

**Child Labour in Ghana: A Study of Law and Policy
in a Global Context**

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List of Acronyms

ACC	Area Co-ordinating Committee
AFL	American Federation Labor
BGMEA	Bangladesh Garment Manufacturers Exporters Association
BoG	Bank of Ghana
CD	Compact Disc
CDF	Comprehensive Development Framework
CRC	Convention on the Rights of the Child
CWAC	Community Welfare Assistance Committee
ERP	Economic Recovery Program
FCUBE	Free Compulsory Basic Education
GoG	Government of Ghana
GDP	Gross Domestic Product
GCLS	Ghana Child Labour Studies
GNCC	Ghana National Commission for Children
GSS	Ghana Statistical Service
GTZ	German Technical Co-operation
HDR	Human Development Report
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICSCR	International Covenant on Social and Cultural Rights
IITA	International Institute for Tropical Agriculture
IMF	International Monetary Fund

ILO	International Labour Organisation
IOM	International Organisation of Migration
IPEC	International Program for the Elimination of Child Labour
IRIN	Integrated Regional Information Network
LIC	Low Income Country
MDBS	Multi Donor Based Support
MDG	Millenium Development Goals
MOESS	Ministry of Education Sports and Science
NBC	National Broadcasting Corporation
NEPAD	New Partnership for Africa's Development
NFL	National Liberation Front
NGO	Non-Governmental Organization
NLCD	National Liberation Council Decree
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Co-operation in Europe
PAMSCAD	Program for Action to Mitigate the Social Cost of Adjustment
PNDC	Provisional National Defense Council
SAP	Structural Adjustment Program
SAPRIN	Structural Adjustment Participatory Review Initiative
SMO	Small and Medium Organization
STCP	Sustainable Tree Crops Program
UHDR	Universal Declaration of Human Rights
UK	United Kingdom

UN	United Nations
UNICEF	United Nations Children's Emergency Fund
UNESCO	United Nations Educational Educational Scientific and Cultural Organization
UNDP	United Nations Development Program
USSR	United Soviet Socialist Republic
WHO	World Health Organization
WTO	World Trade Organization

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An Overview

Child labour is a well-known problem around the world that is gaining more and more attention with efforts being put in place at all levels to help improve the lot of children caught in this phenomenon. Having gained international concern lately, child labour is no more a local issue for countries around the world but a global issue because of the growing realisation that there are common problems and concerns among countries in the world. The world economy in particular has reached a high level of interdependency, which has also led to a high level of interaction between people of various cultures and races. As a result, various ideas and concepts, values and norms are shared commonly among all people of the world. However, because of the influence of Northern rich industrialised countries on the rest of the world due to their economic, political and cultural influences, a lot of ideas have flowed from the north to the south. This has often resulted in the globalisation of ideas, beliefs and practices which are different from local beliefs and practices in poor developing countries. As a result, some norms and cultural practices about children's welfare in peripheral countries like Ghana are being questioned today because they seem to fall below the global standards being set by international/multilateral organisations which are largely influenced by core countries in the rich industrialised north.

With the growing use of welfare indicators in comparative analysis of the well being of the citizens of countries around the world, nothing is being taken for granted now, as common standards are set and governments are being forced from above to adopt some of these ideals that have been propagated by the countries of the North. This is the current state of affairs for child labour and child labour issues around the world. The globalization of law through the adoption of new international conventions at the global level through multilateral organizations such as the UN, ILO and other regional bodies has set a new trend in dealing with national and domestic issues such as child labour. Child labour is not taken for granted as a regular and normal practice in many poor countries anymore because all countries are expected to abide by the conventions that they are signatories to, and the situation is being monitored constantly from above. In

many countries in Africa there are efforts, some of which could be described as cosmetic to protect children from exploitation and abuse. These efforts have led to new laws in countries such as Ghana, South Africa and Tanzania. However, many questions still remain unanswered regardless of the global developments and what seems like consensus. Discussions around child labour often raises many issues around such concepts as child work, childhood and children's rights and its interpretation in local contexts of for example Ghana. There are differences in interpretation especially between the global and the local. Some of these concepts will later be explored to unearth the varying understandings that are conveyed in their usage both globally and locally.

This thesis is a study of child labour set within the context of globalization exploring the global challenges and local concerns. Chapter one sets the context and discusses the impact of globalization on the economy, the world view of the people, the socioeconomic and political situation in Ghana and the consequential effect on the nature and extent of child labour. It argues for instance that globalization is leading to the spread of ideas which are challenging the world view of many Ghanaians but not quite succeeding in causing the required level of social change that would enable Ghana to meet the prevailing international standards on child labour and children's welfare.

After discussing the global context and challenges it poses to Ghana the theme of the thesis develops further in chapter 2 which examines the historical development of the concept of child labour and its emergence as a global concern. It continues with discussions about universalistic and local particularistic applications of various concepts notwithstanding the emergent international consensus on child labour. The difficulty that the universalist-particularist divide poses to Ghana and many poor developing countries in the fight against child labour is acknowledged.

The acknowledgement of the different conceptual issues and possible effects it has on the fight against child labour sets the tone for chapter 3 which reviews some secondary data on the extent of child labour in Ghana. It generally discusses child labour in different areas of the economy by identifying some of the main areas where child workers can be

found. A major source of information is the Ghana Child Labour Survey. Also, it discusses the causes of child labour by reviewing some of the reasons given by children to explain why they are involved in child labour. It also looks into the consequences of child labour in Ghana on the well-being of children and the implications for the country as a whole.

Chapter 4 deals with the field study of child labour and the methods used to conduct this study. It seeks to establish the reason(s) for the choice of methods and puts forward the research question that concerns the reality of child labour and the methods employed to address it. It broadly outlines the field experience and gives account of the challenges that the methods chosen poses to researchers in the real world especially in developing countries. Here it is hypothesized that child labour in Ghana persists because of the mismatch between international law and policy and local norms and practice, a situation which can only improve if there is a better appreciation of local realities to inform national law and policy realistically for effective implementation.

In chapter 5 some of the findings of the researched are reported. It takes up these findings on child labour from the point of view of children and adults in the community. It further reveals the mismatch hypothesized in chapter 4 and the challenges it poses to implementation of child labour law and policy.

Chapter 6 goes into more detail on why the law on child labour is as it is and why it is ineffective. Interviews held with Ghanaian officials are reported here. It makes reference to the global context laid out in chapter 1 and analyses further the problem of globalization from above and how norms, ideas and laws flow from above to force social change in national laws without enough attention being given to local realities. There is also a review of alternative approaches to law and policy reform, drawing on comparative examples. Policy changes in child labour law, education law and poverty law are addressed. Finally it gathers evidence of successful initiatives around the world and suggests that these can serve as models that can be adopted to suit the peculiar Ghanaian situation.

Chapter 1. CHILD LABOUR IN GLOBAL CONTEXT

This chapter first introduces the focus of the thesis, child labour in Ghana, and explores how the idea of child labour as a problem became globalized. In doing so it broadens the scope of discussion by exploring more thoroughly the broad concept of globalisation and attempts to situate within it the child labour debate. It also reviews how a Western conception of human rights (including children's rights) became globalized and briefly considers the implications for Africa. It also reviews the development of the international and global economy and considers its impact on Ghana including briefly the consequences for child labour in Ghana. Finally it deals with globalisation and its effects on the sovereignty of African states. The discussion covers the effects of the human rights/children's rights agenda and how using the idea of the common good of humanity with the aim of improving the lot of children succeeds also in eroding the sovereignty of the state.

1.1 The Globalisation of the child labour problem.

It is generally held that children are the future therefore to invest in their welfare, including areas such as health and education as well as their protection from exploitation, is laudable for securing the future of the world. Indeed these aspirations are now embedded in global rights documents which include the International Convention on the Rights of the Child as well as the regional and national laws for the protection of the rights and welfare of children. Incidentally these are also in line with the Millennium Development Goals adopted by governments and development institutions around the world under the auspices of the United Nations¹.

¹ See <http://www.un.org/millenniumgoals/> for details

The plight of children around the world is particularly disturbing when looked at against the backdrop of the wealth of nations in the industrialized north. Kent captured the seriousness of the situation when he stated that,

“The plight of the world’s children is based on individual horror stories coming from distant countries in Africa and Asia or nearby cities. News magazines and television carry those haunting images of three-year olds carrying bricks, children brutalized in warfare, physically and sexually abused, and hollow eyed toddlers starving to death. We need to get at the larger dimensions of the situation of children, however, if we are to understand and respond efficiently and effectively to these issues.” (Kent, 1995 p. 3)

Reports on the welfare of children around the world have regularly painted a grim picture of the plight of a huge number of children mostly in poor developing countries. The United Nations Children’s Fund (UNICEF) assembles detailed information on the welfare of children around the world in its *The State of the World’s Children*, which is published annually, and among the many problems that have been identified particularly in poor developing countries is child labour.

In spite of the phenomenal progress made to protect children and childhood, child labour is still prevalent, with its consequent effects on children and childhood. Child labourers are known to suffer accidents, maltreatment, diseases and illnesses (Kielland and Tovo 2006, p. 126; Herath and Sharma 2007, p18). It is a common problem especially in poor countries around the world and its prevalence has caused a lot of concern for children’s rights advocates who through the years have in various ways raised concern about the plight of working children through protests, boycotts, legislation and campaigns. The carpet industry in India for example relies heavily on child labour and is a major foreign exchange earner for the country and one of the earliest targets in South Asia for the international media (Subbaraman and Witzke (2007 p.108) in the international campaign against child labour. Similarly, a campaign against Gap, a multinational clothes and fashion company in the mid 1990’s because of poor labour practices generated bad publicity and brought attention to the plight of workers in the industry, mainly in

developing countries (Esbenshade 2004, 169). With the heightened concern among consumers and advocates in developed countries, it is no wonder the debate about child work/labour has been largely determined by the west, even though the majority of child workers are in the south (Seabrook 2001 p.1).

The view that child labour was a problem emerged initially in the days of the industrial revolution when the plight of children who were undoubtedly being exploited was given prominence through the instrumentality of some individuals. It was a while before society began to understand what is today seen as the problem of child labour (Cunningham, 1990 p.116). The idea of child labour as a problem did not emerge from below in Africa but rather came as a new idea from the western industrialized countries. How did this concept of child labour as a problem come to be adopted all over the world and indeed in Africa? The thesis examines how the whole world including Africa and in particular Ghana has been coerced into recognizing and maintaining international standards for the welfare of the child to the extent that child labour is now an unacceptable phenomena. The argument to be made is that the integration of the world through internationalization and globalization has made it impossible for a country like Ghana to divorce itself from the global discourse on child labour and children's rights.

By questioning the desirability of child labour the international community is questioning situations and conditions that hitherto were regarded as normal. Child work is no more simply child work. Arguably, child work ceases to be child work when it begins to cause detrimental effects on among other things the health and education of the child. Here, there is reason for Ghana to be concerned. It is disturbing and a matter of concern when it is revealed that actually child trafficking is still a thriving trade on the West Coast of Africa long after the abolition of slavery and the slave trade. According to the ILO/IPEC (2001) this practice is rife in countries such as Burkina Faso, Togo, Ghana, Benin, Nigeria, Cote D'Ivoire, Gabon and Mali. In a study, it was revealed that 11.1% of the street children in Accra, Ghana's capital were involved in work such as retail trade, driving wheel-barrow loaded with large quantities of goods, sweeping and carrying garbage to dumping sites, loading and off-loading commercial trucks with goods among

other things (Apt, Opoku and Blavo 1994, p.30). However, data available on the situation in Africa is scattered and scanty and unless a serious campaign is launched to rally the masses from below to increase awareness about the adverse effects of the child labour on Africa's future, poverty alleviation and the general welfare of most African households will continue to look bleak.

This thesis is therefore not only concerned with the reality of the problem of child labour in Ghana but also attempts to make sense of the application of what are mainly global notions of children's rights and welfare which are not easily translated meaningfully and applied in local contexts. The thesis exposes the challenges to the implementation of this mainly international agenda, the Western notions that are conveyed in the child labour/children's rights debate and the African context with particular emphasis to Ghana. Conceptions of childhood, child work and children's rights, which sprung from Western notions of the child, have been globalized first through colonialism and later through the imperialism of international aid and foreign direct investment (Ennew, 1995 p. 202). Most people in Ghana and many other African countries generally do not speak the same language of rights conveyed in the international discourse on children's rights. Therefore to introduce the rights of the child is to introduce a new way of thinking distinct from the existing traditions. For example, to suggest that a child has a right to health care does not translate easily into local languages in Ghana. Among the Ga or Twi or any other ethnic group, it may be assumed that the welfare of the child is of importance however, there is no equivalent expression in terms of rights. A lot seems to depend on duties that customary law may impose on the parents/family or traditional systems of reciprocity.

To understand the nature of current global developments in child labour law and policy it is important to understand the globalization phenomenon and its implications and the ways in which social norms have become globalized. Concern for child labour at the international level became evident as early as 1919 on the inception of the ILO when it adopted the Convention on Minimum Age, which included proposals for child work. The ILO adopted a more comprehensive minimum age convention in 1973, ILO Convention

138 to replace the numerous sector conventions. As concern grew through the years and child labour persisted the ILO adopted another Convention, the Convention on the Worst forms of Child Labour in 1999, ILO Convention 182. These developments at the ILO did not occur in isolation.

Global efforts to protect children started in 1924 when the League of Nations also adopted the Geneva Declaration of the Rights of the Child which was followed by the United Nations Declaration of the Rights of the Child in 1959. In its attempt to protect the child, the League of Nations had begun a process of promoting a notion of childhood which conveyed the idea that it was a period in the life course that was based on fun and merry making. Although a specific age limit is not mentioned it clearly deals with the argument on a minimum age when child work should be permissible. The idea of the rights of the child and child labour were reinforced when in 1959 the United Nations adopted a Declaration on the Rights of the Child², which states in Principle 2 that...

“The child shall enjoy special protection and opportunities and facilities to develop, by law and by other means to enable him to develop physically, mentally, morally, spiritually and socially in the healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose the best interest of the child shall be the paramount consideration”

In Principle 9 it also provides that

“The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic in any form. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment, which will prejudice his health or education or interfere with his physical, mental or moral development.”

² <http://www.unhchr.ch/html/menu3/b/25.htm>

This declaration has been described as a declaration of intent and not a legally binding instrument on any country or individual.³ In order to become legally binding international law had to move from declarations to conventions or covenants. Through these developments in international law the United Nations had succeeded in moving the agenda for the protection of the child into a rights based issue and quite notably it shows a clear recognition of duties as an integral part of the rights agenda. In Principle 6 of the UN Declaration of the Rights of the Child it states;

“.....Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.”

In time one of the most universally ratified international conventions, the United Nations Convention for the Rights of the Child, 1989 (CRC) was also adopted. Poland is credited with formally proposing a draft text for the Convention on the Rights of the Child in 1978 on the eve of the UN-declared year of the Child (ibid.). This marked a significant shift in human rights discourse. It drew from several international conventions such as the Universal Declaration on Human Rights, 1948; International Covenant on Civil and Political Rights, 1966 and the International Covenant on Economic, Social and Cultural Rights, 1966. This was a significant improvement in international law and discourse to protect the child's welfare because it addresses children as individuals and comprehensively addresses various aspects of child protection and well-being and for the first time brings together all the instruments which were hitherto scattered into one comprehensive document. Meanwhile it had also changed from being a declaration of intent into a legally binding instrument as it had changed from being an instrument into a convention. It even goes as far as to define concepts such as the child and attempts to recognize the cultural sensitivities of children from different parts of the world. It also provides for appropriate penalties to cater for violation of its provisions. In the CRC the idea of universalizing rights is not a hidden fact. It attempts to project the idea of a shared

³ <http://www.unac.org/yac/childrensrightsconvention.htm>

global idea of rights for children. Children's rights ceased to be a local issue as it gained global concern, which has triggered global efforts through the rights discourse at the global, regional and national levels. At the regional level this culminated in the adoption of the African Charter of the Rights and Welfare of the Child, 1990 and further at the state level it led to the Children's Act, 1998 in Ghana.

The current system of international relations and governance seems to be based on the idea that the inhabitants of the planet experience a set of common problems which brings in its wake an expectation that national policies must address the common problems of the planet (Waters, 1995 p.101). The critical point here is that through the formation of multilateral agencies such as the UN, WTO, World Bank and IMF, member states are obliged under the influence of these organizations and the other powerful northern member states to adopt and implement international conventions, which are believed to be an essential standard for our 'common good', which fosters the idea of a global community with shared goals and aspirations. In the globalizing process human rights has played a leading role in shaping the agenda because of the idea of our common good and our shared space.

Human rights law emerged and expanded after the Second World War with the aim of looking after the weakest members of society, and has grown to become a widely accepted standard in principle among all nations. Hence, Kent (1995, p.8) also indicates that the well-being of people within each nation's borders is at least in some measure the legitimate concern of all people everywhere. The influence of multi-lateral agencies, rich northern countries and civil society groups has been far reaching. In the interest of human welfare the agenda is often set above (at the global level) and the implementation is expected below at the local level. This global phenomenon as discussed below has far reaching implications particularly in poor countries such as African states. Ultimately, this thesis argues that the child labour agenda exposes a dissonance between the perception and understanding of child labour at the global level and the local level. In effect child labour continues to persist in countries like Ghana notwithstanding the efforts being put in place to stop it. To take this discussion further it is necessary to widen the

scope of this discussion, unpack the broad area of globalization and the maneuverings of the global field which go to affect the political, economic, social processes of countries around the world. It will demonstrate how globalization succeeds in setting the agenda for peripheral states like Ghana and the effects it produces.

1.2 Globalization

So what exactly is globalization and to what extent is it related to child labour? It has become quite fashionable to use the word globalization to capture and mesmerize the imagination (Hirst and Thompson, 1999, p.2). As Deacon et al. (2003 p.12) asserts, there is no globally accepted definition of the concept globalization. The concept is applied to a wide range of unrelated phenomena. Globalization refers to the coming closer together of societies, cultures, politics and economies (Marfleet and Kiely, 1998 p.3). Globalization is also defined as “the process whereby political, social, economic and cultural relations increasingly takes place on a global scale, and which has profound consequences for individuals, local experiences and everyday lives” (Bilton et al, 2002 p.47). Giddens (1990, p.64) also defined globalization as a “the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa”

Hoogvelt, (2001 p.120) summarizes three approaches of globalization which she attributes to Held, McGrew, Goldblatt and Perraton (1999). These approaches are the Sceptical thesis, Transformationalists thesis and Hyperglobalists thesis. The Sceptical thesis postulates that despite the worldwide process of globalization, the world is not much more integrated than it was in the colonial days. This school of thought suggests that it was perhaps even more integrated in the past than it is today. The slave trade, partitioning of Africa, colonial governance and the external imposition of the cash crop production for exports were all part of the globalizing process which pre-dates capitalism. The Hyperglobalists school contends that the growing strength of international business and transnational networks have rendered the nation state irrelevant today. The Transformationalists however, see globalization through the lenses of social change.

They emphasize the importance of the compression of time and space and argue that globalization is transforming social and political relations. This thesis is influenced by the transformationalist school. It admits there is change taking place in the economic, social, political sphere of life in Ghana that can be attributed to globalization. In doing so it particularly considers how the global idea of child labour and children's rights is influencing policy in Ghana.

Globalization in effect is the building of a social system at the global level (Robertson, 1992) which allows intense interaction between people who hitherto were separated by distance, time and difference. Globalization on the other hand has been fostered through co-operation between states. The West – East divide epitomized by the capitalist communist divide, led by the United States and Soviet Union in the past was therefore an impediment to the process. Robertson's argument indicates that globalization was still being impeded by culture in the form of religious cleavages (ibid.). Today, because of the "compression of the world" and "global consciousness" there is growing interdependence, breaking some of the barriers that hitherto existed (ibid.). What makes Robertson's point insightful is his argument that the world's compression intensifies global consciousness (Hoogvelt, 2001 p.123). This intensity of global consciousness is realized when for example people around the world are united through shared beliefs that allows them to speak about issues in terms of world order, world peace, human rights and environmental friendliness, a process enabled through mass communication. The globalization process has also changed direction towards the private sector driven economy with emphasis on liberalization and deregulation.

David Harvey and Anthony Giddens also make use of the concept 'space and time' to illustrate another view of globalization. They hold the view that interaction between persons takes place in space and time. Space and time to a large extent also define social relations and interaction between people. They can be sources of power, value and money. What is important as they argue is that the advancement in technology has changed the face of production of goods and services and this has also broken down limiting effects of space and time on social interactions. Today, owing to the virtual

annihilation of space, the world is said to have shrunk into what has been described by some as a 'global village'. Although we have local physical lives, we are experiencing phenomenal worlds that are truly global (Hoogvelt, 2001 p.125).

Manuel Castell captures the concept of globalization by describing it as one comprehensive interconnected totality ruled by a dominant logic that penetrates all forms of life. The dominant logic explains the influence of such globalised ideas as children's rights, which has succeeded in portraying child work as an undesirable thing. Castells (1999) view is that the world is new because of a new technological paradigm based on information technology which is shaping the social system. He pays particular attention to the finance sector which has been profoundly shaped by the technological revolution. Today, it stands as a dominant sector influencing all other sectors. Although globalization suggests some form of integration, the informational society network has also succeeded in excluding some groups of people in society while capitalism is deepening. Sub Saharan Africa in particular remains largely marginalized. It is therefore not well connected to this informational society network. While the internet is often seen as a tool that brings the world to your doorstep by the click of a button, it is also seen as yet another tool that divides the world into the haves and the have nots because access to electricity, phone lines and computer hardware are not within reach of many people in Africa (Mafu 2004, p.112 - 115).

Some may argue that globalization is a dialectical process of thesis and antithesis that produces a synthesis which in the end triggers the whole process again (Olurode, 2003 p.69). This process can either start from above or below, depending on what the issues are, often resulting in a reaction also either from above or below. Globalization from above, for example, suggests a process of change initiated by the few countries, companies and organizations in the north who exercise the greatest control over the world's resources and wealth. A case in point is the World Trade Organization's (WTO) trade liberalization talks which were meant to streamline world trade, culminating in the in the fateful Seattle conference in 1999.⁴ More on this conference will be discussed later

⁴ See WTO website for more information.

in this chapter. Globalization from below is also a reaction to global capitalism and the dominance of wealthy countries in world affairs. The reaction and resistance to the WTO's Seattle conference is a demonstration of the power of global social movements in the globalization process (Porta et al. 2006, p.10). Globalization from below is often driven by 'social movements'⁵ through protests about issues such as the environment, trade and poverty and debt crisis, and the power of these movements have grown as they have gained global prominence, defining their cause as global and mobilizing masses in more than one country. They have proved quite effective in sustaining their campaigns in disrupting and confronting globalization from above.

The globalizing process includes a 'nationalization' of global issues and an expectation that national policies would address the common problems of the planet (Waters, 1995 p.101). This process has particularly been successful in pushing ahead the human rights, environment, and peace agendas and poses a constant threat to the sovereignty and economy of the state. In the area of human rights the child labour/children's rights agendas has gained much prominence which this chapter seeks to put into context. It's worth discussing how these ideas develop at the international level and end up influencing national agenda's to the extent that they do. Boas and McNeill's (2003 p.90, 91) argue that the politics of international organizations involves member states and other actors. This creates a complex relationship between the institutions on the one hand, member states on the other hand and a third force which is the NGO's, which have become increasingly important. "NGO's have long played a key role in forcing leaders and policy makers to pay attention. In the early 1800's, U.S. and European bodies such as the British and Foreign Anti-Slavery Society were driving forces behind government action on the slave trade" (Simons 1998)⁶. They explain that member states get involved in setting a global agenda in four possible capacities, namely; lead state, supporting state, swing state or veto/blocking state. The lead state's opinion or view of an issue is no secret and it actively seeks to move negotiation towards its desired end by seeking support from other member states. The supporting state mainly speaks in support of the

⁵ See Donatella della Porta et al 2006 (p.18)

⁶ <http://globalpolicy.org/ngos/issues/simmons.htm>

ideas of a lead state while the swing state on the other hand demands some important concessions to accommodate its point of view in order to agree with the lead state. Lastly, the veto state seeks to block the leading view from achieving its aim by openly opposing it or trying to weaken any agreement so that it is worth nothing. The strength of a country is therefore important in order to achieve any of these roles. They admit rather unsurprisingly that the United States is “clearly the one actor which no multilateral institution can afford to ignore in the long run” (Boas and McNeill, 2003 p.97). The growing strength of NGO’s is also acknowledged.

Myers (2001, p.45) also argues that the earliest seeds of globalization were sown when the 1973 ILO Minimum Age Convention (No. 138) was adopted. He indicates that it was an attempt to globalize Northern ideas and values which undoubtedly became possible because of the Europe-centered agency whose original purpose was to halt the spread of socialism by providing a social democratic alternative based on a tripartite collaboration of government, industry and labour (p.45). Quite importantly, Myers also adds that

“During its early years of mostly European focus, the ILO logically enough drew on accumulated European concepts and experiences to create in international child labour standards and policies. However, when developing countries began somewhat later to enter the organization in greater numbers after decolonization, the ILO merely reinforced and disseminated its existing Europe-derived policies rather than reconceived them to fit new realities. As a result the various successive ILO conventions regulating the work of children have essentially globalized European (and now also North American) history conceiving child labour in primarily urban-industrial terms and looking to the state for the same”

Developing countries outnumber developed countries in the ILO so it may be expected that they would influence decisions significantly. However the ILO’s original ideology appears to be a reconstruction of eighteenth century natural law theory, a vision of a future world order based upon principles of law that have been found to be common to all peoples and cultures (Ewing 1976 p.347). Notwithstanding the significantly large number of developing countries, the ideological basis on which the ILO and other UN

organizations were formed advanced the interest of developed countries. For example, it's been argued that organized labour's participation in the ILO was a means by which labour's participation in industrial and social reform were allowed within a framework of capitalism (Cox 1977 p.387). The ILO served as an agency to contain ideas of conflict and consensus between dominant and subordinate groups. Cox also states that the formation of the ILO was an expression of a global hegemony in production relations and a response to the Bolshevik revolution in the then Soviet Union, with the USA taking the lead in shaping consensus in the ILO (ibid.).⁷ For a long time the idea of a Soviet Communist infiltration gave legitimacy to the USA's intransigence against offering the post of assistant director to a Soviet (p.401).

Ncube (1998, p.5) has argued that children's rights discourse has been largely influenced by significant differences between Western and non-Western conceptions and perceptions of childhood but I also argue that the universalizing principle of the UN Convention on the Rights of the Child is mainly a reflection of the evolution of children's rights advocacy in Europe and northern, rich industrialized countries.⁸ The rights tradition in Europe and North America can be traced to the very beginnings of civilization, nation building and the construction of the idea of humanity (Headley, 2008 p.63). The documentation of these developments and crystallization of the rights tradition have been the bedrock on which the global discourse on rights has evolved. Western developed countries inevitably demonstrate their expertise in these arguments because they have rehearsed these arguments from the beginning of the industrial era (Seabrook 2001 p.1). Arguments to justify child labour were shaped by asking parliament to reject a minimum wage bill, for example, "experience had already shown how much could be done by the industry of children and the advantages of early employing them in such branches of manufacture as they are capable to execute" (cited in Seabrook 2001 p1). Abolitionists also developed the argument to justify why children should be released from employment (ibid.).

⁷ The USA sought withdrawal from the ILO because it questioned the idea of tripartite because they did not think representatives of various organisations represented their organisations the way the understood it to be (Cox 1977 p.388).

⁸ The French revolution, the American war of independence and the Magna Carta refer to very serious developments in the recognition of human rights in the development states in the industrialised world.

1.3 Globalising policies: the Human Rights Agenda

The end of World War II marked a watershed in the security of nations and effectively the security of the world. The need and the desire for security encouraged a willingness among some states to set up organizations such as the United Nations (UN) to help resolve some of the common issues of world security and an expanding agenda of social and economic issues that could not be solved by nations acting alone (Holton 2005, p. 46). In Srivastava's (2001, p.15) view conflict has brought about the endorsement of rights because international human rights standards were developed to protect people's rights against violations by individuals, groups and nations. Unlike World War I, World War II saw the greatest effort towards promoting human rights because of the belief at the time that the atrocities meted out should never be repeated (ibid.). This consensus conveys the idea of the common good of society, an idea that Mofid (2003 p.68) uses with religious connotations. Using a quote from the Pastoral Constitution of the Second Vatican Council (1965)

“As independence grows, so does the point of ‘the common good’, which is the ‘sum total of social conditions which allow people, as groups or as individuals, to reach fulfillment more fully and more easily’. Every group must take into account the needs and aspirations of every other group, and of the whole family” (cited in Mofid, 2002 p.68).

The idea of achieving a common good through consensus is in the interest of overcoming ‘the common evil’ of individualism, self interest and a perversion of common good. To achieve this ideal of realizing the common good, Mofid proposes a turn to religion which fosters empathy and self-denial.

While the idea of the common good might still resonate in international cooperation, it is not clear whether the founding fathers of the UN and the initiators of international law on human rights were motivated by any religious fervor. What is clear though is that the idea

of securing the common good of the world's citizens resonates in the human rights agenda. Prior to the adoption of the Universal Declaration of Human Rights in 1948, events such as the French revolution and the French Declaration of the Rights of Man as well as the American struggle for independence and its resultant declaration by Thomas Jefferson that all men were created equal and endowed by their creator with some inalienable rights were important national historical events that brought the issue of human rights to the fore (Srivastava 2001, p.152). It was however the universalisation of human rights through the UN that changed human rights from a matter of domestic jurisdiction into international standard (p.166). As Srivastava explains, human rights used to be a matter between the state and individuals within its territory however, the UN Commission on Human Rights is currently the policy making body with responsibility for human rights and United Nations Children's Emergency Fund has particular responsibility for issues affecting children. As a member state of the UN and its bodies, and a signatory to conventions and laws adopted by these bodies, Ghana, like other nations has a duty to honour its obligations. To ensure compliance with the CRC, it is worth noting that the CRC is the first international convention that grants a role for its implementation to a specialized agency – UNICEF, and a legal obligation in Article 45 to promote and protect the rights of the child and support the work of the committee.⁹ Governments must report to the Committee on the rights of a child, two years after ratifying the convention and every five years after that on the state of the rights and welfare of the child in their countries (ibid.). There is also an opportunity for NGOs to write and submit alternative reports to the committee and the Ghana NGO Coalition on the rights of a child indicated in an interview that they submitted a report to the committee separate from the government of Ghana's 2005/2006 report. The monitoring system has gained strength over the years as UNICEF continues to produce statistical information published annually in its flagship publication, *The State of the World's Children*, evidence of non-compliance with the tenets of the convention could be an embarrassment to a country and a blotch on Ghana's image and international standing as a nation.

⁹ http://www.unicef.org/crc/index_30210.html [Accessed 5.1.08]

The globalization of children's rights has led to the adoption of the Children's Act in Ghana, 1998 and the incorporation of the principles set out in the UN Convention on the Rights of the Child into law and policy governing children (e.g. FCUBE)¹⁰. The management of the Ghana National Commission on Children, a state organization which promotes the welfare of children in Ghana also on the basis of the rights of the child organized its first national program of action called "the child cannot wait." As a signatory to the UN Convention on the Rights of the Child the government of Ghana is obliged to adopt and implement international conventions on children's rights and child labour. As the first country to sign the convention¹¹, it could be presumed that Ghana would show the same enthusiasm in accepting its obligations. In a case where a child is being exploited by his/her family through child labour or where a child is sold into slavery by his/her family, is the state ready to assume its duty in the absence of the child's family by providing housing, education, health, care and maintenance? The Children's Act does not impose on the state a duty to ensure that every child is protected and enjoys the rights prescribed in law, and without imposing on itself the duty to intervene where parents are unable to, it is under no obligation to do so. The state in Ghana is for example under no obligation to provide accommodation for a child who is rescued from slavery.

Bachman (2000 p.35) states "prosperity reduces the incidence of children as a proportion of the total workforce" and argues further that in Europe and North America industrial growth reduced the demand for unskilled labour and succeeded in reducing child labour even before laws were passed to protect children. Developing countries however, especially in Sub-Saharan Africa have not experienced that same level of industrial development and prosperity. The reduction of child labour in Ghana however seems to be mainly dealt with by human rights law and policy. As a poor country, this requires that the state takes full responsibility for the child where the family fails to fulfill its obligations as children and indeed the poor cannot wait for growth in the economy to bring the benefits of economic and social rights to them. If the current state of Ghana as a

¹⁰ The Free Compulsory Basic Education (FCUBE) is a government policy and programme launched in 1996 to guarantee every child in the country basic education that would make them functionally literate.

¹¹ Ghana Child Labour Survey report (p.5)

low income country (LIC) with nearly 40% of the population living below the poverty line is taken into consideration, there is a looming problem of how it is going to fund social welfare reform to deal with children's rights and child labour issues.¹² Where child labour is a survival strategy and its elimination is approached from a rights perspective, then children ought to be able to realize these rights by making claims which the state must be obligated to meet in order to ensure the realization of these rights in practice. Where children are unable to make the claim it should be possible for an advocate to speak on their behalf in order to help protect them from exploitation.

In a country like Ghana where child labour is normal and not frowned upon by many people, it is important that officials appreciate the idea of entitlements and obligations within the framework of human rights. This is essential because of the need to make substantial budgetary allocations to support child development towards the realization of children's rights. The Situation Analysis for Women and Children in Ghana acknowledges social spending is low and skewed towards recurrent expenditure (UNICEF 2000 p.21). There were also considerable reductions in the share of government expenditure for social and community services which typically cover education, health, social security and welfare, housing and community services. Within the context of children's rights these services are essential indicators of children's welfare in a country.¹³ Ghana's membership of the UN and its ratification of the CRC suggests a shift in tone and an emphasis on rights in child protection and development. It would be noted that as worldwide social relations intensify in this era of globalization, unequal relationships between rich and poor countries have developed, perpetuating old power structures. It is argued that these unequal relationships manifest in development aid flowing from rich countries to poorer ones as a means to influencing social change in these countries (Mojadidi 2007, p.84). Mojadidi contends that international aid and development initiatives have become a complex arena through which the ideas, goals and agendas of developed nations may be further extended through the process of globalization, using human rights as a tool to influence poor countries (ibid).

¹² World Development Report 2007

¹³ UNICEF data often provides a picture of the welfare situation of children worldwide. This is often presented as one document in its State of the World's Children's, which it publishes annually.

Since the 1990's the Washington Consensus has ratcheted-up human rights and good governance as some of the conditions for aid (Singh 2002 p.300). The Paris Declaration¹⁴ also reiterates the importance of human rights as a condition for aid. Such demands by donors however leave room for conflict when the goals of the recipient are different from the donors. When Ghana, for example, raised tariffs on rice and poultry in 2003, within WTO limits, the IMF indicated that the increase in tariffs would disrupt its programs, forcing the government to rescind its decision (Actionaid 2005 p.38). The essence of human rights as a condition for receiving aid has particularly been emphasized in Article 9 of the Cotonou Agreement in 2002 and revised in 2005, the violation of which triggers an immediate action, of which as a last resort, and depending on its severity, according to Article 96, could result in the withdrawal of aid (Dearden and Salama, 2002, p.901).¹⁵ It states

“If, despite the political dialogue on the essential elements as provided for under Article 8 and paragraph 1a of this Article, a Party considers that the other party fails to fulfill an obligation stemming from respect for human rights, democratic principles and the rule of law referred to in Article 9(2), it shall, except in of special urgency, supply the other party and the Council of Ministers with the relevant information required for a thorough examination of the situation” Article 96 (2a).

