

*DIMENSIONS OF*  
*CHILD LABOR LEGISLATION*  
*IN GHANA*

*Prepared for:*  
**WEST AFRICAN HEALTH ORGANISATION (WAHO)**  
**and TULANE UNIVERSITY**

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## 1.0: Foreword

Child-work is an acceptable practice in most African societies, including the Ghanaian society. In that regard, the child is expected to help with simple chores in the house and to graduate into activities that more significantly contribute to the economic and social well-being of the family.

This attitude to child-work is a vestige of the 'gather and hunt to survive instinct' developed by man from the dawn of time. That vestige is yet to be shredded off by the African society. Adults have to work to survive and children, it is felt, have to be taken through the drills of survival-work skills, the earlier started the better.

Somewhere in-between carrying out simple household chores and contributing effectively to the family's economic well-being, acceptable child-work inevitably crosses over into child labor which is unacceptable.

But to what specific levels well-intended child-work stretches into 'child-overwork' (i.e. child labor or the worst forms of child labor)? The answer to that question may be partly determined through diligent, scientific research.

What is certain is that addressing the problems of whatever level of child labor (or the worst forms of child labor) exist in Ghana will have to involve strategies including possible revision and enforcement of statutes on child labor and worst forms of child labor.

It should therefore be of great value to comprehensively collate, research and analyze the Dimensions of Child Labor Legislation in Ghana. Such an exercise should provide better understanding of the legislative capacity available for addressing issues relating to child labor and forced labor in Ghana.

It is in that spirit that this research has been carried out under the auspices of the West African Health Organisation (WAHO) in partnership with Tulane University.

## 2.0: **Acknowledgement**

This report on the dimensions of child labor legislation in Ghana is made possible through the assistance received from a number of individuals and organisations in Ghana.

First and foremost, acknowledgement is extended to Messrs. Michael Adjei, Peter K. Dzikunu, Emmanuel Asamoah and Ebenezer Ofori who sifted through documents in libraries and archives and succeeded in tracking down the relevant child labor laws/legislation, their provisions and other information.

Their assignment was made possible with assistance and co-operation from personnel of the Public Records and Archives Department (PRAD), the Central Library in Accra, the Advent (Government) Press Bookshop, the Ghana Supreme Court Library and the Balme Library, University of Ghana, Legon.

Also acknowledged are key informants who responded to research instruments on the dimensions of child labor in Ghana. They, like officials of a number of child-related NGOs brought their deep insight into child labor and legal issues to bear on this report.

### 3.0: Executive Summary

#### 3.1: Existing Laws/Legislation on Child Rights and Child Labor

The rights of the child, his/her development and welfare as well as protection from all forms of child labor are mandated by *The 1992 Constitution*; and are variously provided for under the following legislation:

- The Children’s Act, 1998, Act 560;
- Legislative Instrument (LI 1705), Child Rights Regulations 2002;
- Labor Act, 2003, Act 651;
- Labor Act Regulations, 2007, Legislative Instrument (LI) 1833;
- Human Trafficking Act, 2005, Act 694;
- Domestic Violence Act, 2007, Act 732;
- Adoption Act, 1962, Act 104;
- Juvenile Justice Act, Act 653;
- Marriage Ordinance(Amendment) Act, 2001, Act 606;
- The Apprentices Act, 1961, Act 45.

#### 3.1.2: International Conventions Ratified by Ghana

Relevant International Conventions ratified by Ghana are:

- ILO Convention 182 (on worst forms of child labor);
- UN Convention on the Rights of the Child.

#### 3.1.3: Legal Definitions of ‘child’, ‘young person’ and ‘juvenile’

i) Child:

- “A person below the age of eighteen (18) years” -- *Children’s Act, Act 560*;
- “A person below 18 years” -- *Human Trafficking Act, Act 694, Section 42*;
- “A person below 18 years” -- *Domestic Violence Act, Act 732, Section 42*;
- “A person under the age of 18” -- *ILO Convention 182, Article 2*.

ii) Juvenile:

- “A person under 18” (in conflict with the law)” -- *Juvenile Justice Act, Act 653, Section 1*;
- “A person who is under the age of 17 years” -- *Adoption Act, 1962, Act 104*.

iii) Young Person:

- “A person of over 18 years but below 21 years” -- *Labor Regulations, LI. 1833: (vis-à-vis prohibition from engagement in hazardous work)*;
- “A person of or above eighteen years who is under twenty-one” -- *The Children’s Act, 1998, Act 560, Section 124*.

### 3.1.4: Exact legal definitions of ‘age to work’

There are legal provisions for the minimum age at which a person can engage in light work, be in employment or be in hazardous employment.

- i) Minimum age for Light Work: “Thirteen years” -- *Children’s Act, Sect 90*;
- ii) Minimum age for Admission of a child to Employment: “Fifteen (15) years” -- *Section 90 of The Children’s Act, Act 560*;
- iii) Minimum age for Hazardous Employment: “Eighteen (18) years” -- *The Children’s Act, Act 560, Section 91*.

Other ‘age 18 thresh-holds’ under Ghana’s laws/legislation are:

- The right to vote – *1992 Constitution*;
- The right to make a will -- *Wills Act, Act 360*;
- The right to consume alcohol -- *Liquor Licensing Act, Act 331*;
- The right to contract any form of marriage – *The Children’s Act, Act 560*; and *Marriage Ordinance (Amendment) Act, 2001, Act 606*.

### 3.1.5: Absence of specific legislative mention of ‘worst forms of child labor’

No specific mention of ‘worst forms of child labor’ is made on Ghana’s legal statutes. However, legal provisions exist on a) hazardous work/employment and b) industrial undertakings whose definitions are in tune with the spirit and tenets of ILO Convention 182 and the Harkin-Engel Protocol– see *below*.

### 3.1.6: Comparative Notes on what constitutes ‘worst forms of child labor’:

#### 3.1.6.1. ILO Convention 182

*ILO Convention 182, Article 3* defines worst forms of child labor as:

”All forms of slavery or practices similar to slavery, such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor; the use, procuring or offer of a child for prostitution, for the production of pornography or for pornographic performance; the use, procuring or offer of a child for illicit activities, in particular for the production and trafficking of drugs...; and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

#### 3.1.6.2. Harkin-Engel Protocol

Under the Harkin-Engel Protocol, the following constitutes “worst forms of child labor on cocoa farms: clearing the ground; weeding; maintaining cocoa trees; applying pesticides; harvesting; and pod breaking;

#### 3.1.6.3. Ghana Laws/Legislation

Provisions under Ghana’s legal regime prohibit engagement of children in ‘hazardous work’ and ‘industrial undertakings’, both of which are defined in *Labor Regulations 2007, LI 1833, Section 7(1)* and *Children’s Act, Act 560, Section 93*, in terms that are synonymous with the ‘worst forms of child labor.’

### 3.2. Observations

#### 3.2.1. Harmonization of laws on the child and child labor

Harmonization of legal statutes with UN Convention on the Rights of the Child and ILO Convention 182 has been advanced through legislative review by the Child Law Reform Advisory Committee from 1995-98 (see 9.2., page 27).

#### 3.2.2. Administrative reforms relating to child rights and child labor

Very extensive administrative reforms have been initiated within the past 12 years to enhance the promotion of child rights, child welfare and to address/eliminate child labor (see 9.3., page 27).

