

**GHANA NGOs COALITION ON THE RIGHTS OF THE CHILD
(GNCRC)**

CONVENTION ON THE RIGHTS OF CHILDREN (CRC) REPORT

TO

UN COMMITTEE ON THE RIGHTS OF THE CHILD

2014

Prepared by Ghana NGOs Coalition on the Rights of the Child (GNCRC)

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Abbreviations

CHRAJ	Commission on Human Rights and Administrative Justice
CRC	Convention on the Rights of a Child
CRI	Child's Rights International
CSO	Civil Society Organizations
DOVVSU	Domestic Violence and Victims Support Unit
DSW	Department of Social Work
ESP	Education Sector Plan
FCUBE	Free Compulsory Universal Basic Education
FGM	Female Genital Mutilation
GDP	Gross Domestic Product
GNCRC	Ghana NGOs Coalition on the Rights of the Child
GPRS II	Ghana Poverty Reduction Strategies II
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ILO	International Labour Organization
IMU	Implementation Monitoring Unit
LEAP	Livelihood Empowerment Against Poverty
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MoFEP	Ministry of Finance and Economic Planning
NGO	Non-Governmental Organization
NHIS	National Health Insurance Scheme

OAU	Organization of African Unity
OVC	Orphans and Vulnerable Children
UN	United Nations
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund

EXECUTIVE SUMMARY

This report has been prepared to provide an overview of recent developments in the area of child rights protection in Ghana. This report has been put together with inputs from relevant government and non-government institutions in Ghana, and children. , There has been a comprehensive legislative framework adopted by the government, which is in accordance with international law on children's rights. Incidentally, however, there exists a significantly disconnect between legislation and implementation.

A variety of child rights focused programs and projects have been implemented at the national, regional and community levels to complement legislation. Successful attempts at alleviating poverty have been through the introduction of pro-poor initiatives such as the Livelihood Empowerment Against Poverty (LEAP).

Government and Civil Society examine three general principles through discussion of non-discrimination, specifically towards females, the sensitivity of institutions to the best interest of the child, and the recognition of child participation. The civic rights and freedoms of children and the cultural practices affecting these are addressed with the data collected identifying urban areas as having the highest levels of child abuse and neglect. Attention is brought to the issues of health coverage for children under the age of 18 and startling rates of maternal mortality rates and teenage pregnancy. The special protection measures, including those addressing child labour and juvenile justice, are evaluated on their ability to protect children from exploitation and abuse. This report concludes by strongly emphasizing the need for a coordinated, self-sustaining child protection system in Ghana.

Acknowledgement

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GNCRC wishes to express its gratitude to the individual member organizations of the Coalition that worked hard to contribute to the preparation of this report. The Coalition also acknowledges the invaluable input from partner Civil Society Organizations that participated in the regional and national validation Consultative Forum to deliberate on the content of the State's Report to the UN Committee.

Last and most importantly, the Coalition congratulates and thanks all the children who participated in the reporting process. The Coalition dedicates this report to all the Children of Ghana.

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Compiled by:

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1. Background: Brief/updated information about Ghana NGO Coalition on the Rights of the Child

The Ghana NGOs Coalition on the Rights of the Child (GNCRC) was established in 1996, taking its mandate from the UNCRC which enjoins NGOs to participate in the implementation and reporting on the CRC, through the formation of National Coalitions.

It is a network of sixty-one (61) active Non- Governmental Organizations which work with/for children and/ or whose activities impact on the rights of children and has been registered by the registrar general with certificate No G. 2180 and also by the Department of Social Welfare with certificate No. DSW3301.

The GNCRC is governed by a 13-member Executive Council, formed by Presidents of the ten regional branches, an elected National President, Vice President, Treasurer.

We are working hard to have child representatives on the committee. This Council sets the agenda for the Coalition by formulating policies and reviewing them periodically to ensure that they benefit all Ghanaian children needing our intervention and services.

A three-member management team made up of the National President, Vice President and Treasurer superintend the activities of the Secretariat on regular basis for effective national coordination.

The Secretariat is managed on day-to-day basis by a National Coordinator, a Programmes Officer and an Account Officer (with yearly intake of two National Service Personnel).

Children's groups are being strengthened to enable them express their concerns in various fora for redress while we continue to advocate for their protection where they are not represented. Young

people and child participation in GNCRC activities and governance system is acknowledged as essential to achieving our objective of the rights holder being the best advocate and change agent.

To democratize planning, implementation and monitoring, sub-committees have been created by the GNCRC Constitution to work through the INTERNET and TELEPHONE with periodic meetings.

Currently two of these sub-committees, Finance and Audit and, Programmes and Resource Mobilization are functioning. There is a mandatory audit of our accounts yearly. Save the Children, Sweden supported child rights monitoring project and DCI-ECPAT Netherlands, supported girl power project which both of its accounts for 2013 are already being audited by Voscon Chartered Accountants, while the Plan Ghana supported Juvenile Justice Administration project has been audited by Price Water House Coopers Ghana.

The Secretariat reports to the Executive Committee and the National Council.

1. Our Vision

Our vision as a Coalition is to:

- Build a strong network of child rights organizations that is well equipped to deliver services that ensure the survival, protection and development of children in Ghana.
- Work towards creating an environment where the rights of children in Ghana are respected and protected to ensure that children develop to realize their full potentials.

Mission

The Ghana NGOs Coalition on the Rights of the Child (GNCRC) exists to ensure the promotion and protection of the rights of children in Ghana through advocacy, public education and

awareness creation, membership capacity building and partnership-building with government, civil society organizations development partners and the children themselves.

Goals

The goals of the Coalition are to:

- Increase children's awareness about their rights.
- Improve public awareness about children' rights.
- Increase Government and donor commitment to the fulfillment of their obligations towards children living in Ghana.

2. Values and guiding principles

The Coalition's work is based on a number of key values and principles namely:

- ❖ Non-discrimination (Art 2)
- ❖ Equality and Equity.
- ❖ Child Participation
- ❖ Best interest of the child (Art 3, Art 12).
- ❖ Child survival and development (Art 6).

Objectives

- a. Foster networking and information sharing with NGOs working to promote the rights of Children in Ghana
- b. Strengthen the capacity of member organizations, children and other stakeholders to protect the children's rights

- c. Provide a forum for NGOs to participate in the implementation and monitoring of the UN Convention on the rights of the child, African Charter on the Rights and Welfare of Children and, other national and international instruments.
- d. Conduct research and to document best practices of member organizations
- e. Collaborate with Government to monitor the implementation of children's rights in Ghana.