In fairness Article 96 clearly allows for dialogue and a pathway to resolving conflicts in this agreement, however, 2c also permits suspension of aid, leaving poor developing countries open to control by western countries under the guise of human rights. Whilst human rights may be laudable, the globalizing agenda that makes it a condition for aid may not necessarily lead to the desired results as evidenced in the evaluation of the Multi Donor Based Support program (MDBS) in Ghana (Lawson et al 2007). The report particularly notes in its recommendations that

¹⁴ The Paris Declaration, a development vision signed in March 2005 between donor countries and aid recipients for effective monitoring and greater accountability. Visit www.oecd.org for further information

¹⁵ Further information available at <http://europa.eu/scadplus/leg/en/lvb/r12101.htm> [Accessed 8.1.07]

“the single most important change required in multi donor support is to move away from the current structure of conditionality for disbursement divided between a base payment and a performance payment. There is no evidence that this is generating effective incentives or the faster implementation of reforms but it is undermining the quality of dialogue, generating unnecessarily high transaction costs and diverting attention from more fundamental issues “(p.13).¹⁶

The Paris Declaration¹⁷, 2005 which aims to harmonize development aid posits that human rights are an important reference point for its implementation (Foresti, Booth and O’Neil 2006, p.7). “It is therefore fair to say that because the development results donors and partner countries are trying to achieve through improvements in aid include the realization of human rights (and other policy issues highlighted in the respective documents), those improvements should be designed with human rights in mind” (ibid.). Foresti et al argue further that the Paris declaration offers substantial entry points for human rights inspired approaches to development and development aid by addressing issues of accountability (ibid). The prominence being given to accountability however indicates the threat that the human rights agenda poses to sovereignty as states are forced to comply with international law or face the consequences. Issues of sovereignty will however be discussed later in this chapter. The Human Development Report (HDR 2003 p.27) indicates that the Millennium Development Goals are benchmarks of progress towards the vision of the Millennium Declaration and guided by values that mirror the fundamental motivation for human rights. Some of these values include freedom, equality, solidarity, tolerance and respect for nature (ibid). The HDR also argues that the Millennium Development Goals reflect a human rights agenda in the form of rights to food, education, healthcare and decent living standards as enumerated in the Universal Declaration of Human Rights. A difficulty arises considering that to ensure fundamental social, economic and cultural rights, a state, including developing countries have an obligation towards its people even when it doesn’t have the resources to administer such

¹⁶ Base payments are payments donors make at the beginning of each year against satisfactory macroeconomic management and performance payments is linked to the achievement of specific policy triggers which measure progress in key policy and institutional reforms (ODI Briefing paper 2007 p.1) http://www.odi.org.uk/publications/briefing/BP_july07_budgetsupport.pdf [Accessed 9.1.08]

global ideals. These resources could range from a socio-cultural milieu that fosters a rights environment, the absence of which could mean beliefs and practices of the masses do not support government efforts; officials with the requisite knowledge, understanding and appreciation of children's rights, the financial resources to fund a well structured social services department in order to take responsibility for children who are failed by the traditional system of security and welfare, for example. Can the government afford the financial cost of such comprehensive welfare structures in the interest of children's rights?

Alston (2005 p.763) refers to Edmund Burke's argument in discussing the Millennium Development Goals and Human Rights, stating Burke's critique of the French Revolution for giving false hopes to the common people because these rights did not exist. Marzouki¹⁸ for example suggests that the African Charter on the Rights of the Child should perhaps more appropriately read among others, "Not every child has the right to education, rest and leisure, protection against sexual exploitation" because that is the only way to present a precise picture of local realities of an African Child's plight. Quite rightly the realization of these rights are almost impossible unless there is a cultural revolution, economic boom and spreading of wealth which hopefully changes the behaviour and attitudes of local people/families towards children, changes government priorities for welfare and either government have the funds to support these changes or international players and global actors pushing the agenda for change provide the funding to make welfare of children and families a reality. As things stand in Ghana and the rest of Africa the Charter is a set of utopian values to aspire to. Alston (2005 p.763) illustrates this point further by using Maurice Cranston's critique of economic and social rights in which he argues that for a government to provide social security it must have enormous amounts of wealth which clearly is absent in countries like Ghana and other poor developing countries. Clearly, approaching child labour through the global human

¹⁸ Arab Commission for Human Rights "Is Prevention of Child Abuse and Neglect Possible in Africa"
<http://www.achr.nu/stu.en1.htm>

/children's rights agenda has serious implications that could make its realization almost impossible.

Social Movements and Civil Society groups (local and global) have assumed an important role in the globalization process, exerting pressure on states to comply with basic human rights standards by forcing companies and governments to act in response. These movements are characterized by groups such as small and medium sized organizations (SMO's), non-governmental organizations (NGO's) and national associations interacting in transnational events (Porta et al. 2006 p.28). Their efforts have been possible particularly through the use of modern technological tools such as the internet and other communication strategies such as media coverage and emailing. The Genoa Social Forum (GSF), which organized a social movement that brought together eight hundred organizations against the neoliberal version of globalization to protest during the G8 Summit in Genoa, 2001 as well as other social movements in Europe such as the Rete Lilliput, an ecopacifist network in Italy, have successfully used their websites as effective mediums for mobilization resources and disseminating information (Porta et al 2006 p.97). In Ghana and most of Africa, mass protests for the recognition of social and economic rights especially in favour of children are relatively rare. The contention here is that because child labour in Ghana is a phenomenon mainly in the informal sector with little regulation, labour unions have generally not shown great concern.¹⁹ There are also no well organized consumer groups that effectively initiate boycotts to threaten companies. It is hereby suggested that the efforts from below (by local indigenous groups) for the recognition of the rights of the child in Ghana is not threatening to the state or employers and therefore not as effective as the efforts of local groups in the west. Concern for the plight of working children has come mainly from international NGO's (e.g. Save the Children Fund), the western media (e.g. Associated Press)²⁰ and labour unions (e.g. American Federation of Labor –AFL).²¹ Such cooperation led to the collaboration between human rights bodies, unions and companies to establish corporate

¹⁹ The Ghana Child labour survey indicates that 91% of economically active population are employed in the informal sector (p.24) and 88% of child workers are unpaid family labour (p.65).

²⁰ <http://www.nabe.com/publib/be/000330.pdf>

²¹ Armbruster-Sandoval (1999) points out that the AFL-CIO is one of the two most influential unions in the International Confederation of Free Trade Unions (ICFTU)

codes of conduct in 1997 which involved companies such as Reebok and Levi (Taylor 1999 p.11). Another significant campaign against child labour has been the Global March against Child Labour, a broad alliance of civil society including NGO's that started in 1997 with the aim of mobilizing world-wide efforts to protect children. The march began in Manila in 1998 with children²² particularly involved in the protest (ILO 1999)²³. Unprecedented western media attention, as in soccer ball production in Pakistan, preceding the 1998 World Cup and reports about child labour in the clothes industry²⁴ as well as standoffs and organized boycotts have marked the child labour campaign (Toor 2001 p.201). I argue that the campaign against child labour has often been driven by concern from above and mainly by consumers in northern rich industrialized countries. It is worth noting that the globalization of children's rights through the instrumentality of social movements fighting for the elimination of child labour is not a prominent feature of the campaign in Africa. An effective effort towards the elimination of child labour in West Africa was initiated through the Harkin – Engel protocol²⁵ on chocolates, which was a voluntary protocol agreed by the chocolate producers to stop them from using child labour and child slavery and the reasons are not far-fetched. It may seem that the rights awareness in northern rich industrialized countries drives boycotts and empowers consumers, driving fear into companies concerned because of the possibility they could boycott their goods.²⁶

It is important to note that whilst globalization may in theory guarantee a child social protection through a rights based approach to development it also has the potential to expose the child to its disadvantages as was evident in the case on garments in Bangladesh (UNICEF Appendix 3). The existing level of rights awareness in Western Europe and the rest of the developed world draws out emotions and a standard of morality and has the capacity to influence officials in policy making. The sentiments that

²² BBC News <http://news.bbc.co.uk/1/hi/world/asia-pacific/48267.stm> [Accessed 4.1.08]

²³ The Global March against Child Labour

<http://www.ilo.org/public/english/comp/child/download/pdf/global.pdf> [Accessed 4.1.08]

²⁴ Lucy Siegle (2007) The Guardian, 23 December 2007 notes the activities of clothes retailers such as GAP and Primark were under scrutiny for selling clothes that were made using child labour

http://observer.guardian.co.uk/magazine/story/0,,2230198,00.html#article_continue [Accessed 4.1.09]

²⁵ Harkin, Tom (2005) <http://usinfo.state.gov/journals/ites/0505/ijee/harkin.htm> [Accessed 14.4.08]

²⁶ UNICEF Appendix 3 http://www.unicef.org.uk/campaigns/publications/clrg/pdf/appendix3_C.pdf

surround the issue of child labour in the West have led to activists and lobbyists forcing governments to act. The combined efforts by activists, lobbyists, NGO's and governments among other groups have also led to boycotts, protests, law and policy. As Stegeman (2004 p.49) reports, there have been mixed results from such actions either by government or Civil Society. When the US government for example threatened to implement the US Child Labour Deterrence Act against Bangladesh in 1992, where child labourers worked in the textile industry, the effect on the industry was profound because it was an industry that depended on the export market for sales and revenue (Nielsen 2005 p.567). There several events following the introduction of the bill in congress which included a growing media interest, with NBC television charging Wal-Mart for buying clothing from Bangladesh made with illegal child labour (ibid.). This led to several negotiations involving groups and organizations such as the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), UNICEF, ILO, buyers, US and Bangladeshi authorities. Unicef reports that the mere hint of a Child Labour Deterrence Act caused a crisis in Bangladesh, involving the dismissal of 50,000 children from factories in 1993 (UNICEF Appendix 3). The aim of curbing child labour was defeated because child workers lost their jobs because employers wanted to avoid the consequences of US law found themselves new and more dangerous forms of employment in the informal sector which is more difficult to control. It was noted that their dismissal from employment forced these children to resort to other forms of work such as breaking of bricks, street vending and prostitution. The situation in Ghana and the cocoa producing areas in West Africa is not dissimilar, and the Harkin-Engel protocol was effective in alerting the states involved in cocoa production about global concerns and civil society groups and social movements protested about it. A point however is made about the approach from above and below in dealing with this problem. First, the recognition of this problem in Africa by the state of Mali, where many children are trafficked to leading cocoa producing countries such as La Cote d'Ivoire led to the two governments to sign a bilateral agreement in 2000 to address the issue (UNICEF Appendix 3). This local initiative seemed to be succeeding until western media interest in the situation led to immense attention being given to the plight of children in the cocoa production (ibid.). Within a short time the matter was seized upon by US cocoa importers

from the British and immediately sought to control the damage by convening stakeholders, with very few West Africans stakeholders to sign the “Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour” (ibid.).

This situation draws out the tensions between the local and the global because where in Europe local notions of childhood changed because of fundamental improvements in the economy, leading to increasing wealth and corresponding shifts in social and political thinking, the situation in Ghana as well as other parts of Africa have been fundamentally different.²⁷ The human rights agenda has been influenced by changing notions of childhood. Notions of childhood in Europe can be closely linked with its social, economic and political development but the same cannot be said of Ghana because it has not enjoyed the same level of changes in the economy and its methods of production, consequently there are no corresponding shifts in social and political thinking similar to Europe’s during the industrial revolution. In dealing with child labour in Ghana the effect of globalization from above has been problematic as local realities do not seem to have any bearing on policies from above. Globalizing children’s rights in order to protect children from situations such as child labour requires a highly developed legislative apparatus which according to Myers (2001 p.45) is credible with the public. It remains unanswered whether the language of rights and specifically children’s rights is spoken locally by Ghanaians. Without a local notion of rights there is bound to be a problem with effectiveness of any legislation that aims at protecting children. Law and policy must be complemented with a notion of childhood that would support legislation and not oppose it.

The twin problem realized in recent attempts to impose common labour or social standards upon countries in the name of socially progressive globalization are a) the resources for implementation are not available and Northern countries are not willing to

²⁷ The proliferation of ideas on the rights of man in politics (French revolution and American Declaration of Independence).

provide them and b) there might be a mismatch between global standards and local realities as discussed by Deacon (1997). Broadly, the desirability of the idea of a socially responsible globalization with common standards argued for by Deacon cannot be overemphasized. This thesis agrees with Deacon on a socially responsible globalization, which recognizes that the social consequences of globalization can be detrimental to the life of children in developing countries that it purports to protect through the globalization of rights. The threat of boycott by western consumers, legislation by western governments and aid conditionalities, all in pursuit of the global idea of children's rights must be influenced by a social conscience that seeks the welfare of the child, and not merely to satisfy international law. As Deacon (2000 p.2) argues,

“the social consequences of globalization generates the need for more – not fewer - measures of social protection. Inequality requires more social redistribution; vulnerability requires the strengthening of social rights, entitlements and systems of social protection; social exclusion creates the need for empowerment”.

In line with Deacon's line of thought, I argue that a) those who push the agenda for children's rights must also pursue an agenda for the social redistribution of resources and b) that such global standards must recognize the local and cultural realities of the global arena without neglecting the best interest of the child. In states such as Ghana and indeed many other African countries where there is no universal state pension/social security provision, the child is a form of security for the elderly because the adolescent children were often tasked with looking after the elderly (Ncube 1998 p.22). Child labour is also a form of socialization, a part of household production, ensuring that children have obtained the skills needed to continue providing for the family as their parents did (Bass, 2004 p.20). The absence of the child's contribution to the family budget through for example unpaid family labour or informal employment outside the family puts a strain on household income. There is a need for policy at the global and local levels to correct the indebtedness brought about by globalization in order to enable governments to use the resources for paying off these debts in solving the poverty problems that allow child

labor.²⁸ At the local level there is need for the political will to make adequate budgetary allocations to cover the cost of a comprehensive social welfare policy that will adequately protect the rights of the child. Children should not be left worse off for attempting to claim their rights for protection, if, for example, there is exploitation from within the family, because the state has not made adequate provision to cater for them.

1.4 The globalizing economy and its effects in Africa.

In a speech to the Franco-Africa summit in 2001, Stanley Fischer summed up a few salient points about economic globalization as follows²⁹:

- Economic globalization is as old as history and a reflection of the human drive to seek new horizons, which has increased in pace in recent times, driven by improved technology, lower barriers of trade and capital flows that have gained general acceptance.
- Economic globalization has been accompanied by phenomenal growth, as envisioned by the Washington Consensus and the WTO. This growth, he claimed had evaded particularly the African region.
- Lastly he claimed “globalization is here to stay; the reality is that we already live in a global economy – where flows of trade, capital and knowledge across national borders are not only large but also are increasing every year.”

Global political and economic arrangements have been significant in causing impoverishment in nations of the Third World, a situation which has been described as a by-product of colonialism and neo-colonialism of economic, political and social arrangements which originated from capitalism and imperialism (Donkor 1997 p.211). At the time of independence the economy of Ghana had been open to

²⁸ Deacon (2000 p.6) identifies indebtedness as one of the consequences of globalization on social development on the south

²⁹ Stanley Fischers speech “The Challenge of Globalization in Africa”
<http://www.imf.org/external/np/speeches/2001/011901.htm> [Accessed 11.1.08]

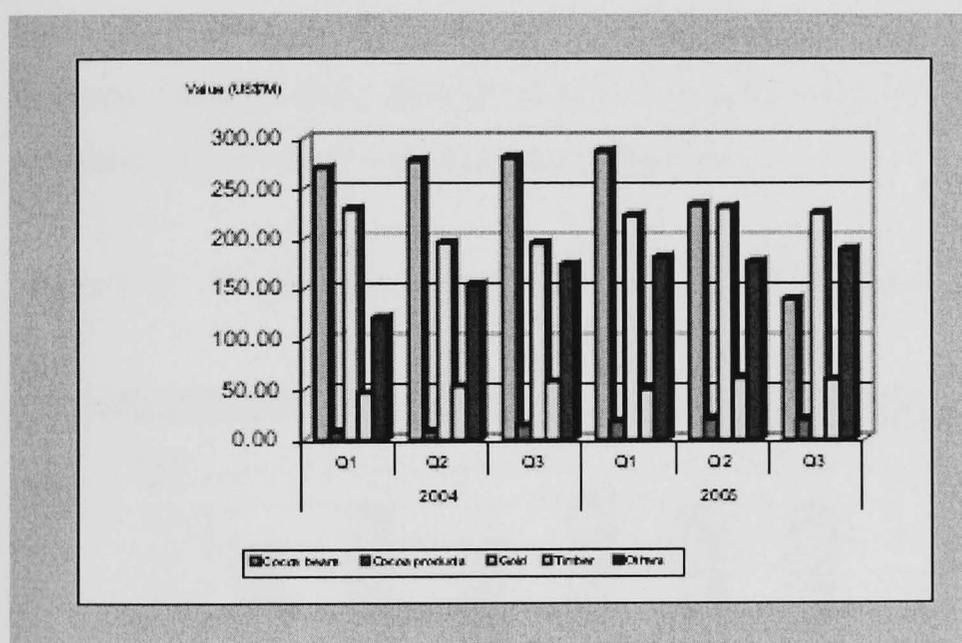
international trade for more than a century (Teal, 2002 p.1320). Ghana like many developing countries has mainly been an exporter of primary products which include gold, timber, cocoa and bauxite and as is often the case with primary products in a competitive global marketplace, prices have often fluctuated and offered relatively low revenues which arguably has made wealth creation difficult (GoG 2003 p. i). In Hoogvelt's opinion,

“the imposition of international division of labour under formal colonialism had the indirect effect of laying the foundations for continued economic control and domination over colonial resources even in the absence of direct political overlordship and administration” (Hoogvelt, 2001 p.30).

This meant that the world had been divided into different labour zones, with each specializing in some aspect of the production of goods and services. Africa, as demonstrated by Ghana had specialized in production of some raw materials for the industries in the industrialized rich north. In some countries like South Africa, indigenous people were dispossessed of their lands to make way for, for example, mining (Muiu 2007 p.354). Export crops were also cultivated in large plantations and some of these crops such as tobacco and cocoa remain major sources of revenue to this day for many countries in Africa. By these developments, Africa was 'married' into the global economic system which is arguably a direct result from of the integration of their original pre-capitalist societies into a world economic system dominated politically, economically and ideologically by developed capitalist countries (Sandbrook 1979 p.526). Africa as much as many parts of the developing world has found itself under the guise of a division of labour being relegated to the status of primary producers while the countries in Europe are producers of processed and manufactured goods. The division of labour involves what Adam Smith and David Ricardo typically referred to as a form of specialization, separating labour in the production process into compartments in order to perform specialized tasks bringing about efficiency, which, saves time and allows inventiveness,

making trade between countries mutually beneficial.³⁰ This economic structure has brought about unequal exchange, in which Ghana has specialized in the supply of primary products such as raw cocoa beans in exchange, for example, for agricultural machinery. In the end Ghana became over-reliant on cocoa which suffers serious fluctuations in prices and revenue. As illustrated in chart 1, the value of Ghana's cocoa exports fell in the second and third quarter of 2005, with prices falling by 14.0% to US \$1, 351.76 per ton from US\$1, 570.87 from the previous quarter (BoG 2005 p.48).

Figure 1.1 Major Export Items in Ghana (US \$ Millions)



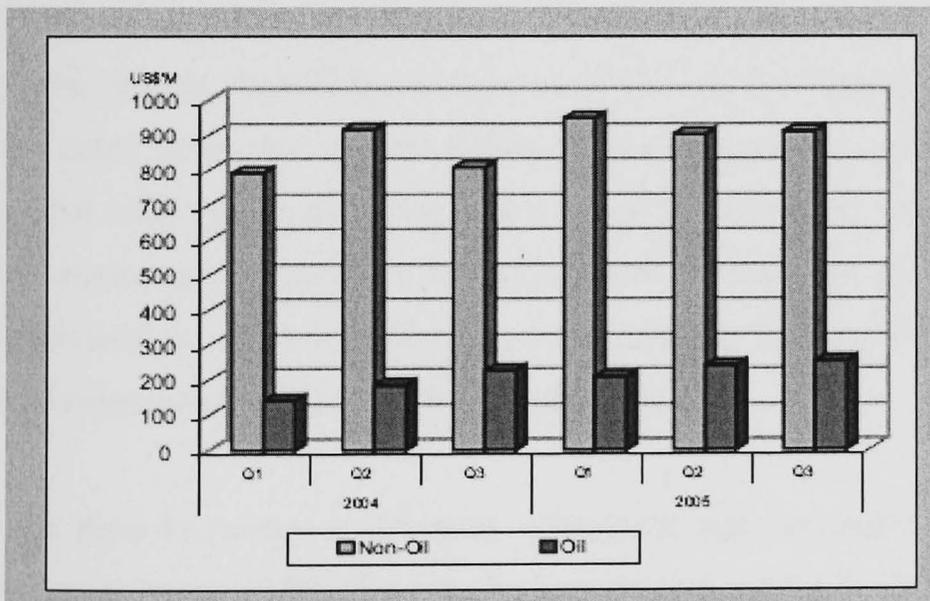
Source: Bank of Ghana (BoG) Quarterly Economic Bulletin, July – September 2005

In the third quarter of 2005 there was a slight fall in the value of gold exports of \$225.55 million compared to \$231.24 million and \$195.46 in the corresponding quarter of the previous year. Ghana's imports are indeed made up mainly of oil and non-oil imports, with growth in non-oil imports from \$807.95 million in the third quarter of 2004 to \$910.89 million in the same quarter of 2005 reflected in a large number of high

³⁰ Adam Smith is credited with the theory of "absolute advantage" in which he envisions that a country benefits from trade if it specializes in the production of goods that it has absolute advantage in producing. In David Ricardo's theory of relative advantage, trade is beneficial not only when there is absolute advantage but also when there was only relative advantage credited with the theory relative advantage (Mittelman 1995 p.275)

occupancy transport vehicles as well as saloon type motor vehicles as illustrated in Chart 2 (BoG 2005 p.48). Ghana's imports are therefore mainly in processed and manufactured goods, a situation that was recognized early by Nkrumah's government as the import for consumer non-durables jumped from \$106 million in 1958 to \$150 million in 1960 (Steele 1972 p.213). To forestall this high level of dependence on the colonial powers for such goods, Nkrumah saw import substitution and industrialization as a way of diversifying the economic structure of the country (ibid.). Steele argues that after independence government expenditure began to expand but it was not matched by a growth in revenue leading a shift from a budget surplus to a budget deficit of ₵49 million³¹ by 1960. This resulted in a need to resort to external borrowing in order to finance the government's growing capital and current expenditure (ibid.). Steele argues this was initially done through supplier's credits with short repayment periods, the consequences of which were disastrous, leading

Figure 1. 2 Major Import Items in Ghana (US \$ Million)



Source: Bank of Ghana (BoG) Quarterly Economic Bulletin, July – September 2005

to a debt burden that brought Ghana to the brink of financial collapse (Steele 1972 p.218; Bennet 1973 p.663). After 1966 more than a quarter of Ghana's budget was going into

³¹ The Ghanaian currency is the cedi (₵)

servicing the debt, which called for rearrangements for debt servicing (Goldsworthy 1973 p.10).

Thus far it is clear that the pre-colonial economic structure of Ghana, built as a result of colonial economic interests turned Ghana into a producer of primary products. Sandbrook (1979 p526) argues that what emerged from the colonial experience was an economy made up of a small and weak bourgeoisie and proletariat and a large and growing peasantry incapable of changing the economic structure of the country. Some may suggest that the only way out of this economic muddle is to withdraw from the world economic system, but I argue that Ghana cannot divorce itself from the world economic system because the structure of the economy is built on many years of trade relations with the rest of the world, aid receipts from donor organizations and countries, and foreign direct investment mainly from developed countries which have led to a form of integration, albeit marginal.

The initial reference to Fischer's ideas about economic globalization reminds us that economic globalization is not new, in fact Engel and Olsen (2005 p.1) reiterate the point in the remark, "Sub-Saharan Africa has been on the margins of the international system for many years, and yet the continent has been deeply and inherently engaged in the global trade system since the beginning of the nineteenth century." The current state of the economy can therefore be attributed to the past, but also situated in the context of globalization which is marked by rapid changes in economic relations between Ghana and other countries and multilateral agencies.

The need to pursue a structural adjustment and economic recovery program became apparent in the 1980s (Konadu-Agyeman 2000 p.470).³² This program however reveals another dimension of globalization and the growing importance of multi-lateral agencies such as the World Bank and International Monetary Fund (IMF) and the World Trade Organization (WTO). When Ghana approached the World Bank and International Monetary Fund for assistance, it marked a turning point in its history as it highlights the

³² The global dynamics of the world economy include the fluctuation in prices of goods on the world market, the frequent rise in crude oil prices and the

need to adjust in order to fit into a complex world of constant change. It had become obvious that resuscitating the economy through self-help and mass mobilization was inadequate to turn the economy around (Hutchful 2002 p.35). The crises deepened with an oil embargo from Nigeria and the expulsion of Ghanaians from Nigeria between 1982 and 1983 and the need for external assistance led the Provisional National Defense Council (PNDC) to approach the IMF (p.36). Hutchful discusses the debates that went on behind the scenes leading to the decision to approach the IMF. In it he points out some of the issues in international politics, the cold war, political ideologies and leanings and how Ghana was influenced by those ideas. He particularly touches on the ideas of socialists who thought the best way forward was mass mobilization and self-reliance, a conspicuous approach to restructuring the economy in the early 1980s, adopted by the politicians with Marxist leanings, while the technocrats were influenced by the ideas of monetarists (p.37). The resolve of the state to abandon the Marxist leanings were emboldened by the inability of the government delegation to the USSR to obtain any anticipated assistance as an alternative to the radical ideas of the IMF (ibid).

To some, negotiating with the IMF may mean succumbing to the globalizing influence of imperialists who are only interested in domination. However, as Jerry Rawlings, leader of the Provisional National Defense Council (PNDC) said, “resources available for imports as at 31 December 1981 stood at US\$33 million, barely enough for two weeks imports” and if these brutal facts were not enough, outstanding short-term commitments alone stood at US\$348 million, past and current crude oil imports came to about \$110 million or 75% of the value of imports and no banks were willing to extend anymore lines of credit (Hutchful p.38). The state turned to the World Bank and IMF for assistance and has worked closely with these organizations since then.

By turning to the IMF/World Bank during the economic crisis of the 1980's, Ghana had to recognize certain conditions. First, each member country has a quota, which defined how much it has to contribute towards the organization, and the more a country contributes, the more it can borrow and the more its voting rights (Ghazi 2004 p.15). A hallmark of IMF/World Bank policy and conditions for assistance is the idea of

liberalization which epitomizes the capitalist idea of free markets (Mkandawire, 1999). These idea of free markets and liberalism, developed in Western Europe and the United States had inherent in them a universalizing mission of creating a global economy which seems within reach after the demise of the USSR led socialism (Sachs, 1995). The IMF/World Bank seem to serve as perfect agents for implementing these ideas, for after all, the United States is the largest contributor to the IMF, with a quota of about \$57 billion and about 16.79% of total votes available to member countries.³³ The size of its contribution affirms its leading position in the global economy and gives it voice and representation in the organization. Together, the US, Japan, Germany, France and the UK have about 40% of the total votes in the IMF.³⁴ Countries such as Ghana which resort to seeking assistance from the IMF and World Bank have characteristically accepted these ideas, and the impact of these globalizing principles of liberalization in the form of external and internal trade, finance and a liberalized investment environment allowing private and indeed foreign participation in the economy, is endless.

Reforms in Ghana under the Structural Adjustment Program and Economic Recovery Program (SAP/ERP) of the 1980's have been criticized because, as Hilson and Potter (2005 p.105) argue, the notion that structural adjustment would catapult an economy unto higher growth and make a serious dent on poverty was not realized. Rather there has been concern about pervasive poverty, unemployment, human rights abuse and in some cases a worsening of the plight of the vulnerable. Boafo-Arthur (1999), for example catalogues some of these concerns as, the threat of local industries closing down and resultant unemployment because of the competition brought on by imported goods to local industries, high unemployment as a result of retrenchment in the public sector and an erosion in welfare because of the cut backs in government subsidies in areas like health and education. It is within this context that child labour in Ghana has become recognized as a problem. On the one hand the intensification of economic relations with the rest of the world partly because of old economic structures established in the pre-colonial and

³³ Quotas are a form of subscription paid by each member of the IMF. It is determined on the basis of the size of a country's economy relative to other members. The contribution a country makes also determines its voting rights.

³⁴ "IMF Executive Directors and Voting Power" <http://www.imf.org/external/np/sec/memdir/eds.htm> [Accessed 17.1.08]

colonial days as well as the current economic situation necessitating external assistance to sustain the economy, have firmly placed Ghana in the rapidly turning wheels of globalization. This means that Ghana is compelled to accept principles such as children's rights, which are part of the globalizing process, in order to fit into the community of nations.

Thus far the position of Africa within a global economy has been discussed and the challenges that western human rights hegemony poses in this context identified. It is fair to say that the globalization of human rights and particularly children's rights is somewhat unrealistic because it is so far not backed by the circumstances that make it workable.

1.5 Globalizing Policies, Politics and African Sovereignty

Foreign political ideologies contested for an audience in Ghana and the entire continent of Africa for the entire period of the cold war. No sooner had Nkrumah become Ghana's first elected president than his leanings towards socialism became clear (Hutchful 2002 p.9). In all, there were flirtations with the liberal (American model) and socialist (Soviet model) of politics and economics as the cold war raged. The final straw that broke the flirtatious character of governments in Ghana was the economic crises that culminated in the current close relationship between Ghana and the Bretton Wood institutions. As Hutchful noted, the failure of a government mission to secure any form of assistance from the USSR at a very critical period in the early 1980's made it quite clear which direction the government should go (p.39). The collapse of the Soviet Union meant the collapse of an alternative political system and secondly, the economic and military ascendance of western democracies acted as an incentive which made it possible for local elites to question the relevance of continuing to hold on to an economic and political model that had been abandoned by its proponents (Levitsky and Way 2005, p.20).

The governments association with the IMF and World Bank has brought in its wake challenges to the previous course of 'unfettered sovereignty'. At independence the new challenge was to guard the human rights of its citizens, however, shortly after independence there was lack of popular support for the elites who governed the new states (Clapham 1999). The lack of support stemmed from the fact that the ruling elite seemed far removed from the reality of the masses, for example, Nkrumah and his CPP government (Werlin 1972 p.251). Prior to such disappointment, the independence movement galvanized support from below through the instrumentality of a few educated bourgeoisie.

Clapham (1999 p.525) argues that what matters about sovereignty is not the mere formal recognition of statehood but more importantly the power that statehood confers on the rulers of the state which empowers them to deny other states from interfering in the exercise of domestic power. In addition Clapham (1999, p526) notes some of the differences between third world countries and developed countries in securing sovereignty. In his view, unlike European countries, sovereignty for Third World countries came at a time when they were already heavily dependent on the outside world both for artillery to defend their countries against external attack, their bureaucracy for the establishment of the state administrative apparatus and economic resources for international trade. In his opinion Third World countries therefore needed sovereignty all the more as a way to asserting a measure of autonomy from the very external states and other international actors to which they were subordinate. Any attempt by countries marginalized by globalization to remove themselves from the globalization process are likely to meet disastrous effects of isolation and deprivation as was the case in Burma and the Khmer Rouge in Cambodia (Clapham 1999 p.526). The existence of the two superpowers, which are the United States of America and the Soviet Union, made the first thirty years or so of independence in African, years of subordination into a bipolar global structure determined by the confrontation between the superpowers. In Clapham's (1999) view the superpowers had no keen interest in Africa. However, the loyalty of various governments either to the communist bloc or capitalist bloc lent them easily to destabilization movements sponsored by groups opposed to them. The competing forces

fuelled by African actors justified their political ideologies especially of the one party state structures that littered the continent in states such as Tanzania (Nyerere), Banda (Malawi) and Bokassa (Central Africa Republic).

It is noteworthy that the independence and revolutionary movements led by Nkrumah and Rawlings respectively, were galvanized from below, while efforts to combat child labour and promote children's rights starts from above. The problem with the globalized idea of children's rights is the threat it poses to traditional power structures in the family through the empowerment of children. Child labour also hinges on the cultural notions of childhood, a situation that cannot be wished away simply through legislation.³⁵ However, culture seems to pose the greatest resistance to globalization as individuals and states attempt to reassert their identities and sovereignty. As a member of the community of nations and a signatory to the UN CRC, Ghana is compelled to adopt values on human rights in order to maintain its relationship with the rest of the world as a member with shared values. In doing so, however, the reality of the local or indigenous may seem irrelevant as Ghana for example presents itself as making progress by adopting the principles in international law (CRC) without giving due regard to the plural legal cultural context within which the state operates. I concur with Bass (2004 p.68) that while the state aspires to appear modern by ratifying and adopting international conventions, it often doesn't have the political will to act decisively. It is therefore my argument that officials, who draft, sign or adopt these laws and conventions as well as those who make policy do not necessarily speak for the people below but represent the people from above.

The demand for liberal political and economic environments, in line with Western liberal models is now a condition for receiving aid from bilateral and multilateral agencies. International organizations ranging from the World Bank and IMF, the UN Human Rights Commission and other social agencies play a major role in shaping law and policy for states in Africa and other countries around the world. As demonstrated in negotiations leading to Rawlings' government approaching the International Financial Institutions

³⁵ See chapter 2 for further discussions

(IFI's), associating with the IMF and World Bank raises concern about imperialism and domination, a situation which doesn't bode well for governance. The dominance of developed countries positions poor African countries such as Ghana and its neighbours as subordinates in the international arena, justifying the developed world's right to control and intervene in and develop the south according to their models (Abrahamsen 2000 p.1).

Globalization has allowed a new form of domination as African states seek assistance to restructure their economies in order to alleviate poverty and improve welfare. This is particularly so because in a bid to gain the assistance from multilateral or bilateral aid in the form of loans, grants and technical support, the conditions that have been put in place have mainly consolidated the hold of western industrialized nations on poor developing countries through the conditions that they attach to the assistance they offer. Bangura (2001), for example, argues that right from the early 1990s signals were sent from countries like the US, UK, France and the Nordic states, suggesting their intention to make democracy and human rights cardinal principles for foreign aid. This was clearly shown in electoral support that they provided for about 300 competitive elections in many countries in Africa in the 1990s, to bolster democracy and electoral activity (Suttner 2001, p.40).

Engel and Olsen (2005) have postulated that the end of the cold war brought in a change in the international system. This change in their opinion made it abundantly clear that the continent of Africa had very limited importance to OECD states both politically and security-wise. Others have simply maintained that at the end of the cold war and collapse of communism as an alternative development model, western countries are in a more powerful position in their relationship with poor countries in the south (Abrahamsen 2000). This power stems from their ability to impose conditions for development aid without the fear of losing allies to the communist bloc, a situation which engenders the good governance agenda (ibid.). In the absence of a bipolar contest for supremacy, a period when Africa was under immense influence from the two power blocs, and so the importance of African states in global affairs has diminished significantly. The end of the cold war notwithstanding, it's been suggested that Africa has gained increased

importance again after the September 11, 2001 as the world seeks to fight terrorism (Engel and Olsen 2005 p.8). Such new security concerns have made the New Partnership for Africa's Development (NEPAD), an African initiative for governance and development, gain acceptance by leaders of leading countries of the world. It is a tool that is being used to improve the image of countries like the United States, Britain and France, which have gained notoriety for treating Africa as a marginal case, but also as a means to gaining Africa's co-operation in fighting terror.

NEPAD, the New Partnership for Africa's Development, is a new vision for the continent and the strategic framework for its renewal that was given birth to in 2001. It was started by a few African countries (Algeria, Egypt, Nigeria, Senegal and South Africa) in a bid to take the lead in Africa's efforts at progress with the backing of the rest of the world rather than the opposite. Its primary objectives include the eradication of poverty, the positioning of African countries on the path of sustained growth and development, the halting of Africa's marginalization in this world of globalization and an accelerated empowerment of women. Priorities are given to peace and security, democracy and good governance, regional co-operation and integration and finally capacity building. It identifies human development as an area requiring policy reforms but does not focus on social protection as an area of immense importance. Social sector policies once again focus on education and health policy. Social protection is once again not given the deserved attention and resources.

An innovative action area developed by NEPAD is the Peer Review Mechanism. This is an instrument that African countries have voluntarily acceded to in order to monitor adherence to the values and code of standards that are contained in the Declaration on Democracy, Political, Economic and Corporate governance. Successful implementation of this policy will instil more confidence in African governments practicing good governance and acting appropriately to reduce corruption to the barest minimum. Donors are bound to respond more positively to the call for increased aid if this is adhered to.

However over reliance on monitoring governance may be somewhat misplaced and this has been noted in the practical plan to achieve the Millennium Development Goals;

“...the impression of a continent wide governance crisis is understandable. But it is wrong. Many parts of Africa are well governed especially considering the extremely low incomes of these countries, and yet even the relatively well governed countries remained mired in poverty and poverty traps. Governance is an issue but Africa’s development challenges are much deeper”
(www.millenniumproject.org).

The report adds

“Indeed, in using World Bank indicators, there is no evidence that Africa’s governance, on the average, is worse than elsewhere once we control for Africa’s low income. Controlling for income is necessary in evaluating governance since good governance requires resources for wages, training, information systems, and so forth improves systematically with income levels.”