#### 3.2.3. Inadequate Enforcement of legislative provisions

A qualitative survey of nine 'key informants' during the research confirm the general public feeling that legal provisions on child rights and child labor are not adequately enforced in Ghana (see 7.2.1.4)

The key informants also express the view that the general public's unawareness of child rights and child labor issues, rather than inadequacy of legislation, is a major hurdle to the promotion of child rights and control/elimination of child labor.

### 3.3. Recommendations

Based on the research findings/observations, the following are recommended:

#### 3.3.1. Sensitization programs for key sectors and general public

It is recommended that continuous sensitization and up-dating on child rights and child labor issues in general and the Harkin-Engel Protocol in particular are programmed and delivered to The Executive, The Legislature, The Judiciary, the Police, Civil Society Groups, NGOs on Children, the media and general public.

#### 3.3.2. Integration of the language of the Harkin-Engel Protocol into legislation on child labor and 'the worst forms of child labor'

The relevant and potential legislation for such language integration are:

- *Cocoa Marketing Board (Cocobod) Establishment Law, PNDCL 81, which makes provisions for the "certification of cocoa for export" (see 10.2.2., page 31).*
- *Bye-laws of District Assemblies which are mandated by The 1992 Constitution to promote welfare and development of the child (see 10.2.2., page 31); as well as*
- *The Children's Act, Act 560 and Labor Act, Act 651.*

#### 3.3.3. Strengthening, streamlining of traditional justice system

A traditional justice system based on customs, social norms as well as family and traditional governance hierarchy (see 4.2., page 7) is still prevalent, and very relevant in the rural areas needs to be strengthened and streamlined.

## 4.0: **Introducing the Issues**

### 4.1: **Traditional attitudes to rights of the child and child labor**

Traditional Ghanaian attitude to the child may be summed up in the saying that 'the child should be seen, not heard.' That means the child should be seen doing what an adult orders and not be heard expressing any personal views on issues.

This rather strict edict aims at having the child brought up to be cast in the mold of his/her forebears, to toe the line on traditional beliefs and be a hard-working in order to survive in often very harsh environments.

Being hard working is particularly considered a most desirable virtue in traditional society. Every child is expected to begin carrying out simple household chores at a very tender age. Thereafter, he or she is expected to follow in the footsteps of older members of the family as they headed for the farm or the fishing/hunting ground and prove his/her worth by working as hard as he/she could.

Reminiscent of the pre-agriculture, gather-and-hunt-to-survive era, the child who worked hard won accolades such as 'courageous, successful and good-marital-prospect.' The less hard-working was proclaimed 'lazy, a potential failure and a disgrace to the family'.

But even in the traditional setting, customary norms and unwritten rules have existed regarding 'forms of work' for a child and the child's 'ability to carry out specific forms of work.' As such, traditional society is able to recognize when a child is being 'over-worked' (abused) though such recognition may be influenced more by the physical stature of the child rather than his/her age.

### 4.2: **Traditional avenues for redress against child labor abuse**

While child work is general practice in traditional Ghanaian society, some avenues of redress and, or, rescue exist for the overworked child.

While neighbors and relatives have nothing against a child being trained to become a diligent worker, neighbors and relatives also have great sympathies for the child who is being truly overworked or abused. This is easy to understand: in the traditional setting, a child belongs to the community, not just to his/her parents.

Neighbors and relatives thus have the option to directly confront those who overwork/abuse a child or to report such behavior to the child's clan head. A hearing is then held (mostly without the direct participation of the child- victim).

Those found guilty of abusing a child are advised to mend their ways or have a fine imposed on them. The option exists at all times for the abused child to be relocated to an uncle, aunt, grandmother, grandfather or any other close relative who has a track record of child-friendly behavior.

In extreme cases where a child-victim sees no rescue/redress coming his/her way, such a child runs away and heads for a safer abode, normally under the roof of a close, friendly relative. The child then narrates his/her tale of woe and a process of traditional hearing (before the clan head) is held with same potential consequences as stated above.

#### 4.3: **Colonial and International child rights legislation**

Colonialism directly imposed various Western-style practices including legislative processes and administration of justice. Today, traditional laws and forms of justice administration exist side by side with the Western-forms.

The forms of legislation introduced by the British were tailored on British Common Law with the rights of the child implicitly covered under the then prevailing basic and general concepts of human rights.

After the Second World War, the UN in 1948 adopted the Universal Declaration of Human Rights. Again, the rights of the child were only implicitly included. As a signatory to that declaration, Great Britain duly extended the Declaration's non-binding, non-enforceable principles to its colonies, including the Gold Coast (now Ghana).

In 1959, two years after Ghana's independence, the UN General Assembly adopted the Declaration on the Rights of the Child. Ghana subsequently ascribed to the new, child-specific Declaration. However, the Declaration on the Rights of the Child, also merely offered mere non-binding and non-enforceable principles.

In November 1989, the U.N. General Assembly adopted, without reservations, the Convention on the Rights of the Child (CRC). Ghana became the first country to ratify the Convention. The CRCC entered into force on the 2<sup>nd</sup> of September 1990 as international law following its ratification by the necessary 20-country members of the UN.

Ghana has since ratified *ILO Convention 182* which defines and prohibits the "worst forms of child labor."

Ghana has in the past 12 years carried out major reforms to relevant /legislation on child rights and child labor in conformity with the spirit and tenets of the relevant international conventions the country is signatory to.

#### 4.4: **The Harkin-Engel Protocol**

The Harkin-Engel Protocol was signed by the international cocoa and chocolate industry in September 2001. The Harkin-Engel Protocol is firmly rooted in the provisions of *ILO Minimum Age Convention 138* and *ILO Convention 182* on the

'worst forms of child labor' and comes with a focused commitment to address the problem of child labor and forced labor on cocoa farms of the major producers - Cote d'Ivoire and Ghana

In each of the two focus-countries, the existing legal framework on child rights and child labor as well as enforcement of that legislation and the administration of justice will be a collective legitimate and important tool in efforts aimed at addressing the problem of child labor and forced labor on their cocoa farms.

In other words, addressing and eliminating whatever levels of child labor (or the worst forms of child labor) that exist on Ghana's cocoa farms will have to involve strategies including further legal reforms (if need be) as well as steps to ensure the existing and, or, necessary laws/legislation are fully enforced.

#### 4.5: **Objectives of the research**

The objectives of this research, carried out under the auspices of the West African Health Organization (WAHO) in partnership with Tulane University, are to:

- Collate all existing child-related laws/legislation on Ghana's statutes;
- Analyze and research all laws/legislation on Ghana's statutes that deal with child rights, child labor and worst forms of child labor and worst forms of child labor on cocoa farms;
- Prepare a comprehensive report on the dimensions of child labor laws/legislation in Ghana.
- Provide recommendations based on the research findings and related observations.

## 5.0: Methodology

In early October 2007, the author of this report was contracted by the West African Health Organisation (WAHO) and Tulane University, acting through their Project Officer, Mr. Chris Bayer, to conduct research into dimensions of Ghana's child labor laws/legislation on the behalf of WAHO/Tulane.