3. Our strategies

Our key strategies as a Coalition are:

- ❖ Networking
- ❖ Partnership building
- ❖ Resource mobilization
- ❖ Advocacy

1.1 Introduction

1. Ghana became the first country to ratify the United Nations Convention on the Rights of the Child and did so without any reservations. Kaime (2009) contends that the fact that Ghana holds the title of being the first country in the world to ratify the CRC is a telling evidence of the country's commitment for the cause of the rights and welfare of the child. The question that demands an answer is that looking at the reality of children's lives in Ghana after almost 22 years of the ratification of the CRC can it be said that this claim has been demonstrated in various policy documents in Ghana. While there exist a robust legislative framework, enforcement is commensurate with the same measure of robustness.
2. The country's reporting record does not match the enthusiasm with which it ratified the Convention. After the ratification of the Convention in 1990, the country failed to submit its initial report, which was due in 1992, until 1995. The second periodic report was submitted in 2005 instead of 1997 when the third report was already due. In order to make up for the delays in reporting, the UNCRC urged Ghana to consolidate its 3rd, 4th and 5th report. Ghana complied by consolidating its report but once again, could not meet the deadline of 1st November 2011, and submitted in March 2012. Due to the slow pace of the processes involved in the collection and analysis of adequate and reliable data, Ghana, once again was affected in submitting its report on the due date.

1.2 Preparation of the Report

3. Until the establishment of the Ministry of Women and Children Affairs (MOWAC) in 2001, the Ghana National Commission on Children (GNCC) was responsible for compiling Ghana's report. The mantle now falls on the Ministry of Gender Children and Social Protection as the GNCC is currently a department of the Ministry.
4. Under the Ministry, the Department of Children (DOC) still plays the role of compiling the CRC report. The DOC usually receives list of guidelines from the UNCRC on behalf of government and modify it into questions and circulate to relevant stakeholders within Ministries, Departments and Agencies (MDAs) for the relevant information/data required for putting together the State report.. These are collated, synchronized, edited and put together as a report. The report is later subjected to various editorial and validation sessions and processes, after which it is submitted to the United Nations.
5. The stakeholders include, Ghana Education Service, Social Welfare, the Ghana Police Service, Ghana Health Service, Regional Coordinating Councils, District Assemblies in Ghana (currently 216 districts) and participation of civil society.

1.3 Inputs made by GNCRC Members

6. Nationwide NGO Member Organizations of the Ghana NGOs Coalition on the Rights of the Child (GNCRC) met to discuss and raise their concerns at both local and national levels regarding the state's conformity to its obligations on the rights of children. The views of organizations from regional consultative meetings were collected and submitted to the National Secretariat of the GNCRC for synchronizing and inclusion in this report.

7. Also included are the findings from a two- day national consultative meeting involving a number of civil society organizations that network with GNCRC. A number of children actively participated in the working groups of the CSO consultative meeting. Separate Children’s fora were also held in all the 10 regions, involving 500 children (50 selected in each region) to include their views in this report. The idea was to recognize the voices of children and make the report child participatory. The coalition members later met in various meetings to discuss the draft NGO alternative report.
8. Subsequently, two additional meetings involving government and non-government child-rights practitioners were held to discuss and validate the contents of the report before the final submission was made.

1.4 Limitations of the Report

9. Data is unavailable or woefully inadequate in most areas (except education and health) covered by the Convention hence the difficulty to use data as a basis to assess progress achieved in the realization of children’s rights in certain areas. There was also slow in the response of the agencies that had to provide the requisite information/data needed for putting together the report. These limitations are reflected in this report.

2.0 GENERAL MEASURES OF IMPLEMENTATION

2.1 Legislation

10. Ghana has strengthened its legislation environment to facilitate child rights implementation and to also give effect to the enforcement of the CRC. The under mentioned statutes can be cited.

2.1.1 Education Act, 2008 (Act 778)

11. Education Act, 2008 (Act 778) provides for the establishment of an educational system intended to produce well balanced individuals with the requisite knowledge, skills, values, aptitudes and attitudes to become functional and productive citizens for the total development and the democratic advancement of the nation, and other related matters. In the enactment early childhood education is part of formal education in Ghana. To this effect, every public schools must have early childhood education as part of the education structure in all basic schools in the country.

2.1.2 The Domestic Violence Act, 2007 (Act 732)

12. The Domestic Violence Act is meant to curb the incidence of violence against women and children in domestic settings and related concerns. Domestic violence has deep social roots as it interrelates with child poverty; health concerns especially sexually transmitted diseases etc. Act 732 has been passed accompanying it is the National Policy and Plan of Action developed to cover a ten-year period from 2009 to 2019 (DCAF, 2011) these have implications for implementing provisions of the CRC.

2.1.3 Criminal Code (Amendment) Act, 2007 (741)

13. Criminal Code (Amendment) Act, 2007 (741) amends the Criminal Code, 1960 (Act 29) to change the reference "female circumcision" to "female genital mutilation" to reflect the actual nature of the offence. It also widens the scope of responsibility in relation to the offence and to provide for related matters. The repeal of section 42(g) of the Criminal Offences Act, 1960, Act 29 which had permitted non-consensual sex within marriage has been lauded by many as a step in the right direction.

2.1.4 The Ghana National Commission on Children (Repeal) Act, 2006 (Act 701)

14. Act 701 repealed the Ghana National Commission on Children Decree 1979 (AFRCDC 66) on 24th March, 2006 to convert the Ghana National Commission on Children to a department (Department of Children) of the Ministry of Women and Children's Affairs. There is now a designated Department with management responsibility for the coordination, monitoring, research, policy management related to children under the Ministry of Women and Children's Affairs (MOWAC) now Ministry of Gender Children and Social Protection (MoGCSP).

1.1.5 The Human Trafficking Act, 2005 (Act 694)

15. The Human Trafficking Act, 2005 (Act 694) has been passed for the prevention, reduction and punishment of human trafficking, the rehabilitation and reintegration of trafficked persons and for related matters. Currently government is in the process of developing the Legislative Instrument to Act 694.

2.1.6 Persons with Disability Act, 2006 (Act 715)

16. The Persons with Disability Act, 2006 (Act 715) came into force on 11th August, 2006. Act 715 emphasizes the rights of children with disabilities to equal treatment as regards every facility, amenity and protective measures that an abled child would ordinarily enjoy. The right of the child with disabilities is further recognized by the fact that Act 715 makes contravention of sections 1, 2, 4 and 6 an offence punishable by a term of imprisonment or a fine.

2.1.7 The National Council on Women and Development (Repeal) Act, 2005 (Act 693)

17. The National Council on Women and Development (Repeal) Act, 2005 (Act 693) repeals the National Council on Women and Development Decree 1975, (N.R.C.D. 322) and sets up the Department of Women to respond to the needs of women and girls.

2.2 Institutional Establishment and Strengthening

18. The government has established and strengthened relevant institutions to facilitate the implementation and protection of children's rights. These include specialize government

agencies, groups, task forces, management boards and in certain cases secretariats with mandates on child survival, protection and development.

2.2.1 Domestic Violence Secretariat and Management Board

19. A Domestic Violence Secretariat has been established and operates within the office of the Ministry of Gender Children and Social Protection. The Domestic is to administer all related issues related to domestic and take appropriate measures in line with the Domestic Violence Act. A Domestic Violence Management Board has also been set up to work towards the establishment of shelters for victims of domestic violence; rescue and rehabilitation of victims; effective prosecution of perpetrators; increased sensitization of the effects of domestic violence. A Domestic Violence Fund has been established to assist victims of domestic violence with skills training and medical bills among others. Unfortunately, not much benefits has been derived from the Fund, as government hardly makes deposits into the fund.