There is further criticism of NEPAD for being Mbeki’s version of compradorism, therefore making Africa flirt with hostile transnational corporate and multilateral agencies whose interest is opposed to South Africa and the rest of Africa. It can be argued that Mbeki and his allies’ position resonates the class limitations of the post-independence era where African elites aligned with the colonialists to consolidate power (Bond 2002). So far alliances with international, social, labour and environmental movements seem to have been excluded, leaving the socially excluded and marginalised groups in society without any mouthpiece or representation. Children’s welfare is usually the worst casualty in such circumstances.

Engel and Olsen (2005) in their analysis of the evolution of the nation state in Europe and Africa argue that African states developed from a position that is significantly different from European states. According to them the Westphalian peace in Europe meant the

beginning of a process of state formation where states first conquered and established control over territories and later developed into nations. In Africa, the process was totally different. First, there was colonization, which began with the conquest of territories and later decolonization leading to the establishment of many African states. European states became positively sovereign and by contrast the African states became negatively sovereign lacking the attributes associated with positive sovereignty such as the provision of internal and external security for the population of a given territory as well as the deliverance of a minimum of public goods. African states such as Ghana and Liberia among others in the West African sub region, for example, have largely failed to deliver these public goods. What should be welfare is turning out to be illfare. If sovereignty also implies delivering a minimum of public goods then many countries in the south are failing woefully. African states were granted sovereignty by the colonialists through decolonization but under the sweeping tide of globalizing forces they are unable to provide a minimum of public goods that is required by its people. Waters (1995 p.102) argues that “citizenship is conceived of as an expanding set of obligations maintained by the state towards its subjects that also involves a progressive limitation of its sovereignty over them.”

The inability of the Ghana government to provide welfare security is largely due to its state of underdevelopment which is attributed to its integration into the world capitalist economy as a dependent primary producer (Sandbrook 1979 p.126). In order to deliver its responsibility of providing security to its people, states in poor countries like Ghana have often resorted to development aid through bilateral arrangements between Ghana and donor countries such as Britain, France, Germany, the United States and Japan, and multilateral arrangements through organizations such as the IMF and World Bank. The political ramifications of such dependence are obvious. Ghana is aid dependent and has the potential of driving itself into a culture of dependence. The greater concern is not the size of aid flow, as much as the culture of dependence, as it can result in a lack of initiative in making development strategy by the aid receiving government because of weak institutions weighed down by a multitude of donor activities and undermined by technical assistance, policy directed from outside, the presence and intrusion of donors at

every point and a reactive rather than proactive government (cited in Whitfield and Jones 2007 p.1). One effect therefore of aid dependence is the emergence of a politics that is based on negotiating and implementing aid sponsored projects and programs, a system that has turned multiparty democracy in a country like Ghana into short – term visionary politics (ibid). This allows politicians to use aid sponsored projects for their short term political gain by persuading the electorate especially during an election period that they are indeed pursuing a rigorous development agenda (ibid). Another effect of aid receiving is the vulnerable state in which they are left following such dependence. One of the main requirements for aid is the institutionalization of democracy as a condition for receiving aid. This requirement was strengthened in the Paris Declaration which aimed at co-ordinating donor strategy towards developing countries receiving aid. The Paris Declaration is a clear instance of the convergence of the human rights and development agenda, a process which started with the Vienna Declaration of 1993 and reached a significant height in the UN Millennium Declaration 2000 and this has been noted as a turning point, marking the beginning of the establishment of principles of universalism and indivisibility of all rights (Foresti et al, 2006 p.22).

1.6 Conclusion.

I have tried to suggest in this opening chapter that the focus of this thesis, child labour and its persistence in Ghana can not be understood without locating the study in a global context. Globalization impacts on the lives of ordinary citizens everyday and as demonstrated it has created a global view on what is right and wrong about child labour, thereby universalizing western notions of human rights. Globalization imposes on poor countries, standards that problematize child labour, and causes the very conditions that encourage child labour. Globalization of the economy for example causes child labour in developing countries as these countries struggle to attract foreign direct investment and companies based in the developed countries move production to poor countries in order to cut down costs and succeed in attracting cheap labour which involves children who can easily be manipulated. The Ghana government is caught in the globalization process, and

in a bid to appease globalizing forces has been compelled to adopt and implement the CRC. In doing so, it has neglected its cultural heritage, and as a result is facing difficulty in implementing the tenets of the convention. In view of the complex situation that surrounds child labour, the thesis moves into exploring the ideas and notions that underpin the child labour agenda in a bid to understand the genesis of child labour, the global ideas and local demands that shape the current state of affairs both in Ghana and around the world.

Chapter 2 Child Labour: Global Views and Local Perspectives

2.1 Contending conceptualizations of child labour.

This chapter examines the concept of child labour and the literature surrounding contending ideas that challenge it. It involves an exploration of the history of child labour and the changing ideas through various epochs, charting out the emergence of human rights as a universal standard, with particular emphasis on the emergence of children's rights as a theory driving the child labour agenda. Other areas tackled in this chapter are the contending ideas of universalism and particularism and the evolution of the notion of childhood vis-à-vis the global and local understanding of childhood. Notions of childhood are important here as they form the bedrock on which child labour and children's rights issues are debated. In view of this I review here some of the literature that demonstrates the driving force of the current trends in child labour debates and discourse.

2.1.1 History of Child labour

It may sometimes appear that child labour is a recent phenomenon but indeed records show that the existence of child labour is historical, dating back many years, and nearly every country in the world is either experiencing it or has experienced it in the past. The challenge of child labour particularly in Africa where it is still persistent irrespective of the efforts put into curbing it calls for an overview of the situation. It requires retracing our footsteps through time to recap how child labour became a problem in the first place. In his writings about the situation in England, Cunningham explains,

“When children do become visible in the late eighteenth and nineteenth centuries, it is chiefly as workers in the cotton factories; once again the emphasis is on the child at work. Throughout the period, from the late seventeenth century to the late nineteenth century historians have concentrated on the contribution children made by their work to the family and national economy” (Cunningham, 1990 p.115).

Cunningham's view is that history provides the evidence that indeed child labour was rife as industry expanded and he is emphatic about the importance of child labour to the economy of the UK during the industrial revolution and the expansion of industry to cope with demand. According to Dunlop (1912) there was a time when it was only natural for children to help their parents in whatever work they did. Children had a recognized place in the labour market even before the factory days. Those days seemed like a curse upon children as they were expected to contribute to the household budget even though they were young and immature. Hence, the early 19th century gained notoriety for being the period when child labour was at its worst and most widespread in the developed world.

“A recent survey of the evidence on industry and mining in Britain reveals astonishingly high relative employment levels of children (under age 13) and young people (age 13 – 18) in textiles and coal mining in the early 19th century. (Humphries 2003 p.177)

Children as young as 8 years of age were employed and the nature of work done was gender specific, for example, boys helped their fathers while girls helped their mothers. As they grew older it was much easier to find work outside the home. What is more striking is that boys and girls were allowed to work whatever their material circumstances (Nicholas, 1995 p. 1104). “The household was the fundamental organizational framework for child labour in medieval cities” (p.1105). Nicholas argues that no one thought the practice of child labour per se obnoxious, although abuses such as employers' or masters' brutality were deplored (p.1103). British common law never had much regard for children in the pre twentieth century era. However, as expressed by Nieuwenhuys (1996 p.237), irrespective of what children do or what they think of what they do, society sets them apart ideologically from the production of value.

2.1.2 Theoretical Ideas

As already acknowledged child labour is a familiar situation in many parts of the world. Basu (1999, p.1094) notes that in Marx's view the rise of new technology (particularly machinery) gave scope to the employment of children because their incomplete

development and supple limbs made them sought after by capitalists who used machinery. Even though the use of machinery saved time and created an opportunity for leisure, Marx noted that since machinery was owned by one agent and labour by another, a diminishing need for labour in the face of an increasing need for machinery would depress labour wages (ibid). Such a situation would enable capitalists to use labour liberally and compel workers to bring their entire families into the labour pool in order to make ends meet (ibid.). Machinery seemed to have depreciated the value of labour.

Cunningham (2000, p.418) argued that Marx demonstrated that the introduction of machinery brought enormous opportunities for speeding up the pace of work which could potentially make children a liability. Progressive employers also pursued an agenda to rid industry of child labour in the hope to raise the reputation of industry as child friendly, and also remove the danger of being undercut by competitors who were using cheap labour by pushing for legislation (ibid). Even labour unions feared their positions could be undercut by employing children and campaigned for their removal from the labour force unless the children acted as assistants to the adult males and not as potential replacements for them (ibid.).

Basu and Cunningham present two rather contrasting perspectives on Marx's views relevant to child labour. According to the former child labour increases due to the introduction of machinery while according to the latter it decreases because of machinery. Although Marx's conflict perspective blames capitalists for treating labour with disdain after introducing machinery and equipments to enhance production, he also claims that the same bourgeoisie make a rallying cry to the proletariat to rise up against the owners of capitalists who are using machinery and technology to alienate them. It would appear on one hand that Marx sympathizes with child labour and would rather capitalists did not introduce machinery which made child labour redundant. Although Marx is also portrayed to be against the exploitation of labour it also seems to suggest that demonizing child labour emanates from the bourgeoisie who romanticize childhood in order to avoid being undercut by other competitors who are using cheap child labour. The tensions that Marx highlighted reveals conflict between the owners of capital and

labour in 18th century England, during which some capitalists became interested in child protection. In the African context, the child labour agenda reflects conflict between the state, which projects global ideas, and the poor, who have to contend with local realities. This is against the background of prevalent poverty in Ghana, with about 40% of its population living on less than \$1 a day.³⁶ Child labour therefore affects a significant mass of the population, however it is a concept defined by statute, not by customary law or practice. It seems to be a concept that the bourgeoisie, urban elite relate to, as a sign of being progressive, westernized and modern.

Most child labour in Ghana especially in agriculture is within the context of the family, where children have their functions. Within the family structure every member has a functional role, including children. To tackle child labour, a functionalist approach has therefore been adopted, often through the use of education policy and strategy (Doftori, 2004 p32). It is based on the idea that education provides the skills that would enable a society to support industrial development, necessary for a modern society. From the Durkheimian point of view, education was the means for attainment of certain values and skills demanded by society which made their conduct consistent with the authority of moral values (p.31). From a Durkheimian perspective also, society held together because it had common ideals which were formed by the interaction of individual minds, however, notwithstanding the hegemonic nature of structure in society, social change invariably occurs through the interaction between individuals in periods of heightened intensity. Education has always been a major tool for dealing with child labour in a bid to bring about social change. Similar to Durkheim's social facts as an external entity with power constraining the child, Ottaway remarks that education is imposed on the child as well as parents who have difficulty in bringing up their children in a way different from the collective ideas of society (Ottaway, 1968 p.7). In developing countries education is not used as a tool to deal with child labour because children or their families choose education but because it is a requirement by the state in line with its objectives of modernizing.

³⁶ 40% is a rounded figure taken from the poverty table in World Development Report 2007

Modernization theory suggests a unilinear approach to development that provides the typological distinctions, traditional and modern. Poor developing countries were expected to traverse a path from the traditional to the modern, which meant being transformed predominantly from agrarian societies into predominantly complex industrial societies (Dzorgbo, 1998 p.8). Such ideas on development involve the expansion of education which from the Marxian perspective has the tendency for capitalists to hijack it in order to enhance their selfish motives. In child labour eradication the education strategy seems to suit the global agenda which seems to parallel the modernization agenda although current trends in child labour eradication have become largely based on welfare and human rights.

The literature on child labour also reveals according to Mizen et al. (1999, p.427), that there is a new pattern of child employment resulting from the 'triumphant ideology of childhood', suggesting that children have been redeemed from the shackles of exploitation and ruin into peripheral roles comfortably labeled as children's jobs. Mizen et al argue that the effect of profound economic changes at the turn of the century have effected the marginalization of children from playing a central role in production owing to changes in technology, educational fervour and a liberal welfare state (ibid.).

Some literature offers a negative view of child labour which amplifies the idea that child labour is harmful. Within this view, child labour is generally defined by Weston, for example, as work done by children that is harmful to them or otherwise contrary to their best interest (cited in Bourdillon 2006 p. 1209). This is the view conveyed in the Convention on the Worst Forms of Child Labour, ILO 138. The problem with this perspective is that it inadvertently promotes an abolitionist agenda rather than the removal of harm, a situation which Bourdillon contends can be seen in discussions on fair trade which focus on boycotting goods produced by children rather than ensuring that they are produced in a dignified manner and do not impede their education (2006 p.1209). In a campaign against child labour in the cocoa sector, for example, Bourdillon is suggesting that instead of boycotting the product, there should be an effort towards ensuring that the product is produced under dignified conditions. The emphasis should be

on working conditions that do not affect the development of the child, by removing the harm, rather than simply banning child labour. This would ensure fair trade and guarantee children a livelihood. He clarifies the point by arguing even further that other children's activities are not abolished in spite of the harm and risks it poses to the health and development of the child. Some examples mentioned are sporting activities, school itself when teachers are abusive, work is excessive or competition and examinations cause excessive stress. The essence of Bourdillon's argument is that in most cases we address the danger and not abolish the activity and even so when the benefits appear to outweigh the dangers (p. 1210).

“Related to the notion of harmful work is the notion of exploitation, a term frequently used with respect to the work of children but rarely discussed” (Bourdillon, 2006 p. 1213). He thus notes that Article 32 of the CRC speaks of the right to protection from economic exploitation but does not explain exploitation. The uncritical use of the word exploitation with respect to children results in the loss of its technical connotation of unequal power relations that allow some to take surplus value, typical of exploitation in the capitalist system. There is however exploitation outside the capitalist system (ibid.). It is not uncommon in rural schools in Ghana for a teacher to use the labour of his pupils for personal gain. My experience as a teacher in a rural school revealed this practice, which members of the community saw as a teacher's privilege. As a teacher in Tepa, Ahafo Ano North District, some neighbours suggested that I start a farm because my pupils would be available to work for me. They informed me that my predecessors utilized that opportunity during their time. When a teacher asks pupils to work on his/her private farm after school hours, pupils are likely to feel obligated to their teacher as there is a sense in which children feel a sense of gratitude towards teachers particularly in rural communities. Is the use of pupil's labour for a teacher's personal gain a form of exploitation similar to the capitalist sense of exploitation? The use of the term exploitation in reference to capitalism may have lost its significance. Reference to exploitation raises concern about the issue of human rights and child labour is a form of exploitation and abuse of the rights of the child. The next section of this chapter reviews

further literature into the issue of rights and its contending issues in relation to child labour.

2.2 Emergence of Rights

2.2.1 Human Rights

The child labour agenda is currently influenced greatly by notions of childhood, rights and the best interest principle. Firstly, the United Nations Convention on the Rights of the Child according to UNICEF deals with child labour from the human rights perspective, which directs the global agenda on child labour. As a result children are now treated as rights bearing individuals.

The idea of 'rights' can be traced to historical events such as the English Magna Carta, 1215; United States Declaration of Independence and Constitution, 1776 and the French Declaration of the Rights of Man and Citizenship, 1789 (Messer, 1993). Events in later years such as the holocaust, which caused international concern, led the United Nations to adopt the Universal Declaration of Human Rights in 1948. This declaration outlined clearly such rights as the right to life, liberty and security of person, freedom of movement, freedom of thought, conscience and religion.

It is therefore not unreasonable to conclude that human rights has a long history in western intellectual circles with an accumulating history in Western politico-legal practice, especially since the 18th century (Forsythe, 1998 p.508). Human rights as we find it today is essentially the transformation of a Western concept into a global one. The globalization of law on rights has illuminated two emergent schools of thought from the human rights debate. These are the liberal or universalistic school and the communitarian or relativist doctrine school (Howard, 1995 p.1; Anker, 2000 p. 1).

The liberal school typically represents the Western notion of rights, which celebrates the importance of individual, universal human rights held merely by virtue of being human.

Opposed to this view is the relativist school, which postulates that human rights are a culturally relative phenomenon, a view emanating from both the Third World and Western Society (Howard 1995, p. 2)

Messer has argued that human rights as a philosophical concept refers to the reasonable demands for personal security and basic well being that all individuals can make on the rest of humanity by virtue of their being members of the species homo sapiens (Messer, 1993 p.222).

The individualism/universalism concept of human rights has inherent in it a number of issues which must be unpacked. The post-modern era has seen the emergence of a neo-liberal thought first in economics in the 1970's but which has reached out to other disciplines opposing anything that interferes with free choice (McIntyre, 2003 p.1). Individualism in human rights is also similar to the individualism that is the foundation of orthodox economics and fully consistent with capitalist globalization. It promotes selfish behaviour in the interest of the individual, but ultimately it benefits the collective. When the individual's rights are respected and granted, every individual stands to benefit because all are treated the same and in the end the collective as a whole stands to be a beneficiary. Here, the absolute equality of persons is a major assumption, emphasizing that everyone is entitled to all the rights and freedoms that have for instance been set forth in the Universal Declaration of Human Rights.

Another assumption in the liberal individual/universal argument is that society is democratic and persons in society are free and equal citizens with the rights to free speech and liberty of conscience. To have a right is also to have a kind of sovereignty over the moral world and to be in a position to impose a duty on a collectivity or a political regime to act in certain ways toward the possessor of the right. Hence, individual rights in large measure determine and limit the form of any state or any unit of collectivity (Charney, 1999 p.843).

Charney, (1999 p.843) also argues that inasmuch as certain rights are classified as human rights, they are both egalitarian and universalistic because common humanity means just that – the same everywhere and of course the same in all cultures. Human rights, he adds, is a fundamentally transcultural concept, but Bell disputes some of Charney's ideas and advocates a cross-cultural dialogue on fundamental human rights. He suggests that it would be realized that the attempt to bring the rest of the world around to an American style civil and political rights will be doomed from the start because people from non-liberal cultures would not take kindly to the proposal that their views be subordinated to Western liberal ideas about the content of fundamental human rights (Bell, 1999 p.852). Bell contends that Charney's arguments are based solely on civil and political rights without much regard for other fundamental rights in the Universal Declaration of Human Rights (UDHR), which are social and economic rights. As it stands, Charney's view does not leave open an opportunity to learn from other cultures. A case in point relevant to this debate is the insight Bell sheds on East Asian ideas about the duty of children to their parents. He contends that this translates in political terms into parental rights (p.853). The same can be said of children's rights in Africa, a situation which is captured in Article 31 of the African Charter of the Rights and Welfare of the Child which deals with responsibilities of the child towards his/her family, community and society as a whole. It is however unclear how this translates into parental rights.

The principle of human rights is accepted universally today, and no state would go on record as being opposed to human rights (Messer, 1993, p.223). Though challenged by ethnic conflict and deteriorating ecological and economic conditions, African political leaders have produced their own regional African (Banjul) charter on Human Rights and assert that "in African societies people, not individuals have rights and that the individual freedoms may have to be sacrificed at least in the short term, to support subsistence and development" (p.227). Further to this argument the Africanist philosophical view contrary to western notions of universal autonomous individuals with rights is an African perspective which knows no individuals with rights and "achieved" personhood; the human is a social being and only human by virtue of his or her social roles, fulfillment of appropriate rights and duties, and relationship as an individual to the social unit (p.228).

Cultural relativism is recognition of cultural differences, in thought, value and action (Rentelin, 1988 p57). Cultural relativism is also a reaction to cultural evolutionism, which suggests that human societies progress from stage to stage, the former being primitive and the latter being modern (ibid.). Cultural evolutionism however is influenced by Eurocentric predilections which rank western civilization higher than any other civilization or culture because of the influence of western ideas in the world (ibid.). The American Anthropological Association rejected the notion of universal human rights when it was proposed in the Universal Declaration of Human Rights (Messer, 1993 p. 224). They criticized the universal international legal framework as ethnocentrically Western, emphasising that different people have different rights concepts. Fareda adds that human rights is challenged on the basis that it is ethnocentric and reflective of the different religious and cultural diversities of the world and as a result the universal principle is questioned for lacking the shared values that modern human rights is founded on (Banda, 2005 p.41). Cultural relativism has also been described as naïve and deriving its power from cultural anthropologists' hostility to the values of their own society (Washburn 1987, p.2). These concerns cannot be dismissed because African leaders have often been criticized for using the cultural relativist argument to repress their people. "Those engaged in human rights activity would have encountered this theory in its crude and self-serving form, as articulated by a Mobutu, a Moi or a Banda: human rights are a form of cultural imperialism which interfere with African leader's rights to visit their own 'authentic' repression upon their people" (Carver 1991 p.484).

2.2.2 Children's Rights

The children's rights movement has been with us for a while. Freeman (1997 p.84), attributes the first title "Rights of the child" to Slogvolk, 1852. In a book entitled *l'enfant* 1878, Jean Valles advocated children's rights. Freeman calls it the period of the child saving movement. In Freeman's view the motive at this time was mainly investment which was the driving force of the children's rights movement which emphasized the usefulness of children to society.

The twentieth century saw the child gaining legal status as the ILO (1919) introduced child labour laws to protect children in the work place. This was the Minimum Age (Industry) Convention, 1919. Child work/labour was therefore dealt with by international law early in the twentieth century and the history of working children shows there was a need for child protection and advocacy, mainly because child work/labour was not only a private issue occurring in the domestic environment but also a public issue because children were being employed in the factories and other industries in the public domain. The ILO recognized that the employment of children was a public issue that was of global concern and adopted laws to deal with these concerns. A few more conventions following the 1919 convention mainly include sectoral conventions, dealing with various sectors of economic activity.

Convention 7 Minimum Age (Sea) 1920

Convention 10 Minimum Age (Agric) 1921

Convention 15 Minimum Age (Trimmers) 1921

Convention 29 Minimum Age (Forced Labour) 1930

Convention 33 Minimum Age (Non-Industrial Employment) 1932

Convention 112 Minimum Age (Fishermen) Revised 1959

In 1973, a more general instrument was adopted to replace the existing sectoral conventions. This was the ILO Minimum Age Convention (No.138), which was followed by Recommendation 146, which further defined certain elements of policy. The ILO was therefore quite active in developing laws aimed at protecting children, but children's rights was not the driving force in these international conventions. The Geneva Declaration of the Rights of the Child, 1924 was adopted by the League of Nations, summing up the concerns of the child protection movement. It declares in the preamble, "Mankind owes to the child the best it has to give." Further still five notable principles in the declaration are, welfare and protection of children, the requisite means for their normal development, food and medicine, relief in times of distress, protection against exploitation and socialisation to serve others. Bainham (2005, p.85) questions whether children have any rights. Traditionally, parents make decisions about their children's

welfare and upkeep, so to say that children have rights is a bit confusing and needs clarification. Historically, this has been explained using the interest theory of rights. Eekelaar relied on the version of the interest theory of rights captured by Joseph Raz when he stated, “a law creates a right if it is based on and expresses the view that someone has an interest which is sufficient ground for holding another to be subject to a duty” (cited in Bainham, 2005 p.104). Early developments in children’s laws started not with the aim of protecting the interests of children but rather to further other interests, which were usually the interests of fathers or the wider community. Such developments as legal enforcement of parental support obligations in the sixteenth century which were to bring social stability in the midst of growing mass unemployment was therefore initially not in the interest of children but served the interest of children incidentally (ibid). Bainham, (p.105) argues that the precondition for rights in Eekelaar’s theory is the social perception that an individual or group of individuals has certain interests. Bainham indicates that it is critical that this interest be separated from interests of others therefore to say that children have a right is to identify an independent interest which they have in the subject matter. For example, if a parent has to make a decision concerning his/her daughter’s health, the parent might claim that it is in the best interest of the child whilst indeed the parental interest is not identical with the child’s. The interest of the child is that only the best medical decisions are made for her, but it is difficult to say that the child’s interests are synonymous with her parents in spite of parental autonomy claims. The point here is that it is difficult to construct a theory of children’s rights because of various bottlenecks. A child might lack information or ability to evaluate his or her own best interests. The constructing of children’s rights theory might therefore require some degree of imaginative leap and guesswork about what a child might retrospectively have wanted once he/she reaches maturity (Bainham, 2005 p.105).

Further to the discussion on children’s rights, Bainham claims that Eekelaar identifies three kinds of interest that may form the basis for retrospective claims. These are the basic interest, developmental interests and autonomy interests. Basic rights can be described as fundamentally important. They encompass essential areas of life such as healthy living, including physical emotional and intellectual care. Parents have the

foremost duty to provide the care needed at this stage. The state however intervenes if there is a case of abuse or neglect. These interests are basic because they require minimum standards of care which in other words mean that parents are to ensure that children are not prevented from enjoying natural health even if the maximum promotion of these qualities are not possible.

Developmental interests on the other hand are wider and can be asserted both against parents and wider community. These rights are a bit vague and therefore more difficult to categorise legally. Autonomy rights afford the child the claim to self-determination. It is the classic claim of child liberationists, which has the potential of conflicting with other interests. To illustrate this further, Bainham, (2005 p.106) indicates that it is the removal of age restrictions on drinking and driving would further the autonomy interests of children but would also result in more deaths and road accidents, making it impossible for children to enjoy the developmental and basic interests. Autonomy interests would therefore be subordinate to other interests. Children's rights are therefore in constant conflict with competing claims of the adult world.

Notwithstanding the controversy surrounding the definition and scope of children rights, Michael Freeman (1983 p.40) makes a distinctive contribution to the children's rights debate to demonstrate the diverse nature of substantive rights that children might claim. A fourfold classification he produces is as follows; rights to welfare, rights to protection, rights to be treated as adults and rights against parents. Rights to welfare basically draw from the UN Declaration of the Rights of the Child, 1989. Freeman's argument here is that children's rights are human rights and can be claimed by virtue of the fact that they are human beings. The right in question is wide ranging, including entitlement to a name and nationality, freedom from discrimination based on for example race, colour or religion and so on. These are not easily formulated against anyone but are a manifesto that children must have against everyone. There is a degree of vagueness in this claim and even so because of the diverse cultural and economic conditions they reflect.

Rights of protection deal with protection from negative behaviour such as inadequate care, abuse and neglect by parents. Whilst welfare rights are seen as vague and based on assumptions that society will wake up to its responsibility, protection rights concern minimum standards that easily fall within the premise of criminal law.

On the basis of social justice and egalitarianism the rights and liberties extended to adults should be extended to children as fellow human beings unless there is good reason not to. Freeman takes this viewpoint rather cautiously, arguing that even though distinctions between children and adults are based on social and legal constructs, children should be provided with a childhood and not adulthood. Freeman questions the different treatments given to children and adults. The basis of this is the notion that children are incapacitated due to their lack of maturity and evidence to show cognitive abilities of children is provided by development psychologists to support this claim, therefore Freeman does not reject age – related disabilities. Age related restrictions must however be kept under review while legal capacity is determined on a case-by-case basis by the assessment of capacity for particular activities individual children engage in. Freeman proposes an objective test of rationality to be determined in accordance with a neutral theory of what is good for children. Freeman does not given much detail to this test of rationality.

Freeman proposes a fourth category of children's rights, the rights against parents (p.48). Although a form of autonomy right, there is a difference between the right to be treated like adults and the right against parents. The right to be treated like adults deals with civil liberties and the child's position under the general law, the rights against parent's deals with claims for independence from parental control. This could mean issues as trivial as length of hair, choice of clothes, bedtimes and so on but it could also mean more serious issues like consent to abortion and contraceptive use. The two lines of argument are, should the child be able to act entirely on his or her own without seeking consent from any quarters, therefore entirely independently or should a child, acting independently seek the approval of an outside agency, usually a court. There is no problem where the views of children and parents are in harmony, but difficulties arise where the views held by parent and children are different. Where parental decisions are not in line with the

primary social goods ideal then a competent agency like the court should intervene. This is a form of paternalism albeit limited because for rights to be realized it is important to have the capacity to take responsibility as free individuals. This is true for adults and must apply to children, although a limited amount of intervention seems justifiable in the case of children to protect them against irrational actions. The definition of what is irrational is left too wide open for interpretations.

Clearly Freeman's liberal paternalism runs into difficulty since he advocates for some intervention by parents. Where is equality? Freeman seems to be making an admission that children are lacking in capacity and need parental intervention to enable them to make certain claims. Rawls' contribution to children's rights theory becomes very vital because of the emphasis on primary social goods, which Freeman concluded was a necessary condition for parental decisions.

Another dimension to the children's rights debate is to question whether children's distinctive rights are best grounded in appeals to fundamental (moral, natural, human) rights (O'Neill, 1988 p.445). In her contribution to the children's rights debate Onora (1998 p.446) indicated that the best way to deal with children's rights is by embedding them in a wider account of obligations. Her argument is that children can enjoy the much talked about rights if it shifts concentration to fundamental obligations of adult society. She saw difficulties arising from the continuous rhetoric of rights in the claims of those who lack power, although she acknowledged the force such rhetoric carried (cited in Bainham, 2005 p.112). What seemed wrong was the tendency for such rhetoric to lead to claims of spurious rights without corresponding obligations. The rhetoric about rights therefore does not guarantee positive rights for children, although the positive contribution this rhetoric makes towards the realization of fundamental imperfect obligations must be acknowledged.

Another point Onora raises is whether children have any duties and responsibilities. The concern is that with autonomy rights children will have extended liberties, which implies treating them like adults or giving them freedom from parental control. It is fair to ask

whether with so much liberty there would equally be responsibility taken by children for their actions. Bainham (2005 p.113) points out that English law is silent on this point whereas many other jurisdictions are quite explicit on this matter. It is interesting to note that the Children's Act of Ghana, 1998 is also silent on this. Some may argue that since custom demands duty from children, to include that in statute books would amount to overemphasising the obvious which only makes it more burdensome for children who are already overburdened with work as demanded by custom and tradition. It is however, noteworthy that western liberal practices are gaining acceptance in other cultural strongholds such as Africa. It is therefore not surprising that the globalization of law has so influenced Ghana's Children's Act, 1998 so that duties and responsibilities of the child which are a fundamental part of local notions and customary practice have been completely neglected. A difficulty that arises here is the inability of local people to claim ownership of this law which is meant to protect them. According to the CRC

“State parties shall respect the responsibilities, rights and duties of parents or where applicable the members of the extended family or community as provided by local custom, legal guardians or persons legally responsible for the child to provide in the manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized by the convention.” (Article 5)

The African Child Charter deals with the duties and responsibilities of the child, an area conspicuously missing from the CRC. This is the African cultural fingerprint of the children's rights debate (Ncube, 1998). Thus children do not only have entitlements but obligations according to African traditions. Pursuant to this conception, the Article 31 of the African Child Charter provides that

“Every child shall have responsibilities towards his family and society, the state and other legally recognised communities and the international. The child subject to his age and ability and such limitations as may be contained in the present charter shall have the duty;

- a. to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need
- b. to serve his national community by placing his physical and intellectual abilities at its service;
- c. to preserve and strengthen social and national solidarity;
- d. to preserve and strengthen African cultural values in its relations with other members of the society, in the spirit of tolerance, dialogue and consultation and to contribute to the moral well being of society;
- e. to preserve and strengthen the independence and integrity of his country;
- f. to contribute to the best of his abilities at all times and at all levels to the promotion and achievement of African unity”

Discussions on Children’s Rights gained prominence again in the 1950’s nearly 35 years after the Geneva declaration (Freeman, 1997p. 49). This surge in interest in children’s rights led to the UN Declaration of the Rights of the Child on November 20, 1959. There was an expansion of the Geneva Declaration to cover such areas as discrimination, the right to a name and nationality and entitlement to free and compulsory education. Freeman (1997, p.49) argues that considerable insight is gained into attitudes towards children’s rights in the late 1950’s before civil rights issues became rampant. A French Delegation to the Commission on Human Rights in 1959 indicated their belief that children were not in a position to exercise their own rights (ibid.). Iraq also argued that children’s rights posed particular problems for Third World countries which did not have the means, for example, to implement compulsory education. Communist and capitalist ideologies also influenced attitudes towards children’s rights. While the communists saw

the primary responsibility for the child to rest with the state, capitalists saw it to be that of the parents (ibid p.49).

The UN Convention of the Rights of the child is a set of universally agreed standards for the protection of children around the world. It can be divided into several parts for the basis of implementation (www.unicef.org). These parts are Articles (4, 42, 44 paragraph 6), definition of the child, best interests, survival and development, rights to participation are also found in Articles (1, 2, 3, 6 and 12), Articles 2, 3, 6 and 12 also serve as the Convention's guiding principles. Some rights fall into the category of civil rights and freedoms; these are dealt with in Articles (7, 8, 13 to 17 and 37a) addressing the issues such as the right to a name, identity, nationality and so on. The cluster of laws dealing with family environment and alternative care are in Articles (5, 9, 10 and 18) dealing with the rights and responsibilities of parents. Also in Articles (5, 9, 10 and 21) it further deals with the participation of children in decision making in the family while personal integrity is dealt with Article (19 and 39), separation of child from parents and placement (9, 10, 11, 20, 21, 25 and 27) Articles (5, 9, 10 and 18, basic health and welfare, education, leisure and cultural activities and special protection measures. Basic health and welfare are dealt with in Articles (6 paragraph 2, 18 paragraph 3, articles 23, 24, 26 and 27 paragraph 1, 2 and 3). Education, leisure and cultural activities are dealt with in Article 28, Article 29 and Article 31. Special protection is also provided for children in special circumstances such as situations of emergency in Article 22, Article 38 and Article 39; children in conflict with the law is dealt with in Article 37 (a, b, c and d), Article 39 and Article 40; children in situations of exploitation including physical and psychological recovery and social integration are dealt with in Article 352, Article 33, Article 34, Article 35, Article 36 and Article 39.

10 years after it was adopted the CRC had gained near universal ratification with reports that out of the countries in the UN system, only two, the United States and Somalia had not ratified it.³⁷ To realise its goal, the CRC has a monitoring system to keep track of states that have ratified the Convention in order to ensure there is effective

³⁷ http://www.unicef.org/media/media_11950.html

implementation. UNICEF has indicated that at the centre of the monitoring of States implementing this Convention is the Committee of the Rights of the Child, an elected committee of international experts. It was set up in accordance with article 43 in 1991. To this committee, a report must be submitted regularly detailing the national situation on children's rights for careful examination³⁸. This was an effort on the part of the UN to ensure that the ideals outlined in the Convention were realizable and not mere dreams.

In 1999, the ILO again proposed and adopted Convention 182 which is the Convention on the Worst Forms of Child Labour. This convention acknowledges that child labour is caused mainly by conditions such as poverty and deprivation. It is impossible to wish away child labour by mere legislation, however, the adoption of a convention that targets the worst forms of child labour is an important step towards tackling it. "Increasing global concern for child labour is part of a global trend in children's rights"

The UN Declaration on the Rights of a Child, 1959 expanded further the ideals of the Geneva Declaration, maintaining a welfare/protection and investment motive. It was however, a period when child autonomy was not recognized and the child's view considered unimportant, neither was the concept of empowerment appreciated. Quite interestingly the conscience of society about the evils of discrimination had begun to grow rapidly after the 1959 Declaration of the Rights of the Child. This included discrimination against blacks and other ethnic minority groups, women and others (Freeman, 1997 p.51). The period from 1970 saw a growth in the child liberation movement which was spearheaded by Holt and Farson (cited in Freeman 1997 p.51). They outlined their views as follows;

- The child's right to exercise choice in his living arrangements.
- The right to information that is accessible to adults.
- The right to choose belief systems including educating oneself.
- A right to sexual freedom
- A right to economic power including the right to work

³⁸ (www.unicef.org/crc/monitoring.htm)

- A right to political power including the power to vote
- A right to responsive design
- A right to freedom from physical punishment
- A right to justice (Freeman, 1997 p. 51)

Without any doubt the views expressed by Holt and Farson can be classified as extreme and child rights advocates have not been keen to engage with them. Notwithstanding these extreme views, it is imperative that the autonomy message they try to convey is acknowledged. The momentum gathered by their ideas did not end there, in fact it equipped western countries with the tools to appreciate the new emerging ideas of children's rights and other related issues. By 1978, a proposal had been made by Poland for a Convention to mark the International Year of the Child (Freeman, 1997 p.53). After much discussion an agreement was reached culminating in the adoption of the Convention on the Rights of the Child, 1989. This document had gone through a process of ten years of work through negotiation among governments, intergovernmental organizations and non-governmental organizations. The areas of contention during these ten long years were;

- a) Freedom of thought, conscience and religion (an area of concern for Islamic countries)
- b) Inter-country adoption (Latin American countries expressed concerns)
- c) The rights of the unborn child (There were splits along the lines of religion and between more developed and developing countries on population policy)
- d) Traditional practices (African raise concern)
- e) Duties of children (raised by some African countries) (ibid p.53)

The five areas of contention were a test case for resolving differences in cultural and religious conflicts through compromise and incorporation of minority views into the final text.

Children's rights has come a long way now, bringing to the fore many concepts and ideas which have challenged our imagination a lot. Though many countries from around the world made significant contributions towards the final document of the CRC, the reality is that individual countries now have to deal with the concepts that the CRC has brought in its wake including that of the concept of the best interest of the child.