Four assistants helped track down and acquire hard copies of existing laws, legislation and ratified international conventions that had provisions relating to 'the child,' 'child rights' and to 'child labor.' The scope covered areas including juvenile justice, education, apprenticeship, marriage, agriculture, mining, commerce, industry.

The second phase of the assignment entailed focusing on laws/legislation and ratified international conventions directly relating to child labor and analyzing, researching same in terms of the scope and thrust of their provisions in addressing issues of child rights, child labor and the 'worst forms of child labor' in Ghana.

Areas captured by the report include:

- Scope of legal provisions for the child and on child labor
- Legal definitions of terms and words relating to 'child'
- Scope of legal protection for the child against exploitative labor
- Scope of legal protection for the child against hazardous labor/work
- Forms of 'work' relating to the child and their definitions
- Definitions of types of work synonymous with 'worst forms of child labor'
- Exact legal definitions of 'age to work'
- Registration of children, young persons in 'industrial undertakings'
- Legal provision on health of young persons employed on any work
- Enforcement of regulations relating to child labor
- Legal provision on offences and penalties relating to child labor

The report makes observations (including views from some sector players) on dimension of child labor laws/legislation) and makes recommendations

A legal practitioner assisted with all aspects of the report.

The legal practitioner also served as one nine 'key informant' by responding to a survey instrument relating to Ghana's Legal Environment on Child Rights and Child Labor (see 7.0, page 20).

## 6.0: Existing legislation on child labor

### Legislation/laws relating to the child and ‘child labor’

Ghana’s legislation/laws on the welfare and development of the child and on child labor have provisions that are in line with *ILO Convention 182*, *ILO Minimum Age Convention 138* and *UN Convention on the Rights of the Child*. The relevant existing legislation/laws are:

- i) *The Constitution of the Republic of Ghana, 1992: Article 28* of *The Constitution* mandates Government to ensure the rights of the child. *Article 28* also provides protection against exploitative labor. *Article 28, 34 (2) and 35 (c)* specifically provide that “no person shall be held in slavery or servitude (or) be required to perform forced labor.”
  - ii) *Children’s Act, 1998, Act 560*, which asserts Ghana’s commitment to the promotion of the physical, mental and social well-being of the Ghanaian child. *Act 560, Sections 12 and Section 87 (1)* state that “no person shall engage a child in exploitative labor.”
  - iii) *Labor Act, 2003, Act 651*, which sets out, in *Part VII, Sections 58-61*, under the heading ‘Employment of Young Persons’, the various provisions relating to child labor. *The Labor Act Regulations, 2007, Legislative Instrument (LI) 1833*, was passed as operational tool for *Labor Act, Act 65*; and
  - iv) *Human Trafficking Act, 2005, Act 694*, whose *Sections 2 (1), 3 (1) and 4 (1) of Act 694* variously prohibit the following: “a) human trafficking; b) provision of trafficked persons; and c) use of trafficked persons.”
- Human Trafficking Act, 2005, Act 694* asserts, in *Sections 1 (1) and (2)*, that ‘human trafficking’ may involve “exploitation of the vulnerable” and such exploitation may include “forced labor or services.”
- v) *Domestic Violence Act, 2007, Act 732*, which was enacted, according to the Act’s preamble, “to provide protection from domestic violence for women and children ...”
  - vi) *Adoption Act, 1962, Act 104*. This *Act*, according to the Act’s preamble, “provides for the adoption of children.”
  - vii) *Juvenile Justice Act, Act 653*, makes provisions for a system of justice for offenders under age 18.

viii) *The Marriage Ordinance (Amendment) Act, 2001, Act 606, which*, among other provisions, prohibits child-marriages and stipulates age 18 as the minimum age for contracting any form of marriage.

ix) *Apprentices Act, 1961, Act 45, which* provides for an “apprenticeship order” which will subject the provisions of the Act to any industry and, among other matters, set “the minimum age at which a person may commence to serve as an apprentice in such industry.”

x) *The Consolidated Criminal Code, 1998, Act 554*, which embodies all Criminal Code Amendments

## 6.2: **International Conventions ratified by Ghana**

International conventions ratified by Ghana and whose provisions have been incorporated into legislation relating to the child and all forms of child labor are:

i) *ILO Convention 182 (on worst forms of child labor)*. The convention outlines new instruments for the prohibition and elimination of the worst forms of child labor as the main priority for national and international action. *Convention 182* is intended to complement ILO Minimum Age Convention 138 for Admission to Employment.

ii) *UN Convention on the Rights of the Child*: Ghana was the first country to ratify the *UN Convention on the Rights of the Child (CRC)* which is “aimed at promoting child survival and development.”

## 6.3: **Legal definitions of ‘child’, ‘young person’ and ‘juvenile’**

### 6.3.1. Child:

i) “A person below the age of eighteen (18) years” -- *Children’s Act, Act 560*;

ii) “A person below 18 years” -- *Human Trafficking Act, Act 694, Section 42*;

iii) “A person below 18 years” -- *Domestic Violence Act, Act 732, Section 42*;

iv) “A person under the age of 18” -- *ILO Convention 182, Article 2*.

### 6.3.2. Juvenile:

i) “A person under 18 years (who is in conflict with the law)” -- *Juvenile Justice Act, Act 653, Section 1*;

ii) “A person who is under the age of 17 years” -- *Adoption Act, 1962, Act 104*.

### 6.3.3. Young Person:

i) (vis-à-vis prohibition from engagement in hazardous work): “A person of over 18 years but below 21 years” -- *Labor Regulations, LI. 1833*:

ii) “A person of or above 18 years who is under 21.” -- *The Children’s Act, 1998, Act 560, Section 124*.

#### 6.4: **Scope of legal provisions on the child and on child labor**

Collectively, the existing Ghanaian Constitution mandates the State/Government to protect, develop and ensure the rights and welfare of the child.

Specific legislations under the legal regime make provisions for:

- Legal protection for the child against exploitative labor;
- Legal prohibitions against employment of children;
- Minimum age for work and definitions of ‘work’;
- Health of young persons employed on any work;
- Registration of young persons in an industrial undertaking;
- Enforcement of regulations relating to child labor;
- Offences relating to child labor; and
- Penalties on conviction for offences relating to child labor.

#### 6.5: **Scope of legal protection for the child against exploitative labor**

*The Children’s Act, 1998; Act 560, Section 12*, reinforces the constitutional assertion that “no person shall be held in slavery or servitude” and that “no person shall be required to perform forced labor.”

These proclamations provide an umbrella protection against exploitative child labor, including the worst forms of child labor. Legal protection against exploitative child labor is specifically provided under a number of Legislations, including *The Children’s Act, 1998; Act 560, Section 87 (1)* which reaffirms that “no person shall engage a child in exploitative labor.”

*The Children’s Act, Section 87*, defines ‘exploitative child labor’ as labor which “deprives the child of its health, education or development”.

*The Children’s Act, 1998; Act 560, Section 88* outlaws exploitative child labor and specifically bans ‘night work’ which is defined (for children) as “work between 8 o’clock in the evening and 6 o’clock in the morning”.

#### 6.6: **Scope of legal protection for the child against hazardous labor/work**

*Labor Act, 2003, Act 651, Part VII, Section 58*, prohibits the employment of young persons in hazardous work and specifically prohibits the employment of a young person in an underground mine work.