2.2.2 Human Trafficking Secretariat and Management Board

20. A Human Trafficking Secretariat and a Management Board have been established at MoGCSP. The Secretariat is to manage the day to day functions of the Management Board, whilst the Management Board plays its advisory role to strategically combat human trafficking in the country.

21. **2.2.3 Domestic Violence and Victim Support Unit** The establishment and strengthening of the Domestic Violence and Victim Support Unit - formerly Women and Juvenile Unit (WAJU) within the Ghana Police Service with the mandate to speedily

investigate, mediate and prosecute violence related cases against all persons, especially women and children. The DOVVSU has 40 such units spread around the country.

2.2.4 Anti-Human Trafficking Unit of the Ghana Police Service

22. An Anti-Human Trafficking Unit of the Ghana Police Service has set to with mandates to step up rescue of victims of human trafficking including children and investigate and prosecute offenders of human trafficking. The establishment of this Unit has broaden the outlook of the Police on human trafficking leading to arrest and prosecution of perpetrators and the rescue of victims.

2.2.5 Department of Children

23. The Department of Children is one of the departments of MoGCSP. It is charged with the mandate of implementing child related policies, programmes and strategies emanating from the Ministry. It also carries out research, co-ordinate the implementation of child rights, and monitors the operations of relevant child focused agencies through the compilation of periodic status reports on child rights implementation, which is submitted to the United Nations Committee on the Rights of the Child. The DOC is currently grappling with financial and logistical challenges making it difficult to perform efficiently and effectively.

2.2.6 Department of Gender

24. The Department of Women, now refers to the Department of Gender exists and operates under MoGCSP to implement gender related policies, programmes and strategies out of the Ministry's Policy to ensure gender equality, equity as well as the empowerment of women and girls.

2.2.7 National Youth Employment Programme (NYEP)

25. The Government of Ghana in October 2006 established the National Youth Employment Programme (NYEP). The intervention is meant to provide the youth with a means of livelihood while they continue to acquire skills training to prepare them for the job market. This has been very useful and innovative entrepreneurial development initiative though froth with acute financial short comings.

3.0 ACTION PLANS AND PROGRAMMES

26. As regards Policies, Strategies and programmes geared towards fulfilling the provisions contained in the CRC for the rights of the Ghanaian child, the following interventions have been initiated:

- Ghana Poverty Reduction Strategy II (2004 – 2009), the national development agenda had a part dealing with vulnerability with substantial emphasis on children in terms of developmental goals to protect and promote their rights
- Early Childhood Care and Development Policy aims at providing holistic interventions for the survival, growth, development and protection of children aged 0 -8 years
- Orphans and Vulnerable Children Policy Guidelines details out mechanisms to implement interventions to improve the status of children and vulnerable persons
- The Education Strategic Plan (ESP) 2010 – 2020) spells out the strategies of the government for the education sector over the next decade. The plan draws on its four predecessors and upon earlier visionary strategies such as the FCUBE. It is aimed at ensuring positive and permanent contribution to national development plans and to achieving the international development goals in education. The strategic objectives of the Plan are as follows:
 - Improve equitable access to and participation in quality education at all levels
 - Bridge gender gap in access to education
 - Improve access to quality education for people with disability.
 - Mainstream issues of population, family life, gender, health, HIV/AIDS/STI, conflicts, fire and road safety, civic responsibility, human rights and environment in the curricular at all levels.

- Improve quality of teaching and learning
 - Promote science and technical education at all levels.
 - Strengthen links between tertiary education and industry.
 - Improve management of education service delivery.
- Livelihood Empowerment Against Poverty (LEAP- 2008) exists to provide cash transfers to extremely vulnerable households, including those with orphans and vulnerable
 - The National Plan of Action (NPA) constitutes the framework through which the ideals of the Human Trafficking Act are operationalized. The NPA is being coordinated by the Human Trafficking Secretariat, which has been established at MoGCSP to manage the day to day functions of the Management Board.
 - National Plan of Action on Domestic Violence has been developed to implement the provisions of Act 732

3.6 Civil Society Participation

27. Ghana National Coalition on the Right of the Child is an umbrella body of civil society organisations who are working on child right and protection in Ghana. It association is by membership. It is through GNCRC that member organisations get the opportunity to participate in the development or drafting of laws, strategies and actions in Ghana. To this effect GNRCRC and it members have participated in various conferences and forums in shaping up of laws and policies in Ghana be it organised by state institutions or non-state institutions.

28. GNCRC is made up of regional member organizations in the ten administrative regions of Ghana. Regularly, both the national and regional offices hold periodic meetings to discuss child related issues and how they are been addressed by the respective government agencies with mandates for child rights implementation.
29. Civil society groups are actively getting involved in the preparation of national reports on children's rights. Despite the active participation of civil society on issues bordering children, the concern still remains that consultation and cooperation with civil society is not yet formalized, meaning, consultation with Civil Society is always at the input level of policy development not at the planning level. Hence, the country needs to strengthen and institutionalize collaboration with civil society, including NGOs working for the promotion and implementation of children's rights at all levels of consultation..

3.7 Definition of the child

30. A review of Ghanaian legislation shows that there is harmonization of national legislation with international law as obliged by the CRC on the legal definition of the child. There are also adequate legal provisions that regulate issues as required in the definition of a Child in the UN guidelines and the State report.
31. The Constitution and the Children's Act define a child as any person of either sex who is below age 18, same definition as the CRC provides.
32. The minimum age of criminal responsibility is set at 12 years. Before this age, children are assumed not to have the capacity to infringe the penal law. Children are allowed to vote when they attain 18 years. The legal minimum age for marriage in Ghana is 18 years (Section 14 of the Children's Act 560). Section 14 of the Children's Act 560 is also applicable to

customary marriage and marriage under CAP 129 (Mohammedan Marriage). However, for marriages under Ordinance (CAP 127), provisions are to the effect that a valid marriage is contracted where the essential validity and procedural requirements are met, with the minimum age being 21 years.

33. In addition, Section 59 of the Marriages Act also makes provision to the effect that the minimum age for Ordinance Marriage is 21. However, where a person is below 21 years and there is evidence to the effect that no parental or necessary consent was obtained, the purported marriage shall be void.
34. In spite of law many marriages are contracted before the legally mandated age. One major concern that has facilitated the process is the disparity between the age that a child can consent to sex at sixteen and the marriage age at 18 years. This aspect makes it liberal for cultural practices in some part of the country to be promoted.
35. The Children's Act of 1998 fixes the minimum age for admission to employment at 15 years for non-hazardous work and 18 years for admission to hazardous work. Regrettably, the numbers of children on urban streets is unacceptably high and many of them are engaged in hazardous work such as portering, stone quarrying, and illegal mining, in spite of the legislative provisions. The 2010 population and housing census estimated the number of street children at 35,000 (GSS, 2010).
36. The age for the completion of compulsory education is set at 16 years (basic level of 9 years duration). The government claims that the capitation grant has enabled all children of school going age to attend school is untenable. Many children remain out of school in spite of the Free Compulsory Universal Basic Education (FCUBE) policy and the School Feeding Programme due to numerous other hidden charges and levies by school authorities, which

prevent children from accessing their right to be educated. Often times, those who manage to complete their basic education (end of compulsory education) cannot continue to Senior High School less than half the number do get access to secondary education or find gainful employment. Schools in the rural areas lack the necessary infrastructure and or inadequate teachers for effective teaching and learning (Ghana National Education Campaign Coalition, 2008).