The coming into force of the Convention on the Rights of the Child has brought in its wake the concept of the best interest of the child which seems to be its hallmark. According to Article 3 (1): In all actions concerning children, whether undertaken by public or private welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration. In this section, I shall attempt to look at ways in which this article is understood and practiced in peculiar cultural settings. Children are vulnerable and dependent on others, especially their families due to their ages. To understand their interests and rights I would like to reiterate with Letuka, (1998, p.203) that the context of the family must be taken into account. Customary law prevails in many countries like Ghana or Lesotho where customary practice requires that children work to support the family, a practice that has generated a lot of cases of child labour. In her research, Letuka, (p.209) found that children who worked as herd boys observed that work could be too much, leaving less time to play. Girls expressed similar sentiments about their work indicating that work could sometimes be too demanding.

It is the family unit that presumably protects the child and determines what the best interest of the child is but the interpretation of the best interest of the child is a very subjective concept. In most cases child labour is seen as essential for the survival of the family. For instance, a girl might be required to take responsibility for all household chores in order to free her mother to go and sell her labour for the much needed family income, though small, to provide for the girl and her siblings (Letuka 1998, p.212-213). This is done in the girl's best interest but not in isolation from the best interest of the rest of the family.

An important role played by the family is to educate and socialise the children to help them take up their roles as adult members of the family and society as a whole. Child work is therefore looked at in a very positive way because it is in the best interest of the child. However, some research has shown that work is often too hard for children; however, it is seen also as a tool for preparing children to be tough adults later on in life (Letuka, 1998 p.218).

Debates about children's rights were initially concerned with whether children had rights like all human beings, and what this entailed. The debate later shifted to kinds of rights and particularly the autonomy rights which is currently the point reached by western nations. In *Gillick vrs West Norfolk and Wisbech Area Health Authority* decision, 1986, in the United Kingdom, a child had to undergo medical treatment and required parental consent to enable the doctor to carry out treatment. A court ruling by Lord Scarman indicated that the parental right to determine whether a minor child below sixteen years of age should have medical treatment terminated when the child was sufficiently intelligent to understand the medical treatment being proposed³⁹. This decision highlights the concerns about children's rights in western developed countries which are different from concerns about children's rights in Ghana and Africa as a whole where the concerns are more developmental, in line with Eekelaar's interest theory on developmental and basic interests. Basic rights are covered through the provision of shelter, nutrition, basic healthcare and parental care, but there are many children in poor developing countries that are unable to enjoy these rights. Developmental rights, which seem to be an expanded form of basic rights, but which according to Eekelaar, are provided not only by parents but by the wider community. Ghana and indeed many African countries are still contending with extreme poverty, war and poor governance (Bass 2004 p.48). It is estimated that one third of the total population of Ghana live in extreme poverty (GoG/UNICEF 2002 p.31). Marzouki⁴⁰ asks whether in view of the situation it is right to talk about children's rights in Africa. He expresses doubts about the implementation of these policies and suggests that perhaps the African Charter on the Rights and Welfare of

³⁹ (Psychiatric Bulletin 2000)

⁴⁰ <http://www.achr.nu/stu.en1.htm>

the Child should perhaps read, not every child has a right to education, rest and leisure, protection against sexual exploitation and so on in Africa. It is obvious a charter with such wording will be rejected outright; however they are a reflection of the realities of a vast majority of children in Africa. It is fair to say that the rights outlined for children are ideals that states which have ratified the CRC aspire to realize rather than an indication of what their reality is.

Do African's and Ghanaians in particular speak the language of rights? Is it part of their psyche and culture to consider children as rights bearing individuals? A distinctive contribution to the children's rights debate from Africa is evident in the African Child Charter (Article 31) which deals with the responsibilities of the child. O'neil (1988, p.445) somewhat reiterates this view when she argues that it is important to construct genuine obligations. She argues that obligations specify who is bound and has a duty and to whom the duty or obligation is owed.

“... the specified acts required to fulfil the obligation that teachers or parents may have to children in their charge depend on the specific definitions of their roles in a given society. Such roles and practices and their component obligations and rights are open to criticism and justification in terms of fundamental obligations and rights.” (p.448)

O'Neil indicates that a constructive account of obligations has theoretical advantages which will elude a constructivist account of rights, although rights based approaches sometimes have fundamental obligations that are not available to the obligations approach. Without going into the merits of her arguments it is imperative to highlight some of the disagreements expressed by Freeman. He raises the point O'Neill tries to make about the political advantages of a rights approach by indicating that while he can envisage a children's movement, O'Neill could not (Freeman, 1997 p.26). There are prototypes in existence already as Freeman indicated. Freeman also contends that he does not think children's dependence on others is quite as different from other oppressed groups as O'Neill would have us believe. In fact he thinks that many children have enough competence to be independent in many ways. Most importantly, Freeman (1997)

explains that if we cared about children's lives there are good reasons not to base our arguments on rights but rather we would look to improve children's lives by identifying obligations parents and teachers and indeed the wider community have towards children (ibid p.18). The rights approach to child labour evokes many other conceptual issues which are evident in the CRC and African Child Charter as well as various national Children's Acts such as the Children's Act of Ghana, 1998 and Children's Charter of South Africa, 1992.

To achieve rights based development in Africa, Siobhan Laird's (2005, p.460) idea of awareness raising and advocacy on children's rights as essential tools for implementing UNICEF's agenda is crucial. Importantly she acknowledges the difficulty in using this approach because of the indigenous conceptualizations of rights embedded in a distinctive notion of community. Siobhan Laird posits that there is a moral economy that operates on the grounds of reciprocity which serves as social insurance and a safety net for the community (ibid p.460). This rather important arrangement, although informal, imposes on members of the community including children, duties to work towards the well being of the community.

“Everywhere in the Convention are obligations of the state and parents articulated, but nowhere are children characterized as having duties correlative to their rights. The absence of such duties is tremendously problematic for societies whose notion of rights is founded on interdependence and reciprocity” (Laird, 2005 p.460).

Child protection is not achieved internationally merely through a rights agenda. A strong sense of duty both by the family, community and the state is absolutely essential for effective implementation. A sense of duty is absolutely essential because effective implementation is possible when the state is in a position to take responsibility for the upkeep of a child whose family either intentionally or due to circumstances beyond his control is unable to support him or her. African states tend to be weak and lame leviathans (Bevan 2004 p.98) and as a result they have often not had the wherewithal to implement human rights meaningfully. What is more meaningful in the African context,

to say that children have rights or to suggest that they must have rights? While the principle is universally accepted, the reality seems implausible. Do Ghanaians and other Africans traditionally speak the language of rights? At the national and official level it is obvious that the language of rights is indeed spoken. However, the same cannot be said at the local and traditional level because of a yawning gap between aspirational rights and positive rights which makes the idea of universal rights rather superficial (Ncube, 1998 p.2).

2.3 Universalism and Cultural Relativism

In view of all the controversy surrounding human rights as a fundamentally universal concept or as a cultural relativist concept the rights of the child must be considered with caution. If all human beings are treated as individuals with rights, what about children? Have children rights like all other persons by virtue of the fact that they are also human? Even more importantly, is there anything like universal rights for children given that such concepts as childhood vary with different cultures and people. These questions and many more arise because the adoption of the UN Convention of the Rights of the Child, 1989 marks a significant step in the rights debate, as children's rights with all its connotations had become a globalised concept. Currently, the globalised notion of children's rights and the near universal ratification of the CRC indicates a general acceptance among nation states that indeed children have rights in principle.

The case for universal human rights is made by Ishay and Monshpouri (cited in Leonard, 2006 p.151). According to Leonard while Ishay maps out the evolution of human rights as an idea, Monshipouri focuses on the contemporary construct of human rights. In reviewing their work, Leonard writes that "If one accepts the fact that human rights are universal in nature, it becomes imperative that you describe how this phenomenon came to exist" (ibid p.154) In particular, Leonard asks; How does one know what rights are universal? He also asks about their origin and how much change has occurred. He explains that in natural law theory rights are naturally occurring simply because of innate

humanness and also universal because of our common humanity (ibid p.155). Rights are also universal because of positive law. Here he explains that this is predicated on a positivistic tradition that holds on to an intersubjective ideal which must be accepted and codified at the international level by the global community. These must gain acceptance in order to become universal law. Though firm in their conviction of the existence of a set of universal human rights Leonard notes that Ishay in particular admits in conclusion that universal human rights may not really exist (ibid p.158).

The history of liberalism has a close association with human rights. Fagan (2006 p.194) identifies human rights as a theme that runs through liberal philosophy which upholds the concept of the individual on the basis of equality. Fagan notes that liberals were criticized for propagating a false concept of the individual which was an absurd conception of individuals who were subject to political authority (ibid p.194). However, it is becoming increasingly clear even to liberals that culture and religion cannot be ignored anymore. Human rights theory is therefore beginning to engage with the reality of culture as an ontological domain. In a review of De Martino's "Global Economy, Global Justice; Theoretical Objections and Policy Alternatives to Neoliberalism" Richard McIntyre (2003 p.1) also points to the human rights revolution that has been driven largely by individualism which is the foundation of liberal economics. McIntyre (2003 p.3) also contends that neo-classicals deeply celebrate individualism which depends on market behaviour. He explains that in economics the market is left to its own devices and the individual is a free consumer of choice. In his view the operation of the free market however leads to a distribution whereby everyone is rewarded according to what they have contributed and suggests that an individual is made better off because someone else is made worse off. The influence of liberal philosophy on the rule of law and freedom of the individual as explained suggests little regard for difference and the concerns and interests of "the other." It seems to imply that because of our common humanity and common origin there is no need to pay attention to cultural differences.

An important point raised by Fagan (2006 p.196) is that at the heart of human rights is the concept of community and as he states "we fellow human beings possess human

rights, if we possess them at all, not by virtue of our membership of some specifically privileged class or caste but by virtue of biological fraternity.” Thus each and every human being at least in theory has a valid claim for the possession of human rights. In Fagan’s view again we are limited by the idea of community which does not recognize any ethically significant cultural or national distinctions. This vision of community supports the idea of globalization and universal human rights as differences in culture, beliefs and practices have all faded into insignificance. Is it possible that a growing sense of culture and relativism would ruin universalism of human rights? It is feared giving credence and recognition to culture jeopardizes any justification for human rights because human rights exclude any consideration that divides the universal moral community into separate and distinct cultural identities (Fagan 2006 p.197).

The liberal models of human rights often exalts the individual at the expense of the group (Eckert 2002, p.1), however, overemphasis on the equality of the individual is harmful to the well being of cultural groups. Liberalism also, drives the globalization of human rights on the basis of our common good and drives the production, distribution and consumption of cultural goods. These cultural goods are often limited to artifacts, music and art forms that are appropriated for the global market. Eckert posits that cultural relativists reject the application of universal human rights standards because they view it as a form of Western imperialism (ibid p.2).

The adoption of the Declaration of the Rights of the Child, 1948 by the United Nations marked the turning point in the human rights movement. Human rights became a global issue with international human rights law taking centre stage even though it is considerably criticized for being laden with western ideas. Cohen (1989 p1015.) for example declares

"The Universal Declaration of Human Rights emphasises the Western tradition of individual human rights, which asserts that persons must be protected against arbitrary use of power by the state to limit their freedom of expression, and asserts their rights to safety and security of persons and ideas."

Cohen therefore goes on to add that as an example, the African Charter on Human and Peoples' Rights affirms the virtues of [the African] historical tradition and the values of African civilization which should inspire and characterize the concept of people's rights (P.1015). The argument here is that collectivities have rights which vary from one culture to another and in relation to individuals. In Cohen's opinion therefore collectivities should be given much more prominence than they have been given in the Universal Declaration of Human Rights as demonstrated in Article 31 (b) the African Charter.

"Consequently, the empowerment of states to accomplish goals of human betterment and the public good, above and beyond the protection of the individual is claimed to be a justifiable feature of African concepts of human rights, given the moral validity of relativist perspectives." (Cohen 1989, p.1015)

Cultural relativists argue that values vary according to particular cultural contexts and because human rights concepts as we have them today developed in Western contexts they cannot be called or described as universal. Advocates of the relativist school argue that rights and rules about morality are coded in particular cultural notions of right and wrong and the moral rules vary from country to country (Steiner and Alston, 1996, p.192). Cultural relativists therefore see the use of the term universal as a form of cultural imperialism of the West (Eckert 2002, p2). Universalism is at best going to destroy cultural diversity, however, the African position has been criticized as a sophist rationale for unfettered state power claiming the right to rule by expounding good values and intentions and strangely assuming the right to suppress opposition because of what has been called its 'African heritage.'

Shih (2002, p.13) takes the universalism – cultural relativism debate a step further when he acknowledges the hegemony of universal human rights and adds that universalism here has been challenged on the grounds that it has been accused of representing a form of cultural imperialism. He notes that a common accusation leveled at cultural relativists is that they use the relativist argument to legitimize political suppression. It may be argued that even in African societies there is traditionally a sense of collective rights

which takes precedence over social and economic rights which in turn precedes civil and political rights. In seeking to protect cultural beliefs and practice there is a danger that the integrity of global human rights standards will be compromised (Eckert 2002, p.2). It is therefore important that cultural norms and beliefs are preserved while upholding the universally recognized human rights of individuals of particular cultural groups. It must also be admitted that although Western conceptualization of human rights and its universalist agenda presents a problem of implementation for Africa it still has relevance for Africa. Baah argues that there are indeed African practices that are contrary to the Universal Declaration of Human Rights (UDHR) are a result of ignorance and poverty but particularly blames African leaders for greed and authoritarian rule and the African Union (AU) for not being forthright in condemning human rights violators (Magnarella 2001, p.25). In Senegal and the Gambia children's begging as service in exchange for quranic education is a religious practice contrary to the idea of universal human rights (Bass 2004, p.25).

Human rights implementation has proved difficult in Africa, it therefore comes as no surprise that children's rights is proving even more difficult. As a result the adoption of an African Charter on Children's Rights has been described by Thompson as a revolution and departure from African cultural traditionalism, and political thinking on the ideal of human rights for Africa (Thompson, 1992 p.443). The problem here is that the idea of human rights from above has not trickled down below. Additionally, the issues of poverty and deprivation make the language of rights from the individualist perspective irrelevant to the ordinary African. In order for the state in Africa to implement its idea of children's rights successfully there must be improved economic conditions so that families could improve their standard of living without relying on children (Letuka, 1998 p.224).

It is important to understand that because of the plural legal context in which children grow up in Africa, the definition of childhood is also somewhat open to wide interpretation. While on the one hand statute defines childhood in Ghana, under customary law childhood is defined by practice. Notions of childhood in the context of

Africa have therefore been influenced by globalization, through the interplay of universal human rights and localization through the influence of cultural relativist realities.

2.4 Notions of Childhood

James and James (2004 p.14) define childhood as the structural site that is occupied by children as a collectivity. They also note Van Bueren's suggestion that the development of international laws focusing on children reflects the evolution of the concept of childhood which has occurred since the beginning of the twentieth century (James and James 2004, p.78). Liebel (2004) describes it as a western pattern of childhood that developed in industrial societies of Europe from the eighteenth century onwards. This western pattern of childhood is the unspoken basis of policy of international organizations such as UNICEF and ILO (ibid.). A look at international law today tells us what the prevailing notions of childhood are.

Nearly all children's rights laws have taken a cue from the CRC and in line with it define a child to be anyone below the age of 18.

“For the purpose of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.”
(CRC; article 1)

“For the purpose of this charter a child means every human being below the age of 18.”
(African Child Charter; article 2)

“For the purposes of this Act, a child is a person below the age of eighteen years”
[Children's Act of Ghana, 1998 Sub Part 1(1)].

The age 18 years has become a sort of arbitrary age used to indicate maturity. It gives the impression that as soon as a person reaches the age of 18, a transformation occurs

initiating a child into adulthood. The underlying philosophy is that a child under the age of 18 is in need of protection and the big unarticulated assumption is that at 18 a person would have had extensive life experience to acquire a level of maturity which broadly enables them to enter into the world of legally and socially autonomous individuals who do not need any special protection offered by the constitution. Such a transformation from childhood to adulthood means the rights context changes from that of children's to adults therefore all children's rights enjoyed would be given up immediately. The thought of a child being suddenly transformed into a fully competent, wise and mature adult by the stroke of a pen seems unrealistic. In reality the child goes through stages of increasing competences that enable him/her to take on more and more responsibilities.

The CRC attempts to counteract this impression of arbitrariness in article 5 and article 14. It states;

“.....legal guardians or other persons legally responsible for the child, to provide in a manner consistent in the evolving capacities with the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present convention.” (CRC, 1989; Article 5)

“State Parties shall respect the rights and duties of the parents and where applicable, legal guardians to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child” (CRC, 1989; Article 14)

The above articles are indications of the recognition given to evolving capacities of the child rather than a onetime event. The issue of age and adulthood is a complicated matter especially in the African context. Armstrong (1998 p.131) writes about sexual abuse of girls in Zimbabwe and unravels the mystery surrounding age in the African plural legal cultural context. In her claim she points out “when an individual acquires sufficient majority to understand the nature of her actions – 16 years according to Zimbabwean law – she is deemed old enough to consent to sexual intercourse” (ibid p. 131). She argues further that customary law deals with age differently. Consent in the customary setting is

therefore the prerogative of the family and not the child. Under customary law then there is no such thing as age of majority because the family makes that decision. Unlike state law which may consider a 12 year old incapable of consent to marriage, it appears perfectly valid for a child of the same age under customary law to be given in marriage as long as the family consents. Even at 18 years of age while state law may consider a child to be capable of consenting to marriage, customary law still places that decision in the hands of the family without significance given to the child's consent. Childhood is therefore that period of time in the modern era when individuals who fall within a certain age category are considered to bear certain characteristics and need to be protected by the law. As illustrated in the international conventions the prevailing notions of childhood have largely determined the tone and direction of child legislation. The question then is, have we always had these prevailing liberal notions? What were the notions in the past and how did we get to this point? I shall endeavour to uncover some of the historical developments in conceptualizing childhood.

Reference is made to John Locke's earlier contribution to thoughts on childhood (Archard, 1993 p.1: James and James 2004 p.12, Gaffield and West 1978 p.4). Locke's philosophy stems from his idea that children are good. He argues further that children are born with blank minds that will only be filled up with knowledge through experience that is acquired gradually. This could be achieved through education. Education equips the child with virtues that would enable the child to subject his/her appetites to self-control. A child who benefits from such education would therefore be able to act reasonably.

According to Archard, Locke's ideas depict children as not yet fully rational, until they attain adulthood (Archard, 1993 p.2). The process of acquiring knowledge is a characteristic of human development that starts from birth to maturity, the point at which humans become fully rational. Archard explains further that it is the absence of reason that disqualifies children from citizenship but at the same time warrants their subjection to their parents (p.2). Thus far, the argument of Locke raises many questions. Archard points out that these questions are on the acquisition of knowledge and the nature of the mind of a child, its implication for education of children who hitherto were described by

Locke as unreasonable. On the other hand those who disagree with Locke and argue that children are rational beings have to explain why parents have authority over them? No matter how well the tensions in Locke's philosophy are explained, his views have been described as "a liberal one, gesturing towards what might be described as a modern theory of justified parenting" (ibid.)

In discussing the concept of childhood, reference is often made to the contribution of Aries (Ncube, 1998 p.11; Archard 1993, p.15). His work, *L'enfant et la vie familiale sous l'ancien regime*, has been translated as *Centuries of Childhood* and is a very influential piece of work. Arie's mission was to make his readers aware that childhood had a history and also that childhood varied from one culture to the other and from one epoch to another.

Drawing from the contributions of Locke and Aries, Archard also outlines his conception of childhood (Archard, 1993 p.24-28). The first he calls the boundary of childhood. He argues that the boundary deals with when childhood actually ends but obviously has reference to when it begins. The main concern here is how childhood is distinguished from adulthood. He doesn't fix an upper age limit but rather acknowledges that the age of majority varies according to the culture determining it.

Archard's conception of childhood is also based on dimension. The point he makes here is that childhood is understood from different angles which include the moral and juridical perspectives from which persons may be judged. From a political angle, children by virtue of their immaturity are thought unable to contribute towards and participate in the running of the community. A point is marked by puberty when a child is able to procreate and or is capable of sustaining himself/herself. Notably, a child as may be defined juridically is not the same as a child as may be seen from the point of view of reproductive capacity. So agreeably dimensions of childhood needn't converge at an agreed period of human life. A child according to Archard, could therefore be said to enjoy different childhoods of different lengths according to the aspects under which childhood is regarded (ibid p.25).

Archard lastly argues that the conceptions of childhood can differ according to the subdivisions of the various periods from birth to adulthood. Infancy is one of these subdivisions and it is characterised by vulnerability and dependence on adults (ibid p.26). However, non-western cultures attach great significance to weaning as the period marking the limits of infancy (ibid). The other sub-division is the period of adolescence. This is an important period because the child at this time would be at the threshold of adulthood.

Archard also explains what he calls the modern conception of childhood, which he calls separateness (ibid p.29-41). The nature of children is separate, setting them apart from adults. By this he meant, they never work nor play alongside adults neither do they partake in the adult world of law and politics. They are therefore innocent where the adult is knowing. Children in non-western cultures are seen as different from adults in far less dramatic fashion than the modern conception. The modern conception of the child is construed as persons who play, while work, which for adults, is the opposite of play. In non-western societies, work and play are not sharply separated especially with regards to children. Even though children are allowed to work, they are not denied the opportunity to play altogether.

Allison and Adrian James (2004) make an important contribution to the conception of childhood. In their view childhood denotes a generational space located in time and characterized by constant change and shaped by the laws, policies and practice. Childhood is reinforced through various changes to re-establish adult authority and keeps children under control. They point out that notwithstanding the imposing structure of adult authority they are still individuals and dare to assert their individuality from time to time (ibid p.5). Quite importantly they note a cultural politics of childhood with various cultural determinants which a child is assigned to. Important factors of the cultural determinants are the family structure, nature of kin and gender relations, structure of the school system, conceptions of the educational process and the child's health, welfare, secular or religious discourses about what children are or should be and the economic and

political conditions that underpin this (James and James, 2004 p. 6 -7). They point out that these factors could exclude them from the world of adult work and confine them to the classroom.

In theorizing childhood James et al (1998) also chart a course through time identifying the presociological and sociological conceptions and realities of childhood. They succeed in establishing various notions of childhood in space and time. These notions include the notion of the evil child which presented the child as a target of social control in order to tame his/her adventurous tendencies (ibid p.10) and the socially constructed child which freed the child at least from biological determinism. They note also that childhood is a social space where children as a group possess the least power in Western societies. They note that childhood is romanticized when discussing child work and children are exempt from work and confined to schooling (ibid 102). Schooling is preparation for work and what children do there is dealt with in the sociology of education and not sociology of work. The crucial point here is that considering the level of sophistication achieved in discussions of what constitutes work, it is surprising that what children do in school is not considered in sociology of work (ibid).

Cunningham (1998, p.1200) constructs a conception of childhood based on Calvert's exposition on child rearing in the seventeenth and eighteenth centuries. Cunningham concludes that 'swaddling clothes and walking stools' both had the purpose of getting children upright. Childhood was seen as a stage of life to be passed through very rapidly. However the conception of childhood seemed to change phenomenally when in the eighteenth century parents were advised to allow their children to grow at their own pace. This change in notion of childhood was accompanied by a change in clothes and furniture or better still in 'material culture' particularly among the middle classes. Cunningham points out that the use of 'material culture' was an important means of studying childhood in the absence of written records (Cunningham, 1998 p. 1200). The use of material culture illustrated the gender differences in childhood expectations. Cunningham also infers from Calvert's work that historians were beginning to discover the beginnings of the commercialisation of childhood through the making of toys and the shaping of

gender (ibid p. 1200). Dolls were homemade toys which taught skills valuable for the domestic economy. This home industry that was run by females lost out to a male dominated mechanised industry. Gender difference is even more carefully illustrated. According to Cunningham (ibid p.1202), girl's clothes and hairstyles were scaled-down versions of adult women. The gender difference in notions of childhood is reiterated by Chirwa (1993, p.665). In his understanding, this difference was clearly seen in the division of labour in the traditional economy. Girls were involved in household chores more than boys were but this situation also meant boys were available for wage employment.

An aspect of childhood known as domesticity (Ennew, 1995 p.202) also denotes the construction of childhood within a family, society or specifically within a dwelling place. The view that childhood implies vulnerability and danger in the world outside the family has made the world outside, the geography and the community and communal spirit alien to childhood. Children who are caught in the world outside the confines and protective arm of the family are outside childhood and outside society. That protective arm of the family in the context of Africa does not suggest that children are too delicate to face up to the rigors of life. Lairds's (2005, p.462) argument suggests that childhood is constructed within a moral economy which is not exclusive to households in the community but also within kinship groups. Here the pervasiveness of deprivation and the coping strategy of mutual reliance and reciprocity requires a form of social organization which does not exempt children from work.

2.5 Childhood in an African setting

It is claimed that Ghanaian society traditionally cherishes children and places a high social value on their advancement (Mends 1994, p.3). Apt van Ham et al (1994 p.28) also add that traditional culture does not tolerate waywardness of children and frowns on adults who disregard the welfare of children. This is a rather romanticized view of the African child. In reality, childhood in the African cultural context is conceptualized in

terms of intergenerational responsibilities and duties of the child, which means that the child has the responsibility of supporting his/her parents in old age and in times of need, failure of which incurs the displeasure of ancestors whom the child is socialized to have faith in (ibid p.18). Customary law however dictates that a child is entitled to maintenance from his father, not as a debt the father owes the child but an imposition by customary law on the father on the basis that child bearing and responsibility go hand in hand (Yeboa 1994, p.66). Nevertheless, the child is in many ways a resource in a multiplicity of ways (ibid p.21), although modern social and economic changes have eroded some of the traditional welfare security arrangements. Traditionally, children learn to support their parents at all times, and when they grow up to be parents as well, they are supported by their own offspring (Rwezaura 1998 p.79). Support in the form of caring for the elderly, for example, provided a form of security in the absence of other forms of social security. Some of the social and economic changes that have eroded these arrangements are rural – urban migration (Beauchemin 1999) and economic decline (GoG/UNICEF 2002), among other things have disrupted the traditional welfare system.

Another aspect of childhood in the African context is the idea of internalized and rigorously enforced obedience (p.19). The child is therefore socialized to respect all his/her elders. Traditional forms of welfare have over time been eroded because of what Apt van Ham et al. (1994 p.28) have described as social transformations caused by outside influences and poverty. The role of the extended family cannot also be ignored because in many cases where both parents are not living together, the role of the extended family in the socialization of the child is very significant. This role is performed either in a formal or informal capacity⁴¹. The involvement of the extended family and the community in the upkeep of the child seems to suggest responsibility for children is rather diffused, not solely the parent's. In the African Charter of the Rights and Welfare of the Child it is actually acknowledged that children have a responsibility towards the community and larger society and not just to the parents of the child.

⁴¹ Nukunya refers to formal arrangements where the extended family performs a socializing role as fostering (Nukunya 1992 p.49).

Mends (1994 p.4) has argued that the social evaluation of children is not accompanied by socially generated rational decisions that would facilitate sustained development and survival of children. Traditional society therefore does not provide an environment that would safeguard and protect children. It would be assumed, for example, that the family in traditional society is the unit of society that provides all the safeguards necessary for the child's upbringing, however, as Ampofo (1994 p.18) posits, the presence of certain legal enactments such as the Maintenance of Children Decree 1977, which lays on parents the duty to maintain a child or contribute towards the maintenance of a child, is a good indication of the fact that at least the state does not take for granted that parents will without legal obligation discharge their duty.

A significant change in childhood today is in power relations and authority structure of families. It would be assumed that childhood is a stage in life when individuals are not expected to be heard but seen, and must take instructions because they are in a period of training and under the care and authority of adults. Section 11 of the Children's Act, 1998 states "No person shall deprive a child capable of forming views the right to express an opinion, to be listened to and to participate in decisions which affect his well being, the opinion of the child being given due weight in accordance with the age and maturity of the child." Ncube (1998 p.2) states "The fact that it is often the new educated generations who work and command better resources than their parents, particularly rural parents, has changed the family power map in favour of the youth and against the elders who hitherto depended on their general control of land and access to it for the power they wielded over their children." I hasten to add that it is not only the educated that are changing the power map in Ghana because working children who are earning wages and making contributions to the family finance are increasingly becoming independent especially when they migrated to the city. In a report on street children it was suggested that such children who returned home from the cities seemed to have lost respect for the elderly and disrespect for the village customs and traditions (Beauchemin, 1999 p.35).

Legal provisions are particularly important in ensuring that children are protected from the insecure regime of traditional practices, however, as Ampofo (1994p.24) notes "many

socioeconomic issues and pressures hindering the effective conversion of the bare legal rights of children into meaningful and material forms are presently still unresolved.”

A notable change is the growing urbanization and consumerist culture which have for example facilitated the phenomenon of streetism. Apt van Ham et al (1994 p.29) have indicated that this phenomenon has arisen directly as a result of the low economic status of the average Ghanaian family. Other reasons mentioned include gross lack of parental responsibility, absence of guidance and an over-permissive atmosphere at home (ibid).

Children in an African setting can be described as ‘Invisible Workers’ (Chirwa 1993, p.663). He acknowledges the difficulty in defining child labour and further argues that the commonest criteria in defining a child are

“chronological age as defined by law, institutional affiliation and collective behavioural pattern, as in the case of ‘school children’; socially and culturally defined life-phases such as order of parents’ birth, inheritance rights, and rites of passage; physical and mental development; and dependency on parental care”

According to Chirwa, life-phases are socially and culturally constructed and reflected in production relations with ‘senior’ members of the community in control the labour of their ‘juniors’. In many respects therefore child labour/child work was only a reflection of the socio-cultural milieu in which African children lived. Chirwa uses 14 years as the age limits for the definition of a child and 18 years to define youth, contending that his definition is based on biological and socio-cultural variables (ibid p.664). Beverly Grier (1994, p.32) also attempts to define the female child as the prepubescent female who was roughly 12 years old or younger. The girl was a child in the biological sense. Until she married, a girl was the legal dependent on her father and subject to his authority and control. This meant that a father could direct his girl child’s labour into farming and other productive activities. Furthermore he could compel her to marry the man of his choice. The situation is similar for a boy child. It was only after marriage that a boy was said to have attained majority in the legal sense. However many boys did not marry until 10 years or so after puberty (p.33). Broadly, a child could be defined in terms of age, status,

or dependence of a certain type. When using the term child, there is need to clarify whether in the particular case under discussion, the term refers to age, status, dependency of a certain type and the different meanings they might have for sex and kinship relations. Grier argues that in Western society there is so much heavy reliance upon chronological age that we tend to forget that it is not always the case. Western practice stems from the educational system, which is structured according to age groups, and this is a very reliable structure (ibid p.32).

Ncube, (1998 p.12) conceptualises childhood in the context of the African Child Charter and the Convention of the Rights of the Child. In his view, the family defines childhood. This he argues is recognised in the African Child Charter and the Convention on the Rights of the Child. He says, “it is tempting to simply conclude that the African Child Charter and the Convention complement each other in their conceptions of childhood and the rights of children which flow from such conceptions.” Yet he adds, rather quickly that behind the apparent harmony lie ideological and conceptual differences between these two documents.

The concept of childhood denotes that children require special protection. In his opinion, the international human rights approach portrays the child as special, precarious and weak stage in the development of the human being which requires special protection (p.15). Equally, themes such as the paternalistic concept of childhood, which portrays childhood as a time of training and also the idea that childhood is a time of innocence and purity.

Ncube expounds further on notions of childhood when he discusses the ‘African Cultural Fingerprint’ (ibid p. 17). He notes that the African Charter on Human and People’s Rights, outlines that children also have duties towards their families, society and state as provided in Article 31 of the African Child Charter. He posits that the child is expected to perform his duties to the family, which in Lesotho could result in child labour (Letuka 1998 p.218). In fact it is demanded of children that it is in their own interest to work.

Childhood is a period of dependence, a time when children according to Ncube (1998 p.24) depend on adults for a wide range of basics such as shelter, food, education and health. It is a period when children undergo training to prepare for adulthood and to equip them with the skills that would enable them to face up to the challenges of life. It is also argued that before the emergence of modern society the family in eastern and southern Africa was a home, a school, church and factory and as part of their training they played multiple roles and therein acquired the capacity to play their social roles (ibid p.21). These roles played by children meant that they were also part of the workforce that produced food for the subsistence of the family. Paradoxically while childhood is seen as a period of dependence it does not exclude children from responsibility as traditional African settings are characterized by a moral code through a system of intergenerational reciprocity. Dependence here does not exclude children from work; in fact, this system of reciprocity imposes on children the duty to support their parents, and when these children become older one day they can also rely on the support of their children. Rwezaura (1998 p.21) argues that the concept of the child being totally dependent on parents to be fed, clothed, educated and generally brought up is alien to the traditional African setting. This is plausible because due to the existence of intergenerational reciprocity, children feel a sense of responsibility towards the family and make useful contributions to the family, for example, through work. It is even suggested that parents first discharge their obligations in the early years, when their children are born, and as a result children are obligated to help their parents also as they grow older (ibid.). Where parents and the elderly in the family generally control land and other resources, the support of their children when they grow older could merit a reciprocal gesture of land and other resources being bequeathed to them.

Due the complexities of modern life in Africa the notion of childhood as a period of dependence is undergoing many challenges. Ncube (1998, p.24) notes that because of the requirements of the modern economy the training offered by the traditional family environment is inadequate to prepare children for adulthood and as such children are becoming dependent over a long period as their training goes beyond the legal period of childhood which ends at 18 years. This poses a great challenge because as parents invest

a lot more resources into raising their children, they are assuming a level of authority that affects negatively the capacity of children to assert their rights (p.23). It is also argued that because of the idea of reciprocity parents feel they are investing disproportionately into raising their children and therefore assert exclusive rights over them as children are spending a longer time in education. Childhood also connotes internalised, enforced and rigorous obedience. Ncube's argument here is that this idea of childhood is inconsistent with rights because if childhood means continuous obedience, it is unlikely that a child can stake a rights claim. Childhood also places the child under the authority of adults and obligates them to adults and family (p.19). In effect the family manages the socialisation and training of the child and in addition defines the tasks, traditions and customs which have to be complied with before childhood can be said to have come to an end (p.19). Traditionally, the attainment of majority is not determined by age but by the capacity to perform acts which are normally reserved for adults only (p.19).

Traditionally, children were expected to go through some initiation rites as and when they reached significant stages in their lives, a practice usually associated with the girl child. Of particular importance here is the transition from childhood to adulthood, a practice that recognizes the distinct physiological as well as sociological changes that have taken place (Sarpong 1974 p.71). Notable 'rites de passage' in Ghana are 'dipo' among the Krobo. This according to tradition transforms a girl into the status of womanhood (Adjaye 1999 p8). There is also the 'bragoro' among the Ashanti which performed once a girl has had her first menstrual cycle. This distinguished the childhood of a girl from that of a boy and removed any ambiguities in childhood roles if any existed. One of the challenges that girls in particular face in Ghana and most African countries is early marriage or betrothal to adult men especially after these ceremonies have been performed. In Ghana this situation has resulted in many girls leaving home rather prematurely in a bid to fend for themselves and to avoid any painful, humiliating traditions that are supposed to initiate them into adulthood. In the NGO report on the rights of the child to the UN, it stated

“Many girls are married off or betrothed, in spite of the legal age of marriage and sexual consent, a persistent cultural practice that is under-reported. Incidents of sexual abuse of children under age 16 are also very high” (NGO Coalition 2005 p.12)

Children generally grew up taking to the occupation of their parents and ultimately took their positions in the social order, following the long line of descent to which they in time also contributed (Mends 1994 p.4; Sarpong 1974 p.73). Generally, children in farming communities took up farming after their parents while children in fishing communities took up fishing (Nukunya 1992 p.96). Although the livelihoods of children was greatly influenced by the environment and the resources available in their regions, allowing specialization, it was not exclusively so. There were many variations which were peculiar to each child’s unique household/family. However, life in contemporary Africa is varied and complex the traditional family environment and its attendant conceptions of childhood are unable to offer the child adequate preparation for adulthood (Ncube 1998 p.24). African states such as Ghana have adopted the children’s rights agenda in a bid to forestall the insecure environment that many children are growing up in. This culminated in the promulgation of the Children’s Act in 1998.