*Section (2)* of the same *Act 651* empowers The Minister to, by legislative instrument, “determine the type of employment that is likely to expose a young person to physical or moral hazard.”

*Labor Regulations, 2007, LI 1833, Section 7 (1)* further states that an employer shall not engage a young person in work which is listed, by The Minister, under a *Legislative Instrument*, as being hazardous

## 6.7 Forms of ‘work’, relating to the child and their definitions

*The Children’s Act, 1998; Act 560, Sections 89-96* and the *Labor Act, 2003, Act 651, Sections 58 – 61* give legal recognition to three (3) forms of child-related work. These are:

- Light Work
- Employment
- Hazardous Employment

### i) Light Work

This is defined under *The Children’s Act, 1998, Act 560, Sections 90 (2)* as: “work which 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 his/her capacity to benefit from school work.”

### ii) Employment

This is defined as:

“engagement in any economic work or activity which is performed during a specified period for pay (whether in cash or kind), profit or family gain.” -- *Report: Ghana Multiple Indicator Cluster Survey, Ghana Statistical Services*

### iii) Hazardous Employment

This is defined under *The Children’s Act, Act 560, Section 91 (2)* as: “employment that poses a danger to the health, safety or morals of a person.” The Act lists specific forms of work which are considered hazardous and for which an employer shall not engage a young person.

## 6.8: ILO Convention 182 definition of ‘worst forms of child labor’

*ILO Convention 182, Article 3*, defines ‘worst forms of child labor’ as:

- “a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- “b) The use, procuring or offer of a child for prostitution, for the production of pornography or for pornographic performance;
- “c) The use, procuring or offer of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- “d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”

**6.9: Types of work under Ghanaian legislation that are synonymous with ‘worst forms of child labor’ as defined by ILO Convention 182**

The spirit and tenets of *ILO Convention 182* definition of ‘worst forms of child labor’ is reflected in the definitions of ‘hazardous work’, ‘hazardous employment’ and ‘industrial undertakings’ under the following Ghanaian legislation:

- i) *The Children’s Act, Act 560, Part V, Section 91*, defines ‘hazardous work.’ as: “employment that poses a danger to the health, safety or morals of a person.”

*Section 91(3)* of same *Act 560* states that ‘hazardous employment’ (which is synonymous with ‘hazardous work’) includes:

- “a) going to sea;
- “b) mining and quarrying;
- “c) portorage of heavy loads;
- “d) manufacturing industries where chemicals are produced or used;
- “e) work in places where machines are used; and
- “f) work in places such as bars, hotels and places of entertainment where a person maybe exposed to immoral behavior.

ii) *The Children’s Act, Act 560, Part V, Sub-Part 1, Section 93* defines ‘industrial undertakings’ as:

- “an undertaking other than one in commerce or agriculture and including
- “a) Mines, quarries, other works for extraction of minerals from the earth;
- “b) Undertakings in which articles are manufactured, altered, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings in shipbuilding or the generation, transformation, transmission of electricity or motive power; undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work;
- “c) undertakings engaged in the transport of passengers or goods by road or rail including the handling of goods at docks, quays, wharves, warehouses and airports.”

iii) *Labor Regulations 2007, LI 1833, Section 7 (1)* defines ‘Hazardous work’ which is synonymous with ‘hazardous employment’ under the *Labor Regulations* as work which involves the following:

- ”a) manual lifting of weights which exceed twenty-five kilograms;
- ”b) work on scaffold and other structures at a height exceeding two and a half meters; the use of substances and materials that emit (i) radiation, or (ii) poisonous gases or fumes;
- “c) the use of dangerous chemicals;
- ”d) excessive noise;
- ”e) the felling of timber;
- ”e) night work exceeding eight continuous hours; or
- ”f) other situations considered by the Chief Labor Officer as hazardous.”

*The Labor Regulations 2007, under Section 7 (2)*, further lists forms of work which are considered 'hazardous' and for which an employer shall not engage a young person. Those forms of work are:

- a) the production and screening of pornographic material, or work at areas in a hotel which are likely to corrupt the moral development of that young person

#### 6.10: **Exact legal definitions of 'age to work'**

There are legal provisions for the minimum age at which a person can:

- Engage in light work;
- Be in employment; or
- Be in hazardous employment.

##### i) Minimum age for 'light work'

*The Children's Act, 1998; Act 560, Section 90*, stipulates that "the minimum age for the engagement of a child in light work shall be thirteen (13) years".

##### ii) Minimum age for admission of a child to employment

*Section 90 of The Children's Act, Act 560*, stipulates that "the minimum age for admission of a child to employment shall be fifteen (15) years".

##### iii) Minimum age for hazardous employment

*Section 91, The Children's Act, 1998; Act 560*, stipulates: "the minimum age for the engagement of a person in hazardous work is eighteen (18) years".

Other 'age 18 thresh-hold' legislative provisions are:

- The right to vote – *1992 Constitution*
- The right to make a will -- *Wills Act, Act 360*;
- The right to consume alcohol -- *Liquor Licensing Act, Act 331*;
- Right to contract any marriage – *Children's Act & Marriage Ordinance*

#### 6.11: **Registration of children and young persons in 'industrial undertakings'**

*Section 60 of Labor Act, 2003, Act 651*, stipulates that:

"an employer in an industrial undertaking shall keep a register of the children and young persons employed by him and of the dates of their births if known or their apparent ages if their dates of birth are not known" (see 6.9(ii) for the definition of 'industrial undertakings').

#### 6.12: Legal provision on health of young persons employed on any work

*Labor Act, 2003, Act 651, Section 59*, stipulates as follows:

- “(a) an employer shall not employ a young person on any work unless a medical practitioner has certified that the young person is in good health and is medically fit for the work”; and that  
 “(b) where a person fails to comply with subsection (1), the person shall be ordered by the Minister to have the medical examination conducted.”

#### 6.13: Enforcement of regulations relating to child labor

*Sections 95 and 96 of The Children’s Act, Act 560*, call for the enforcement of the Act’s provisions in both the (i) formal and (ii) informal sectors. The related provisions for that enforcement are as follows:

##### i) Enforcement in the formal sector

The enforcement procedures in the formal sector are outlined in *Section 95 (1), (2), and (3) of The Children’s Act, Act 560*, which stipulate that:

- “a) The District Labor Officer shall carry out any enquiry he may consider necessary in order to satisfy himself that the provisions of this Sub-Part with respect to labor by children and young persons in the formal sector are being strictly observed;  
 “b) For purposes of this section, any person may be interrogated by a District Labor Officer; and that  
 “c) If a District Labor Officer is reasonably satisfied that the provisions of this Sub-Part (on enforcement of the laws) are not being complied with, he shall report the matter to the police who shall investigate the matter and take the appropriate steps to prosecute the offender.”

##### ii) Enforcement in the informal sector

The enforcement procedures in the formal sector are outlined in *Section 96 (1), (2), (3), (4) and (5) of The Children’s Act, Act 560*, which stipulate that:

- “i) The Social Services Sub-Committee of a District Assembly and the Department (of Labor) shall be responsible for the enforcement of the provisions of (the Act) in the informal sector.  
 “ii) Any person may be interrogated by a member of the Social Services Sub-Committee or Department [of Labour].  
 “iii) Where the offender is a family member of the child whose rights are being infringed under this Sub-Part, the Social Services Sub-Committee or the Department shall request a probation officer or social welfare officer to prepare a social enquiry report on the matter.  
 “iv) The report prepared under subsection (4) shall be considered by the police before any action is taken against the offender.  
 “v) If the (the investigator) is reasonably satisfied that the provisions of this Sub-Part are not being complied with he shall report the matter to the police who shall investigate the matter and take the appropriate steps to prosecute the offender.”