37. Media reports also indicate that some schools have instruction under the shade of trees. Vocational training, though being expanded is still out of reach to many children, and thus many have become street children and street vendors, exposed to all the dangers of survival on the streets (Ghana National Education Campaign Coalition, 2008).

4.0 GENERAL PRINCIPLES

4.1 Non-Discrimination

38. Persistence of marriages concluded outside the legal framework intensifies discrimination against the girl-child. A further manifestation of the traditional perception of the role of women is the incidence of early and forced marriages. These practices are prevalent in the Northern part of the country, where girls often as young as 13 are forced to abandon school to take up marital responsibilities. For example, there are media reports of individual adults as well as families forcing girls as young as 13 years old into marriage subjecting them to persistent sexual harassment. Early marriage is now widespread in the entire country moving from 25.9 percent in 2006 to 27 percent in 2011 (MICS 2006 & 2011). It is however more prevalent in the Upper West Region and lowest in the Greater Accra Region.
39. Laws that exist to prohibit these practices are not enforced. Many women, particularly in Northern Ghana are left without any rights to custody of children or maintenance.¹ The Children's Act mandates that parental responsibility be shared equally.
40. The Committee explains that the principle of non-discrimination requires states 'actively to identify individual children and groups of children the recognition and realization of whose rights may demand special measures'². In the case of young children, 'discrimination may take the form of reduced levels of nutrition, inadequate care and attention, restricted programmes for play, learning and education, or inhibition of free expression of feelings and

¹Africa for Women's Rights, sourced at www.africa4womensrights.org

²General Comment 5, para 12.

views. Discrimination may also be expressed through harsh treatment and unreasonable expectations which may be exploitative and abusive³.

41. The Committee has noted a common trend of gender discrimination in legislation setting different minimum ages of marriage for boys and girls. While this is prohibited in Ghanaian law, there is a de-facto tolerance for younger girls getting married than younger boys. It is also worthy of note, that, this contradicts the equality provision in the Constitution of the Republic of Ghana.
42. Within the arena of intestate succession, the rule of male primogeniture still prevails; a principle of African customary law provides ground of conflict between customary law and the equality provision in the constitution. According to tradition, women and girls cannot inherit land from their deceased parents.
43. The Intestate Succession Bill, which is before parliament, seeks to ensure equality in the distribution of matrimonial property at death or divorce. There are however concerns regarding the delays in the passage of the bill. It is also largely unknown to the public.
44. The recognition of the payment of bride price by the husband in most Ghanaian communities creates the impression that the woman is the property of the husband.
45. Harmful traditional practices visited on women, particularly widows, also undermine the rights of children because most often when women suffer, their children suffer. As a result, practices such as harmful and discriminatory inheritance laws harm not only women but also children. While there are efforts by the state to abolish these practices, delay in the passage of the Property Rights of Spouses Bill remain a impediment to the rights of women and children especially girls.

³General Comment 7 para 11.

4.2 Best Interest

46. The best interest of child is of paramount importance and should be the standard in which a state has to measure all its laws and policies concerning children. While it is generally agreed that some state institutions, courts and other judicial bodies in particular use this principle to some extent, it is dependent on the sensitivity of the officials of the particular institutions concerned, and may not be systemic or a policy demand that irrespective of who will be respected by all. The citizenry are still yet to accept this principle in practice since children are still not considered as persons who ought to be seen as well as heard.
47. District Courts, which also serve as Family Tribunals for civil purposes, are empowered to decide child related cases; their processes are still slow; many magistrates are still not sensitized to child rights and this is reflected in certain decisions emanating from the Courts that do not reflect the best interest principle.
48. Court processes are still unfriendly to children, and fraught with delays and adjournments of cases. There is also no legal requirement that child victims should be taken through court process preparation. In cases where the perpetrator is guilty of the offense against a child, sentences are made without reference to constitutional obligation of rehabilitation and maintenance. Child victims on whose behalf cases are brought to the courts by the State for prosecution still face their adult abusers in court when they have to give evidence. Courts still do not exist in some districts and officials have to travel long distances with children who are in conflict with the law.
49. Residential facilities for children in need of care and protection, including foster homes and orphanages both governmental and private are not monitored on a regular basis. For example,

Anas Aremeyaw Anas, a Ghanaian investigative journalist reported in 2010 of neglect and abuses of children at the Osu Children's Home, a situation that could be prevented through effective supervision by the DSW. While a committee was set up by the government to investigate, the outcome of the investigation has still not been made available to the public.

50. Concerns have also been raised by the media that some orphanages sell out children in the homes, a practice that violates the human rights of children. The extent of reports been investigated and perpetrators punished is not known. It is also a concern that many orphanages and foster homes are operating without the necessary registration or supervision by the state, particularly regarding appropriate physical and health infrastructure and conditions.

4.3 Participation Rights of Children

51. Ghana's commitment towards ensuring respect for the participation rights of children is adequate to a large extent when measured against the legislative framework that guarantees respect for the views of the child. However, it is still widely accepted that the child must be seen and not heard. This is especially true in domestic family settings (especially rural areas) as well as at institutional levels albeit very little progress in the latter.

52. At a consultative meeting with children in the Upper West Region, a total of 50 children of which 38 girls and 12 boys were asked if they are allowed active participation in family decisions that affect them. Only 1 girl and 7 boys (16%) indicated that they participate in such decisions.

53. There is not much information or data on how children are expressing their views in administration of juvenile justice, placement and other forms of care and in asylum seeking procedures.
54. In spite of the legal mandate given to CHRAJ and DSW regarding representation of children in judicial proceedings, it remains unclear whether there is any monitoring or tracking of such proceedings in child related cases and how children are being given the chance to express themselves. It is also acknowledged that child development courses are being taught to teacher trainees, health and probation officials, it is clear that such approaches are not enough in a paternalistic society where culture elevates position of men and women and children are seen as subordinates. It is therefore imperative for government to embark on community sensitization on the relevance of giving weight to the views of the child.
55. Civil Society Organizations in an attempt to involve children in participation, Child Rights International and UNICEF instituted Easter School for Children. It is an annual platform that brings children together to discuss issues that affect them. At the end each annual meeting, children issue communiqué to government for further discussion and consideration.
56. During the 2011 Easter School for Children, children had the opportunity to develop a child friendly version of the Juvenile Justice Act. Through child participation, children have also at the community level, developed Child-Led Child Labour Monitoring Tool to monitor the activities of children in cocoa communities (CRI/UNICEF).
57. Children in the Upper Manya- Krobo District in the Eastern Region of Ghana in 2009/2010 carried out Child-Led Research by monitoring the awareness and access to essential services by children at the community level (CRI/Plan Ghana).

