ghana’s initial report, Ghana has little or no experience with children being directly involved in armed conflict. By law, persons under the age of 18 are not allowed to join the Armed Forces, and there is no mandatory conscription of any nature. There have been no wars fought within the boundaries of Ghana, nor has there been any prolonged rebel activity. There are no child soldiers in Ghana.

305. However, ethnic fighting and chieftaincy disputes have affected quite a number of children. These conflicts generally reduce children’s access to health care and education when they occur.

306. In order to ameliorate the effects of conflict on children, there are governmental institutions and CSO who provide relief services and mediate between feuding parties.

D. Children involved with the system of administration of juvenile justice

307. The same laws as outlined in paragraphs 127 to 129 of Ghana's initial report still apply to the rules governing the administration of juvenile justice within Ghana. Additions however, have been adopted with regard to the establishment of Child Panels and Family Tribunals under the Children's Act to ensure the rights of the child in conflict with the law.

308. It is expected that the Juvenile Justice Act, will change the juvenile justice system of Ghana, immensely granting more rights, protections and rehabilitation procedures to children.

Administration of juvenile justice

309. The administration of Juvenile Justice in Ghana is in line with the relevant international instruments and rules on the administration of Juvenile Justice. The welfare principle of the Children's Act section 2 (2) states, 'the best interest of the child shall be the primary consideration by any court, person, institution or other body in any matter concerned with a child'.

310. The principle underlines any measures taken to protect and ensure the right of every child involved with the system of Juvenile Justice Administration. To promote and protect the child's sense of dignity worth, and the right to life, survival and development, the following measures are in place:

(a) Cases involving juveniles are handled at Juvenile Courts which sit in camera in the Magistrates' Chambers and even if the juvenile commits the offence in the company of adults, after the trial, the juvenile is referred to a Juvenile Court for sentencing;

(b) In accordance with the laws of the State, a juvenile accused of or having infringed the penal laws is 'presumed innocent until proven guilty according to the law';

(c) Under part II of the Juvenile Justice Act, 'when a juvenile appears before a Juvenile Court, 20 (1)', the allegations in a charge sheet shall be translated in a language that the accused juvenile can understand;

(d) The accused juvenile shall be called upon to indicate to the Court whether he/she admits the offence or otherwise;

(e) The Juvenile, the lawyer of the juvenile, parent, guardian, close relative or a Probation Officer may examine the charge sheet at any stage of the proceedings.

Assistance to the accused juvenile

311. Section 22 of the Juvenile Justice Act states that 'the presiding officer at the commencement of proceedings in the court, shall inform the juvenile in a language that the child understands of the following:

(a) The right to remain silent;

(b) The right to legal representation.

312. As regards the right to have a parent, close relative etc. at court, this is automatic in Ghana. Once a juvenile is arrested, the parents, guardians or close relatives (when they can be traced) must be contacted and invited to the Court before Court proceedings begin.

313. The services of trained Probation Officers are always available to the juvenile offender and duties of Probation Officers are explicitly stated in section 22 & 23 of Act 560 and elsewhere in the Juvenile Justice Act. Whenever necessary, especially, where the juvenile pleads guilty of the offence, a Probation Officer is tasked to conduct social investigation into the background of the juvenile and submits a report known as Social Enquiry Report (SER) which will inform the Court about the probable circumstances that might have led the juvenile to commit the offence. In the report, the Probation Officer makes a recommendation to the Court on the various treatments that could be considered by the Court for the correction and rehabilitation of the Juvenile offender.

314. In accordance with such international instruments as the Beijing rules and Riyadh guidelines as well as the UN rules for the protection of juveniles deprived of their liberty. The system of Juvenile Justice Administration adopts measures to protect and rehabilitate juvenile offenders.

315. Under section 21 of the Juvenile Justice Act, an accused juvenile may be granted bail by the parent (s), guardian (s) or close relative or a responsible person. If bail cannot be granted he/she is sent to a remand Home run by the DSW and not in adult cells or prison for a reasonable period. Section 21 (5) states that the total period remand of a juvenile shall not exceed three (3) months except in the case of serious offence not exceed six (6) months. The problem of implementation of this section however, is the lack of easy access to the remand homes. There are only ten (10) remand homes cited in the ten regional capitals in the country.