The issue of survival for many children in Ghana means living in the streets fending for themselves in a bid to survive day to day by indulging in tasks such as prostitution, selling in the market, mining and stone chipping, which fieldwork data uncovered later in chapter 5. One phenomenon that has become a part of the lives of many African children in the modern world is warfare. It seems reasonable to expect that the end of the cold war would have brought an end to the tensions and wars that ravaged the world; however, the opposite seems to have happened. The 1990’s saw an intensification of the modern concept of civil wars, fought internally, within the boundaries of the state and between one or more insurgent groups and the state (Twum-Danso 2003 p.7). This phenomenon has particularly been experienced in countries such as Sierra Leone, Liberia, Rwanda, Congo, Angola and Mozambique. Instances have been reported when child soldiers have

been forced to show their loyalty to the military group they are recruited into by performing acts of cruelty to family, friends and adults. “One child soldier fighting for Charles Taylor’s National Patriotic Front (NFL) , was forced to bayonet his pregnant sister to show his loyalty to the force” (ibid). In Sierra Leone, it is reported that children affected by the atrocities meted out by the forces of the army and opposition were left wandering the countryside trying to find a safe place (African Recovery 2001, p.10). When destitute children found a safe place for example in a small town they were forced to join the army after some rudimentary training and were forced to commit atrocities such as kill or maim. According to Djibril Karim “You had to collaborate with the soldiers in that town in order to breathe” (ibid).

The western notion of childhood denotes a relatively secure welfare regime which guarantees state intervention through various social welfare arrangements. When studied closely for example, the Children’s Act 1989 of the UK upholds the principles of the UN CRC not by simply stating the rights of the child but by imposing on the state a duty to provide for the care and protection of the child whenever the family is unable to provide for whatever reason. This gives meaning to the claim that children have a right to education and shelter as demonstrated in the Article 17 of the Children’s Act, UK which states that it shall be the duty of every local authority to provide services for the welfare of the child. Article 20 also states, “every local authority shall provide accommodation for any child in need within their area ...” The Children’s Act in Ghana on the other hand does not make such provisions to secure the welfare of the child. Section 6(2) of the Children’s Act, Ghana for example states “every child has the right to life, dignity, respect, leisure, liberty, health, education and shelter from his parents.” There are no provisions imposing a duty on the state to ensure these rights are realized although a duty is imposed on parents. An environment where the state intervenes vividly to improve the plight of children helps promote the idea of children’s rights among its populace. In a country like Ghana, where the language of rights has no equivalents in the local dialects, it is more difficult to get the local populace to understand children’s rights when as

reiterated in Marzouki's⁴² postulation, children in Africa do not have a right to education....”.

2.6. Conclusion

This chapter examined the concept of child labour and the literature surrounding contending ideas that challenge it. It presented the history of ideas about child labour charting out the emergence of human rights as a universal standard, with particular emphasis on the emergence of children's rights as a theory driving the child labour agenda. Other areas tackled in this chapter were the contending ideas of universalism and particularism and the evolution of the notion of childhood vis-à-vis the global and local understanding of childhood. Notions of childhood are important here as they form the bedrock on which child labour and children's rights issues are debated. The chapter suggested that notions of childhood in Ghana are very different from those in the West which suggests that the application of Western concepts and laws on children in Ghana may be problematic. The next chapter therefore looks into how the problems of child labour are manifested in Ghana by discussing the types, causes and effects of child labour.

⁴²Find article at <http://www.achr.nu/>

Chapter 3 Child Labour in Ghana: Causes and Consequences

3.1 Child Labour in Ghana

Child labour in Ghana is not a new phenomenon, but its prevalence seems to be even very obvious because of the participation of children in the informal labour market especially in retail trade in cities across the country. The extent of child labour has given rise to much concern among government officials, policy makers and international actors in the field of development and social policy, as global concern for child labour has grown over the last two decades, particularly in Europe and North America, through the growing strength of the children's rights agenda. Concern in the west has particularly led to some action in the form of legislation (Harkin-Engel Protocol), protests, boycotts or the threat of boycotts, and aid conditionality. This heightened concern particularly among consumers, as argued in chapter 1, has for example, triggered protests, threats to boycott products from developing countries such as chocolates and cocoa products. These products are often major source(s) of urgently required foreign exchange for the state. Bank of Ghana estimates for April - June 2004 indicated, for example, cocoa dominated exports by contributing \$263.03 million from raw beans and \$13.29 million from semi-processed cocoa (BoG 2004 p.47). The main threat faced by Ghana is the possible boycott of cocoa and cocoa products which contributes a highly significant amount to state revenue. The government of Ghana therefore launched a Child Labour Survey, which was conducted in 2001 and published in 2003. It is the first ever such survey conducted in Ghana and indeed reveals much of the situation of child labour in the country. It was also conducted in the context of the Children's Act, 1998, a statutory document that makes child labour illegal and brings together all legal provisions concerning the welfare of the child from a perspective context and outlines punitive remedies for breach of the statutory duties that it imposes. The Children's Act also reflects the UN Convention on the Rights of the Child.

The Children's Act, 1998 reflects local notions but more importantly official thinking in Ghana, because while it reflects global notions of childhood and children's rights, it does

not reflect customary law and practice of the masses. It begins with the definition of a child in Section 1: “For the purposes of this Act, a child is a person below the age of 18.” The definition of a child may be open to many interpretations but following the line of the CRC, there are provisions to regulate and protect the child from exploitation in

s.89 “The minimum age for admission of a child in employment shall be fifteen years.”

s.90 (1) “The minimum age for the engagement of a child in light work shall be thirteen years.”

s.91 “The minimum age for the engagement of a person in hazardous work is eighteen years.

The definition of a child and various legal limitations of the age at which a child is permitted to work provide the framework for this study(s) of child labour to be conducted hence such studies as the Ghana Child Labour Survey (GCLS) by the Ghana Statistical Service (GSS). The survey generally estimates that although the majority of children in Ghana do not work, about half of rural children and one fifth of urban children work. Bass also states that generally 28% of children in Ghana work (2004 p.99). Most of the children involved in child labour are in the rural areas where agriculture takes place. A large majority of children also worked as unpaid family labour with a large number of them involved in farming and enterprise (GSS 2003 p.65; Canagarajah and Coulombe 1997 p.10)⁴³. The survey showed that only 5.8% of working children received payment above the minimum wage (GSS 2003, p.69). Usually, older child workers, especially those in the age bracket 15 – 17 years earn a relatively higher amount of money because there is a tendency for such older child workers to live independently outside the family home either in the same locality or in a different area.

⁴³ Often child labourers are unpaid family labour and as indicated in the survey a significant number of working children (88%) are unpaid family labour and apprentices (p.65).

In discussing child labour in Ghana it is worth mentioning that there are differences in understanding of the concepts that it evokes. The attempt by the state to conform to international norms and standards conflicts with local realities which pose a different challenge to local people who are compelled to adopt coping mechanisms to deal with their local situations. The local reality is that Ghana is a highly indebted African country, which as Laird (2005 p.458) notes, is unable to provide social services or social assistance to those suffering from a high level of unemployment, and no possibility of social insurance. As a result, child labour is easily resorted to by many children. I argue that livelihoods built around a poverty stricken environment influences customary practices, attitude and view of child work, which contrasts with global norms and practices, which are of the view that children must not be made to work to the extent that their physical, mental and social development would be hampered. The problem faced in Ghana as in many other countries is that child work is an essential requirement of the socialization process, which is perceived as a demonstration of good family values. The Ghana Child labour survey report for example recognises the essence of child work when it notes;

“It is worth mentioning that working children is not necessarily equated to child labour. The Ghanaian culture recognises the role of children in performing social and economic functions to guide them to become responsible adults. These are meant, not only to assist in their upkeep but to help improve the general welfare of the whole household. They may be involved in some light work (child work) such as washing of plates, gathering firewood on the farm, selling bread in the house or selling iced water in a shop, which may not necessarily affect their health, education or future development of the child. Such social and cultural considerations have not been reflected in the law and not all the estimated number could actually be said to be in child labour” (GSS, 2003 p.137)

Under such conditions it is difficult to know where to draw the line so that essential child work does not turn into child labour. Indeed not all the children as indicated in the report could actually be said to be child labourers. Yet the point at which the line dividing child work and child labour is crossed is a difficult one to identify. In the Ghanaian context a

parent who wants to raise his/her children in the proper cultural context of socialization must strike a good balance between traditional rules of socialization and the demands of law (Children's Act) at the same time. Failure to maintain that balance could easily lead to child labour which could harmfully affect the child's education, physical and social development. Any attempt to distinguish between child work and child labour must be based on the harmful effects that work is having on the child's development. In this chapter I argue that the effect of child labour on education is often overlooked. The importance of education achievement and attainment needs to be highlighted. Child work, particularly domestic work sometimes becomes very hard and time consuming, to the extent that even though it may not be classified as harmful work, its effects on the health and education of the child could be devastating.

The devastating effects of child labour require an understanding of the unique situation in which a child grows. This may require an understanding of the unique economic, social and political structure of Ghana, particularly in the context of globalization.

3.1.1 *The Economy of Ghana*

Ghana is a West African state with a population estimated in 2006 to be about 22.5 million people⁴⁴. The 2000 Population and Household Census preliminary data also estimated that the country's population was 18,845,265 million (Tengey and Oguah, 2001 p.2). Situated along the coast from the Gulf of Guinea and stretching north towards Burkina Faso, Ghana was one of the countries in West Africa to have had early contact with Europe. During this period and particularly when the British colonialists had control over the country it became known as the Gold Coast. Contact with the outside world (European and Hausa/Mande) was mainly through trade in items such as gold, kola nuts and slaves (Szereszewski, 1965 p.3). Trade in gold and kola had been ongoing throughout the fifteenth century through the north using the Trans Saharan trade routes through Sudan and notable kingdoms in the forest belt that benefited from this trade were the Ashanti and Akwamu (ibid). These developments in Ghana marked the defining

⁴⁴ World Development Indicators Database, April 2007
<http://devdata.worldbank.org/external/CPPProfile.asp?CCODE=gha&PTYPE=CP>

moments in the history of country which were to determine the structure of the economy and the implications on its social and economic direction. This structure increasingly shows dependence on external markets and external demand.

Szereszewski (1965 p.4) notes that till the end of the nineteenth century the flow of trade between the interior and the coast was channeled through African intermediaries, notably the Ga and Fanti of southern Ghana. The European traders engaged in trade indirectly by making use of indigenous intermediaries, however, trade through northern Ghana did not make use of indigenous intermediaries, a situation which explains somewhat the relatively low level of commercialism in northern of Ghana (Ibid). It is estimated that the trade in Gold at the end of the seventeenth century was about £220,000 (Szereszewski 1965 p.5). Although the European presence was limited to the coast and southern fringe the impact on the economy and social life was fairly significant as new products were introduced, bringing to the market of the then Gold Coast items such as textiles, beads, spirits and firearms and the discovery of such products as rubber, palm, and slaves led to an intensification of trade and the growth of some industrial activity in the extraction and processing of palm oil and gold ore (ibid). The arrival of missionaries and the consolidation of British colonial administration amidst changes in trade and economic activities affected life in the Gold Coast.

Economic activity in Ghana is largely dictated by the natural resource allocation in the country. In the Gold Coast era, agriculture which still remains the main economic activity today was determined by soil type, rainfall pattern and the general climate. The forest belt, which covers the hinterland towards the south-western corner of the country, was noted for root crops and the savannah region mainly in the north of the country. Szereszewski (1965 p. 16) points out that the forest belt of Ghana is richly endowed with resources. Most of the gold deposits are in the forest belt. The growth of the exports sector in the Gold Coast and heavy reliance on export crops led to a transformation of the economy between in the early part of the twentieth century (Baah Nuakoh 1997; Szereszewski 1965). The stimulus for the change that was taking place in the mostly rural economy in Ghana was down to its incorporation into the global market place which

transformed the economy from one of simple subsistence to one of commercial interests. Interest in palm oil and cocoa as well as other agricultural products were a result of the recovery from depression in the industrialized economies during the latter part of the nineteenth century which saw an increase in demand for tropical produce, the improved transport links owing to new investments in railway and feeder road construction to the crop producing and mineral extraction areas of the country (Marfo 1997 p.74). The heavy reliance on such crops as cocoa and the financial rewards that it brought however masked the mostly weak, fragile peasant economy, a situation which in Frimpong-Ansah's (1991 p.91) view contained the seeds of decline. Akurang-Parry (2002 p.32) notes that in the period after the abolition of the slave trade, particularly in the early twentieth century (1900 – 1940), there was systematic use of forced child labour by the colonial administration during a period of economic boom for its infrastructural development in the Central Province of the Gold Coast. Although the evidence is said to be gathered from scattered sources, it suggests that northern Ghana supplied many of the pre-pubescent female labour (ibid.).

It can be argued that the effects of colonization on the economy are still evident in Ghana. In the fifties it was mainly a rural economy, dependent on agriculture, highly dependent on international trade and imported goods for its consumer market and heavily reliant on cocoa for its foreign exchange earnings (Killick 1978 p.3). It was also characterized by a dualistic economy which on one hand consisted of, a rudimentary and labour intensive method of production, and on the other hand a modern capital intensive mode of production (ibid). Traditional systems of agriculture include farming methods such as land rotation, shifting cultivation, scarce use of agricultural machinery and heavy reliance on labour supply. The post independence era also saw some major efforts at transforming the economy of Ghana in a bid to lift the masses out of poverty and bring positive change to their lives. Post-independence politicians however, failed to recognize the weakness in the economy and precipitated the decline through policies, neither could they halt it nor turn it around through their policies. Nkrumah's period as leader of the first African country to gain independence saw one of the strongest and most ambitious drives for development in Ghana, yet his policies and that of successive governments

have been described as that of a “predatory coalition of revenue-hungry governments, price-conscious consumers and defected farmers who have failed to recognize the structural impediments to accelerate development inherent and unproductive and fragmented peasant agriculture and instead has excessively taxed the cocoa industry in particular to finance the interests of the coalition under the guise of development” (Frimpong-Ansah J.H 1991 p. 144). Improvements were made to the infrastructure with the construction of roads, hospitals, schools, power stations and harbours built (Killick 1978 p44) but this did not change the basic structure of the Ghanaian economy which was characterized by dependence on British manufactured imports and an export sector that suffered decline, caused mainly by falling price of cocoa. The dominance of cocoa meant that the economy in general and the rural economy in particular suffered from fluctuating incomes in the direction of world prices (Marfo 1997, p.75). The vision of Nkrumah was inspired in part by socialist ideals in a bid to forestall any efforts by opposition forces to overthrow him and institute elitist policies that favoured only a privileged few. The essence Frimpong-Ansah tries to capture is that Ghana pre-independence was a poor country, but Ghana post-independence is still a poor country it did not have the tools to enable it experience the economic transformation that industrialized countries may have experienced as a result of industrialization.

The nature of politics changed from that of chieftaincy involving local monarchs to a dual political administrative setup involving in addition to the chieftaincy system a local government system and multi-party democratic system at the top of the political structure. There was heavy reliance on the masses for support but it is notable that these were people who were suffering relative economic deprivation and were desirous of an improved economic class/status (Killick 1978, p.34). The description ‘standard VII boys’ which was used to describe both the significance of their poor educational backgrounds and its limitations that this brought to them as well as the term verandah boys, used because it was alleged they slept on the verandah’s of their masters or relatives because they could not afford anything better (ibid). This tendency to exploit the masses is demonstrated in the also in the use of child labour even in the days of colonial administration. According to Akurang-Parry (2002 p32), although the colonial

administration and the League of Nations tried to abolish child labour, colonial policies were merely ameliorative rather and erratic. In fact farmers and expatriate trading firms were involved in the use of the child labour particularly for portage, a trend which continues today. It is notable also that the goods that female porters particularly carried were mainly for export. These included cocoa, palm oil and palm kernel from the mainly agrarian regions of Ghana to the coast for exports (ibid.)

The recent past continues to exhibit some of the characteristics of the colonial and post – colonial era. Notable periods marking the immediate past are the revolutionary days that preceded the famous World Bank sponsored Economic Recovery Programs of the 1980's and the more recent Poverty Reduction Strategies of the new millennium. From the overthrow of Nkrumah's government in 1966 to 1983 when the first economic recovery program started there were 7 different political regimes.⁴⁵ The changes in regime have however not brought about any improvements in the lives of the majority of the people in the country. Agriculture continued to be the largest sector of the economy in terms of its contribution to GDP, export earnings and employment. In the 1980s it was estimated that there had in fact been a decline in the fortunes of the country. This manifested in captures the social and economic situation in Ghana which determines the life of children and the challenges of the global atmosphere.

By the early 1980s it was clear that the decline in the economy of Ghana had become serious and needed attention over the years since independence. According to the Ghana Living Standard Survey 2000 report, agriculture employs about 55% of the population, making it the sector employing the largest number of people although the service sector is growing in importance and currently employing about 18.3%. The decline in the economy was by 1980 compounded by a multiplicity of factors such as economic mismanagement, deterioration in external terms of trade which led to a decline in income in the 1970's and 1980's, decline in real output, and loss of government revenue due to

⁴⁵ The regimes include the NLC 2National Liberation Council (1966-1969); The Busia Era (1969- 1971); The Supreme Military Council I (SMC I) 1972-78; Akuffo's regime SMC II 1978-79; Rawlings 1979; Limann 19.....

smuggling (GoG/UNICEF 2002, World Bank/CAS 1995).⁴⁶ Nkrumah is also credited with the social modernization of Ghana due to the massive investments made in health and education (Frimpong-Ansah 1991, p.97); however the period of decline affected the state of the economy and social sector. One of the indirect results of the decline in Ghana's economy is a fall in government budgetary allocation to health which in the 1980s fell from 6.45% of the budget and 0.95% of gross domestic product (GDP) in 1980 to 4.83% in 1983 (Ghana Country Report - Health 2001 p.2). By the 1980s the education sector was also described as dysfunctional in relation to the aspirations of the state with budgetary allocations falling to a third of 1976 levels by 1985 (Ghana Country Report – Education 2001 p.10). In a review of Panford's work, Ninsin (2002, p.82) highlights the fact that the economy was characterized by growing unemployment, low incomes general poverty and deprivation. In the midst of all these developments, equity for all citizens is doubtful. To grant equity and fairness in the distribution of national resources and to strengthen the national productive capacity in a bid to increase its global competitiveness Ghana accepted the IMF/World Bank sponsored Economic Recovery and Structural Adjustment program.

Ghana's efforts at Economic Recovery and Structural Adjustment were applauded in some quarters for chalking some successes but there were also many concerns because of the social effects elaborated in chapter 6. The situation in Ghana today has not changed much, and in fact the new crop of street children who are forced to sleep in the open on the verandahs of their master's, relative's and helper's because of poverty and deprivation are the new verandah boys.

These children come from the 10 administrative regions namely Ashanti, Brong Ahafo, Central, Eastern, Greater Accra, Northern, Upper East and Upper West, Volta and Western Regions. These regions have been further divided into 110 districts for local government administrative purposes. These districts are empowered to provide child panels to initiate measures for the protection of children. The Children's Act, 1998

⁴⁶ World Bank CAS – World Bank Country Assisted Strategy for the Republic of Ghana
http://info.worldbank.org/etools/docs/library/206640/gha_cas_apr1995.pdf

provides in s27 the mandate to establish child panels in every district. It goes further to prescribe the functions, meetings and procedures of the panel. However, the panels which are the grassroots effort to steer child protection along the rights pathway has so far proved ineffective.

This chapter looks at the case of child labour specifically in Ghana and discusses the type of work child labourers in Ghana do, what causes them to work and the consequences of child labour. In the end it seeks to explore the challenges that child labour poses to the development of the nation state as it pursues the millennium development goals and its general development aspirations.

3.2 Types of Child Labour

3.2.1 Agriculture

Child labour in the agricultural sector is huge in Ghana, with about 62.5% of working children (GSS 2003 p.62), and studies have shown that in the cocoa sector, farmers try to cut down on costs by engaging the entire household, relatives and friends (Boas and Huser, 2006 p.42). Most children attend school but they would normally work on the farm after school, on weekends and holidays and in some cases parents keep their children out of school for weeks during harvests (ibid.). However, while this is a reflection of the general trend of child labour and in some areas a result of internationalization of the economy it is not necessarily a result of globalisation.

Agriculture is also the major source of income for households in all the regions with the exception of Accra and of the children interviewed in the Ghana Child Labour Survey it is estimated that 57% of working children were engaged in agriculture, hunting and forestry (GSS, 2003 p.xiv). Children working in crop farming perform tasks which include clearing of weeds, sowing seeds or tending crops. Children also help with the harvesting of crops and transporting head loads of crops over very long distances from farms to the market. Farming in Ghana is mainly rudimentary therefore children are

forced to use implements such as machetes and fertilizer/chemicals. In the Child labour survey it is also estimated that over one million children worked in agriculture, including an estimated 308,841 children between the ages of 5-9 years and an estimated 601,902 children between the ages 10 – 14 years as well as an estimated 328,937 children between the ages of 15-17years (GSS 2003 p.63). Agriculture is therefore a big employer of both adult and child labour in Ghana. Admassie (2002 p.257) explains that because the majority of Africans (70%) live in rural areas in Sub-Saharan Africa most of the children are found in subsistence farming. About 88% of children are unpaid family labour and apprentices and 5.9% are self-employed in a country where about 54.7% of the economic active population are self-employed (GSS, 2003 p.xiv). There are no official records of child labour in commercial farming in Ghana although this is not the case in other African countries where child labour is such as Kenya.

The view is held that child labour thrives in agriculture because of the relatively simple technological sophistication, labour intensive and repetitive nature of it.⁴⁷ Adamassie further argues;

“The ‘nimble finger, the ‘small physical structure’ and ‘thin arms’ are additional justifications for the suitability of the children for other types of activities. Therefore the changes in technology of production can have a profound effect on the incidence of child labour by increasing the relative demand for skilled workers over the less skilled child (p.261).

The rudimentary and subsistent nature of agriculture in Ghana makes it relatively easy for children to participate in the unsophisticated farm work hence the high incidence of child labour in agriculture. The agriculture sector in Ghana has for a long time been dominated by cocoa farming. Studies conducted so far on child labour in the cocoa industry indicate that the cocoa sector in Ghana, Cote d’Ivoire, Nigeria and Cameroon account for 70% of the world cocoa supply (ILO/IPEC fact sheet).⁴⁸ The cocoa sector is a large sector and major employer in Ghana and child workers are involved, however, contrary to reports

⁴⁷ ibid

⁴⁸ IPEC (March 2004) Safety and Health Fact sheet on hazardous child labour in agriculture, cocoa

adult farm labour is the main source of labour although family children made a significant contribution (Gockowski, 2006 p.2). ILO reports indicate that child labourers in cocoa farming are mainly supplied from much less well off countries such as Togo, Burkina Faso and Mali (ibid.). Quite often these are trafficked children or child slaves who in some cases work 12 hours a day sometimes from dawn to dusk. Growing and harvesting cocoa still remains a labour intensive exercise, hence the need for extra farm hands which makes employing children a convenient arrangement for employers (ibid). Studies of more than 1000 farms in Ghana shows that there are indeed hundreds of thousands of children engaged in hazardous tasks on cocoa farms (ibid.). 284000 of these children used machetes to clear fields and 153000 used pesticides without protective equipment.

A study by the International Institute for Tropical Agriculture (IITA) indicates that none of the farmer's interviewed in Ghana and Cameroon admitted to employing child labourers as salaried workers (IITA 2002, p.12), a clear demonstration of the differing views and notions of child labour at the local and global level. Many parents do not send their children away to seek employment on farms or other sectors of the economy, instead they are sent to help, train or to live with the relative/friend or pseudo-employee. My contention here is that, the presence of intermediaries in child work arrangement (ibid.), and the existence of traditional fostering arrangements (Laird 2002 p.900) often gives a sense that there is often no clear sense of an employer employee relationship and therein lies the problem. Child labourers are often taken on by employers, family members or other people with the sense that they (children) are being helped, and quite a lot of the children employed have kinship relations with the farmer. The study by IITA in West Africa is illustrated in illustrates in the table below.

Table 3.1

The Employment of Family Children Among Cocoa Producing Households by Age, Sex and Degree of Employment

Variable	Unit	Region/Country			
		Côte d'Ivoire	Cameroon	Ghana	Ondo state Nigeria
Household composition—children	(% of total)	47.0	43.0	41.8	34.3
Mean no. of household children		3.62	4.98	3.98	3.49
Employment of family children	(% of farmers)	51.4	25.7	9.9	13.8
Mean no. of children employed per hh		1.33	2.04	0.213	0.414
Family children employed (6–17 yr)	(Total no.)	604 500	147 700	80 200	19 400
Family children (6–9 yr)	(Total no.)	140 800	25 100	8000	2700
Family children (10–14 yr)	(Total no.)	294 200	34 000	35 300	5300
Family children (15–17 yr)	(Total no.)	169 500	88 600	36 900	10 900
Male children employed (6–17 yr)	(Total no.)	344 500	100 400	43 300	9900
Female children employed (6–17 yr)	(Total no.)	260 000	47 300	36 900	9500
Children employed in all tasks	(Total no.)	127 238	Na	Na	Na

Source: IITA (2002 p.15)⁴⁹

It was clear in the study that nearly 10% of the farmers employ family children. In total 80,200 family children are employed in cocoa farms. The number is even higher in countries like Cote d'Ivoire, demonstrating significantly that child labour occurs in the context of the family. When child labourers are being trafficked there is often no explicit commercial agreement because the basis is not work in the legal sense but work as a social experience necessary for full integration in society. The absence of effective regulation by the state due to the lack of resources by the Department of Social Welfare (Laird 2002 p.900), and the prevalence of the informal sector, enables activities such as child trafficking to continue notwithstanding law and policy. What makes it even more difficult is that there is no obvious local language equivalent in any of the major local languages and dialects for the concept of rights which has become very important indicator of welfare in international development and poverty eradication.⁵⁰ The scale of the problem of child labour in the agricultural sector in Ghana among other countries has

⁴⁹ <http://www.globalexchange.org/campaigns/fairtrade/cocoa/IITACocoaResearch.pdf>

⁵⁰ The absence of local language equivalents to the the concept of children's rights is confirmed in fieldwork. See chapter 4 and 5

led to the establishment of some initiatives to stamp out the worst forms of child labour. One of these initiatives is the Sustainable Tree Crops Program (STCP) which was launched in May 2000⁵¹. It was aimed at raising the productivity of smallholder farmers, increase smallholder income and conserve biodiversity. As in many other cases of global concepts and international norms, the international community expressed global concern about child labour. Notable figures who played a role in this are Senator Tom Harkin of the US Senate and Elliot Engel of the US House of Representatives who in 2001 spearheaded the Harkin-Engel Protocol, a legislative provision in US law to eliminate abusive child labour and slave labour in the cocoa industry mainly in West Africa.

It is worth noting that cocoa is a product not indigenous to Ghana. The introduction of cocoa to Ghana is credited to Tetteh Quarshie, a blacksmith from near Accra, who returned from work on the island of Fernando-Po in 1880, with some cocoa beans, used for the establishment of a seed farm (Green and Hymer 1966 p.302).⁵² It soon became a commercial crop that was mainly sold to Europe, to meet the demand for cocoa and cocoa products. Global demand and not local demand for cocoa drove its cultivation and supply.

Typically, household members including children provide labour to all economic and non-economic activities it is involved in (Awanyo 1998 p.519). Although children are an important source of labour to many households, Berlan (2004 p.163) has described the terminology used to describe the activities of children such as child labour or child work as misleading because they imply exploitation or greed, which are not necessarily predominant causal factors. This makes the suggestion that child labour is widespread in cocoa production a myth that is not clearly supported by research especially when considered against the backdrop that their involvement is often limited to after-school hours, weekends and school holidays (Berlan)⁵³. I argue that although the majority of working children may still be in full time education and may also not fall under the scope

⁵¹ http://www.ilo.org/public/english/standards/ipecc/themes/cocoa/download/2005_02_cl_cocoa.pdf

⁵² The argument is made that the contribution of Tetteh Quarshie's and the Ghanaian cocoa farmer has been overstated (Green and Hymer 1966).

⁵³ Berlan (2004 p.164) argues that through her entire research she encountered child trafficking in only one village.

of ILO Convention 182 which defines the worst forms of child labour there should be concern about how work is affecting educational achievement of these working children. By focusing on educational achievement it is possible to identify whether work is really interfering with children's education. It is worth noting that ILO/IPEC⁵⁴ considers child labour to be work that

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling by:
- depriving them of the opportunity to attend school:
- obliging them to leave school prematurely: or
- requiring them to attempt to combine school hours with excessively long and heavy work.

Such consideration given by the ILO/IPEC does not go far enough because while it deals with school attendance it does not give due consideration to achievement which is crucial to break the cycle of poverty which perpetuates child labour and impedes children's holistic development.

In Grismund's (2003) view adult labour benefits from child labour because the ability of children to work in the household enables the adult to go out into the labour market for work. Also, Grismund argues that as a survival strategy parents pull their children out of school to provide labour in the face of an income shortfall (ibid). This is particularly true of families reliant on agriculture as the vagaries of the weather as well as other disasters such as pests and diseases make it difficult to guarantee a steady income. Broadening the base of the household income by pulling together child labour from within the family seems like a rational approach to the low and fluctuating income problem in Ghana and other poor countries such as La Cote d'Ivoire as indicated by Grootaert

"In Cote d'Ivoire the 5% decline of per capita GDP in 1987 and 1988 caused by the

⁵⁴ <http://www.ilo.org/ipec/facts/lang--en/index.htm>

collapse in world prices of coffee and cocoa, resulted in households of all income levels to respond to the recession by increasing the labour supply of male adults. Very poor households also increased the participation of secondary earners, children and adolescents. The share of total household labour supply represented by children and adolescents rose from 15 percent in 1985 to 18 percent in 1989.” (Cited in Grimsrund 2003 p.10)

In West Africa cocoa farms are noted for employing children. These cocoa farms are believed to employ many children who are forced into bondage or slavery and this situation has given child labour in cocoa farms a lot of attention lately.

“Recently a number of reports on child labour on cocoa farms in West Africa have been issued by foreign governments, international agencies, non-governmental organisations and the media. These reports have increased awareness in child labour practices in the cocoa sector and have elicited significant action by governments and the chocolate industry to address these concerns.” (IITA, 2002 p.4)

The study by IITA is particularly important because the world’s cocoa is largely produced in West Africa within which Ghana features prominently. Other countries within the cocoa belt of West Africa are Cote d’Ivoire, Cameroon and Nigeria also have a high incidence of child labour in the cocoa sector. These child labourers include salaried workers and children without family ties and the risks such children face are enormous. Yet there is a notion among the adults who secure the services of the children that they are actually helping the children, not on the basis of the notion of an employer/employee relationship (IITA 2002). The IITA study highlighted a farmer’s view as follows; “I cannot speak of an employer – employee relationship because I know their mother, I am helping them out, and I care for them as though they were my own children.” Similarly Michel another farmer said “You are not from the village or with a friend from the village, no one is going to give you their child to go work in your plantation because they don’t know you. It is necessary for the parents to know you or the man you are with before they would agree to let the child go. In my own case my worker comes from the

same village as myself. His father agreed, because he knows me and trusts me not to harm his child” (IITA 2002 p.13). It seems like a very domestic arrangement to get the work done with little tokens remunerated to the child or parent/guardian in appreciation for their consent. One of the main worries about children in cocoa farms is the thriving business of child slavery and trafficking, which must be stopped. The findings of the IITA study shows that child trafficking was an area of concern as it reported forced or compulsory child labour on cocoa farms in West Africa (p.12).

Estimates of children involved in agriculture consist of those engaged in crop production, forestry and fishing. It is estimated in the report that 57% of children were engaged in agriculture/forestry/fishing and fishing is one of the areas of work considered hazardous to children (GSS 2003 p.14, 17). Fishing is another area of agriculture that employs relatively fewer children nevertheless it is still an area of concern that has received a lot of attention owing in part to the involvement of the International Organisation on Migration (IOM). It is one of the worst forms of child labour that mainly employs young male children to work with fishermen in fishing villages especially along the Volta River. Their main role is to salvage fishing nets that get stuck in the tree stumps that are in the water. They play a very crucial role which in some cases has proven fatal and as some reports have indicated these children sometimes go through an excruciating work schedule;

“The working hours of some of the children who had to cast or retrieve fishing nets were long, with most beginning their day at 5am. Depending on the availability of food, they ate between once or twice a day and most were malnourished. In order to rescue children from their exploiters, IOM enlists the critical support of traditional elders particularly that of the Paramount Chief of the Yeji and Pru District Assembly as they have great influence on the fishermen. In return the fishermen receive micro-credits to help them to improve their fishing techniques or engage in other income generating activities.” (IOM Press Briefing, March 2006)

The approach adopted by IOM is further acknowledgement of the fact that indeed to successfully implant any idea from above it is important to take local notions into serious

consideration. The role of the chiefs is very important because they are opinion leaders who can influence local perceptions and traditional norms. It is important to appreciate the world view of local people in order to be able to initiate a process of social change in order to bring local notions and international norms and practice closer to each other. The IOM press briefings indicate children have been rescued in the Yeji area around the northern shores of the Volta region in Ghana from forced labour (ibid.). It was generally held that these children were given away by their poor parents for paltry sums of up to \$100.

Data from the Child Labour Survey indicates that the highest concentration of child labour in the fishing industry can be found in the Volta Region at 8.3%. Accra has the next highest of about 5.4% and 4.9 % in the Eastern Region. It is a male dominated area of work with about 4% of child workers and 0.7% female. Although agriculture/hunting/forestry make up an overwhelming majority of the child labourers, fishing is particularly important because of the prominence it gained as a result of the hazardous nature of it.

3.2.2 Sales

Selling is the next most popular form of employment for many children in Ghana. It is estimated at around 17.8% of 5 – 9 year old, 22.1% of 10 – 14 year old and 20.7% 15 – 17 year old (GSS, 2003 p.61)⁵⁵. A lot of children work either full time or part time as petty traders selling in the open markets, a common feature of Ghana's urban areas. The majority of child labourers in sales can be found in areas such as Accra the capital of Ghana and Kumasi the second largest city. Many children who migrate into the cities from relatively poor rural areas end-up self-employed, independent and away from the constraints of culture and tradition in their home villages. The goods they sell range from electrical items such as cables, irons, CD players and a long list of imported items feeding a growing consumerist culture which is one of the effects of globalisation. The appeal of these consumer items act as a pull for many children and young people living in

⁵⁵ See Table 5.9a in Child Labour Survey, 2003

rural areas. According to the Ghana Child Labour Survey (p.61)⁵⁶ the majority of working children in Accra are involved in the retail trade and Accra has the highest percentage of child workers in retail trade which stands at around 39.4%. It also estimated that in the retail trade, child labour is higher among females at around 30.4% compared to males at about 11% (ibid.). Retail trade is the most important economic activity in urban areas and is estimated to be one of the most important economic activity employing children in Ghana.

3.2.3 Mining

Estimates from the Ghana Child Labour Survey indicate that there are relatively fewer children in mining and quarrying than there are in other sectors and the child labour survey report acknowledges mining to be an area of work that is hazardous to children. Ghana's Children's Act identifies mining as an area of work that is hazardous. In s91 it provides that the minimum age for a person in quarrying and mining should be 18 years. There were less than 1 % of children in mining with the majority of them surprisingly in Accra the capital. Several reasons could account for the high number of child labourers in mining in Accra. Child labourers are not employed in the often large to medium foreign owned mining companies in Ashanti and Western and Eastern regions. In mining areas like Tarkwa it is estimated that with six large scale mining concessions granted since 1990 about 32.56% of the land area has been awarded to large-scale mining companies and a large part of this land used to be fertile farmland for the residents (Hilson and Potter, 2005 p.120). The sophisticated and highly mechanized process that the large mining companies introduce often doesn't seem to offer jobs to the local galamsey operators who are usually displaced from the land when it is offered as a concession to the large-scale operators. Following strict regulation of the mining sector it has become very difficult for small scale and illegal mining to thrive in these areas.

“... mining activities have resulted in mass eviction and dislocation of whole communities, their environment and the main source of livelihood destroyed and

⁵⁶ Ibid

their total economic, social and political organisation disrupted.” (Coomsoon, 2006)

Newspaper reports generally project a grim image of the situation surrounding small scale artisanal miners and their families. In view of this situation most of the illegal mining (galamsey) in particular goes on outside the radar of regulatory authorities in very remote areas. There is therefore hardly any data on the number of children operating in illegal mining because labour laws do not permit their participation in legal mining and as Hilson (2001, p.7) acknowledges ...