#### 6.14: Legal provisions on offences relating to child labor

Legislation/laws which specify child labor related offences are:

i) *The Children's Act, Act 560*

*Part V, Sub-Part 1* (headed 'Child Labor'), *Sections 87-92*, lists child labor related offences under *Act 560* as follows:

- "a) Engagement of a child in exploitative child labor;
- "b) Engagement of a child in night work;
- "c) Admission of a child under fifteen (15) years to employment;
- "d) Engaging a child under thirteen (13) years in light work;
- "e) Engaging a person under eighteen (18) years in hazardous work."

*Section 93* of the above *Act 560*, also lists as an offence:

"failure by an employer to keep a register of children and young persons employed by him."

ii) *Labor Act, Act 651*,

*Part VII on 'Employment of Young Persons', Sections 58-61 of the Labor Act* lists child labor related offences as:

- "a) Engagement of a young person in any type of hazardous employment or work likely to expose the person to physical or moral hazard; including
  - "i) An underground mine work; or
  - "ii) Any type of work the Minister may determine, by *Legislative Instrument*, to be likely to expose a young person to physical or moral hazard."

#### 6.15. Provisions for penalties on conviction for offences relating to child labor

i) *The Children's Act, Act 560*

*Section 94 (1) of Act 560* states that "any person who contravenes provisions of the Act on the following: i) exploitative child labor; ii) minimum age for child labor; iii) minimum age for light work; iv) minimum age for hazardous employment; and v) registration of children and young persons in industrial undertakings commits an offence ..."

**Penalty:** An offender is "liable on summary conviction to a fine not exceeding c10 million or to imprisonment for a term not exceeding two years or to both."

*Section 94 of The Children's Act*, also stipulates that "any person who contravenes any other provision on its '*Employment of Children*' (*Sub-Part 1* headed '*Child Labor*', *Sections 87-92*) commits an offence."

**Penalty:** An offender is liable on summary conviction to a fine not exceeding c5 million or to a term of imprisonment not exceeding one year or to both."

ii) *Labor Act, Act 651,*

*Part VII on 'Employment of Young Persons', Section 58,* prohibits the employment of young persons in hazardous work including “any type of employment or work likely to expose the person to physical or moral hazard; underground mine work; and any type of employment that is determined by the Minister, under a Legislative Instrument, as likely to expose a young person to physical or moral hazard.”

*Section 58 (4)* stipulates that “a person who contravenes the provisions of *Part VII, Section 58* (i.e. the above paragraph) commits an offence.”

**Penalty:** An offender is liable on summary conviction to a fine not exceeding 100 penalty units.”

**6.16: Scope of application of legal provisions on child labor**

*Sub-Part 1* (headed ‘Child Labor’) stipulates that all provisions under *The Children’s Act, Act 560, Part V (Employment of Children)* are to apply in

- i) the formal sector and
- ii) the informal sector.

**6.17: Scope of provisions of other legislation/laws relating to child labor**

i) *Human Trafficking Act, 2005, Act 694,*

*Sections 2 (1), 3 (1) and 4 (1) of Act 694* prohibit human trafficking; provision of trafficked persons; and use of trafficked persons. *Act 694* asserts in *Sections 1 (1) and (2)*, that ‘human trafficking’ may involve “exploitation of the vulnerable” and that such exploitation may include “forced labor or services.”

According to *Section 1 (3) of the Human Trafficking Act*, “placement for sale, bonded placement, temporary placement, placement as services where exploitation by someone else is the motivating factor shall also constitute trafficking.”

In the context of child-victims of human trafficking, the above mentioned trafficking related activities (i.e.: exploitation of the vulnerable; forced labor or services etc.) has to qualify as ‘the worst forms of child labor.’

**6.18: Judicial remedies – lodging of complaints**

Under *Section 17 of The Children’s Act*, any person (including a child) can file a complaint where the right of a child as guaranteed by law is infringed or violated. No fee is paid for filing such cases and any person with significant interest in the issue can be invited to attend and deliberate in a child panel hearing the case.

### 6.19: Judicial decisions by judicial and quasi-judicial bodies

Reasoned judgment or orders delivered by a legally constituted Judicial or quasi-judicial body is binding on all parties though they (the parties) shall have the right of appeal under provisions of the *Courts (Amendment) Act, 2004, Act 673*.

## 7.0: Key Informants' Response to Questions on Ghana's Legal Environment on Child Rights and Child Labor

In order to verify that all pertinent legislation had been collected and analyzed, nine (9) legal and child rights experts from the government sector, civil society including NGOs and the cocoa sector were invited to serve as key informants on the dimensions of Ghana's legal framework on child labor,

Seven of the nine responded to the invitation. They were joined by two randomly selected Ghanaians and all nine (9) were qualitatively interviewed on the basis of the following survey instruments:

- (I) *Do you believe Ghana's existing laws/legislation on child rights and child labor are adequate/comprehensive enough?*
- (II) *Do you believe the on child rights and child labor conform/comply with international convention on child rights and child labor?*
- (III) *If you answer "NO" to either of or both 1 and 2 above: Can you suggest areas for possible law reform?*
- (IV) *Do you believe the existing laws on child rights and child labor are adequately enforced?*
- (V) *If you answer "NO" to 4 above. Can you suggest areas of possible law reform?*

### 7:1. Contacts' Institutions, Mode of 'Interview' and Response

<i>Contacts' Institutions</i>	<i>Verbal Interview</i>	<i>Written Questionnaire</i>	<i>Responses Received</i>
Ministry of Manpower	Yes	N/A	Yes
International Needs NGO	Yes	N/A	Yes
Law Reform Commission	N/A	Yes	Yes
Nat. Com. on Women/Children	Yes	N/A	Yes
Cocoa Mkt. Board (Legal Dept.)	N/A	Yes	No
Attorney General's Department	N/A	Yes	No
Min. Women & Children Affairs	N/A	Yes	Yes
Private Legal Practitioners (2)	Yes	N/A	Yes
"Man on the Street" (2)	Yes	N/A	Yes
<b>Total</b>	<b>7</b>	<b>4</b>	<b>Yes 9; No 2</b>

## 7.2. Analysis of Responses to Questions 1, 2 and 4

7.2.1. Analysis of Yes/No/Don't Know responses to Questions (I), (II) and (IV):

<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Don't Know</b>
(I). Do you believe Ghana's existing laws and legislation on child rights and child labor are adequate and comprehensive enough?	5	2	2
(II). Do you believe the laws on child rights and child labor conform/comply with international convention on child rights and child labor?	6	1	2
(IV). Do you believe the existing laws/legislation on child rights and child labor are being adequately enforced?	1	7	1

7.2.2. Analysis of responses to Question (III) i.e. 'Can you suggest areas of law reform?'

The given responses in order of priority are:

- i) Stiffer punishment for parents who abandon their children
- ii) Stiffer punishments for child rights and child labor offenders

7.2.3. Analysis of responses to Question (V) i.e. 'Why do you think the existing laws on child rights and child labor are not being adequately enforced?'