316. When a juvenile is convicted of the offence, the following may be ordered:

- (a) Payment of fine by parent or guardian;
- (b) He may be released on probation under the supervision of a Probation Officer (which is equivalent of suspended sentence in the case of adult offenders);
- (c) Committed to the care of a fit person;
- (d) Committed to a Correctional Institution but institutionalisation is the last resort, and depending on the type of offence committed (under section 43/44 of the Juvenile Justice Act).

317. There is provision for appeal against any of these sentences. Where the juvenile has to be institutionalised measures are taken to separate him from adults. If for example, a juvenile is sent to an adult prison because of a mistake in age given on the docket at the time of prosecution, there are provisions in the Law to have the juvenile transferred from the adult Prison.

Principle of diversion

318. In order to divert the juveniles from the Court System or stigmatisation where the juvenile is convicted and sentenced, Child Panel System is being introduced in Ghana as under Sections 27-32 of The Children's Act.

319. The practice and purpose of diversion are also already stated in Sections 25 and 26 of the Juvenile Justice Act. All the practices stated above describe the measures put in place and the efforts by Ghana to ensure that the juvenile in conflict with the law is humanely treated and reformed rather than condemned.

E. Children in situations of exploitation, including physical and psychological recovery and social reintegration

Economic exploitation of children, including child labour

320. Article 28 of the 1992 Constitution of Ghana guarantees protection to children against exploitative labour. The Children's Act re-enacts the rights into national law and prescribes sanctions against breach thereof. MOWAC, MMDE and Ministry of Local Government and Rural Development (MLGRD) and their technical agencies are responsible for the protection of those rights. Act 560 prescribes a legal age of 15 years for employment in Ghana which coincides largely with the age for completion of basic school education.

321. The forms of exploitation prevalent in Ghana, which are prejudicial to the child's health include, child labour, child trafficking, child commercial sexual exploitation and ritual servitude. The Children's Act both defines and prescribes sanctions against economic exploitation of children. Ghana's Education Act makes basic education (up to age 15 years), compulsory. Under the f'CUBE Policy, the MOEYS in collaboration with various stakeholders have a number of programmes in place which include the following:

- (a) On-going community sensitization programmes through fora, workshops, media programmes, posters and adverts;
- (b) Projects for the withdrawal and rehabilitation of child victims of economic exploitation;
- (c) Special vocational training programmes by the MMDE and other partners, including civil society groups;
- (d) The launch of the West Africa Cocoa and Agriculture Project (WACAP)²⁰;
- (e) Formation of child peer advocate groups in schools by the ILO/IPEC;
- (f) Observance of World Day Against Child Labour and Child Trafficking; and
- (g) Translation of Act 560 into local languages.

322. Under Act 560, the minimum age for employment is 15 years. The Act however permits “light work” at age 13, but prohibits engagement of children below 18 years in “hazardous labour”. The Act provides that work should not interfere with the child’s education, health and development. The Act also prescribes sanctions to ensure the effective enforcement of Article 32 (2) of the CRC.

International Conventions Ghana is signatory to

323. Ghana is party to the CRC, ILO Convention No. 182 and 138 concerning the Worst Forms of Child Labour and the Minimum Age of labour, respectively.

Policies and strategies adopted to prevent and combat child labour

324. Policies and strategies adopted to combat child labour and other forms of exploitation include the; f’CUBE, the Child Rights Regulation 2002 (LI1705), supplementing Act 560; and establishment of multi-disciplinary Child Rights Committees.

325. National strategies developed to ensure the protection of children include the development of child protective legislation and policies; establishment of structures and programmes ensuring the empowerment of communities and families for the protection of children. The improvement of education and community sensitization for attitudinal change and formation of broad/multi-sectoral partnerships for the protection of children have also worked well for Ghana.