“.. Although there is some degree of child participation in Ghanaian small-scale mining activities, it was discovered during personal interviews with employees from the Minerals Commission that accurate tabulations of the total number of children employed in the country’s small-scale mining operations do not exist. Furthermore most of the employment statistics that have been maintained have been manually recorded and stored separately in a number of different regional offices around the country and are highly inaccessible to researchers.”

The large number of children involved in mining and quarrying in Accra could possibly be accounted for by the fact that Accra being the capital and the most economically active region with the highest level of all the country’s investments, it has a growing construction sector which gets its supply of stones from the local quarries which are perhaps more visible. A typical case in point is domestic labour which is to be shrouded in culture and traditional practice and therefore often overlooked by many observers as a matter of concern locally in Ghana.

3.2.4 Child Domestic

Child domestic workers are usually invisible as they seem to be part of a family or household yet in many cases they do not have kinship relations with members of the household. Sometimes they are unpaid labour, perpetually at work and without the benefits of state regulation or recognition. Domestic work has been defined as “children under the age of 18 who work in other people’s households, doing domestic chores,

caring for children and running errands, among other tasks” (Innocenti Digest 1999 p.2). In Ghana 80% of the girls working as domestics were between the ages of 10 and 14 years but there are cases where much younger children have been found working as child domestic workers (ibid.). In Ghana domestic work is a highly unregulated area of employment, hidden, dispersed and of informal nature, with no stipulated hours of work and no minimum wage (Admassie 2002 p.257). Furthermore many child domestics are not paid wages and cannot claim any rights, although they had duties and obligations (ibid). Domestic labour involves children and grandchildren of elderly relatives participating in their care, and doing tasks such as, washing clothes, bringing food, running an errand, carrying water to the bathroom and sweeping the room for the elderly relatives (Van Der Geest 2002 p.24). This traditional arrangement is on the basis of intergenerational reciprocity, which is in contrast to industrialized societies where children are exempted from performing any tasks (ibid). The inconspicuous nature of domestic work makes it difficult to collect data on it and as some researchers claim,

“Information is scarce about this ‘invisible’ child workforce – invisible because each child is separately employed and works in the seclusion of a private house, unlike children in a factory or in a street. They do not exist as a group and are difficult to reach and to count. Their jobs are invisible too: domestic work belongs in the informal market, is unregistered and does not show up clearly in employment statistics. In addition since the status of a girl may be blurred with that of a family, her presence in the home may not show up in a census or household survey data.”
(Innocenti Digest 5, 1999 p.3)

The practice of giving away or receiving children as domestic workers is not on the basis of employing the child as a child labourer, but an altruistic gesture of fostering, in which the children of poorer relatives is just one example of the intricate way family loyalty and socialization practices combine to show how children are put to work (Nieuwenhuys 1996 p.244). There is also the parallel situation in urban areas where fostering children for domestic tasks is increasingly important in urban areas of West African such as Accra, Lagos and Abidjan (Isiugo-Abanihe 1985 p.58). Here it is contended that children are taken-in as domestic servants, maids and baby tenders, in exchange for maintenance.

training and token wages (ibid.). The child labour survey in Ghana also states that it is the norm for children irrespective of age and sex and residence to engage in housekeeping activities or chores in their own parent's or guardian's homes (GSS 2003 p.81). Domestic labour and child domestic labour in particular is a difficult area to research. The difficulty here stems from the fact that according to Innocenti (1999 p.3) "... even among children's rights advocates, there may be a reluctance to take special notice of child domestic workers, who are seen as 'cared-for' rather than an exploited group."

The ILO (2004, p.9) emphasizes the fact that child domestic labour is not the ordinary tasks that children perform at home. It is the domestic tasks that children perform in the homes of third parties under exploitative conditions. This implies that the child domestic worker is below the minimum age for the sort of work they get involved with. Such work takes long hours with little or no wages.

3.2.5 Street Children

There are many working children in Ghana who live on the streets (street children), a phenomenon which makes child labour very obvious. Beauchemin⁵⁷ reports that most of street children in Ghana are between the ages of 10-18 years. The majority of them have left home and migrated to bigger towns and cities all over the country. Nearly 50% of the parents interviewed had children who had left home and 14% of the children on the streets were under the age of ten when they left (Beauchemin1999, p.39). Streetism⁵⁸ became a matter of concern in Ghana as the urban centres particularly Accra, became overwhelmed in the 1990s with many children from rural communities working mainly as shoe-shine boys. Although many of them would not qualify under the definition of child labour under Ghana's Children's Act, there were still many of them who were within that age bracket.

The Ministry of Manpower and Social Welfare in Ghana is credited with the definition of street children in the Ghana Policy Framework, 1995. Similar to the 'common' definition,

⁵⁷ http://www.unicef.org/evaldatabase/index_14294.html

⁵⁸ Streetism is a term used to describe the phenomenon of street children. They mainly live on the streets especially in urban centres performing such tasks as begging and hawking.

it states that a street child is a person below the age of 18 who spends a significant amount of time living on the streets (Anarfi, J., 1997 p.4). There are two types of street children⁵⁹, which include those who are on the streets during the day working but go home at night to sleep and those who sleep on the street after work. UNICEF distinguishes between children of the street and children on the street (cited in Anarfi, 1997; Hatloy and Huser, 2005 p.19). Demographic data gathered from the Child Labour survey indicates that the phenomenon of street children is perhaps wrongly perceived as a pool of child labour. According to the report most of the children encountered during the survey were actually above the age of 17, suggesting it is more of a youth unemployment phenomenon than a child related issue (GSS 2003, p.101). However, there are still many children on the street who fit the definition of the child either truanting or simply seeking work to enable them cope with family poverty.

The majority of street children in Ghana identified in the child labour survey report are from the Mole-Dagbani (40.2%) and Akan (32.2%) ethnic backgrounds in Ghana who had migrated to cities and towns like Accra, Kumasi and Sunyani. The Greater Accra Region and the Ashanti and Brong Ahafo regions of Ghana are the main demand areas with high numbers of street children. Other regions in Ghana act as supply centres for street children to the major urban areas in the country. Most of the street children have been drawn to the streets for reasons such as truancy, poverty and child trafficking among other things and they include male and female children of various age brackets. In the 5-9 age bracket, there are more female street children than there are of male street children in the Greater Accra and Ashanti regions more than in the Brong Ahafo region. The table below illustrates these variations further.

⁵⁹ A common definition of Street Children is attributed to Inter-NGO's in Switzerland which was formulated in 1983. It is defined as: "Any boy or girl who has not reached adulthood, for whom the street (in the broadest sense of the word, including occupied dwellings, wastelands etc.) has become his or her habitual abode and/or source of livelihood, and is inadequately protected, supervised or by a responsible adult." (Inter-NGO 1985 in UNICEF 2001a)

Table 3.2

A Table Illustrating Regional, Gender and Age Variations in the Number (%) of Street Children in the regions of Ghana

Region	5 – 9 Years		10 – 14 Years		15 – 17 Years	
	Male	Female	Male	Female	Male	Female
Western	4.3	2.2	6.6	0.6	6.2	0.3
Central	5.4	1.1	7.4	0.0	4.0	0.0
Greater Accra	59.8	68.8	41.5	39.8	48.6	58.3
Volta	1.1	0.0	4.5	0.4	3.0	0.2
Eastern	0.0	0.0	3.4	0.0	0.5	0.0
Ashanti	6.5	15.1	12.2	50.8	8.3	43.1
Brong Ahafo	21.7	12.9	15.1	8.3	16.2	9.4
Northern	1.1	0.0	4.0	0.0	2.6	0.0
Upper East	0.0	0.0	4.5	0.0	2.7	0.0
Upper West	0.0	0.0	0.8	0.0	0.9	0.0

Source: Table 6.2 Child Labour Survey, 2003 (Ghana)

Clearly, Greater Accra region has the greatest pull on street children in the country. It is important to note that the Brong Ahafo region, which does not have large urban centres, has a lot of street children. This has been put down to the large thriving market in Techiman a border town to the northern region of Ghana. Clearly the case of Brong Ahafo follows the trend in the big urban centres. Street children tend to gather around large market areas typical in urban centres such as Accra and Kumasi where many activities take place in a rather informal fashion. The informal nature of activities in markets allow children to find work without going through any rigorous checks and this encourages self employment of agile streetwise children and young workers. A significant number of street children (62.8%) work as porters (kayayee), driver's mates, truck pushers, errand boys/girls and labourers and the survey reports that about three-

quarters of (75.2%) of street children reported that they were self-employed, 80.5% of which are female and 69.4% male (GSS 2003, p.121).

The majority of street children in Ghana are of Akan and Mole-Dagbani origin⁶⁰. The male street children are predominantly Akan and the female street children are predominantly Mole-Dagbani. Street children from Islamic backgrounds seem to be in the majority, 46.2% and street children from Christian backgrounds make up about 45.2%.⁶¹ This reflects a national trend in which most households are affiliated to religions such as traditional religion, Islam and Christianity, similar to Ali Mazuri's triple heritage⁶². This heritage influences the culture, shapes the local view on education and socialization of children. Bass (2004 p.16) argued that the triple heritage has shaped child labour in countries like Ghana in Sub Saharan Africa. That heritage provides an opportunity to rely on the faith community for support and also gives the Christian, particularly the Pentecostals, an opportunity to exercise their faith which assures them of a better life in the future. Deprivation has also encouraged the spread of miracle churches which promise a fulfilment of the dreams and aspirations of the faithful follower and also gives them a sense of fellowship and community in an otherwise alien community as migrants. A greater percentage of female street children (69.8%) are from Islamic backgrounds and a greater percentage of male children (65.2) are from Christian backgrounds⁶³. The children who lay claim to traditional religion are few. Religious practices may not necessarily influence a particular gender towards child labour and 'streetism' but while they may not encourage child labour they do not particularly discourage it.

Many street children are illiterate and it is estimated that about 45.7%, mostly women have never attended school (GSS, 2003 p.106) an indication that many of the street children probably did not benefit from the Free Compulsory Basic Education (FCUBE)

⁶⁰ See Ghana Child Labour Survey, 2003 p.103 Table 6.3

⁶¹ Ghana Child Labour Survey Report See Table 6.5, p.103

⁶² Cited in Bass, L.E., (2004) Ali Mazuri's triple heritage consists of indigenous/African, Islamic and Christian influences.

⁶³ Ghana Child Labour Survey Report, 2003 See table 6.4, p.103

policy which the government of Ghana run through the years 1996 - 2005. It is also an illustration of the fact that the government FCUBE policy is not far reaching enough.

3.2.6 *Child Soldiers*

In neighbouring African countries such as Cote D'Ivoire and Liberia as well as Sierra Leone and Guinea, there have been political disturbances which have disrupted the social system and spilled over into Ghana, which has been relatively stable. The turmoil experienced in these countries has exacerbated the child labour problem in Ghana. This phenomenon has been criticized by many observers as the use of child soldiers has become a problem in Sub Saharan Africa child labour.

3.3 Causes of Child Labour

3.3.1 *Poverty*

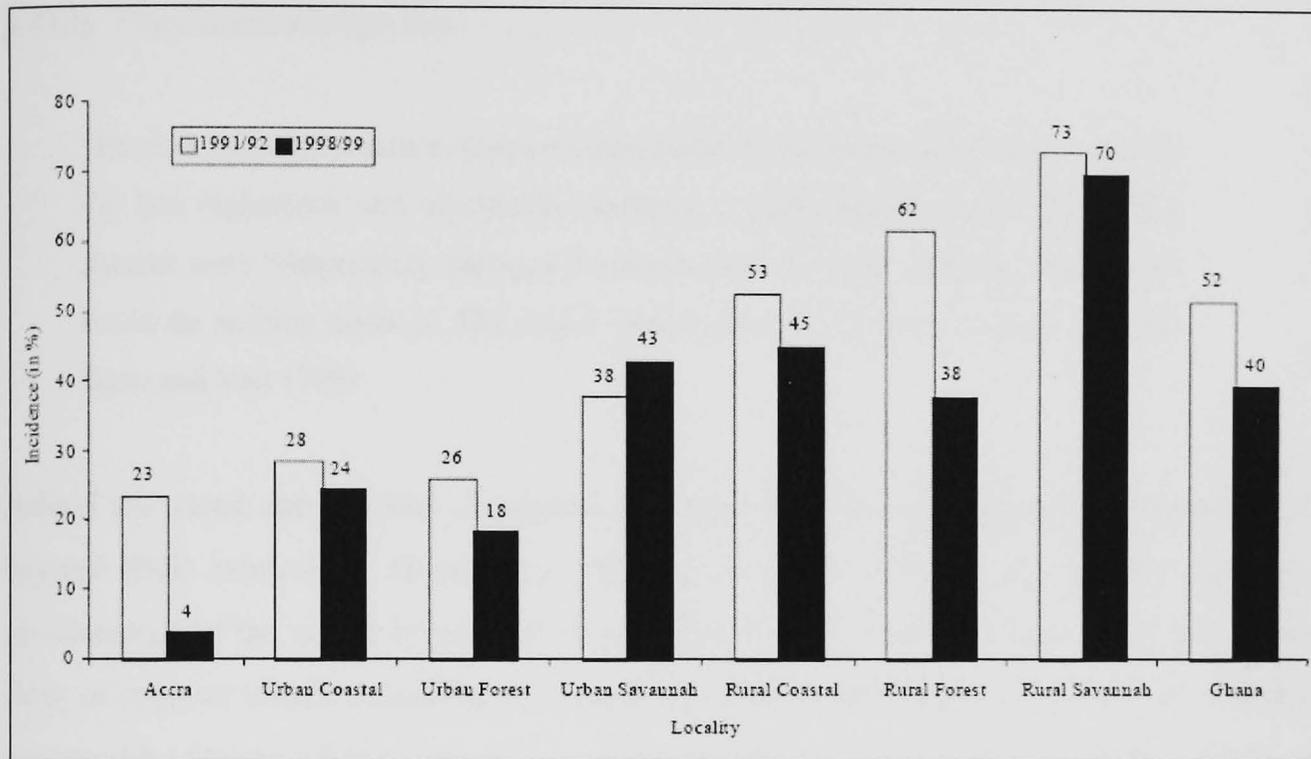
Poverty has often been cited as the main cause of child labour, and where poverty seems to be a perpetual feature of society, it succeeds in shaping behaviour, attitudes and the general world view of the people. In Ghana poverty is widespread, estimated at just under 40% of the population, and extreme poverty at 27% of the (GSS 2000). The persistence of poverty through many generations reinforces a certain way of life and establishes traditions and norms through the years which become even difficult to change.⁶⁴ Generally, because of the poverty situation that confronts many communities, the extended family, for example, becomes a safety net and social refuge, although in the wake of migration and growing urbanization this has become a debatable issue (GoG/UNICEF 2002 p.30). ILO estimates that the number of child labourers in Sub Saharan-Africa stands at 80 million, approximately 41% of the population of children between the ages of 5 – 14 years of age (Bhalotra 2003 p.13).

⁶⁴ The Ghana Living Standards Survey indicates that 52% of the population were poor in 1991/92.

The general view that poverty is the major determinant of child labour has been challenged by some scholars. Ray Ranjan (2000 p.18) argues that parental altruism⁶⁵ which underpins the luxury and substitution hypothesis was rejected on Pakistani evidence. The rejection he argues is based on the fact that research findings prove that income does not have much of an effect on child labour. Reduction in child labour is therefore put down to increases in female education. He declares “It is worth recalling that the rapid advances made in Europe and elsewhere in the early part of this century in the sphere of child labour and child schooling coincided with the rapid rise in female education and awareness, and with vast improvements in the public provision of basic services and in the ‘quality’ of life” (Ray, 2000 p.18). Folbre (1994 p.86) also reminds us that parents in developed countries once enjoyed immense economic benefits from their children because among other things their children worked at an early age. However, with weakening patriarchal property rights the benefits have significantly diminished. Although poverty is the main reason for child labour indications are that other intervening variables may have an equal influence on child labour than ordinarily acknowledged. Typically, child labourers work in the informal sector, which involves households businesses, whether farm or non farm businesses (GSS 2003 p.62). The Ghana Living Standards Survey estimates that poverty is a rural phenomenon, and where

⁶⁵ Rajan explains altruism to mean a situation where parents send their children to work only when the income from non child labour falls very low. As a result parents reduce the schooling of their children if the households’ adult earnings fall below the poverty line.

Figure 3.1 - Ghana Poverty and Locality Profile



Source: Ghana Living Standards Survey 1998/99

poverty is rife, children are more likely to be sent to work in agriculture, hunting and fishing or other rural industries.

Studies carried out by Edmonds and Turks (2002), Canagarajah and Coulombe (1997) and Bhalotra and Heady (2003) provide some evidence to support this argument (cited in Basu and Tzannatos 2003 p.159-160). The reasoning is that a household that starts a business, like a household that owns much land, has a greater opportunity to use its own labour and as Tazannatos et al argue, it is likely that sufficiently disaggregated household data ranging from households that own no land to those that have large quantities of land would show a non linear relationship with child labour, which would fall as land ownership rose and then eventually fall off as the wealth of the household kicks in as a dominant factor.

Adamassie (2002 p.261) has argued that parents send their children primarily to work to increase the household income. Basu and Van also add that while child abuse should not

be ruled out it is mainly the problem of poverty that compels parents to send their children to work and not a mere difference in attitude of parents (Basu and Van 1998, p.412). They acknowledge that

“Even in England which witnessed some of the worst excesses of child labour in the late eighteenth and nineteenth centuries, a parliamentary report noted that parents were “desperately unhappy about the situations their children were in but could do nothing about it. The social system allowed them no choice” (cited in Basu and Van 1998)

Indeed the same can be said of parents in Ghana who are compelled by circumstances beyond their control to allow their children to work so hard at an early age. The involvement of the whole household ensures that there is an appreciable level and steady flow of income which according to Adamssie (2002 p.261) are crucial for survival in a country like Ghana where most of the people live below the poverty⁶⁶ line. In a study on migration Hashim (2005 p.12) estimates that one of the reasons children leave home is to look for work and to earn money in order to pay for the medical expenses for other members of the family. Children of the non-poor are scarcely found involved in child labour. Basu and Van (1998 p.414) argue that this challenges the popular notion that child labour is the product of greed on the part of employers and parents who send their children to work.

3.3.2 *Culture*

Within the socio-cultural context of Ghana children are expected to work. In fact the issue of intergenerational reciprocity has been identified for example, as one practice that encourages child labour (Laird 2002; Van Der Geest 2002). Under the influence of the triple heritage childhood socialisation includes work which is reinforced by the idea that a child must be useful to the family (Basu 2004). As a poor country, Ghana, like any other poor African country, has widespread poverty without a comprehensive safety net to offer social protection to the disadvantaged, such as children and the elderly (Bevan

⁶⁶ According to the OECD overall poverty rates fell from 51.7% in 1992 to 39% in 2001
<http://www.oecd.org/dataoecd/13/21/2497927.pdf>

2004). I argue that the effort to survive in the cycle of poverty within the context of an insecure environment helps shape certain values and norms, beliefs and practices such as respect and reciprocity that have become the bulwark of Ghana's traditional welfare systems. Since poverty has often been cited as the main cause of child labour, the culture of work among children has been acceptable for many years without any concern about the effects it may be causing them. Child labour therefore is not ordinarily considered an evil by local people.

3.3.3 Child Abuse and Neglect

In Nigeria it is estimated that child abandonment, sexual abuse, child neglect, vagrancy, kidnapping and hawking were the most reported forms of child abuse and neglect (Ebigbo 2003, p.2). In Ghana, for example, it's been noted that children have ended up on the streets because of the lack of parental responsibility and abuse (girls often suffering sexual abuse), among other reasons (Orme and Seipel 2007). Children, who are not under their parent's supervision and care, especially those working in the streets are easily harassed by older children and sometimes the authorities and are poorly remunerated for the services or labour they provide (ibid.). As Bass (2004 p.162) also explains, abduction of individuals and communities has been common in conflict torn societies such as Liberia, Sierra Leone, Uganda and Sudan. Abductions leave in its wake a lot of orphaned children, some of whom are abducted too are forced into labour as child soldiers. Their innocence is exploited as they are forced to work not only as child soldiers but also as sex slaves or forced into marriage. Another alarming area of abuse and neglect has been evident in child trafficking. This practice somewhat suggests that Ebigbo's idea that the extended family system is crumbling applies in Ghana as indeed the rest of Sub-Saharan Africa (2003). Joy Moncrieffe (2001 p.13) suggests that divorce, neglect, violence from parents and poverty are the principal reasons why young people run away from home.

3.3.4 Poor Access to Education

There is a general perception that child labour is encouraged because there is poor access to education and idle children occupy their time with work to benefit themselves and their

families especially in poor countries. “Children with little or no access to quality education have little alternative but to enter the labour market where they are often forced to work in dangerous and often exploitative conditions (ILO 2006).” It has frequently been argued that parent’s education has a great influence on whether a child is likely to work (Bass, 2004, p105; Canagarajah and Coloumbe, 1997 p.42). There is also a general assertion that the gender of the head of the household influences whether the children in the household are more likely to attend school. Satz (2003 p.299) also argues that the one who makes the decision about a child’s education must have relevant information about the consequences of his or her choice. She adds, if the entire reference group for parents is largely untouched by the experience of being educated, then their ability to assess the personal and social value of education might be limited. An educated parent knows the benefits of education and is more likely to send his or her child to school because of that knowledge. At the global level organisations such as the ILO, UNESCO, UN and Bretton Wood institutions have argued in favour of education as a tool to deal with child labour. The idea of universal education for every child has become a global idea which is also gaining momentum in poor countries and in Ghana the Free Compulsory Universal Basic Education (FCUBE) is a policy area that is been dealt with. However, while the absence of schools causes children to go into child labour, the effect of child labour is to forgo education. The irony is, child labourers in Ghana often attend school but the effect of child labour on their schooling is profound as many children leave school without being functionally literate (Heady 2000). Their semi-literate status leaves them not much better off than their parents and therefore perpetuates child labour.

It’s been observed that in rural savannah areas such as northern Ghana there is considerable distance between the schools and households. In their observation Canagarjah and Coulombe (1997 p.44) have indicated that most of the schools in such areas are of no good quality and are widely scattered. They conclude that where school is not of acceptable quality, they are a disincentive to school attendance. The evidence shows that enrolment of school children in primary schools was generally low at about 54% in rural areas in Ghana. It is estimated that even with a retention rate of 87% functional literacy would stand at best at 47%. ILO/IPEC also acknowledge that the

absence of education facilities may cause child labour, however child labour is itself also an obstacle to education. It seems hypothetically true to also suggest that what makes education more complex is the fact that where parents are poor they act rationally to maximise the potential earning power of their households. Where survival is the goal then child labour is preferable to school. In view of this they make choices as consumers in the market would. "The ever changing nature of labour markets and low returns from education have made schooling less attractive for many parents (Canagarajah and Coulombe 1997 p.38). This is especially true in rural areas where formal education may appear to be less important, given limited formal sector opportunities." They have also argued that in Ghana children usually became economically active if their parents are self-employed in agriculture.

3.4 Consequences of Child Labour

3.4.1 Cycle of Poverty

Since child labour is caused mainly by poverty it is assumed that child labourers go out to work so that they can contribute to the household income. Some economists have argued that parents only send their children to work if the resources from non-child labour income drops. As long as adult wage rises above the critical adult wage families are prepared to withdraw their children from working (Basu 1999, p.1104). One of the main effects of child labour is that it contributes to the family income but it's also been argued that although children may make a financial contribution to the running of the home the productivity of these children in adult life has fallen significantly. Basu contends that a person lives first as a child and then as an adult. Also "as a child a person can either work or go to school (that is acquire human capital). The productivity of an adult depends on human capital accrued therefore if a child does not go to school in order to acquire human capital then that child becomes an adult without human capital and therefore perpetuates the cycle of poverty that caused that adult, when he/she was a child to be a child labourer in the first place. Whiles this assumption may be a true reflection of the situation in Ghana it still does not address some pertinent issues raised by critics of the poverty

axiom who argue that poverty does not necessarily cause child labour (Basu and Tzannatos, 2003 p.159).

Many child labourers are from households with parents of very low education (ILO 2001 p.viii). In the ILO report on child trafficking in West and Central Africa it is reported that many parents of trafficked children are uneducated. The report estimated that in Burkina Faso about 98.6% of the mothers of trafficked children were illiterates (ibid.). In studying child labour in Ghana and Pakistan Bhalotra and Heady (2000 p.17) argue also that the returns to education for children bear a correlation to that of parent's education.

“This is both because children with better educated parents are expected to derive more from their education and because they are likely to be better informed in job-search. This apart educated parents may have a stronger aversion for child work, though if they are also more likely to take jobs outside the home, their children may more often be found engaged on the household farm.”

It is plausible that child labourers in Ghana are therefore products of their parent's childhood experience of child labour which is perpetuated by the cycle of poverty.

3.4.2 Poor Educational Attainment and Socialization

It is generally believed that schooling is one of the institutions with the most profound effects on child labour. Consequently participation in school reduces the available time that a child has for work at home or in the labour market. Admassie (2002 p.262) has argued that by making the child's time scarce the bargaining position of the child is improved at home. The contention that children are being given work obligations because they lack educational opportunities is not adequate explanation of the situation. It is quite common in my personal observation to see teachers in rural schools employ the services of students to work on their farms as unpaid family labour. I argue that state of affairs has helped develop a culture of work within the context of poverty. If domestic work was the main source of child labour then a school system which did not protect the children from being exploited by its staff offered no protection to the child. In fact education in such situations exposed children to child labour. Although globalization can be blamed for

child labour the globalization of ideas such as child labour has also exposed the fact that local knowledge of child labour especially within the context of rights did not exist in Ghana.

Canagarajah and Coulombe (1997 p.12) have argued that in Ghana children usually became economically active if their parents were self-employed in agriculture and there is a 12% chance of that happening above other households. As part of the family resource pool, children are a part of the resources available for work. Parents therefore put children to work in order to complement adult labour and not to replace it either in the labour market or in the household. It should therefore not be misconstrued that child labour in the house is a result of parents giving up their responsibilities. The ever changing nature of the labour markets and low returns to education has made education less attractive for many parents. Canagarajah and Coulombe (1997 p.12) further suggested “This is especially the case in rural areas where formal education makes very little difference given limited formal sector opportunities and most skills are acquired by the learning by doing principle.”

The level of education of parents has an effect on child labour (Grootaert and Patrinos, 1999 p.9). Here researchers have argued that “rising education levels of parents contribute significantly to reducing child labour” (Rajan, 2000 p.10). There is an assumption that when a father is educated the boy tends to be affected positively and similarly when the mother is educated the girl is affected most by her mother’s education. Grootaert and Patrinos (1999) describe education of parents as the single most important household characteristic. In their estimation the more educated a parent is the less likely it is for the children to work. In effect where the education of parents is low the probability of child labour is high because parents with low education tend to earn lower wages and afford a very low standard of living. Educated parents generally increase the productivity of their children’s time in school through various forms of support such as reinforcing what is learned in school, helping with homework or valuing their children’s efforts in school and away from any form of work (Grootaert and Patrinos, 1999 p.18). In Ghana many child labourers come from homes where the education of their parents is

very low therefore even though many child labourers are in school, attainment is still very low, ill preparing them for the world of work later in life.

Heady's (2000) study on the effect of child labour on learning achievement in Ghana is very important here. The case for studying the effects of child work on learning achievement is crucial as indeed he distinguishes it from other research which has focused on the effect of child work on school attendance. This is particularly important because with government of Ghana policies and programs such as the FCUBE it is important to focus not only on increasing enrolment and attendance but also the quality of outcomes. He notes,

“... the use of school attendance as a measure of learning achievement is not ideal for estimating the harm that child work causes. On the one hand it might over-estimate the harm of child work, neglecting the part played by poor quality education in many schools in poor developing countries and the fact that some children may receive an informal education (from work or just daily experiences). On the other hand, it might under-estimate the harm of child work, because children that work as well as go to school may find themselves less able to learn as a result of exhaustion or insufficient time to complete homework. Therefore there is a strong case for measuring the effect of child work directly on what children are able to do, instead of on how long they spend in school.” (Heady, 2000 p.1)

Heady's study came to a broad conclusion that work has a substantial effect on learning achievement in the key areas of reading and mathematics (p.33). Bass (2004 p.117) affirms Heady's conclusion and adds that it is not merely lack of attendance but also work has a negative effect on children's school achievement. The direct link between work and learning achievement was identified to be caused by exhaustion or the diversion of interests from academic concerns. It was also concluded that work does not substantially affect school attendance in Ghana. It is important to find out whether the FCUBE program has been successful in this area. Studies show that efforts were made to improve the quality of primary education initially but it remains to be seen whether indeed learning achievement has improved or whether it has just been one of increased

enrolment. Since many children in Ghana combine working and schooling⁶⁷, it seems to suggest that some progress has been made in increasing enrolment although the ultimate aim is to get children off the streets and help them benefit from education in a bid to end poverty and improve their welfare both now and in the future.

The successful policy and program to increase enrolment of children in school has ironically succeeded in perpetuating child labour because with poor educational attainment (Heady 2000), children are not been well equipped with the requisite skills to function in the formal sector. Youth employment is largely a consequence of the education policies and programs which invariably were targeted at combating child labour among other things. Studies show that to a large extent functional literacy is a pre-requisite for entering the labour market therefore child labour has an ill-effect on the government of Ghana's program on education for all (Blunch and Verner 2000). Research confirms that low learning achievement is more profound among girls than boys in Ghana. Bass (2004) argues that an overwhelming majority of children, 90 percent, help with household chores in Ghana. Although household chores are not necessarily an impediment to their education, there are still more boys enrolled in education than girls (ibid). Bass argues also that girls as a group work longer hours on average than boys, and girls work in jobs that are different from that which boys work in. She argues that due to cultural expectations girls tend to work in domestic situations where little or no wages are earned. In effect the wages that girls earn are relatively lower and the time requirement for their jobs is far greater than boys. As a consequence their labour directly competes with their school attendance and time slot for homework.

Child domestic labour and other forms of child labour also have a twofold effect on the education of its victims. Traditional attitudes towards education have been one of individualistic economizing. The practice whereby girls in rural poor households are engaged in work of domestic nature which usually are of very long duration makes the decision to send a child to school a forgone conclusion if the meagre resources in the

⁶⁷ "Of the estimated 28 percent of Ghanaian children who work, more than two-thirds of these children concurrently attend school. Sorting out which kids are unable to accomplish both allows us to understand the underlying roots of child labour as a social problem." Bass, Loretta E. (2004)

family means parents must decide which child they can afford to go to school. The boy often gets chosen as the girls are often limited by the double bind of being rural and poor.

The success of any education policy or program largely depends on the returns to education. What would parents/households gain from the education of their children? There are gender differences in the expectations of parents and households have on the education of their children. Bass (p. 106) has explained that there is a variation in the value that parents place on schooling. This variation depends on the household type (rural or urban), socioeconomic status as well as quality issues. These issues influence the expectations of parents. She states

“Conversely, the value that parents place on schooling is higher when they believe that schools add educational value and when they believe that there are private returns for their children in terms of the future income, employment, and social advancement.”

However, in Ghana as Bass indicates, the rate of returns to schooling increases with more schooling and greater work experience with each additional year adding 4 to 6 per cent in private returns to the student then in effect the poor who cannot afford the cost of education are only disoriented by the prospect and are therefore not motivated to stay in school. Any investments in education which do not stretch far enough to cover that long period suggested by Bass would therefore be a waste.

3.4.3 Health Problems

The consequences of child labour on a child's health depend on the type of hazard the child is exposed to and the intensity of work in a particular industry. In addition because child labour is unregulated there are no safety standards to protect children from hazards especially in dangerous industries. In cases such as mining, construction and manufacturing, the hazards may be obvious whereas the hazard could be less perceptible in cases where there is exposure to dust, toxins, chemicals, pesticides and lifting heavy objects (Guarcello, Lyon and Rosati 2004 p.4). So far no comprehensive study of the

health effects of child labour has been conducted in Ghana. The Child Labour study focuses a great deal on street children and gives much attention to the health problems that street children face.

The ILO (Fact Sheet 2004) reports that in the world's leading cocoa producing areas of West Africa, which includes Ghana, child labourers are involved in clearing fields, harvesting pods and slice the pods to remove the beans for drying and applying pesticides. The long hours of work (sometimes 12 hours a day) under the sun exposes workers to heat exhaustion and the use of chemical pesticides and farm implements such as machetes puts many child labourers at risk of injury. Child labour in agriculture also exposes child workers to snake and insect bites and injuries from tools used at work. Exposure to hazardous working conditions, which could be detrimental to the health and safety of the child, is one of the main areas emphasised by ILO Convention on the Worst Forms of Child Labour. Worse still the study by the International Institute for Tropical Agriculture emphasised that some of the child labourers on cocoa farms in Ghana and other West African countries are trafficked children for poorer neighbouring countries such as Burkina Faso and Mali. Such children suffer a great deal especially where they have no family ties. The report estimated that in Cote d'Ivoire for example the majority of the child labourers came from neighbouring countries.

This is also evidence of the fact that even in traditional societies children from better off families and households do not often get involved in child labour. Rosati and Straub (2006 p.1) confirm that work in childhood affects health in the long run. Not much work has been done in this area, so it is important that work is undertaken in Ghana to establish the effects of work on the health of the child in the short and long run. A study carried out by Fentiman ironically shows that in Ghana assuming that non school attending children are working; there is no growth difference between children enrolled in school and those not enrolled (cited in Guarcello, Lyon and Rosati, 2004 p.6). There is also a view that because of the importance of child labour in dealing with poverty there is ultimately a positive effect of child labour on the health of the child (ibid). This view supports the traditional notion that work is a part of the socialization of children.

Concern has been raised about the long and short term effects of child labour on health but Rosati and Straub (2006, p.2) have also acknowledged that the health consequences of child labour are largely unknown, and empirical investigation not an easy task. In Ghana there have been general reports of children dying in fishing villages because they have to work in the river helping salvage fishing nets caught in deep water by tree stumps.⁶⁸ The argument advanced often is that because of their sizes and nimble fingers it is easier for them to do such jobs better than adults. Efforts by such organizations such as the IOM and the African Centre for Human Settlement have been instrumental in halting the effects of this hazardous form of child labour. The IOM's efforts have revealed that most of the children, some of whom are as young as 4 yrs old are fed very poorly. As child slaves living with fishermen who are themselves poor by any standard they barely receive enough to eat. This leaves them clearly malnourished and work such long hours it is no doubt they are portrayed as feeble looking.

Guarcello, Lyon and Rosati (2004 p.7) have noted that in the long run the effects of child work on health can be telling. In their argument they state

“While many of the health risks child labourers are exposed to threaten immediate damage to health, others are likely to develop over many years and might only become manifest in adulthood. Exposures to pesticides, chemicals, dusts and carcinogenic agents in agriculture, mining and quarrying and manufacturing increase the risks of developing bronchial complaints, cancers and a wide variety of diseases” (cited in Guarcello, Lyon and Rosati 2004 p.7)

It's also being argued that the health consequences of such work are not obvious particularly on the basis that the majority of children work under the supervision of parents which might not necessarily be harmful (O'Donnell et al 2002 p.7). While these may not necessarily reflect the case in Ghana it is a noteworthy fact that the absence of research into particular cases in Ghana of children who are suffering some of the known

⁶⁸ bbc news 2003 <http://news.bbc.co.uk/1/hi/world/africa/3095198.stm>

health effects mentioned makes it difficult to draw a definite conclusion on this matter. In fact it is obvious that children involved in small scale mining as well as agriculture and other could begin to show signs of some of these ailments if studied over long periods of time.⁶⁹ Evidence of the health consequences of child labour is limited, but threats from health hazards should be considered against the fact that the child maintains his/her own health by helping to maintain subsistence living standards of the family (O'Donnell et al 2002 p.18).

There is a paradox in analysing the health effects of child labour. The usual argument that child labour is to avert poverty may be largely true because working children earn and therefore have the ability to feed themselves well, however the opposite is often cited because many working children do not earn money for themselves or are exploited because of the poor arrangements and poor bargaining power they hold during negotiations for employment. Generally, the non-recognition of children's rights leaves child workers exposed and vulnerable in the labour market which goes a long way to affect their health and well being both in the short and long term. It is often believed that education will solve a multitude of problems where child labour is concerned therefore it is imperative to look at what effect education is having on child labour.