The given responses in order of priority are:

- i) Unwillingness of people to report cases
- ii) Lack of public awareness on issues
- iii) Lack of logistics for enforcement and justice administration agencies

## 7.3. Observations from Responses to Interviews

Nine key informants were qualitatively interviewed; their responses indicate that:

- i) Ghana's existing laws/legislation on child rights and child labor are adequate and comprehensive; and that
- ii) Ghana's laws/legislation on child rights and child labor are in conformity with the various relevant International Conventions; but that
- iii) Ghana's laws/legislation on child rights and child labor are not adequately enforced.

## 8.0: Summary of Findings

### 8.1: Constitutional provisions on the rights of the child

*Article 28 of The 1992 Constitution* mandates Government to ensure the rights of the child. *Article 28* also provides protection against exploitative labor. *Article 28, 34 (2) and 35 (c)* specifically provide that “no person shall be held in slavery or servitude (or) be required to perform forced labor.”

### 8.2: Other legislation/laws relating to the child and to ‘child labor’

*The Children’s Act, 1998, Act 560*  
*Legislative Instrument (LI 1705), Child Rights Regulations 2002,*  
*Labor Act, 2003, Act 651,*  
*Labor Act Regulations, 2007, Legislative Instrument (LI) 1833*  
*Human Trafficking Act, 2005, Act 694,*  
*Domestic Violence Act, 2007, Act 732*  
*Adoption Act, 1962, Act 104;*  
*Juvenile Justice Act, Act 653*  
*Marriage Ordinance (Amendment) Act, 2001, Act 606*  
*The Apprentices Act, 1961, Act 45*

### 8.3 International Conventions ratified by Ghana

*ILO Convention 182 (on worst forms of child labor)*  
*UN Convention on the Rights of the Child*

### 8.4 Legal definitions of ‘child’, ‘young person’ and ‘juvenile’

#### 8.4.1. Child:

“A person below the age of eighteen (18) years” -- *Children’s Act, Act 560:*

“A person below 18 years” -- *Human Trafficking Act, Act 694, Section 42:*

“A person below 18 years” -- *Domestic Violence Act, Act 732, Section 42:*

“A person under the age of 18” -- *ILO Convention 182, Article 2*

#### 8.4.2. Juvenile:

“A person under 18 years (who is in conflict with the law)” -- *Juvenile Justice Act, Act 653, Section 1*

“A person who is under the age of 17 years” -- *Adoption Act, 1962, Act 104*

#### 8.4.3. Young Person:

“A person of over 18 years but below 21 years” -- *Labor Regulations, LI. 1833:*  
 (vis-à-vis prohibition from engagement in hazardous work):

“A person of or above eighteen years who is under twenty-one” -- *The Children’s Act, 1998, Act 560, Section 124*

### 8.5: **Scope of legal provisions for the child and on child labor**

Collectively, the existing Ghanaian legal regime makes provisions for:

- i) Legal mandate to State/Government to protect, develop and ensure the rights and welfare of the child;
- ii) Legal protection for the child against exploitative labor;
- iii) Legal prohibitions against employment of children;
- iv) Minimum age for work and definitions of 'work';
- v) Health of young persons employed on any work;
- vi) Registration of young persons in an industrial undertaking;
- vii) Enforcement of regulations relating to child labor;
- viii) Offences relating to child labor; and
- ix) Penalties on conviction for offences relating to child labor.

### 8.6: **Scope of legal protection for the child against exploitative labor**

*The Children's Act, 1998; Act 560, Section 12*, reinforces the constitutional assertion that "no person shall be held in slavery or servitude" and that "no person shall be required to perform forced labor."

*The Children's Act, 1998; Act 560, Section 87 (1)* reaffirms that "no person shall engage a child in exploitative labor."

*The Children's Act, Section 87*, defines 'exploitative child labor' as labor which "deprives the child of its health, education or development." *Section 88*, outlaws exploitative child labor including 'night work' (i.e., for children, "work between 8 o'clock in the evening and 6 o'clock in the morning").

### 8.7: **Scope of legal protection for the child against hazardous labor/work**

*Labor Act, 2003, Act 651, Part VII, Section 58*, prohibits the employment of young persons in hazardous work and specifically prohibits the employment of a young person in an underground mine work.

*Part VII, Section 58 (2)* of the same *Act 651* empowers The Minister to, by legislative instrument, "determine the type of employment that is likely to expose a young person to physical or moral hazard."

*Labor Regulations, 2007, LI 1833, Section 7 (1)* reinforces the above by stating that an employer shall not engage a young person in work which is listed as being hazardous

### 8.8: **Forms of 'work' relating to the child**

- i) Light Work
- ii) Employment
- iii) Hazardous Employment

## 8.9: Definitions forms of 'work' relating to the child

### 8.9.1. Light Work

"Work which 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 his/her capacity to benefit from school work" -- *The Children's Act, Act 560, Sections 90 (2)*

### 8.9.2. Employment

"Engagement in any economic work or activity which is performed during a specified period for pay (whether in cash or kind), profit or family gain"-- *Report: Ghana Multiple Indicator Cluster Survey, Ghana Statistical Services*

### 8.9.3. Hazardous Employment

"Employment that poses a danger to the health, safety or morals of a person" -- *The Children's Act, Act 560, Section 91 (2)*

## 8.10: ILO Convention 182 definition of 'worst forms of child labor'

*ILO Convention 182, Article 3* defines 'worst forms of child labor' as:

- "a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- "b) The use, procuring or offer of a child for prostitution, for the production of pornography or for pornographic performance;
- "c) The use, procuring or offer of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- "d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."

## 8.11: Definitions of types of work under Ghanaian legislation which are synonymous with 'worst forms of child labor' under ILO Convention 182

The types of work whose definitions under Ghanaian legislation are synonymous with 'worst forms of child labor' under ILO Convention 182 are:

- i) 'Hazardous work';
- ii) 'Hazardous employment'; and
- iii) 'Industrial undertakings.'

### 8.11.1. Hazardous work

*Report: Ghana Multiple Indicator Cluster Survey, Ghana Statistical Services* defines 'hazardous work' as work which involves the following:

- "a) manual lifting of weights which exceed twenty-five kilograms; and
- "b) work on scaffold and other structures at a height exceeding two and a half meters;

*Labor Regulations 2007, LI 1833, Section 7(1)* defines 'hazardous work' as:

- "a) the use of substances and materials that emit (i) radiation, or (ii) poisonous gases or fumes,
- "b) the use of dangerous chemicals;
- "c) excessive noise;
- "d) the felling of timber;
- "e) night work exceeding eight continuous hours; or
- "f) the production and screening of pornographic material, or
- "g) work at areas in a hotel which are likely to corrupt the moral development of that young person; and
- "h) other situations considered by the Chief Labor Officer as hazardous"

#### 8.11.2. Hazardous Employment

*The Children's Act, Act 560* defines 'hazardous employment' as "Employment that poses a danger to the health, safety or morals of a person" and includes:

- "a) going to sea;
- "b) mining and quarrying;
- "c) porterage of heavy loads;
- "d) manufacturing industries where chemicals are produced or used;
- "e) work in places where machines are used; and
- "f) work in places such as bars, hotels and places of entertainment where a person maybe exposed to immoral behavior"

#### 8.11.3. Industrial Undertakings

*Labor Act, Act 651, Section 58* defines 'industrial undertakings' as:

- "An undertaking other than one in commerce or agriculture" including:
- "a) mines, quarries, other works for extraction of minerals from the earth;
  - "b) undertakings in which articles are manufactured, altered, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind; and
  - "c) undertakings engaged in building and civil engineering work, including constructional, repair, maintenance, alteration and demolition work."