58. Curious Minds, which is also Child Centered Organization, has engaged children through the media for children to express concerns on matters that relate to them.

5.0 CIVIC RIGHTS AND FREEDOMS

5.1 Births Registration

59. While birth registration coverage has increased over the years, more work needs to be done to sustain the achievement and possibly increase the current level of coverage. Births registration dropped from 67 percent in 2005 to 54 percent in 2006. It appreciated again to 63 percent in 2007 and dropped to 55 percent in 2008 before appreciating again to 61 and 65 percentage points in 2009 and 2010 respectively as seen in Table 5.1.

Table 5.1: Births Registration (2005-2010)

Year	Percent
2005	67
2006	54
2007	63
2008	55
2009	61
2010	65

Source: Births and Deaths Registry, 2011.

60. Laxity with the enforcement of law is a major concern with respect to registration of births in Ghana. There remain several gaps and weaknesses to the extent that many children go unregistered after birth. Many parents' especially rural parents are not even aware that they

have to register their children after birth or demand that their children be registered as a matter of right; many do not know where to go for the registration as a result of non-availability of registration facilities. Human, logistical and other constraints also affect the smooth working of the Birth and Deaths Registry. Recent report from the Birth and Deaths registry indicate that they lack logistics and are understaffed.

61. Plan Ghana and UNICEF, are the only active partners providing financial assistance to the Registry partners is to enable the Registry conducts vigorous public education on the need for registration. Birth registration is free for 12 months old children and attracts a fee afterwards, however there is concern that the period given may defeat the purpose for which it has been given.

5.2 Corporal Punishment

62. Corporal punishment remains a problem in the family setting. The Committee in its 2006 Concluding Observation of Ghana's periodic report called on the state to amend all relevant laws to ensure that corporal punishment is clearly prohibited in all settings including the family, penal institutions, and alternative care settings and ensure effective implementation of the law.

63. The state should provide education to parents, guardians and those working with children on non-violent alternatives of child discipline. The Concluding Observation on corporal punishment in 1997 and 2006 State Party reports is yet to be addressed. It seems there is reluctance due to the acceptance by the society as an appropriate way of child discipline.

64. Psycho-social and recovery services are very inadequate and virtually non-existent in most parts of the country. The state agencies (DOVVSU and DSW) that are supposed to provide

such services lack the resources that would enable them fulfil their mandates. Private service provisions mostly by NGOs are also limited to meet the needs of all who require their services. The government's claim to have prohibited corporal punishment by law in schools indicates otherwise. Corporal punishment is still adhered to as the most common corrective measure at home and educational institutions (Gyamfi S. K., 2010). Civil bodies have called on government to outlaw corporal punishment in Basic and Secondary schools. The GES has also taken steps to review its regulations regarding the use of corporal punishment in schools. There is significant evidence to prove that even though corporal punishment is still practiced, there is evidence of moderation in its use.

5.3 Harmful Cultural Practices

65. Trokosi is another cultural practice that both violates the fundamental human rights of girls and discriminates against them. It is a practice where young girls atone for sins committed by adult relatives. While at the shrine girls are forced to marry the priests and are subjected to sexual abuse, they are denied basic care and the opportunity to attend school, and also become servants of the priests in a manner akin to slavery.
66. Considering the nature of the practice, especially as it pertains in the relatively new shrines, the abuses suffered by the inmates could be listed as follows; Punishment for the crimes of others; deprivation of education; forced marriage; child labour; inhumane and degrading treatment; slavery; rape; lack of paternal care for children of the union of trokosi and the priests deprivation of personal liberty; and infringement of the right to freedom of religion.
67. These conditions constitute serious infractions of the rights of individuals and are in fact proscribed by both international law and the national laws of Ghana. For example, the

practice as it is carried out in relatively new shrines runs counter to a whole range of human rights provisions of the section of the 1992 Constitution, including Article 14, which prohibits deprivation of personal liberty except in accordance with the Constitution itself.

The *trokosi* system, under which the inmates are held against their will, infringes this right.

68. Article 15 is also very much infringed upon. This Article makes the dignity of all persons inviolable and it prohibits cruel, inhumane, and degrading treatment and any other condition that detracts or is likely to detract from one's dignity and worth as a human being. The physical and psychological conditions in the shrines are definitely far from humane and are therefore nothing short of slavery and forced labour, which are also prohibited by Article 16.

69. The prominent role of chiefs in typical rural communities and the virtual absence of government agencies in some of these communities allow much room for the traditional authorities to adjudicate in matters, including child abuse matters that are essentially criminal in nature. Cases involving defilement of children, which is criminal and falls within the jurisdiction of the courts, is often handled by the traditional authorities and disposed of with cash or in kind fines and compensation (or both). Only a wider expansion of central government authority, especially DOVVSU, into all communities would reduce this practice to the barest minimum.

5.4 Family Environment and Alternative Care

70. The important role of the family and cultural institutions in the care and socialization of children cannot be underestimated. The state however does not give enough focus on the family and customary structures as existing in Ghana, the changes that these structures have

undergone as a result of rise in nuclear family, urbanization and poverty and how these factors and their impact on children.

71. It has been noted as a serious concern that the State is not taking a proactive stance to provide sustainable alternatives for the care and protection of children in the face of the severe disintegration of the traditional family systems due to the factors mentioned above. The system of customary fostering is reported to be widely abused by many foster parents or guardians, as already stated in this report leading to child maltreatment and denial of children's basic rights.
72. Apart from the services of the DSW and the counseling offered to families by faith-based groups, it does not appear that there are any other family counseling services available. Parental educational programmes are conducted sporadically by NGOs and faith-based groups, but the State report does not mention whether the counseling support offered to families by faith-based groups is having a positive impact on the children or otherwise.

5.5 Parental Responsibilities

73. The Children's Act recognizes that both parents have common responsibilities for the upbringing and development of the child. However, the situation of children from single-parent families and those from disadvantaged and marginalized groups is much more different.
74. There are no measures in place to support and strengthen the capacity of parents, to perform their responsibilities in the upbringing of their children through family support programmes, except the very extremely poor covered by LEAP. Lax law enforcement remains a bigger part of the programme as some parents wilfully refuse to provide maintenance to their

children contrary to provisions in the Children's Act. Maintenance orders are not strictly enforced and filing fees for court processes may be above the reach of a poor parent (or care giver) seeking a maintenance order. Legal aid still remains very much limited or parents or caregivers may not even be aware of its existence.

5.6 Alternative Care and Institutionalisation

75. It is commendable that the State adopted the Care Reform Initiative which seeks to de-emphasize over reliance on care systems for vulnerable children based on institutions and move towards a range of integrated family and community based care services for children without appropriate parental care. The approach is based on four main components:

Prevention: To prevent the disintegration of families through linkages with strategies that strengthen families such as the social grant programme (LEAP), scholarships, food packages, access to National Health Insurance and other support programmes.