3.5 Conclusion

Child labour in Ghana is not a hidden phenomenon. Its obvious nature goes to show that it is largely an acceptable way of dealing with the reality of everyday life for the ordinary Ghanaian. In this chapter, an attempt has been made to outline some of the common types of child labour some of which have been a direct response to globalization. It establishes the fact that child labour is indeed rife in agriculture, streetism and sales. It goes on to discuss the causes of child labour and the complex arguments about poverty, lack of access to education and culture. This discussion reveals the fact that one reason cannot be

⁶⁹ Garcello, Lyons and Rosati (2004) provide data on the long run effects both direct and indirect effects from countries like Brazil and India

attributed to child labour but admits poverty is a major underlying factor. Lastly, this chapter also goes into discussing the consequences of child labour and suggests for example that not much information is available on the health effects of child labour in Ghana per se. However, health problems associated with child labour must be looked at in the context of the particular sector or industry in which the child operates and whether it has obvious hazards or hazards which only show in the long term rather than short term. After establishing that child labour is indeed rife in Ghana the next chapter looks into the methods for studying child labour with a view to collecting firsthand information.

Chapter 4. Child Labour in Cultural Context: Researching the Reality

4.1 Hypothesis, Methodology and Fieldwork

In this chapter, the discussion is organised in the following order; first, it clarifies the research question(s) and develops a hypothesis and then discusses the broad area of preparation for fieldwork and finally sets within this context the preparation for the study of child labour in Ghana. This will include an outline of methods considered essential for the study and the experiences anticipated. The next part of this chapter deals with experiences in the field, recounting the application of methods adopted, and the challenges in the field, as well as the new opportunities it brought. It also includes some comments on participant responses in interviews and group discussions. The last part includes reflections on the field experience leading to the next chapter, which sets out the research findings and results.

4.2 The research question restated

Why is child labour still persistent in Ghana in spite of law and policy? This question digs into the fundamental problem of child labour, its global dimensions and the implications for the country and its people. The chapter looks into areas such as the method(s) that would most suitably address the question. To address this issue let us first recap what this research is about and reiterate the aims and clearly define the methods to be used to achieve these aim(s).

Briefly, the aim is to investigate child labour in Ghana in order to find out why it is persistent in spite of the structures put in place to address these issues. These include using the rights approach to eliminating child labour in Ghana, the first country to sign the UN Convention on the Rights of the Child, 1989 and the adoption of a Children's Act in 1998.

This meant two things. First, finding out directly from child workers and members of the community why child labour continues to be persistent even though it is prohibited by

law in Ghana. It was to unearth prevailing notions which influenced local people to continue the practice of child labour. The second was to find out from officials why the persistence in child labour continued in spite of the laws and policies that have been put in place to stop it. Was this due to ignorance of the law, apathy of officials or unrealistic laws and policies? The hypothesis generated was, child labour reduction or elimination in Ghana through laws and policies was unrealistic or far removed from the realities that local people had to deal with on a daily basis. I was concerned to examine whether in Ghana the official child labour agenda enforced through the Ghana Constitution, the Children's Act and such policies as the Free Compulsory Basic Education (FCUBE), were put in place merely in line with international norms and discourse without reference to local realities.

For the sake of clarity it was important to redefine and distinguish the concept of child labour and child worker to remove any ambiguity that such undefined terms convey. Child labour refers to all working children who were below the ages of 16 as defined in Ghana's Children's Act s89 "the minimum age for admission of a child to employment shall be fifteen years." However, work that does not interfere with schooling or pose a threat to the health of a child is going to be considered as child work and not a child labour (Grismund, 2001 p.6). It must be reiterated that this thesis is not intended to measure child labour but to establish the reason for the persistence of child labour. There is available statistical information that establishes the level child labour in Ghana as we reported in chapter 3.

The plan was therefore to find out from the respondents what the local understanding of concepts such as the *child/childhood*, *child labour/work*, *best interest principle* and *children's rights* and find out the differences and similarities between the local/national (official)/global understanding. The crucial question to child labourers and adults in the communities was, why did child labour continue to exist in spite of state intervention? It also included exploring what motivated the adoption of current national laws and policy. This meant eliciting from officials how the interplay of global law and values vis-à-vis local/customary law and values has influenced national law(s) and policy(s).

4.3 Method and Methodological Approach: Qualitative Study and Interpretive Sociology

This study involves using interviews, which is the favoured digging tool of a large army of sociologists, who are mainly students of living people, and their subject matter, interaction, which is a constant activity including verbal and other gestures (Benney and Hughes, 1956 p.137). This study is a qualitative study using the interview method to elicit from respondents answers to questions through a semi-structured interview format. A qualitative study is most appropriate because of its interpretive epistemological position (Bryman, 2001, p.264). Sociology is concerned with the interpretive understanding of social action as well as with its causal explanation. It is therefore essential to study social action from the actor's point of view to provide some account of the actor's subjective 'definition of the situation' (Norkus, 2000 p.260). This implies that instead of a positivistic or natural scientific model of quantitative research which enumerates data gathered, the method adopted here emphasizes the study of the social phenomenon of child labour by examining an interpretation of the world by the participants which include child labourers, adults in the community and officials. The key issue in an interpretive study is to understand why social actors act in a particular way. In fact, to explain the persistence of child labour it is important to get an understanding of individual action in a way similar to Weber's Vesterhen (Martin, 2000). In order to apply these ideas in this study it was important to avoid excessive individualism by recognising also that individual action is largely influenced by a cultural and historical process that underpins the actor's action.

Qualitative research is easily criticized for selective reporting of observations, making it impossible to gauge the extent to which the phenomenon being studied is typical (Foddy 1993). Unlike the survey design which is more positivistic, the broad area of qualitative study including ethnomethodology are also criticized for their lack of control because of the absence of fixed designs to start with (ibid). This research was however not intended to make generalizations with statistical precision but to gain insight into the livelihoods

of child labourers and the reason for the persistence of this phenomenon. Foddy (1993 p17) argues that notwithstanding the differences between quantitative and qualitative approaches to social research, it's never been claimed that total control is exercised in positivistic research. He argues further that it is important to exercise control in the question and answer session whether closed or open-ended. Such control is possible if there is clarity in the objectives and the interview questions, so that, for example, when the researcher poses a question, respondents are able to decode it (ibid). Respondents should also then be able to encode answers, which should be rightly decoded by the researcher for proper analysis of data collected.

Also important to this study is the use of language, as the use of language helps in the construction of meaningful social practices. As Bryman (2001 p.266) has indicated, a qualitative study allows a researcher to immerse himself/herself in a social setting for a period of time in order to understand the culture of the people through observation, listening, interviews and focus groups. The idea here is to allow the issues to emerge in the course of the research. In qualitative studies there is admittedly an inherent tension between the scientific discourse and the subjective dialogue between researcher and the subjects of study. This required a conscious effort to avoid the repeated problem where researchers position themselves at the hierarchy of understanding and assume a position of power that is best suited to represent the interests of the subjects under study (Harrington and Yngvesson, 1990).

The research is not aimed at quantifying the extent of child labour or to give numerical details on the extent of the problem of child labour. Instead the qualitative study seeks to provide an understanding of attitudes and behaviour in the population. It was to provide a deep understanding of the issues and to explain the persistence of child labour as well as the notions and traditions that enable such persistence. In the end it would help clarify whether children and families were being merely adamant, ignorant or whether the government was rather out of tune with reality, yielding to pressure from above without reference to local exigencies.

Brymans (2001) ontological position which is described as constructivist is important here. He postulates that social meaning is an outcome of interaction between individuals, and by this he meant, for example, that the phenomenon of child work is an outcome of the interaction between individuals rather than a social fact separate from those involved in its construction. Notions, concepts and cultural values are therefore ethnographic subjects that can only be studied in-depth through interaction with the actors and participants in their own surroundings.

4.4 Preparation for Ghanaian Fieldwork: Contextual and Access Issues

The phenomenon of child labour is obvious in Ghana and my experience growing up there exposed to me the level of involvement of children in work. Today, it is particularly evident to the casual observer that many children are involved in commercial work particularly in urban areas of the country. Some may dispute this as youth employment/labour rather than child labour so quite clearly these assertions need to be verified in order to make the case for child labour

It was assumed that because of my knowledge of the field locating child labourers would be an easy and straight forward process. In addition, my decision was influenced by newspaper, television, radio reports and other research findings. In the newspapers there were reports on some of the extreme forms of child labour.

“Together with the police the assembly may make it one of their main tasks the monitoring of child migration and trafficking, commercial sex exploitation of children and general abuse of street children in the metropolis” (Haruna, 2002)

Armed with information from newspapers, research reports (GoG/UNICEF 2002; GSS 2000), radio and television, personal observation and experience, I was quite certain that with my understanding of the Ghanaian multi-ethnic, multi-cultural and multilingual atmosphere I would be very much at home, conducting this study.

Devereux and Hoddinott (1993, p.xi) have argued that the context in which fieldwork is conducted is integral to the research process. In their opinion therefore, the stress and strains of fieldwork on the researcher are profound, and have a bearing on the nature and interpretation of data. They therefore suggest that methodological considerations should not be divorced from contextual considerations. In line with their idea, an important consideration quite early in the preparation for fieldwork was financing the trip. Funding the trip to Ghana, which included the cost of transportation and the cost of maintenance in the field, were therefore essential considerations in this context because the obvious financial constraints were going to affect the time available for the study. Anthropological studies have an important time component that cannot be overemphasised. It usually involves prolonged observation of the group being studied. Notable ethnographies such as Malinowski's "Argonauts of the Western Pacific" in which Bronislaw Malinowski spent about 2 years in the Trobriand Islands and Rattray, the British Anthropologist of the colonial government in Ghana who wrote books like "Ashanti law and constitution".

4.5 Research Design and Methodological Considerations

The research question suggests an anthropological study focusing on the description and interpretation of cultural and social groups (Creswell, 1998 p.58). It also involved a degree of non-participant observation, involved spending time with each group of child workers in order to build a relationship and a rapport sufficient for meaningful interaction (Becker, 1970 p.26). The aim here is to study the meaning of behaviour, language and interaction of the culture-sharing group (Creswell 1998). Language is particularly important to this study because it looks at the meaning of words in the local language that are used to express the concepts of children's rights and child labour. In studying people to gain an understanding of their livelihoods culture is an important component. In Creswell's (1998, p.59) view culture is an amorphous term that "consists of looking for what people do (behaviour), what people say (language) and some tension between what they really do and what they ought to do as well as what they really make and use

(artefacts).” Language was of particular importance because it conveyed the understanding of the issues among the people and Devereux (1993, p.43) in his research in Ghana identifies the essence of this. It was therefore important to understand the commonly spoken languages of the child workers spoke to facilitate communication, and my ability to speak Twi proved very useful. Twin (1997, p.2) makes reference to communities for whom English is a second language both in the US and the UK and discusses the fact that in studying health needs of these communities it was realized that “the use of the second language presented challenges to the reliability and validity of the data”. It is suggested that it is better for the researcher to use the language of the informant to obtain an understanding of the health experiences and perceptions of health care. It would have been even more helpful if I could speak the languages of all the informants in this study as there were a few cases when both researcher and informant had to speak a second language.

The main method adopted for this study was semi-structured interviews and focus group discussion complimented with documents. A lot of the interviews were conducted in Twi, the most widely spoken language. It was necessary that answers provided from interviews and discussions were all translated into English first and coded into themes which are generated from the interaction in the field. It was also important that as the term semi-structured suggests, there was a certain degree of standardization of interview questions and a certain degree of openness in responses from the participants. As Wengraf (2001, p.62 – 63) suggests an interview might be conceived of as being a simple unity with a fairly fixed proportion of standardized to follow up interview questions. Wengraf explains further that a one – hour interview for example could be conducted using four interview questions, with 15 minutes spent on each, following up the initial answer to each question. Another approach he suggests could be to design the interview to be in different segments such that a completely unstandardized half-hour starting off from a very general initial interview question followed by a fully structured half-hour of prepared interview questions. The emphasis here is on how to intervene or avoid intervening wrongly such that in the end the research question is addressed without jeopardizing the research. This interview involved a combination somewhat of both

approaches. It started with an introductory unstandardized interview, followed by a more standardized interview.

I started off with what might be an inductivist approach by imagining my informants and imagining questions that I would ask the informant, and thought through the significance of the research question(s) under various logical groupings. This was formulated against a backdrop of personal experience growing up in Ghana and gaining first hand experience of child work/labour coupled with an interest in human rights. As Wengraf (p.80) remarks:

“it is a bad idea to think you can start on quite a new topic for which you do not know already have some general concepts and some knowledge-base, derived from reading or at least personal experience. In ‘real research life’ we spend days, weeks, months or even years building up our general concepts and our research based questions prior to the interview”

The question at stake was why child labour was still persistent in Ghana? This question required eliciting from respondents, biographic data, including ages, gender, ethnicity, level of education and religious affiliation. In thinking through the research question, some areas of concern that emerged were poverty, culture and truancy. There were ethical concerns about interviewing children which would be addressed later. There were also interviews of officials, aimed at bringing to the fore the challenges of a global discourse, in the face of local reality, and how officials dealt with it. It involved questioning why Ghana adopted the CRC and looking at whether the children’s rights campaign was a mere reflection of globalization from above or concern from below.

4.5.1 *Researching Children*

Researching children should ideally reflect principles of equality, the views of minors and minorities in society. Hart and Tyrer (2006 p.26) encourage the involvement of children regardless of age, (dis)ability, ethnicity and socio-economic status. Considering that many children assume major responsibilities either as carers or wage earners, and develop skills and capacities as a result, age should not be a barrier in interviewing them

(ibid.). The approach to interviewing children was therefore considered against the backdrop that children were a peculiar group to study because of their status as minors. Within the context of children's rights, it is accepted that, though minors, children have a right to be heard, but where, for example, they are under the care of an adult, how free are they to speak their minds, especially, where it opened up the opportunity to expose abuse or maltreatment of children by family members or employers. In an African traditional society, it may be argued that many children work in situations that may be characterized with subordination and obedience (Jacquemin 2004 p.5). Under such conditions, is it right to interview children, especially because they are a vulnerable group who are easily exploited by adults in positions of power?

Given the ethical issues surrounding researching children, it is no wonder Jacquemin (2004 p.5) suggests approaching children through intermediaries. She acknowledges, for example, that approaching child domestics in particular is impossible without the employer's consent. Jacquemin also showed concern about the possibility of children who engaged in the interview being subjected to abuse subsequent to their participation in the interview. That concern is noted later in the interviews with officials, during which it was reiterated by the police and cited as one of the reasons hindering the enforcement of laws on child labour.

4.6 Ensuring Reliability and Validity

The importance of reliability and validity in a scientific enquiry cannot be overemphasized and especially so for qualitative studies which have often been criticized for failing to adhere to its canons (LeCompte and Goetz, 1982 p.31). In interacting with the people through interviews and observations it is important to note that the uniqueness of qualitative studies especially of anthropological nature and the exact reconstruction of a particular social situation is unlikely, regardless of the design adopted. In view of the uniqueness of such research it was important to ensure validity and reliability. LeCompte and Goetz have argued that because of the herculean problem for researchers concerned

with naturalistic behaviour or unique phenomena, qualitative research may approach rather than attain reliability (ibid.). This should not warrant the claim that this study is facile and simplistic because generally in research that there is a need to offer a complete description of the design, data collection and interpretation of the data to allow replication (ibid.).

Prostitution in Ghana is illegal, but even more so child prostitution because children involved suffer the double jeopardy of being stigmatized by local people if they are found out, for being minors involved in immoral activities and being arrested by the police if they are caught. The illegality of their activities and their minor status made it difficult to contact them, but even when they were contacted, the challenge was to ensure that the information they provided was reliable. There was the danger of being given wrong information to avoid giving too much insight into their activities. In the mining communities where children were involved in illegal mining the people were skeptical about outsiders particularly because of the fear that some officials may infiltrate their community to collect information that would be used against them. In view of this, establishing a rapport was crucial for building trust and confidence. This was eventually achieved through the assistance of a local resident who helped establish a rapport with the miners and the general community including adults and children without engaging in illegal mining with them.

Choice of informants also posed a challenge because of informant bias which hindered access to other informants. This problem became evident particularly while interviewing child prostitutes. It was becoming clear that the use of snowballing to identify other participants only exposed the preferences of the participants because they simply encouraged older friends above 16 years to come forward because of the cash token received for the time they had given up to do the interview. There was clear evidence that interviewees were becoming unreliable because they were beginning to provide false information in order to meet the criteria for cash tokens (LeCompte and Goetz, 1982 p.38). This was handled by emphasizing biographic details to ascertain their backgrounds and reliability. As the body of evidence grew about the fact that information seemed to

have gone round that cash tokens could be received after an interview, interviews came to an end.

4.7 Child Labourers: Locating and Choosing and Sampling

4.7.1 Three Child Labour Markets

Three sectors of the economy were considered, giving a varied and broad manifestation of the phenomena of child labour. It did not only give a clear understanding of why child labour still persisted but more importantly brings understanding to the cultural context in which child labour persisted through language, patterns of behaviour and customs. An essential feature of this case study is as Creswell (1998, p.60) indicated “situating the case within its setting.” The children were to be interviewed in their working environment in order to bring to light real life experiences of working children. It was also to provide an opportunity for a first hand experience of what working children go through each day instead of relying only on their accounts.

In studying the law and its effects on society, it's been argued that there is a relational concept of power where officials are participants in power relations both as constrainers and the constrained (Harrington and Yngvesson, 1990 p.143). Harrington and Yngvesson argue that although official power is often scrutinized interpretive analysis of power at work in everyday practices reveals the forging of common sense understandings. It was very important to distinguish oneself as a non-official, however, interviewing children meant one's position as an adult and outsider required a rapport that enabled us to forge common sense understandings necessary for interaction.

The three sectors chosen were child prostitution, mining and selling in the markets. These areas of child labour were chosen particularly because of the impact of globalization on these sectors of the economy. Commercial sex work or child prostitution thrives in the travel and tourism industry, especially within the context of globalization, which has brought in its wake a surge in mass tourism to new destinations in the south for sun, sea and sex (Osirim 2003 p.540). One of the effects of this is the increase in commercial sex

work even among children. While this may have been around for a long time, the obvious increase in this business due to the growth in tourism in Ghana and the promotion of sun, sea and sex have particularly made the coastal region of Ghana a thriving area for prostitution. The seriousness of the problem has often been captured by the media, for example, child trafficking for sex slavery.

“The Gambian authorities said this week they were questioning a group of 63 Ghanaian children, most of whom were girls who had been trafficked into the country for use as sex slaves and unpaid domestic servants.”⁷⁰

The IRIN report also suggests that a Dutch arm of the Non-Governmental Organization, Terres des Hommes issued a report last year indicating that because of the rise in sex tourism in The Gambia western tourists were able to take advantage of young girls and boys for sex because of poverty. It also indicates that Ghana acts as a source, transit and destination country for the trafficked children who end up in prostitution (ibid). The rising rate of HIV infection in Ghana can be attributed to the emergent phenomenon of child sex tourism (Coussey, 2002). Marriage to a minor is not unusual in some Ghanaian cultural practices however sex in a commercial sense is frowned upon both legally and culturally hence the need to address it urgently.

The choice of mining as an area to study labour also stems from the direct effects of globalization on the sector and its attraction to child labourers. One of the trends in globalization is the requirement from multilateral agencies that Ghana open up its economy for foreign competition and direct investments (Grant 2001 p.999). As a result the mining sector has been liberalized and successful in attracting foreign direct investment, the result of which has been a revamp in the mining sector in Ghana. The small scale mining sector has also been vibrant, as well as illegal mining which particularly has a place for child labour (Hilson and Potter 2005).

⁷⁰ Integrated Regional Information Network (IRIN) “Ghana – Gambia: Sex slave children trafficked by Ghanaian fishermen” 12th October 2007 <http://www.irinnews.org/report.aspx?reportid=48765> [Accessed 15.4.08]

IRIN is the humanitarian news and analysis service of the UN office for the coordination of Humanitarian Affairs

The growth of a consumer culture in Ghana is evident in the markets across the country and particularly so in urban centres like Accra and Kumasi. Many child labourers are engaged in this trade, peddling goods in the markets such as Agboghloshie in Accra and Kejetia in Kumasi and along major roads both in the cities and highways across the country. Owing to global pressure exerted by powerful northern nations as well as multilateral organizations such as the World Bank and IMF, Ghana has become a liberal economy without any protection of its industry, particularly manufacturing sector from international trade and commerce (Grant 2001). The result has been a shift in focus from state owned enterprises to the private enterprise as the state sector has fallen victim to the competition from the highly developed and technologically advanced private enterprises of the advanced capitalist countries. Unfortunately, the shrinking state sector has not been complemented by a growing formal private sector to absorb the teeming crowds of unemployed people both young and old (Hilson and Potter 2005 p.105). However in the wake of redundancies in the state and public sector at a time when the formal private sector was relatively small and unsophisticated the largely unregulated informal sector seems to have absorbed all the people who have suddenly found themselves unemployed due to the restructuring programs carried out by the state. In this sector child labour seems most visible in the urban centres such as Accra.

4.7.2 Method of Sampling

To select the sample a few considerations included getting the right sample size that is information rich, bringing depth, insight and understanding rather than generalizations (Patton, 2002 p.230). Initially child workers were stopped in the market, or mining area or red light district. When they met the eligibility criteria, and happily participated in the interview, then they were asked to bring their colleagues who were happy to participate. It was hoped that an information rich key informant(s) would be first located and then a process would begin by which key names and incidents would be mentioned and the snowball gets bigger revealing new information rich cases to approach (Patton, 2002 p.237).

The purposive sampling method illustrates a purpose in mind for the selection. These groups of children were predefined according to the work they did and to be sure of that they were contacted while on the job in the specific locations identified. Child workers (male or female) below the age of sixteen involved in selling, illegal mining and prostitution were purposely selected or hand picked to participate in the study based on the identified variables under consideration. Once a child who met the criteria was identified, that child was included in the study and in many instances that child's assistance was sought in identifying other children who met the criteria, in a snowball fashion. This was particularly useful when looking for child prostitutes because they were a hard to reach group.

In line with the principle "to the point of redundancy..." twenty-two children for each category of child workers were to be interviewed (Patton, 2002 p.246). The number twenty was an arbitrary number that was chosen because it was large enough to reveal all the shades of opinion, attitudes beliefs and notions that were to be investigated, but small enough to facilitate in-depth discussions of the phenomenon been investigated. This was against the backdrop that redundancy could set in when no new insights were expected from further interviews. Continuing with interviews and expanding the sample size significantly beyond twenty was only expected to produce repetitive data which is the 'theoretical saturation' point (Thomson, 2004 p.2).

4.7.3 The Adult Population: Setting up Focus Groups

"A focus group is a group of individuals selected and assembled by researchers to discuss and comment on, from personal experience, the topic that is the subject of the research." (Powell, 1996 p.499). In this research the focus group discussion was particularly targeted at adults in the community. As an organized discussion, it was aimed at eliciting their views and notions, values and norms regarding child labour. The use of focus group discussions is seen by some as complementary to other methods. Even though Nielsen (1997 p.1) sees focus groups as powerful tools, he expresses concern about using focus groups alone as a means of research because being a part of the group, the individual is denied an opportunity to explore issues independently. However, the importance of focus

groups cannot be overruled because of its uniqueness in revealing attitudes, feelings, beliefs and feelings via the social gathering and interaction which being in social groups entails (Gibbs, 1997, p.1). In spite of its own problems or disadvantages, focus groups have the capacity to elicit from participants a multiplicity of views and emotional processes within a group context. These processes are likely to elude any researcher in an individual interview or other observational methods. Powell (1996 p.500) argues that a focus group is especially useful when the existing knowledge of a phenomenon is inadequate and the subject under investigation is complex. This method of research was therefore to help ascertain the adequacy or inadequacy of the understanding of child labour and its themes at the community level.

The profile of the group was to represent the diversity of the working community as reflected in the various sectors of the economy where child labour was rife. It was important that the focus group reflect a gender balance, but that was going to depend on individuals who were willing to participate and partake in the discussion. The selection process aimed at ensuring that participants had some shared characteristics such as type of work and location of work but at the same time ensured there was anonymity to engender free airing of critical views. Powell (1996 p.500) advises that “efforts to recruit participants must avoid biases in the selection process, for example participants should not be chosen from fellow group members on the grounds that they are they are the best or the most suitable for the task.”

As researcher, I was the group moderator/facilitator, which implied asking questions and monitoring the flow of the discussion. Greenbaum (2000 p.10) notes that the traditional approach to moderating a focus group discussion is largely authoritarian, however, as he also noted, the modern approach, which I adopted, does not require an overt approach to exercising authority (p.186). Essentially, participants did not question my authority, making it possible to guide the discussion through topic areas without any resistance from participants. A tape recorder was used to record the entire conversation, making it free flowing, as there was no need to take down notes to interrupt the flow. The format for the discussion was informal. The discussion followed a thematic structure, and it was

moderated to allow every participant a fair chance to speak without any one person dominating the discussion. It was introduced by explaining the aim of the research and introducing the various themes that were relevant. The next step was to throw open an invitation to participants to freely speak and give their opinions to enrich the discussion so that we could have good insight into life in the community. A question guide was prepared for the discussion and feedback was expected on each question that was asked.

Apart from the recording of the verbal inputs in the discussion, there was also observation of non verbal signs (Greenbaum 2000). This was more evident as participants interacted with each other, with gestures, emotions and various body movements. For example, where women participants were quiet it was still possible to see from their facial expressions that they had potential interests in what the men were saying. As a result of my observations I encouraged some of the women to speak.

The discussion was transcribed afterwards and analyzed, identifying patterns and trends in notions, behaviour and attitudes, norms and values. Transcribing started within 24 hours after the focus group discussion had been completed.

4.7.4 Selected Locations for Research

I had to choose which country to study child labour and the obvious location for exploring child labour was Ghana. This was an obvious location due to the topic which was chosen because of my personal experience growing up in Ghana and personal encounter with child labour.

Specific locations selected for the three different types of child labour were chosen on the assumption that they were the locations where child labour was most conspicuous, representing the sector to be studied. Information about these places was obtained through interaction with personal friends and people who were knowledgeable about the activities of child workers in Ghana.

Cape Coast is Ghana's major tourist destination with a history linked to Ghana's contact with Europe and has some of Ghana's major tourist attractions which include a beautiful coastline, forts and castles renowned for their use in the slave trade, eco-tourist centres like the Kakum Forest reserve and festivals which are a cultural expose'. It is believed that children go there soliciting from tourists help and many of them end up in sexual encounters with the tourists. After speaking to several people it was pointed out to me that there was some form of child prostitution going on at the Labadi beach in Accra as well as Cape Coast. At a seminar I attended on child labour that was organised by ILO/IPEC there was a lady who had contact with child prostitutes in Cape Coast. She agreed to help me contact them.

Accra is Ghana's capital city and biggest commercial centre attracting people from all over the country. A lot of commercial activity takes place in the many open-air markets all over the city. This has become an excellent environment for many children to sell their wares for parents or for some invisible employer. As a bastion for consumerism and consumer activity, Accra is a showcase of the liberal laissez-faire economy and a hub for a thriving unregulated informal commercial sector that is made up of table-top retailers and petty traders. There was evidence of child labour in this sector available even to the casual observer as the sight of children selling cold-water, sweets and the like was a common one. I therefore chose Accra and specifically the Agboghloshie Market.

Tarkwa is also a well-known mining town in the Western Region of Ghana known for its gold mines and quarries. It generally lies in the Western Region where many mining activities take place and therefore could expose more about the world of mining and child work. Of the many mining towns and villages I chose Tarkwa because the presence of children in mining had been affirmed by the experts at the Minerals Commission of Ghana and they confirmed that I would be able to meet some of the child labourers. However, I was also informed by the same experts at the Commission that there was also child labourers involved in mining in the Ashanti region. I was informed that there was a contact that could assist me there, an opportunity that was lacking in Tarkwa. I quickly decided in favour of Ashanti region.

4.8 Fieldwork with children in practice

On my first field trip the initial choice of location changed as I failed to get the necessary assistance to gain access to the sample groups. Alternative locations were chosen and new contacts were quickly made as all the initial contacts were becoming unreliable. This was done through friends and acquaintances, and particularly taxi drivers were useful in providing information about where to contact child prostitutes.

It started in Ashanti region, in the city centre of Kumasi where a lot of child labourers worked in the markets. Notably, Ashanti region was a major gold mining region in Ghana and Obusai, with Ghana's leasing gold mining company, AngloGold Ashanti Limited located there. Ashanti offered the opportunity to meet children in mining and children in both the sprawling markets of the city of Kumasi and those involved in prostitution.

There were difficulties however, because child labourers were scattered all over the Kumasi markets. The nature of their work involved moving around a lot, carrying goods for people, displaying their wares and enticing buyers or simply in search for customer's while at the same time evading authorities. To interview them, required interrupting their work and keep them engaged for a considerable amount of time. This seemed unpleasant especially when the weather was rather harsh, and not every child was interested in participating, as they were more concerned about selling their wares to make some money before going home to their parents or guardians. Another area of difficulty was ensuring that I had children of the right ages. Many were turned away because they didn't know their ages or were above the age limit. Some patterns began to emerge slowly. A good number of child workers were migrant children who had come over to Kumasi to earn a living. Some of them were not in school but many of the local children claimed they attended school regularly even though they still had to work to support their parents. Knowledge of the law among the children was nearly non-existent and they had no idea what children's rights meant and the idea of child labour was alien to them.

The search for prostitutes was even more difficult than estimated as their locations were not widely known and they were skeptical or simply unwilling to meet anyone who had no interest in their services. An encounter with a few adult prostitutes who were willing to talk nearly turned nasty as the first tried to discourage us from continuing this research because they claimed it was not possible to find child prostitutes easily. Persistence however led to a near clash with them as they became suspicious of our aims and reacted violently as some of them suggested that the research was a ploy to collect information and handover to the police and radio station in order to humiliate them.

A few lessons were learnt. Child prostitutes unlike the adults could not operate in any obvious residential location such as brothels because apart from the illegality of their operation, no landlord/lady would give them a place to do business like adults did in known brothels. Due to their peculiar situation, it was very difficult to locate them. In order to successfully interview child prostitutes, it was necessary to establish a rapport and build confidence slowly before any progress could be made.

Interviews were however conducted at Mpatuam, a small mining village in Ashanti regions where there was small-scale mining and child labourers at work. This was made possible through a friend who lived and worked closely with the small-scale miners. A second batch of interviews was also conducted in Accra at the Omanjor stone quarry. In this instance an adult worker at the quarry was first approached. As an employer of child workers himself he introduced me to some of the children and granted me permission to interview them. The children introduced me to their parents and other family members which gave me a chance to build a comprehensive picture about their livelihoods.

Another batch of interviews were conducted in the 'red light' district of Accra. This became possible after several discussions with many taxi cab drivers who seemed to be of the opinion that child prostitution was an ongoing activity in particular parts of the city. The Kwame Nkrumah Circle area of Accra has a famous red light area and a few taxi drivers suggested that I go there and start at a named hotel. That hotel proved very helpful because even though there were no children there the prostitutes told me the exact

location they operated. It was an awkward experience interacting with child prostitutes because apart from the fact that prostitution is an illegal activity it also has moral connotations. It was even more difficult as I had to present myself as a researcher without losing the trust of the children and without condoning or condemning their conduct. To do this I first put myself across as a customer who was interested in their services, gaining their attention and leading to negotiation. With the rapport that existed I then approached the subject of research rather carefully, offering a token amount of cash for the time they had allowed for the interview. Though hesitant initially, there was a willingness albeit cautious to engage in the research. In a snowball fashion, they agreed to call their colleagues who were also involved in prostitution. The snowball effect was only good up to a point, as it became obvious news about the cash token had gone round, enticing adults offering to be interviewed. It was observed that child prostitutes were mostly self employed. They did not need permission from any adult or official. There were two child prostitutes who were contacted through a charity called Today's Choices.

A second field trip became necessary because after reviewing the method adopted and the material gathered there were some notable gaps prompting the need to go back into the field. It was noted that to gain a better understanding of the situation of child labourers, it was important to vary the interview method used. The idea of the second field trip was to spend more time with a few interviewees, allowing time build a wealth of knowledge around their livelihoods.

Firstly through a local charity in Accra, Today's Choices, I was able to make contact with a few more child prostitutes in Accra. After contacting the director and explaining my research interest, arrangements were made through his instrumentality to meet some of the girls. The director assisted me by explaining to the girls what I was researching and assured them of confidentiality. I interviewed two girls whose experiences were particularly interesting. It was noted that the director seemed to wield great influence on the girls as he was working to help redeem them from prostitution. Although they agreed to do the interviews it is unclear whether they did so because they felt under pressure to please him out of sheer respect for him or whether they agreed to be interviewed because

they understood the idea behind the research which I tried very hard to explain. They were co-operative and interactive.

The initial response from the girls showed clear hesitation and embarrassment however after repeatedly assuring them of confidentiality they gradually felt more and more at ease and were happy to talk. The interview centred on their livelihoods and the context in which they lived, grew up and worked.

Two children each were also interviewed at the Omanjor quarry and the Agbogloboshie market. The concentration on fewer children this time allowed ample time to build relationships not only with the children but particularly with their families and social network of friends and colleagues. It also allowed in-depth interviews to explore certain issues not clarified in the first visit.

4.8.1 Challenges and Ethical Considerations

There were challenges in interviewing children, including getting children to articulate their knowledge and experiences about the issues discussed and the ethical considerations about interviewing children. As observed by Ofofu-Kusi (2002, p. 111) tape-recording interviews unnerved some children, especially the young ones, however, by engaging the children in general conversations about their general well being they became more relaxed. It became obvious that more time I spent with the children, the more they became relaxed. Unsurprisingly, both children and adults were very hesitant initially, and some of them were simply not comfortable about being interviewed, especially when the idea of taping the interviews was raised. As a result the initial interviews were conducted using semi-structured questionnaires, however it became obvious that completing semi-structured questionnaire in an interview did not permit a free flow in interaction necessary for building relationship that would encourage them to speak freely.

Child workers in mining and prostitution were most skeptical about my intentions. It became clear that due to the high level of regulation in mining there is extreme caution especially among illegal miners when dealing with outsiders. It was observed that

although many children seemed independent, it was difficult get their opinion as they were hesitant to speak. Encouraging them to articulate their views was a slow and time consuming process. Time was needed to allow the children to build a relationship of trust and confidence with their researcher that would enable them voice out their experiences and to discuss their livelihoods without hesitation. In total about 6 weeks were spent with each category of child workers. This allowed ample time and in some cases enabled me to meet parents or guardians and other persons involved in their lives.

Children can be considered vulnerable participants in research therefore it was important to get their consent, but also the consent of some appropriate adult in a bid to protect their dignity and rights as well as secure myself from any danger. A few things became apparent as I sought the opportunity to gain consent. Only a few child labourers were with parents or guardians. A lot of them were migrants who were forced to work for a living and in some cases support their families in the villages they migrated from. In the absence of parents and guardians I sought the permission of the market leaders, adults who worked closely with the children. Where no adults or leaders were present, and in structures in these informal working environments were absent, I approached the prospective participants informally and sought their permission orally. After disclosing my intentions, I explained that if they wanted a written request for their consent, I was happy to provide that from the University. Preference was however shown for an informal approach as it seemed there was a degree of skepticism in their tone whilst negotiating. In one area, the leader of the Kokomba in the market granted permission to interview child workers only if I would agree not to deceive them with a hidden agenda. This was preceded by an assurance that I would respect their values and customs and guarantee confidentiality and anonymity to all those who were going to be interviewed. In my submissions I assured him that university guidelines required that I upheld the utmost standards in protecting the dignity of the participants. The leader also assured me of his protection and actually called some of the young men in the market to inform them of my presence so that they would not be unaware of my actions in the market.

There are undoubtedly ethical issues to be considered in researching children, and even so in researching child prostitutes. The immediate concern is the illegality of their activity and their status as minors. There was the added problem of when and how to disclose my intentions without losing an opportunity to build a relationship. The challenge was whether to approach them openly announcing my research interests or approaching them in a subtle manner in order to remove any suspicion and gain their confidence. It has been argued that “any observation of private behaviour, however technically feasible, without the explicit and fully informed permission of the person to be observed” leaves much to be desired (Patton, 2002 p.269). This requires that there is full disclosure of the purpose of any research project, a standard which was met in the end.

After the initial experience of searching unsuccessfully for child prostitutes and being turned down or being eluded by subtle nature, I decided to try something different. I decided to approach them not with an image of moral uprightness that could potentially force them into a defensive stance against me, especially after the Kumasi experience with prostitutes. The approach was to present myself as an ordinary customer would in order to allow the flow of communication and bring down any barriers, after which I disclosed my mission and explained the essence of my research. Clear guidelines given by the university indicate recognition of similar problems and suggest that it is sometimes necessary to withhold information on the true objectives of the research to participants.⁷¹ It is noteworthy here that in that instance the research did not hold back any information but rather did not begin with a disclosure. What was sought was a rapport to facilitate such a disclosure. I also had to assure them constantly of confidentiality and anonymity by repeatedly informing them that first pseudo-names would be used in the report. Also, I informed them that the research was for academic purposes and not meant for the media or the police.