### 8.12: Exact legal definitions of 'age to work'

There are legal provisions for minimum age at which a person can:

- i) engage in light work;
- ii) be in employment; and
- iii) be in hazardous employment.

#### 8.12.1 Minimum age for 'light work'

This is set at "Thirteen (13) years" -- *The Children's Act, Act 560, Section 90.*

#### 8.12.1 Minimum age for admission of a child to employment

This is set at “Fifteen (15) years” -- *Section 90 of The Children’s Act, Act 560.*

#### 8.12.1 Minimum age for hazardous employment

This is set at “Eighteen (18) years” -- *Section 91, The Children’s Act, Act 560.*

### 8.13: **Other legislated ‘age 18 thresh-holds’**

8.13.1. The right to vote – *1992 Constitution*

8.13.2. The right to make a will -- *Wills Act, Act 360;*

8.13.3 The right to consume alcohol -- *Liquor Licensing Act, Act 331;* and

8.13.4. The right to contract any form of marriage –*Children’s Act, Act 560;* and *Marriage Ordinance (Amendment) Act, 2001, Act 606.*

### 8.14: **Registration of children and young persons in ‘industrial undertakings’**

*Section 60 of Labor Act, 2003, Act 651,* stipulates that “an employer in an industrial undertaking shall keep a register of the children and young persons employed by him and of the dates of their births if known or their apparent ages if their dates of birth are not known.”

### 8.15.: **Legal Provision on health of young persons employed on any work**

*Labor Act, 2003, Act 651, Section 59,* makes prohibits employers from engaging a young person on any work unless a medical practitioner has certified that the young person is medically fit for the work

### 8.16: **Enforcement of regulations relating to child labor;**

*Sections 95-96 of The Children’s Act 560* call for the enforcement of the Act’s provisions in both the (i) formal and (ii) informal sectors.

### 8.17 **Judicial remedies – lodging of complaints**

Any person (including a child) can file a complaint without the payment of a fee -- *Section 17 of The Children’s Act.*

### 8.18. **Judicial decisions by Judicial and quasi-judicial bodies**

Judgment/orders delivered by a legally constituted panel or court is binding on all parties who have the right of appeal under the Courts Act.

### 8.19. **Legal provision on offences and penalties relating to child labor**

*The Children's Act, Act 560, Part V, Sub-Part 1* ('Employment of Children - 'Child Labor'), *Sections 87-92; Labor Act, Act 651, Part VII, Sections 58-61;* and the *Consolidated Criminal Code, 1960*, have provisions on child labor offences as well as penalties for those who commit the stated offences under the Acts and are convicted by the law courts.

### 8.20. **Scope of application of legal provisions on child labor**

All legislative provisions relating to the child and child labor under both *The Children's Act, Act 560* and the *Labor Act, Act 651*, are to apply to the formal and informal sectors.

## 9.0. **Observations**

### 9.1. **Absence of specific legislative mention of 'worst forms of child labor' and 'worst forms of child labor on cocoa farms'**

No specific mention 'worst forms of child labor' and 'worst forms of child labor on cocoa farms' is made in the legislative framework.

It is to be noted that ILO Convention 182 and the Harkin-Engel Protocol came into effect in 1998 and 2001 respectively. Maybe, it is a question of time for the specific terms (i.e. 'worst forms of child labor' and 'worst forms of child labor on cocoa farms') to find their way onto the Statutes.

For now, the spirit and tenets of these forms of child-work are captured, and prohibited under terms such as 'hazardous work', 'hazardous employment' and 'industrial undertaking' in legislative framework, specifically *The Children's Act, Act 560*, and *Labor Act, Act 651*.

### 9.2. **Harmonization of laws on the child and child labor**

In the spirit of *Article 4 of the Convention on the Rights of the Child (CRC)*, Ghana has strived to have its national legislation and practice conform to the principles and provisions of the *CRC* through institutions such the Ministry of Women and Children Affairs.

Harmonization of laws has been advanced through a comprehensive review of all domestic legislation by the Child Law Reform Advisory Committee from 1995 – 1998. That review resulted in the following actions:

- i) Amendments to relevant provisions of the *Criminal Code* to conform to the UN Convention on the Rights of the Child (CRC);
- ii) Passage of *The Children's Act, 1998, Act 560*, to conform to the United Nations Convention on the Rights of the Child. The Act prohibits numerous forms of child labor and also sets out guidelines for legal apprenticeship;
- iii) Passage of the *Juvenile Justice Act, 2003, Act 653*, to protect the rights of young offenders in accordance with the *CRC* and the *UN Standard Minimum Rules for Administration of Juvenile Justice (the Beijing Rules)*.

### 9.3. **Administrative Reforms relating to the child**

Institutional and administrative reforms initiated within the 12 years to further promote the welfare and development of the child include

#### 9.3.1. Establishment of Ministry of Women and Children Affairs

This Ministry was established in 2001 to spearhead and coordinate gender and child responsive development issues, including the formulation of gender and child responsive policies and their implementation in collaboration with other state agencies and civil society organizations.

Two formerly autonomous bodies (the National Council for Women and Development and the Ghana National Commission on Children) became departments under the Ministry of Women and Children Affairs and are responsible for the implementation of policies and for advising the Ministry on policy issues relating to women and children respectively.

#### 9.3.2. Setting up of Women and Juvenile Unit of the Police Service

The Women and Juvenile Unit (WAJU) is a specialized police unit and first of its kind in West Africa. It was first set up in late 1998 in Accra and is currently operational in all 10 regional capitals of Ghana. Main objectives of the unit are to prevent, protect, investigate and prosecute crimes against women and children.

### 9.4. **Reforms targeted at child labor**

*The Children's Act, 1998, Act 560*, and *Labor Act, 2003, Act 651*, define and have extensive provisions on prohibition of child labor.

### 9.5. **Reforms targeted at worst forms of child labor**

*The Children's Act, Act 560*, prohibits the engagement of children in 'hazardous work/employment', and 'industrial undertakings' which, by their definitions, are synonymous with the *ILO Convention 182* definition of 'worst forms of child labor.'