Institutions in place to monitor child labour

326. Relevant institutions include the MOWAC, GNCC and the DSW.

327. Furthermore, the basic school curriculum is being restructured to make it more relevant and attractive to both children and parents. The under listed are some other measures taken to ensure the recognition and protection of the rights of the child from economic exploitation and work that is likely to be hazardous or harmful to the child’s education and development.

- (a) Sponsorship of teacher trainees, by various District Assemblies, who will return to their sponsor communities to teach, to improve the quality to education;
- (b) Scholarship schemes to needy children by District Assemblies and other partners, both governmental and non-governmental;
- (c) Micro-credits to strengthen the capacity of parents for improved child care;
- (d) On-going public/community sensitization programmes;
- (e) The Education Act, 1960 and f’CUBE policy.

328. Some of the programmes of technical cooperation and international assistance in Ghana are the ILO/IPEC, ILO/WACAP, Child Trafficking (LUTRENA); and similar projects by other national partners are being run in Ghana to combat the situation.

F. Sexual exploitation and sexual abuse

329. Children are protected by law from sexual exploitation and abuse, the Criminal Code (Amendment) Act 1998, (Act 554) criminalizes a range of sexual offences in articles 11-13. The offences include rape, indecent assault, defilement, forced marriage, prostitution of a child under 16 years and allowing persons under 16 to be in brothels. The law protects both the boy and girl from any sexual exploitation and it has increased the age of sexual consent from under 14 years to under 16 years.

330. Both government and CSO's use the print and electronic media to educate and sensitise the public on the forms of sexual abuse and what to do if a child becomes a victim. The establishment of WAJU has ensured that cases are dealt with speedily and many of the officers of the unit have been sensitised, these among others has resulted in the public gaining confidence to report cases.

G. Sale, trafficking and abduction

331. A Human Trafficking Bill has been drafted awaiting promulgation into law; meanwhile trafficking offences are prosecuted under the Criminal Code (Amendment) Act 1998 (Act 554) and the Children's Act.

Ongoing public awareness and information programmes

332. Awareness and information campaigns launched by various stakeholders and which are ongoing include radio, television and schools programmes, newspapers articles, posters brochures, stickers and billboards, direct sensitization of top ranking government officials individually and in-groups, sensitization of employers and workers groups, media personnel, community and civil society leaders.

333. There are numerous ongoing public awareness and information programmes with the media as the main ally, on the forms and dangers of trafficking. The media is also invited to most child rights programmes and has representation on the ILO/IPEC National Steering Committee as well as the National Partner Forum on child labour.

334. The District Assembly Common Fund, MOWAC Women's Development Fund, the STEP programme of the MMDE, funding from ILO/IPEC, UNICEF and other development partners are integrated for policy development and programme implementation. Much more funding is required to tackle the issue more vigorously.

335. Other strategies adopted include sensitisation of District Assemblies for leadership within their communities; integration of programmes through networking and corroboration; integrated action of policy and legislation development; rehabilitation of child victims improvement in education delivery; empowerment of communities for better care and retention of children through skills training and micro-credit financing.

336. A national committee, chaired by the Vice-President H.E. Aliu Mahama has been set up to oversee strategies to combat and prevent child trafficking.

337. A National Child Trafficking Plan of Action has been developed by ILO/IPEC with the collaboration of all relevant agencies in the prevention and combat of Child Trafficking.

338. Child Labour Unit under the MMDE and a Women and Juvenile Unit of the Police Service, the Social Services and Security Committees of the District Assemblies have been established to deal with such cases. Also inaugurated is a Child Trafficking Task Force to co-ordinate and monitor programmes and activities concerning the sale, trafficking and abduction of children.

339. Ghana signed a memorandum of understanding with the international Labour Organization leading to the launch of the ILO/IPEC programme in Ghana in the year 2000. Interpol Ghana cooperates actively with countries, within and outside the continent in the area of child trafficking. To strengthen such cooperation, the Ghana ILO/IPEC Child Trafficking Project has planned a sub-regional workshop for the security and law enforcement officials in the sub-region.