Reintegration With the extended family (Kinship Care): In cases where children are separated from their parents, to find loving relatives who are able to create a caring and stable environment for the child.

Fostering: When kinship care cannot be provided, temporary or permanent care with foster families can still provide a good home for children.

Adoption: When the possibility of a family reunion is exhausted, to find the child a loving adoptive home, preferably with a Ghanaian family.

76. While the approach is laudable, the existence of state institutions for ensuring placement of children in a family environment and alternative care, and the existence of an adequate legal framework for these arrangements, strict enforcement of the laws still remains a challenge, and many children have been left to survive by themselves and care for their own needs. It has also been stated that the state institutions with the mandate to ensure placement and supervision are not able to fulfill this mandate due to several factors, which have been stated in this report.

5.7 Child Abuse and Neglect

77. Child abuse is a problem in many parts of the country. The government has made relentless efforts to reduce the phenomenon, but the practice still prevails. Abuse can be in the form of physical, psychological, emotional and sexual. Child trafficking, Trokosi, female genital mutilation and child prostitution are forms of abuse suffered by children in Ghana. According to DOVVSU, a lot of sexually and emotionally abuse cases that occur in the communities are not brought to the attention of the Police, and so a lot of cases occur unreported. Many children also go through other exploitative circumstances such as selling and carrying heavy loads on the streets, and engage in labour in the cocoa farms, mines, quarries, fishing among others.

78. Civil bodies are engaged in projects to raise public awareness to take a stance against child abuse and to report abuse cases. The government bodies in charge of handling abuse cases most often lack funds, are under-staffed, and do not carry out effective outreach activities. This has extended implications on the capability of the statutory bodies in living up to their expected mandates, and thus affecting the protection of children.

79. The Legal Aid Board has noted that the incidence of child neglect was greater in the cities and big commercial centres while it was very much less in predominantly rural areas like the Upper West and Upper East Regions. The reason adduced was, “because the traditional notion of marriage and child birth/upbringing still prevails in the rural areas hence the need for government to support the traditional family system.
80. Child fosterage is one of the ways traditional family systems that are meant to serve as “a safety net for children from poor families to receive support from relatively wealthier family members.” It is a practice that can be observed commonly in the family systems of the various tribes of Ghana, but it has been institutionalized among many tribes of Northern Ghana, especially the Dagomba. According to the practice, a man’s first daughter is to be adopted by his sister, who is traditionally mandated to provide her with both formal and informal education, in addition to the necessities of life. However, “the practice has assumed there is now a thin line between child fosterage and domestic servitude.”

5.8 Basic Health and Welfare

81. National Health Insurance Scheme (NHIS) was established in 2003 to provide equitable health insurance for all. In May 2008, the government announced that it would enrol all children under 18 years in the NHIS, regardless of their parents’ registration status, as well as all pregnant and post-partum women. This was a welcome development, given the very high mortality rates in Ghana and the need for serious action if the country is to achieve MDGs 4 and 5 on the reduction of child and maternal mortality. The exemption for pregnant and post-partum women was implemented from July 2008, but the exemption for children under 18 years is not yet in effect.

82. Since healthcare access is also significantly affected by non-cost barriers, such as distance, ‘time poverty’ and the low responsiveness of medical personnel to patient needs, it will be critical for social protection initiatives aimed at tackling health vulnerabilities to simultaneously address these hurdles. Here the Livelihood Empowerment Against Poverty (LEAP) programme already mentioned in this report is one possible entry point, although LEAP so far reaches only a very small proportion of the extremely poor.
83. On the right to life, survival and development, it is commendable the initiatives government has taken to reduce maternal and infant mortality and morbidity. Despite some progress, Ghana is yet to meet the 2015 MDG target of 41 per 1000 births as against the 2009 rate of 115 per 1000. Health and lifecycle vulnerabilities present particular risks to children and mothers despite the broader progress on monetary poverty reduction. The under-five mortality rate declined only marginally during the 1990s, although there has been faster improvement more recently: a decline from 111 per thousand live births in 2000-2003 to 80 in 2004-2008.
84. The country’s high maternal mortality (451 per 100,000 live births) was described at the national Health Care Summit in May 2008 as a ‘national emergency’. Among the underlying causes of high mortality, malnutrition is a key problem, with 28 percent of children under five years old stunted in 2008, including 9.8 percent severely stunted, and particularly high levels in the food-insecure regions in the north of the country.

5.13 Adolescent and Reproductive Sexual Health

85. The incidence of teenage pregnancies remains high, with correspondent high numbers of illegal and unsafe abortions coupled with inadequate reproductive health services and neglect of mental health services for adolescents.

5.14 HIV and AIDS

86. Children infected and/or affected by HIV and AIDS live under extremely difficult circumstances. While government policy and action is geared towards Care and Support for such children, it is imperative that government monitors the impact of its policy which is alleged not to have any direct benefit to children living with HIV and AIDS in many communities. An estimated number of 172,000 children were orphaned by AIDS in 2012 (GAC Progress Report, Jan 2010- Dec 2011). It remains unknown whether there exist any institutions providing shelter for the children living with HIV and AIDS who have not been taking care of by their extended family or other community members.

87. Government spent 7.6 percent of GDP on health in 2008.(WHO, 2010) Between 2004 and 2008, the country also spent an average of 12 percent of its budget on health which is still below the Organization of African Unity (OAU) Abuja Declaration on HIV and AIDS, TB and Other Related Infectious Diseases which outlines among other things, commitment by the governments present to spend 15 per cent of their national budget on the health sector (UN, 2001).

88. The Ghana AIDS Commission (GAC) has made extensive progress in its functions of advocacy, policy formulation, resource mobilization, monitoring and evaluation and research as well as coordinating of HIV/AIDS intervention. There still persist several challenges in

the area of evidence-informed policies and programmatic decisions (National HIV/AIDS Reach Conference, Sept. 2013).

5.15 Harmful Cultural Practices

89. Irrespective of the medically proven dangers inherent in the practice of Female Genital mutilation (FGM) it still persists. This is especially true among the rural population of the Upper East, Upper West and some parts of the central and eastern Regions of Ghana, where it is estimated to have a prevalence of over 80 per cent, a testament to the fact that as a cultural practice, it would take more than just legislation to eradicate it. A report by UNICEF (2013) indicated that Ghana is currently among the countries that have recorded a positive decline in the harmful practice.

5.16 Education, Leisure and cultural activities

90. The right to education is established in the constitution guaranteeing free, compulsory universal basic education that is accessible to enable every person to freely develop his or her personality. The right to education has been affirmed in Section 8 of The Children's Act.

91. The Education Act enacted in 2008 had its conceptual basis in the CRC and other relevant international human rights instruments, such as the Universal Declaration on Human Rights. All these indicate the importance of education in the development of every human being and the realization of which is the foundation upon which the enjoyment of other human rights can be based. The right to education is one of the most essential rights for the upbringing and development of children to reach their full potential to take advantage of opportunities in society.