#### 9.6. **Reforms targeted at worst forms of child labor on cocoa farms**

Ghanaian legislation does not specifically mention or define ‘worst forms of child labor on cocoa farms.’ But *The Children’s Act, Act 560*, and *Labor Act, Act 651* have provisions that should, by extension, be interpreted as prohibitions against ‘the worst forms of child labor’, including the “worst forms of child labor on cocoa farms” (as outlined under the Harkin-Engel Protocol)

#### 9.7. **Other actions for monitoring, preventing and combating ‘child labor’**

A number of other actions have been initiated and are being implemented to widen the battle-front against child labor in all forms. These actions include:

- i) Establishment of multi-disciplinary Child Rights Committees
- ii) Setting up of a Child Labor (Cocoa Farm) Unit at the Ministries;
- iii) Sensitization programs on child labor issues in schools/communities by the Ministry of Women and Children Affairs. The exercise involves the translation of *The Children’s Act* into local languages;
- iv) Growing involvement of NGOs in the promotion of child rights issues including child labor issues, leading to the formation of an umbrella organization -- the National Coalition of NGOs on Children; and
- v) Collation of data-base on child-related issues – including data from Research by the Ghana Statistical Service (see *Report: Ghana Multiple Indicator Cluster Survey, 2006*).

## 10.0: Conclusion and recommendations

### 10.1. Conclusion

Ghana's legislative regime has in the past 12 years undergone a number of reforms enabling child-related legislation to conform with the spirit and tenets of international conventions on the child and on child labor.

These international conventions include the *UN Convention on the Rights of the Child*, *ILO Minimum Age Convention 138*, and *ILO Convention 182 (on worst forms of child labor)*.

Impetus for the pro-active stance of governments and civil society towards the enactment of internationally acceptable, child-friendly legislation may be traced to factors including:

- i) The emergence of a new era of democratic rule (Ghana's 4<sup>th</sup> Republic) in January 1992 and the commitment of both State agencies and civil society groups towards legal and other reforms as would reflect and do honor to Ghana's new image as, 'an emerging democracy.'
- ii) The diplomatic efforts (and subtle economic pressures) that the international community has asserted, and continues to assert, on developing nations in a bid to ensure the promotion of good governance and human rights, including the rights of the child.

The result so far is that the existing legislative framework is in conformity with the spirit and principles of the ILO Convention 182 on the worst forms of child labor and, by extension, the worst forms of child labor on cocoa farms.'

In addition to the existing legal provision, a number of administrative actions and reforms are on-going to address child labor issues including issues raised under the Harkin-Engel Protocol. These actions and reforms include:

- i) Sensitization programs being carried out in communities and schools (see '*Comments on the Dissemination of Ghana's Report to the UN Committee on the Rights of the Child*') by the Ministry of Women and Children Affairs as part of which *The Children's Act, Act 560*, is being translated into local languages; and
- ii) A Child Labor (Cocoa Farm) Unit having been set up at the Ministry of Manpower, Youth and Employment to, according to a Ministry of Manpower official, "co-ordinate actions aimed at addressing child labor issues on cocoa farms."

## 10.2. Recommendations

Based on the research findings and observations, it is recommended that:

### 10.2.1. Sensitization programs for key sectors and general public

Continuous sensitization and up-dating on child rights and child labor issues in general and the Harkin-Engel Protocol in particular are programmed and delivered to The Executive, Legislature, Judiciary as well as the Police, Professional and Civil Society Groups, NGOs on Children, the media and the general public.

### 10.2.2. Integration of the language of the Harkin-Engel Protocol into legislation on child labor and “the worst forms of child labor”

The relevant legislation for such language integration are:

- i) The Children’s Act, Act 560 and Labor Act, Act 651

These legislations have provisions for ‘hazardous work/employment’ and ‘industrial undertakings’ which are defined in law in terms that are synonymous with ILO Convention 182 definition of ‘worst forms of child labor.’

With time, harmonization could entail specific mention of the terms ‘worst forms of child labor’ and ‘worst forms of child labor on cocoa farms’ in *The Children’s Act* and the *Labor Act*.

- ii) The Cocoa Marketing Board (Cocobod) Establishment Law, PNDCL 81

Harkin-Engel Protocol recommendations on a Child Labor Free Certification System could, with time, be incorporated in existing *PNDCL 81* provisions which empower the Board of Cocobod “to purchase, market and export cocoa (...) which is graded under the *Cocoa Industry (Regulations) (Consolidation) Decree, 1968 (NLCD 278)* or any other enactment, as suitable for export.”

- iii) Bye-laws of District Assemblies

*Section 16 (2) of The Children’s Act, Act 560*, provides for District Assemblies “to protect the welfare and promote the rights of children within their areas of authority ... and to co-ordinate the activities of government and non-government agencies as they relate to children.”

Bye-laws of District Assemblies thus have the great potential to as legislative instruments for promoting child rights issues and welfare of the child – including control/elimination of the ‘worst forms of child labor.’”

### **10.2.3 Strengthening, streamlining of traditional justice system**

Running parallel with Western-style legislative and judicial system is a traditional counterpart based on customs, social norms as well as family and traditional governance hierarchy. This traditional justice system is still very prevalent, and very relevant, more so in the rural areas.

That traditional justice system involves chiefs and queen-mothers, clan and family elders, as well as the entire community including (as individual citizens) religious leaders, government officials, business executives, chief cocoa farmers, educationists and law enforcement officials).

With such wide involvement and keen personal interest in the delivery of justice, the traditional justice system can, if adequately and appropriately strengthened, play a major role in efforts to address the problem of child labor and forced labor in the Ghanaian environment.

## 11.0: **Addenda**

### 11.1. **Sources of Legal Documents and other Literature**

The sources of legal documents and other literature for this research work included:

- i) Public Records and Archives Department, Accra
- ii) Assembly (Government) Press, Accra
- iii) Parliament House, Accra
- iv) Library, Supreme Court, Ghana.
- v) Department of Law Library, University of Ghana, Legon
- vi) Library, Ghana Law School, Makola-Accra
- vii) Central (Public) Library, Accra

## 11.2. Bibliography

Bibliography for this research consisted of:

- i) *The Constitution of the Republic of Ghana, 1992*
- ii) *ILO Convention 182*
- iii) *ILO Minimum Age Convention 138*
- iv) *UN Convention on the Rights of the Child*
- v) *Children's Act, 1998, Act 560*
- vi) *Labor Act, 2003, Act 651*
- vii) *Juvenile Justice Act*
- viii) *Human Trafficking Act, 2005, Act 694*
- ix) *Domestic Violence Act, 2007, Act 732*
- x) *Adoption Act, 1962, Act 104*
- xi) *Apprentices Act, 1961, Act 45*
- xii) *Consolidated Criminal Code, 1998, Act 554*
- xiii) *Wills Act, 1971, Act 360*
- xiv) *Liquor Licensing Act, 1970, Act 331*
- xv) *Courts (Amendment) Act, Act 2004, Act 673*
- xvi) *Minerals and Mining (Amendment) Act, 1994, Act 475*
- xvii) *The Fisheries Act, 2002, Act 625*
- xviii) *Cocoa Marketing Board (Cocobod) Est., PNDCL 81*
- xix) *Cocoa Industry (Regulations) (Consolidation) Decree, PNDCL 81*
- xx) *Marriage Ordinance (Amendment) Act, 2001, Act 606*
- xxi) *Report: Ghana Multiple Indicator Cluster Survey, Ghana Statistical Services*

- xxii) Comments on the Dissemination of Ghana's Report to the UN Committee on The Rights of the Child, 1997—2003*
- xxiii) Questionnaire Guide: Ghana's Children 2000 (GoG/SCF-UK/GNCC-IMRE Project)*
- xxiv) Child labor and Cocoa Production in West Africa, the Case of Cote d'Ivoire and Ghana; Bas, M., Huser, 2006*