H. Other forms of exploitation

340. The 1992 Constitution, the Children's Act 560, the Criminal Code (Amendment) Act 1998 (Act 554) and the Child Rights Regulations, 2002 (LI17805), prohibit the exploitation of children. A Bill on Human Trafficking has also been drafted to include prohibition against child trafficking which was omitted in Act 560. Administratively, the government has established Ministries, Departments and Agencies (MDAs) for the protection of children from exploitation. They include the Ministries of Women and Children's Affairs, Manpower Development and Employment, Local Government and education. Others are the Ghana National Commission on Children, the Departments of Labour, Social Welfare and Community Development, the District Assemblies and Ghana Education Service.

341. Training activities have been developed for teachers. A number of Training of Trainers Workshops has also been held for partners in various areas of child protection for the streamlining of child protection into sectoral policies and programmes.

342. Budgetary allocation through a Women's Development Fund administered by MOWAC, poverty reduction funds administered by the MMDE and District Assemblies, other donor funding for support programmes run by NGOs and social partners all go to enhance measures taken nationally for the protection of children from exploitation.

343. Integrated withdrawal process involving provision of shelters, counselling, rehabilitation and reintegration children with families are being implemented through collaboration of governmental and non-governmental agencies.

X. CONCLUSION

344. The concept of Child Rights is gradually gaining grounds in the country. Much has been done to instil the spirit of the CRC in Ghana's legal system; the Criminal Code (Amendment) Act, Children's Act, Child Rights Regulations and Juvenile Justice Act all make provisions to

ensure conformity of domestic laws to the CRC. The General Principles of the CRC have also influenced many policies passed to ensure the welfare of children; the continuous advocacy on the laws and policy will change the populace attitude towards children.

345. With the entrenchment of democratic principles in the country since 1993, the civil rights and freedoms of all including children are being respected. The Family, being the primary unit for the care of children, is however under a lot of stress from urbanization and economic hardships. These challenges have also weakened the ties of the extended family, such that some parents are finding it difficult to meet their responsibilities. The policies and programmes being implemented would ensure that such children are protected from anything that will disrupt their development.

346. The strategy of using governmental structures from the national to the community level with Civil Society Organizations as partners in implementing the CRC is a winning formula that will improve the welfare of children.

Notes

¹ Population and Housing Census 2000, GSS.

² A state owned weekly newspaper designed especially for children.

³ National Population Council Secretariat, Ghana Country Report. 5 year Years Implementation of ICPD Programme of Action (1994-1999).

⁴ Ghana Health Services.

⁵ Female Genital Cutting (FGC) is sometimes referred to as Female Genital Mutilation (FGM).

⁶ Trokosi: Where young, vestal virgin girls are held in bondage in fetish shrines to atone for the alleged sins and crimes of their relatives.

⁷ Approximately \$556 as at the time of compilation of the report.

⁸ These numbers were compiled in March, 1999. Because of inflationary pressures, they do not accurately represent current household and per capita income. In March, 1999, mean annual household income and mean annual per capita income, converted into US dollars at an exchange rate of ₵2 394 to the dollar, equals US\$947 and US\$220, respectively.

⁹ Mean per capita income is equal to total household income divided by total number of persons; it can be obtained by dividing mean household income by mean household size.

¹⁰ Ibid.

¹¹ ₵9,000 equivalent to \$1.

¹² The Development of Education: National Report from Ghana 1994-1996 (MOE).

¹³ WUSC has supported women's groups in Northern Ghana with grants to enable them send their girls to school in the Northern Region.

¹⁴ Education Sector Review report (MOE, Accra, 2002), pg. 82.

¹⁵ National Education Forum: background Paper prepared for the Ministry of Education by the Forum Technical Committee (Accra, November 1999), pg. 29.

¹⁶ Ghana Living Standards Survey (GLSS 4), GSS, Accra 2000.

¹⁷ School for Life is a Danish assisted non-formal literacy and numeracy programme located and operating in the Northern Region. It is currently operating in 8 out of the 13 districts in the region.

¹⁸ The number has appreciated considerably again, it is estimated to be more than 40,000.

¹⁹ This number includes other minor groups such as those from Burkina Faso.

²⁰ A special sub-regional programme for the elimination of child economic exploitation in agriculture, particularly cocoa industry.