92. The current 10 year Education Sector Plan (ESP) 2010-2020 is a laudable initiative and an indication of government's long term commitment towards providing and enhancing education for its children and youth.
93. Education Capitation Grant was introduced in 2005 and expanded nationwide to all schools in 2006, in order to improve enrolment and retention by providing schools with grants to cover tuition and other levies that were previously paid by households.
94. School Feeding Programme was introduced in 2004, with the aim of increasing school enrolment and retention by providing children with a daily meal at school. The program is also to boost nutritional intake of food by children. A report by Ghanaian Daily Guide indicated that the program is merely staggering as "the cap on the release of funds to the GSFP keeps getting tighter by the day".
95. A major challenge of the program is the inconsistent flow of money from the Ministry of Finance for distribution to the caterers in charge of preparing food for the children. The government budgets a paltry 40 pesewas per pupil per day hardly satisfy the nutritional needs of a growing child. This insignificant amount of money compromises the quality of food prepared to feed hundreds of children. Report from the media on July 2013 indicated that about 5,000 caterers all over the country had not been paid since the beginning of the year
96. Available data suggest that achieving universal primary education seems a near hope in the country. The gross enrolment rate at primary school level in 2010/2011 was 96.4 percent and 96.5percent in 2011/2012. The net enrolment is estimated 77.9 percent and 87.1 percent in 2010/2011 and 2011/2012 respectively. While these rates of enrolment are encouraging, at Junior High School level, gross enrolment reduces to 79.6 percent in 2010/2011and 80.5 percent in 2011/2012 with a net enrolment of 46.1 percent for both academic years raising

questions of retention. The highest level of education attained by a significant number of children is primary school. For instance, in the 2007/2008 academic years, 71 percent of children completed basic school against 45 percent of those who completed Senior High School.

97. While enrolment rates for both boys and girls have improved; young girls still encounter greater difficulties in receiving an education. For example, when families could not afford for all of their children to attend school, parents tend to remove their daughters rather than sons from school.
98. In addition, despite Ghana making good progress towards MDG 2 on universal primary education and the education gender parity targets of MDG 3, only three-quarters of Ghanaian primary age children (75.3% in 2006) attend school at the correct age.
99. Another laudable initiative of the education Ministry is the supporting ICT learning in schools by giving out laptops to schools. This initiative is in line with the implementation of the Basic Schools Computer Program (BSCP) being executed by the MOE with funding from GETFUND (Education Strategic Plan 2003-2015)
100. While education is free and compulsory for all children with higher enrolment rates for both boys and girls respectively, it remains worrying that government tends to place emphasis on enrolment numbers. The government has not adequately monitored dropout and absentee rates. Efforts need to be made in sustaining the enrolment rates if the country is to fully comply with its obligations under the CRC.
101. The 2012 State Report mentions ignorance, illiteracy and lack of information as the likely reasons why some children are excluded from education. This persists because the National Commission of Civic Education and the information Services Department whose duty is to

educate and inform in the various languages are severely under-resourced to carry out their duties.

102. Legislation, Plans and Budget allocation are not the only important elements in ensuring achievement of child education outcomes. Building the capacity of implementing agencies, releasing funds in time, enhancing education service delivery systems, and improving governance and community participation are all necessary if proper utilisation of resources meant for education is to be ensured.
103. It is estimated that the Ghana Education Service still lacks about 40,000 teachers to meet its staffing needs. As at 2012, 66.3 percent of teachers were trained with the number of trained teachers increasing annually. However, this has not corresponded with the rise in student enrolments.
104. Teacher absenteeism is still very prevalent especially in rural areas. Government should step up its monitoring and supervision machinery to ensure that teachers stay in the classroom to improve quality teaching and learning particularly in public schools.

5.17 Leisure and recreation

105. The Efua Sutherland Park, is the only operational government recreational facility for children in the country. All other lands demarcated for recreational facilities are in various states of disrepair or have been encroached by private developers.

5.18 Adoption

106. Adoption is satisfactorily provided for under the Children's Act, however, the country has yet to reform its adoption system to ensure the protection and welfare of children. There exists no Central Authority that compiles a national database of adoptable children. Hence, there is no mechanism that ensures that adoptions are carried out in an honest and transparent manner and the process of international adoption have been abuse by state institutions where right procedures laid in The Children's Act are not followed. The country has yet to ratify the "Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country adoption". Hence, Ghanaian children under situations of inter-country adoption are still outside the protective mechanisms of the Convention. Inability of Government to ratify the Hague Convention put many children under risk under international adoption.

107. There are media reports that there are illegal adoption agencies springing up in the country and this can be adduced to the sudden increase of orphanages in the country. Between 1997 and 2007, the number of children's homes and orphanages in the country jumped from 10 to 153, and then dropped slightly to 134 in 2010 when government instituted measures to close some down.

5.19 Special Protection Measures

5.19.1 Refugee, Asylum seeking, internally displaced and unaccompanied children

108. Limited educational and livelihood opportunities are some of the major challenges of long-term Liberian refugees under 18 years living in Ghana. There are no clear mechanisms put in place to ensure that children born to refugees, asylum seekers or displaced parents are actually registered at birth.

5.19.2 Children in Street Situations

109. As stated earlier in this report, the number of children engaged in street activities has increased in recent years revealing in part the breakdown of the traditional family system where care of children by extended family members was prevalent and the lack of social protection mechanisms to safeguard vulnerable families.

5.19.3 Economic Exploitation and Child Labour

110. Child labour is still a major problem in Ghana. Despite efforts to combat the menace, it is still prevalent. Children still work as artisans and engage in small scale mining which is considered one of the worst forms of child labour, considering that they are exposed to chemicals, explosives and crude machinery that could cause injury to them. This is a clear violation of the Children's Act on non-admission of children under the age 18 to hazardous work.

111. Overall, while the incidence of child labour in the Cocoa Sector has declined due to the establishment of National Programme for the Elimination of Child Labour in the Cocoa Sector, the fishing sector continues attracting children of all ages. Villages along the banks of the Volta River however have maintained the practice of child labour in the fishing

industry. This practice is prevalent in the Coastal Zones of Ghana specially the fishing locations.

112. In the light of the above, it is important for government to enforce the relevant legislation in place and to ratify the ILO Convention No: 138 on the Minimum age of admission to employment.

5.19.4 Sexual Exploitation

113. Many children fall prey to unregulated and unmonitored video and internet centres where pornographic materials are made available to them, and illicit sex activities involving such children go on unchecked.

114. The mass media has played an instrumental role in creating public awareness in child abuse, labour, trafficking and sexual exploitation with specific reference to children. The mass media has also contributed to making available harmful and indecent information material to children. The publication of nudity in the some magazines, which are displayed openly to children in public, and the showing of sexually explicit films and adverts on national TV to the full glare of children

115. Government has taken significant strides to control trafficking and sexual exploitation through legislation, multinational, regional protocols, and an action plan on Violence Against Children (VAC) which spanned the period 2008-2012. However the issue of sexual exploitation must be given more focus by government. There are limited structures and resources to detect, investigate, prosecute and punish offenders of sexual exploitation that occur across the country (UNICEF Ghana, 2008)

5.19.5 Trafficking of children

116. Trafficking of children for exploitation is still prevalent in the country despite having received considerable attention. There are media reports of trafficking of children for sexual purposes and domestic servitude among others. Child trafficking is more rampant within the country than transnational trafficking.

117. There are no statistics on the number of children trafficked. In Oct 2012, the Government of Ghana collaborated with Government of Burkina Faso in an INTERPOL- led operation which resulted in the rescue of 381 child trafficking victims. Significant efforts have also been made in engaging in Anti-trafficking awareness raising activities across the country. Additionally a new NPA has been drafted to combat trafficking.

118. Inadequate facilities and resources exist for the recovery training and reintegration of rescued victims of trafficking. Civil society engagement is low in the fight against trafficking, it is however evident their active participation would bring multidisciplinary and innovative approaches to victim identification, and rehabilitation of women and children trafficked for sexual purposes and prevention against trafficking in children. The Police's Anti-Human Trafficking Unit (AHTU) is the only government officials able to prosecute trafficking cases remain understaffed and under-funded. The Unit's limited resources impair the government's ability to adequately address the number of cases brought before it each year.

5.19.6 Drug Abuse

119. Generally, drug use among children and adolescents is a growing phenomenon and public attention needs to be drawn to it. It has also been reported that about 90 percent of cases at the Accra Psychiatric Hospital annually, are drug abuse related, and the majority of the cases

are young people. Reports in the media also show this as a looming danger that is gradually getting hold on young people (MoGSCP, 2012).

5.19.7 Juvenile Justice

120. It is commendable that the government has established juvenile courts in all the 10 regions of the country. However, there is lack of specialised juvenile judges, insufficient number of relevant juvenile courts.

121. It is still a common practice for juveniles to be kept in adult detention facilities because very few juvenile detention facilities are available to cater for children in conflict with the law.

122. Committing juveniles' offenders of minor offences to long periods of poorly resourced correctional facilities tend to waste their developmental and productive lives. Research revealed that children in some junior correctional institutions go without food and the menu was unvaried⁴.

5.19.8 Resources for Children

123. Budgetary allocations covering children are made to relevant Ministries, especially the Ministries of Women and Children's Affairs, Employment and Social Welfare, Sports, and Health.

124. District Assemblies are also provided for under a Common Fund, out of which they are expected to address issues relevant to the protection and promotion of children's rights. Generally, however, it is clear that the level of expenditure on children is rather low, taking into account the rather low level of expenditure on health and education (which are put at 2.0

⁴Lilian Ayete-Nyampong 'Situating CRC Implementation processes in the local contexts of correctional institutions for children in conflict with the law' in Robert Kwame Amede, DeBrenna Lafa Abgheyiga and Nana Araba Apte (eds) *Children's Rights in Ghana: Reality or Rhetoric?* (Mot Juste 2012) 145.

percent and 2.8 percent of GDP respectively); these are admitted as being much lower than African averages⁵. Government expenditure is still below the target set by the Dakar Declaration in 2000 that states that Government must at least commit seven percent of its GDP to education by 2005 and increase it by nine percent by 2010. None of these Targets were achieved by government.

5.19.9 Monitoring Budget Implementation

125. Monitoring structures have been put in place by the Ministry of Finance and Economic Planning to ensure that MDAs strictly apply the government resources for approved activities. Examples include the Project Implementation Monitoring Unit (IMU), which undertakes physical inspection of projects and purchases, and the Public Expenditure Monitoring Unit within the Budgetary Division of MoFEP.
126. The important role of Parliament as a monitoring agency cannot be underestimated. The Parliamentary Committees created under Article 103 of the Constitution do possess the general authority to monitor the performance of the MDAs. In addition, Parliament itself has the general authority to oversee government expenditure. To some extent Parliament has used this power to summon Ministers to answer pertinent questions on problem policy issues regarding their Ministries, Departments and Agencies. Through this the Parliamentary select committees are able to monitor and check on the activities of government establishments.
127. At the District Assembly level, there are no obvious systems in place to monitor income and expenditure patterns and there is very limited community and civil society engagement or interaction on the use of such local resources, either due to the non-existence of or lack of capacity on the part of such groups.

⁵ See The African Report on Child Wellbeing 2011

6.0 RECOMMENDATIONS

128. The recommendations to this report have been categorised into three areas. These are International and National laws and policies, Initiatives of Government of Ghana, and General recommendations.

6.1 International and National Laws and Policies

129. Government of Ghana must demonstrate greater interest in the implementation of international and local laws and policies for the wellbeing of children. In this regard the State must demonstrate enough commitment to the International Conventions and Protocols that it is signatory to. Examples of which include the UN Convention on the Rights of the Child, the International Covenant on Civil and Political Rights (Article 23 and 24) and the International Covenant on Economic, Social and Cultural Rights.

6.2 Initiatives of Government of Ghana

130. Births registration is a major entry point for the enjoyment of rights by every child in Ghana. The State's inability to provide this first right to every child in Ghana within the first six months of the lives create irreparable gap that potentially limits children from full scale enjoyment of rights. In view of this, government must have a system that will register children immediately at birth. Early birth registration of children assists the state to have data on children for purposes of planning and policy decision making for children. There are instances where lack of birth registration has denied children access to fair trial when they are in conflict or in contact with the law.

131. To elaborate and adopt a specific law addressing child pornography which contains a clear definition of child pornography as well as and stringent penalties for offenders. The Optional Protocol on the sale of children, child prostitution and child pornography should be the model legal standard to be referred to by persons/institutions in charge the legal reform process
132. Establish additional victim shelters, particularly for sex trafficking victims, which are adequately staffed by well-trained professionals.
133. Ensure that all child victims of trafficking have systematically access to services providing them with adequate support and assistance (medical, psychosocial, legal). Such support and assistance should be provided by well-trained staffed.
134. Government must make NHIS full free service for children by scrapping the service fee it charges for obtaining the card. The capitation grant and school feeding programmes must be redesigned by government to target the most vulnerable communities in the country.
135. The District Assemblies must take the necessary steps to live up to their obligations as stated under the Section 16 of the Children's Act 560.

6.3 General Recommendations

136. In view of the myriad of the issues, the recommendation is focused on building a strong system that will help to address issues facing children in Ghana. In order to deal with the issues comprehensively, a child protection system is recommended to be introduced by government. The system should be one that harmonises responsibilities at the coordinated levels and harness the potentials of actors to holistically tackle issues affecting children at the national, regional, district, community and family levels. The system must be a fit that can

generate and manage its own resources to deal with matters that exist in the child protection system.

137. Government in its budget allocation must show keen interest in making resources available for effective management of Social Welfare system in Ghana. This, the NGO Coalition, believes will help to reduce the vulnerability of children in Ghana.

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