Cash incentives were offered to participants and it seemed to have motivated some of them to offer their time, which could have otherwise been used for work to earn a living. This was also in accordance with university ethics policy, which requires that in using

⁷¹ See University of Sheffield Research policy 2.4.3.6

incentives participants are not put in danger, anymore than they ordinarily would in their normal lives.⁷² This case required exercising care and caution when using incentives, to avoid a situation where money would become an incentive encouraging respondents to volunteer without any genuine interest. Such a situation could result in deception from interviewees who may only be interested in cash incentives. Perhaps it did, but to guard against invalidation of the research, I hoped to counteract this with a focus group discussion with adults in the community. Meanwhile, the research focused on issues and not personalities. There was no reason to lie because the experiences of prostitutes that were required in the interview were neither personal nor humiliating.

Some of the ethical issues to consider included how the dynamics of power affect communication and representation? Researchers and scholars have expressed many views about ethics and morality in conducting research (Patton, 2002 p.269). The issues mainly are that human behaviour changes significantly when it is under observation or surveillance. There was therefore the tendency that children who would be interviewed and indeed adults would not act as naturally as they would if they were not being observed. This suggests that covert observation is probably the best way to capture reality than overt observation but it is increasingly felt that subjects of research should give informed consent. Another extreme position is that any and all covert methods of research should be considered acceptable options in search for truth (Patton, 2002 p.270). The famous Milgram experiment is cited as an example of research in which participants were deceived about the purpose of the study (ibid).

In this research it was neither of these extremes but rather like Patton said, “In traditional scholarly fieldwork, the decision about the extent to which observations would be covert was made by researchers balancing the search for truth against their sense of professional ethics.” Even though Patton himself advocates for full disclosure I still worked with the idea of balancing the search for truth with professional ethics. Some ethical issues were quite easy to deal with whilst others were difficult balancing acts.

⁷² See University of Sheffield Research Ethics Policy 2.4.3.3

4.8.2 *Analysing Child Labour*

It has been argued that analysing interview data usually results in descriptions of an interpretive view of the events, a situation different from grounded theory data analysis which involves searching out the concepts behind the actualities by looking for codes, concepts and final categories (Allan 2003 p.1). A system of categorization would be generated inductively through observation. The nature of qualitative research allows a creative discovery process to thrive so the researcher cannot lay down all the specifics of the research process in advance. Although the researcher in this case is already aware of the international discourse on child labour the research is aimed at capturing the local notions and understanding of global concepts which made the local actors so adamant even in the face of the law and policy. A key requirement here is to reposition one's self so that there is some degree of room for rephrasing questions in response to engagement with those being studied (Harrington and Yngvesson, 1990 p.148).

Data was collected in the field after interviewing child workers, adults and officials. The next challenge was to deal with the data collected so that it would reflect what the interviewees had said. In order therefore to move from raw data to evidence based interpretations there was need to transcribe all taped interviews. This was a task that took a great deal of time and effort as it involved translating the Ghanaian local languages, mainly Twi to English. Transcribed data made relatively easy the process of classifying, comparing and weighing material from the interview in order to extract the meanings from the data. It was done in the form of a table with 3 columns. In the first column all observations pre-interview were recorded. The second column was used for recording all questions and responses and the third column was used for recording reactions, comments and other observations during questioning. To avoid any problems with memory loss or misinterpretation of events, typing up and transcribing was done almost immediately after a days interviews. Though imperfect, transcripts were fairly close to what was said in the interview. This means that while in some cases I typed up verbatim whatever the interviewee said, including all the digressions, comments and stalling words, I also often ignored them.

The view held by Miles and Huberman (1994 p.10) is that data analysis consists of 3 concurrent flows of activity namely data reduction, data display and conclusion drawing drawing/verification. However as they argue, data reduction starts even before data collection in the form of anticipatory data reduction by thinking through conceptual framework, research questions and data collection approaches. As I read through the transcript I noticed various concepts and themes and events (Rubin and Rubin 2005, p.206). The first few interviews revealed some of these and helped generate even more ideas which helped generate new concepts. These concepts were clarified to remove any ambiguities in order to establish a common understanding. One of the obvious concepts right from the beginning of this research was 'work'. It soon became evident that this concept generated themes such as paid and unpaid work, domestic work and non-domestic work. The breakdown of the concepts made it possible to prepare for subsequent interviews. Many other concepts and themes such as poor parents (poverty), survival (coping), obligations to the family (culture), truancy (peer pressure) and rape were generated in the interviews.

Concepts and themes from transcripts were grouped together and reflected on to find out what they collectively implied. For example when child labourers said that they worked because their parents were poor, it was noticed that in some cases they implied parents could not provide food, in other cases they meant parents could not bear the cost of sending them to school but could provide food while in some cases they meant parents could not buy them clothes but could provide food and bear the cost of sending them to school. In fact some of them seemed to want to dispel any notion of being so poor they couldn't afford food and other basic things.

Analysing focus group discussions pose a unique challenge because of the open-ended nature of questions posed to participants. This allows participants to choose the manner in which to answer their questions (Krueger 1998 p.7). There were different expressions being used in the same discussion by participants from different ethnic backgrounds, opinions of participants changed later in the discussion, for example, in discussing children's rights, some suggested in Ga, 'gbekepii a noyaa', (meaning children's

progress) which as a considerably different concept. However, my understanding of Ga enabled me correct that impression. It was therefore important to understand the intent of the participants adequately in the focus groups, in order, for example, to make sense of both verbal and non verbal responses (Krueger 1998 p.11). It was, for example, obvious that some participants were more interested in presenting themselves as living the ideal, with absolute control over their children, thereby not allowing their children to work. Later interactions with some of them indicated that they didn't exercise that amount of control over their children who were actively working and earning money particularly after school. This helped to encourage participants in subsequent focus group discussions to be more practical with examples to illustrate their ideas. To analyse effectively, I searched for clues, trends and patterns that reappeared in both discussions (Krueger 1998 p.7) and identified some important ideas that were unique and uncommon but illuminating. Statements have been made particularly in chapter five with available evidence to support this claim.

Generally texts provided in the form of field notes/transcripts were explored using content analysis. Since it was not the aim of this research to quantify data, only simple counts and statistical references may have been used. By identifying concepts, themes and categories it allowed for constant comparison with the rest of the data, enabling the process of analysis. As noted by Pope, Ziebland and May (2000 p.114) this process is inclusive because it allows categories to be added to reflect as many of the nuances as possible rather than reducing the data to a few numerical codes. Marginal remarks were used as a method of coding, which helped avoid the boredom that scanning tediously through small segments of data brings (Miles and Huberman 1994 p.67). These are remarks made in the margins on both sides of the sheet that was used for transcribing. The remarks helped capture ideas and leads in the data. While one margin was used for remarks, the other was used for pre-analytic remarks on, for example, observations of non-verbal communication. Remarks of similar theme and patterns were put together.

4.9 Researching Adults and Officials

4.9.1 Interviewing Adults

As illustrated earlier, interviewing adults was an important component of this research. It was in the form of a group discussion and it took place after interviewing child workers in the community. In the mining area people were at work, both adults and children. In order to interview children, I sought permission from the adults who also worked in the mines but informed them of my interest in having a focus group discussion. By the time the interview with children was finished, nearly everyone working in the mines had heard about my mission. With that level of saturation it was relatively easy rallying a few adults together to join a discussion. A random recruitment method was therefore adopted (Greenbaum 2000 p.63). There was no database of people who fit the characteristics of the persons suitable for participation, so the most cost effective method was to approach the adults who worked with the children or were involved in the lives of the children as parents, guardians, employers or were related to them in some way. The composition of the group was mainly middle aged men and women from similar occupational backgrounds. In the case of the mining community there was a high degree of homogeneity because they were all resident in the same village, with the majority from the same ethnic group. In the case of the market, however, participants were from four ethnic groups (Fanti, Ewe, Kotokoli and Ashanti), although a majority of them were of Ashanti heritage. Fern (2001 P.181) recommends the use of a homogenous group in terms of age, economic status, social status, and personality as essential ingredients for the cohesion of the group in order to enable sharing of information. This was realized only to an extent. Differences in ethnicity, education and gender seemed to initially pose a problem as the uneducated were often quiet until they were encouraged, and women were mostly the uneducated. Although there were potential communications problems, this was overcome somewhat because the discussion was conducted mainly in Twi, which is a language both researcher and participants were conversant with.

The rationale for using focus groups is to capture the general view of the community rather than individuals because as Kitzinger (1995) stated, it is a quick and convenient way of collecting data from several people simultaneously. Also in line with Kitzinger's argument which enumerate advantages that focus groups carried, this research made it possible for people to clarify their views as they discussed with others in the focus group in ways that are less easily accessible in a one to one interview. The interaction that occurs in focus groups also exhibits humor, consensus and dissent as well as other values and norms of the community.

The number that I started with was six but this seemed to change from time to time as some observers came along to listen and join in the discussion. Notably all those who agreed to join were male. The women initially contacted had been reluctant and seemingly unwillingly to join. It looked like many were still sceptical. However, the discussion started and the focus was on their knowledge of the law(s), their views on child labour and reasons why child labour persisted in the mines. One obvious problem was language difference. Although I understood and spoke the "Twi" language, my level of understanding was not high enough to express concepts like children's rights and child labour. These were also concepts that were not easily translated into the indigenous Ghanaian languages. It was an uphill task but the expressions I used were the best expressions I could think of after consulting with many people. There is the possibility that participants misunderstood me throughout the discussion.

In conducting a focus group discussion with adults in the market was conducted around the area in the Kumasi market where a lot of the some of the child labourers selling goods were interviewed. After speaking to the shop owners who granted permission to interviews some of the children for whom they served as guardians I ventured to ask these adults whether they would like to join me in a focus group discussion to discuss the persistence of child labour. Among the adults contacted 10 agreed to participate and some of them came out with their chairs immediately into the space in front of the shops ready for the discussion. Such enthusiasm encouraged others who had agreed to participate to come out too. The discussion attracted many passers-by to stop and listen. The challenge

was that conducting this activity in the market, out in an open space attracted a lot of attention with several distractions from observers. Some female participants had infants who were also crying for attention. However, the group seemed focused as we plodded on with the discussion. Female participants outnumbered male participants and this perhaps reflected the views expressed to explain their understanding of child labour as a whole and its persistence. All participants were able to leave their shops because they had other people to look after the shops in their absence. The language used here was mainly Twi. There were moments when I had to use English expressions and ask them to join me in finding the correct translation if there was a better way. Admittedly not many of them had brilliant English language skills. The 3 male participants seemed to be fairly conversant with the language and were therefore interested in helping. Importantly though, observers showed a willingness to help but there the difficulty of translating some of the concepts like children's rights proved difficult.

There were efforts to conduct a focus group discussion on adults in the community where child prostitution occurred but this was fraught with difficulty because it was very difficult to meet child prostitutes. Unfortunately, time constraints did not allow me the chance because when I finally met child prostitutes it was time to return to England. Earlier efforts to locate child prostitutes afforded me the opportunity to meet some adults in some communities but they all seemed to know of adult prostitutes and not child prostitutes.

4.9.2 Ethical Considerations

Focus groups have the advantage of providing a social atmosphere, which allows participants to interact, share views and show diversity whiles discussing an important topic. It is important that whilst moderating such a group as a researcher, sensitivity is not lost on the individuality of participants so that the personal space of the individual i.e. privacy and dignity are not overlooked.

In this study I had to respect two things. Firstly, it was important to use appropriate language in the interviews and discussions in order not to offend the collective

consciousness of the people. This meant for instance that in discussing some of the fatalities that occurred in illegal mining, it was important to use language that accorded them the utmost respect despite the illegality of their work. (Patton, 2002 p. 392) identifies language differences as one of the problems that could affect the outcome of an interview adversely. However, it is not just the adverse effect that matters here. Rather, it is also the barriers it can create due to misunderstandings even for those who spoke the same language and the offence it may cause to respondents. Many topics that are discussed freely in Western countries are not necessarily discussed with equal level of ease. To interview illegal mine workers with child workers in their midst was quite sensitive so I just had to tread cautiously.

Secondly, I was sensitive about the fact that though they were in a group they were individuals so that questions asked and answers provided by them would not unduly expose them to public ridicule or cause them to be victimised by other people. Kaplowitz and Hoehn (2001 p.245) writes that controversial and highly personal issues are poor topics for focus groups and Patton (2002 p.387) argues that confidentiality cannot be assured in focus groups especially when it is in market research so that marketers can view videotapes and see the emotional intensity of people's responses. In this research, there was no videotape so there were no faces to the voices that were on tape even though I could remember some of the faces. I assured them that the information given by participants was not going to be used against anyone, as individuals were not the targets per se.

Interestingly, there were on a few occasions when some comments passed by participants indicating their frustration with some key personalities in the community. This was a sensitive issue and the tone changed when they raised such matters. It is important to note that such concerns were raised purely on a voluntary basis. I was conscious of the possible volatile situation of the local politics in rural communities and steered clear of this as much as possible.

4.9.3 Interviewing Officials and Ethical Challenges

Interviews with officials conducted on both field trips were significantly different from interviews with children and adults in the community. In nearly all the government departments I had to initially disclose the aim of my research and submit a letter from the university acknowledging my research and requesting for their assistance and cooperation. This was followed by assigning me an officer or officers who were willing to participate in the interview. Interestingly, although I assured participants of anonymity, some of them actually wanted to be acknowledged in the report.

I had concerns about whether officials would consider my study worth their attention and participation, particularly when this research was critical of government policy (Weiss and Bucuvala 1980 p.306). I was convinced interviewing officials in Africa could be very sensitive because of the fragile nature of the volatile African political climate and the possible danger I could put myself in if my questions stirred up disquiet (Mkandawire 2001 p293). In view of this, I was careful not to ask questions about personalities in order to avoid political debates that could incense participants. In response to the questions asked participants in the interviews and discussions shared their views on issues raised. This revealed a host of things, which are going to be looked at in chapter 6.

The officials who were initially approached were mainly heads of departments, but some of them redirected me to speak to other named officers. The Commander of the Domestic Violence and Victim Support Unit (DOVSSU) of the Ghana Police Service, for example, redirected me to an Assistant Superintendent of Police (ASP) who worked in the Child Trafficking Unit of DOVSSU. At the Attorney General's Department the respondent was the Director of Legislative Drafting. She was part of the team that drafted the Children's Act of Ghana, and as a result seemed to understand the process leading to its adoption. I interviewed the Head of Research at the Ghana National Commission on Children (GNCC) following a recommendation by the director of the organization. Here the respondent and other colleagues in the organization indicated that the research department was suited for the interview because they were also involved in research and

worked closely with all other stake holders on children's rights issues. Respondents from UNICEF AND IPEC/ILO were programme officers. The UNICEF official was responsible for child labour in the Children's Rights Unit, and the officials of ILO were responsible for child labour within Ghana and child trafficking in West Africa. I also interviewed the Director of the Ghana NGO Coalition for the Rights of the Child, which is a network of all the local charities working for the protection of children, and the Director of a local charity, Today's Choices who helped me to contact child prostitutes.

4.10 Generating Hypothesis

The hypothesis for this research was not preconceived. It was generated in the course of my interaction with the subjects of study. It became increasingly clear that child labour in Ghana would continue to persist because of the over-reliance by officials on global norms and practices and insufficient regard given to local realities. Local people were detached from the official agenda and had no knowledge of the law and policies, and where there was some knowledge of it the people were defiant because they were completely disconnected from the laws and policies which were meant to protect them. It is sufficient to state at this stage that child labour will continue to persist in Ghana because of a culture of poverty. This implies that there will be a significant reduction in child labour if the culture of poverty is broken in Ghana. The basis of this hypothesis is that child labour persists not just because the children involved come from poor households but because the culture encourages it.

4.11 Conclusion

The chapter started by outlining how the study of the persistence of child labour will be conducted. It reminded the reader about the aims of the research and reiterated the research question; why is child labour persistent in Ghana. The next chapter sums up all the salient points in the research and highlights all the emergent themes and views of the people affected by law and policy in Ghana.

Chapter 5 The Mismatch of Child Labour in Law and Child Labour in Practice in Ghana

This chapter reports findings from interviews with children conducted on both field trips and from the focus groups held with adults. The findings from interviews with government and other officials are reported in chapter six.

5.1 Characteristics of child workers

The three groups of child workers interviewed come from varied backgrounds with various characteristics. In the interview, a few bibliographic details were taken from the children in order to identify patterns in their backgrounds and possible relations to their beliefs and practices, which may have led to the current situation of persistent child labour. In total 56 children were interviewed during the course of the two field trips with 22 selling in the market, and 22 in mining as well as 12 children in sex trade.

The ages of the respondents ranged from 4 years to 19 years. Respondents over 16 years of age were mainly young girls in prostitution. The total number of boys interviewed was 22, and the total number of girls, 34. Notably, all child prostitutes were girls. The total number of children in the market was 22, consisting of 9 boys and 13 girls. In the mines, child workers were also 22, with 12 boys and 10 girls.

The youngest child worker was a 4-year-old girl who was helping her mother in the mines by carrying a pan of sand dug out for washing, as part of the process of gold mining. It was explained that her mum was compelled to take her to work, because she had no child care arrangements and there was no one to look after her child while she was away at work. Even though a child, she was removed from the ongoing work in the mine. Her physical presence was put to good use albeit in a small way. 15 was the most frequently occurring age, followed by 12 and 13 in that respective order. In total 15 year

olds were 12 in number, 12 year olds were 8 in number and the 14 year olds were 7 in number. Age 15 has the highest number of children because most of the girls involved in prostitution were 15 years old. Also at age 15 many children complete their basic education and move on either to continue senior secondary education or vocational education, or start an apprenticeship.

Nearly all the children interviewed had had some basic education, and the majority of them were still in school, yet to complete their basic education certificate exam. This is perhaps an indication that the government has been successful in increasing enrolment figures at the basic education level. In fact the Ghana Education Service estimates that the enrolment of children in primary education currently stands at 78.6% and 60% in JSS (GES).⁷³ Only one girl said she attended senior secondary school up to year two, and then quit because of her interest in work. It is still a concern that 20% of children of school going age in Ghana are currently not enrolled in primary schools (ibid). One 15 year old boy and 13 year old girl had had no basic education at all. Akwasi, the 15 year old boy, stated, "My dad could not send me to school because there is no money at home. I have to fend for myself. As I explained earlier because my father is an older person with no money, I can't afford school. I have to survive and the only way to do this is by working and earning a wage to support myself."

The boy explained, "my mother passed away when I was born so I was raised by my auntie who had many children. She said she could not afford to take me to school and asked me to help her in the market so that she would be able to look after me and I will become self-supporting later in life." The girl explained that her mother left her in the care of a neighbour when they migrated to the city of Kumasi at a very early age. Since then she has had to help in the market with all sorts of tasks until she became a porter (kayayo). She explained that she would like to go back to her hometown in northern Ghana but could not afford the cost of travel.

⁷³ GES is the acronym for Ghana Education Service http://www.ghana.gov.gh/ghanas_education_system [Accessed 15.4.08]

One of the questions child labourers responded to, included the level of education attained by their parents. This revealed an interesting pattern as it became clear that most of the parents of child workers were not educated beyond the elementary level. It seemed though that more men had completed elementary education than the women although there were still a significant number of both men and women who did not complete elementary education. Only about 5 parents had had some secondary education with none completing and this was made up of 4 fathers and 1 mother. A general view is held that there is a strong correlation between educational attainment among women and education of the child but particularly the girl child, which among other things could explain partly why most child workers have not gone beyond basic education in the school system. In Ghana's situation analysis of women and children which was published in 2000, it is stated that.

“Mothers’ attainment in education is a major contributor to the children’s participation in schooling. The higher the education the mother has received, she is more likely to understand the importance and benefits of sending her children to school and thus contributes to higher enrolment of both boys and girls. In the three northern regions of Ghana where enrolment rates are very low, more than 70% of women 6 years of age and above have received no education whatsoever compared to the national average of 34%.” (GoG/UNICEF 2002 p. 94)

5.1.1 Ethnic origins and Residential arrangements

Significantly, about 50% of the children interviewed said that they lived with their mothers or with their mother’s relatives. Most of these relatives were female (grandmothers and aunts) heads of their households. This portrays the structure of the traditional family in Ghana and the changes and challenges that are affecting it. Child workers interviewed were mainly from Ashanti and surrounding regions, as well as the Northern regions of Ghana. Almost all the children who were working in mining and quarrying were from Ashanti and Eastern regions. There was one girl from the Volta region and the majority of them were from Ashanti region, mainly from the village of Mpatuam where the goldmine was located. Mpatuam used to be mainly a farming

community with most households growing crops such as cocoa and other food crops. When the government liberalized laws on mining, allowing foreign direct investment, Mpatuam and surrounding villages were directly impacted by the activities of mining companies which had concessions in their locality. Child workers in the markets were from a wider variety of ethnic backgrounds in Ghana. A significant number of them were from Northern Ghana particularly the Kokomba and Dagomba ethnic groups, which follows a pattern of migration often attributed to deliberate colonial policy to keep northern Ghana underdeveloped, to provide a pool of migrant labour supply to the export oriented sector of southern Ghana (Sutton 1989, 638). The Child Labour Survey reports that 62.8% of street children worked as porters (kayayee), truck pushers and errand boys/girls, which are roles commonly played in the markets mainly by street children (GSS 2003 p.118). Others were from Koforidua in the Eastern region and the Akwapim area of the Eastern region. Among child prostitutes interviewed in Accra also the majority of them were migrants from the Eastern, Brong Ahafo, Central and Ashanti regions. Very few were born and raised in Accra. Generally, while about 50% of the child workers in the market hailed from Ashanti and Eastern regions, about 45% came from the Northern regions of Ghana. It is notable that most of the child workers interviewed were in the Kumasi area of the Ashanti region. Kumasi is an urban area with a large migrant population and a stop for many migrant populations from the north of Ghana, but Ashantis are the dominant ethnic group (Collier and Gag 1999 p.140). The presence of Ashantis as the dominant ethnic group was particularly evident in Mpatuam, which happens to be a rural area with very few migrants. It is important to note that even though the major ethnic groups are dominant in their regions, such as the Ewe in Volta region, partly because of labour migration there are a growing number of dominant migrant groups, and this is evident even among child labourers. The regional distribution of street children, for example, indicates about 76.2% of them live in the Greater Accra and Ashanti regions with the two main urban centres of Accra and Kumasi, and among whom Akans make up 32.2% while the Mole-Dagbani of Northern Ghana make-up 40.2% (GSS 2003 p.99).

In Mpatuam (Ashanti), there was overwhelming evidence of mother's presence in the mines and their influence on children was visible without a similar corresponding presence of fathers. Ashantis and other Akans practice a matrilineal form of inheritance which is through the female (mother's line). Children younger than 10 years were usually with their mothers, and helping in whatever capacity and assisting in whatever way possible to complete tasks. Older children were more directly involved in performing tasks on their own, and without direct supervision from adults. Maame Ama was a 36 year old woman who worked in the mining area with 2 daughters. Her younger daughter was only 5 years old but her older daughter was 13 years of age. It was the responsibility of the older daughter to assist her while she was working by looking after her younger sister. Maame Ama asked, "but if she doesn't help by looking after her own little sister, who will do that for us? That's the only way I can earn a living to support us." As the bread winner, her job included carrying loads of sand in large pans to the river or stream for washing. Clark (1999 p.719) writes that Asante women link work to motherhood in unselfish maternal devotion. She argues that, Asante regard motherhood as an obligation to feed their children, requiring them to work hard (ibid). It appears that fathers among the Asante (matrilineal) although important, easily lose their prominence due to what Clark (p.721) has described as the stereotypical economic and emotional merging between mother and child. She argues that as a result, fathers, brothers and siblings may not show the same degree of concern.

5.1.2 Educational background and Occupation of parents

Of all the 12 child prostitutes interviewed the occupations of their parents are illustrated in table 5. Of all the child prostitutes there was one case in which the father was employed in a formal organization. All other parents or guardians were in the small scale informal sector. An interesting category of employment that was noted is prostitution. There was no parent involved in prostitution but there were three guardians who were prostitutes. It was realized that most of the child labourers were in contact with their mothers or at least knew their whereabouts but the same cannot be said of fathers. In situations where both parents and a guardian are mentioned, some children explained that

they were forced to live with a guardian with the knowledge of the parents for various reasons such as poverty, work or just convenience.

Table 5.1 Occupations of parents of Child Prostitutes

Mother	Father	Guardian
1. Food seller	Soldier	Prostitute
2. Petty trader		n/a
3. Unemployed	Doesn't know father	n/a
4. Farmer	I don't know	n/a
5. Unemployed		Prostitute
6. Never seen my mother	Don't know my father	n/a
7. Seamstress	Unemployed driver	n/a
8. Sales assistant	Transport owner	n/a
9. Cloth seller	Shop assistant	Prostitute
10. Corn seller	Temporarily unemployed but usually sews sacks in the market.	n/a
11. Used clothes seller	Truck driver	n/a
12. I don't know, she lives in Abidjan	I don't know	n/a

5.2 Why Children Work

Child workers were interviewed in the city of Kumasi, the little village of Mpatuam, both in Ashanti and in the city Accra. These children worked in the open markets selling goods, in the mines illegally digging for gold and as prostitutes on the streets of Accra. In each case twenty children were meant to be interviewed. However, 22 were interviewed in the market and only 12 child prostitutes were interviewed. The interviews sought to explore three main issues; why children continue to work when the law clearly is against it, how work affects the child's health and development and what they know about the law?

5.2.1 *Working in the Market*

As indicated 22 children were interviewed in the market made up of 9 boys and 13 girls. Nearly 75% of these children were in the 12 – 13 age bracket. There was however a relatively significant number of child workers under the age of 12 in the market.

There was one 15 year old boy who had had no formal education. He was the only child without any education. 9 children out of the 22 quit school at various stages with only 1 completing basic education. 12 children out of the 22 child workers in the market were still attending school. 10 children mainly from northern Ghana, particularly worked as carriers for shoppers and 12 child workers who were mainly Ashantis or other Akans from the Eastern region peddled wares either for their families or for a relative/employer. Devas and Korboe (2000 p.127) point out that school enrolment figures among poor migrant communities in Kumasi are very low and notably migrant child labourers interviewed who were not in school. The Ghana 2000 census report estimates that there are about 14,000 Kokomba's and 45,000 Dagombas in Ashanti region. They had a significant presence as carriers (kayayo) of goods in the markets. It was noted during the interview that a majority of child labourers of Ashanti or Akan ethnic backgrounds who were below 12 years worked for their families. They mainly sold items like cold water

and polythene bags and in some cases they were in the markets together with their mothers. Kweku, a child labourer from Ashanti region stated, for example, “anytime I asked my mother for clothes or anything I needed she would say, if I helped her by selling cold water in the market, she would save up some of the money for me and buy me clothes or whatever I needed when enough money had been accumulated.” Children within the 13 to 15 age bracket worked relatively independent of adult supervision. Some of them obtained the goods they were selling directly from shops, and sold the items both to look after themselves and to help their families. The significant point here is they managed their own money whilst the younger children mostly depended on their parents, particularly their mothers, to keep and use their money for them.

Child workers from Kokomba and Dagomba ethnic backgrounds were often clustered around shop owners where they were likely to get work as carriers of goods that were purchased from these shops. The clustering around shops in groups by migrant child workers arguably served as substitutes for kin relationships, and made it easier for them to be identified for work. These groups, friendships and relationships formed by migrant child labourers provided a sense of security and source of information to help especially new arrivals to cope with the unexpected. It was also not the stereotypical social relations of self-conscious individualism, mostly predominant in Western societies (Meier 2005 p.57).

The living arrangements of migrant child labourers in the markets were slightly unique because many of them were street children. Whilst the child labourers of Ashanti origin often had homes to return to, migrant street children in the market were often forced to live in the streets and obscure corners of the city often in groups. Others lived with friends or strangers who offered some form of accommodation on condition that they would pay rent. Most of them explained that they clustered around because it was easier to get information about living arrangements from a group when you arrived in Kumasi as a migrant. Sala, one of the Dagomba girls said,

Sala “My friend Amina told me she was going to Kumasi with a lady who had

promised to help her and she suggested I could come with her if I wanted to because the lady would be happy to help the two of us. She also said that we would be able to work and have a different life with many nice things and also send some money home to our families. I didn't want to go because I was not sure but when I mentioned it to my parents my father and mother encouraged me to go. They said it was a good idea because I would be able to help them look after all my brothers”

Sala explained that she and Amina lived in a kiosk owned by the lady who brought them down to Kumasi in the Adum area and this reflected the case of most of the migrant children. None of them were living with their parents but 2 of them said they had family near by although they had to find their own shelter at night. All agreed belonging to a group was crucial for survival and security although the girls complained that sometimes they had to be careful because it seemed sometimes the gossip was too much. Amina and her friend Sala spent a great deal of time together. They often contributed money towards their evening meals after work. According to Sala whenever one of them had no money the other would cover the cost of their dinner. This was rare as all the other girls were fairly independent. Most of the support they offered each other was in providing information about shelter, work and cultural support especially where they spoke the same language. Indigenous children did not have the same challenges although survival issues were important to all. They lived mainly in family homes in and around Kumasi

In the market, one of the important questions asked was why the children worked. Responses to this question were varied and can be categorized into about three broad areas. These are, to pay for ones education, support parents/family and other personal reasons. Respondents explained paying for education to mean buying items needed for school such as books, saving money for new uniform, earning money to pay school fees.

Respondents who indicated that they worked to support parents and family gave simple answers to explain their cases. Looking rather bemused and in reaction to the question, Amu, an indigene of Kumasi, stated, “I work because my mom doesn't have any money to buy food.” He suggested that he had an obligation under the circumstances to be part

of the solution rather than part of the problem. Kweku hailed from Kumasi and as already indicated sold cold water in the market to help his mother. He further explained that his mother was selling oranges in the market and he often joined her after school or during school holidays in the market working alongside her because he liked to help his mother. He said, "I am helping my mother because she doesn't have money and she asked me to help her. As a child you have to help your parents. It's not good for a child to be idle when your parents are struggling to look after you. My mother is very happy that I am helping her. She thinks I am a good child." Adwoa was also a 15 year old girl who worked in the market. She looked rather bemused about being questioned on why she worked and retorted, "I don't have money, and my parents are poor. What am I supposed to do? I can't just sit there and not do anything. If I don't work, I would not have any food to eat and any clothes to wear because I do not have help from anyone." Her mood and demeanor suggested that it was obvious that owing to her circumstances, not working was not an option for her. Implicit in the response from this group is the fact that the families that the children hailed from were poor and unable to support them. I probed further by asking whether parents or guardians had coerced them into taking up work. Ama, a 12-year-old girl who claimed that her parents were poor and didn't have money actually said that she decided to take up work without any suggestion or coercion from her parents and family. It was a decision she made for herself. Other respondents indicated that family members asked them to work. I even dared to ask the children whether parents and guardians ever said they would not be able to support them. To this question they often looked a bit surprised and answered, "No." It seemed they did not need to be told by parents that they were poor. If there is poverty in a home or household, the need for children in a household to work would be evident because of the ominous nature of it and the desperate need for all hands on board to save the situation, is not evident. The motivation for work however, was varied and dependent on the peculiar situation of every household.

While some children were told to take up work, others, particularly the younger children, were simply being obedient, helping their parents, without any explicit instructions from their parents to go out and work. Lastly, others simply decided to work because of the

situation at home. It was often the older children who independently decided to work. Interestingly, others took up work because it seemed like the thing to do and it portrayed the child as serious and hardworking, a reputation that seemed credible. Akwasi, a 13 year old boy said,

“When I was a little boy, I used to go to the market with my older brother or sister to help them sell. They looked after me and encouraged me to work hard because I will become useful and successful when I grow up. My parents never got involved as my older siblings took care of me during the day after I finished school. As I am now older, and my brother and sister have left home, I live with my mother alone because my father died, and I am continuing to help my mother in the best way I can because as my mother often says, *me ne obuafo biao*, so we have to help each other.”⁷⁴

There seems to be a certain sense of expectation from parents and families especially from deprived backgrounds which places on some children a sense of obligation which compels them to go out and work even when no explicit instructions have been given in that direction.

The third group of responses that can be labelled personal reasons include a variety of responses. The question that all were asked is “why do you work?” and respondents said among other things, “No reason” “... because I am idle during school vacations”, “I need money to take care of myself, buying the latest clothes and shoes”, “To save up for my vocational trade.” When asked whether they were coerced to work, many answered in the affirmative. About 50% of persons interviewed in the market indicated they were advised, coerced or forced to work by family members such as a brother, sister, mother, father or a combination of these members. 40% of child workers interviewed also indicated they made the decisions to work without any influence or coercion from anyone. However, there was usually hesitance before answering this question, which seemed to suggest that although as respondents indicated they were not coerced, there was subtle pressures that arose from the circumstances in which they lived. There was a

⁷⁴ *Me ne obuafo biao* is a Twi expression meaning I have no helper

sense in which it appeared that although child work was often blamed on poverty, the need to earn some money to support such worthy courses as education and food had simply become a way of life for many children. It seemed therefore that the natural thing to do in spite of the financial situation at home was to engage in some money making venture, with the sense that hard work could be rewarding and perhaps one of the few ways out of the poverty trap.

What did children in the market think of work? Most of the children were not articulate when they were asked their views about work. They seemed to be shy and hesitant when questions were posed; however, some of the older ones explained their position. Amina, a Kokomba girl aged 16, for example, argued, “Work is quite hard, but it makes you tough and helps you learn to survive. As children we help at home and support our parents in looking after the family. If I don’t help my parents at home, they would say I a going to grow to become a lazy woman, unable to keep my home.” Amina admitted that work was sometimes too hard, but she thought that life was like that, so they had no choice if they wanted to earn an income. Most of the migrant children who were interviewed agreed with Amina, however notably most of the indigenous (Ashanti) children working in the market thought that work was often too hard. Notably, most of them were still in school, and had to combine work and study. They generally agreed that working in the market after school hours was difficult; however, they also agreed that as children they had obligations towards their families.

5.2.2 Working in the Mines

Interviewees numbered 22 with the gender breakdown being, 10 female and 12 male. The roles played by males in the mining area is significantly different from that played by the girls. The older boys usually did the manual digging and excavation of the earth’s several meters down using tools such as the pickaxe, shovel/spade and hoe. These simple tools do not allow deep mining, as high tech machinery would, but made possible surface mining, bringing in its wake massive destruction of the vegetation on the earths surface. Adults in the community were also involved in a focus group discussion, which brought to the fore notions and values that influenced children and the entire communities view

about many issues, including, why children work, their understanding of the laws, views on government policy on child labour, consequences of the work on the health and social development as well as suggestions on how to improve the situation.

Mining is considered as work that is harmful to children under the ILO's Convention on the Worst forms of child labour. Small scale and illegal mining in Ghana is an activity that leaves the land desolate and fragile. It primarily leaves the land degraded, with 'moon-like' landscapes consisting of unstable piles of waste, abandoned excavations and vast stretches of barren land (Aryee et al 2003 p.135). Mpatuam is a mining community that lives in the shadow of a big mining company with a large concession. The inhabitants complained that because the state had given large concessions of land to the large multinational mining company in their community, land that was hitherto available to them for farming has been lost to the company. They claimed that as inhabitants of Mpatuam, they felt that those who were interested in farming had been deprived of arable land. The community seemed relatively deprived but typified the situation of many rural communities in Ghana. Small-scale mining is mainly driven by poverty and practiced in the poorest and most remote rural areas of a country (Aryee et al 2003 p.131). The Omanjor quarry in Accra, where I also interviewed child labourers was also located near the relatively deprived communities of Lormnava. The Omanjor quarry is also near affluent areas in the capital such as Tantra Hills and Achimota and the quarry serves the construction needs of Accra. According to residents of Mpatuam their community was generally an agricultural community that had traditionally cultivated the land but also engaged in mining as an alternative source of employment and income. They insisted that the introduction of large-scale mining seems to have changed the face of the local economy significantly as they threaten traditional land rights of indigenous people and succeed in weakening the community's control over its land resources (SAPRIN 2002).⁷⁵

A few children below the age of 12 present in the mine and quarry often worked in the presence of a parent or guardian, and these were often mothers. I asked why they brought their children to work and the common answer was that there was no one to look after my

⁷⁵ SAPRIN is the Structural Adjustment Participatory Review Initiative

child so I have to bring him/her here. In the absence of alternative child-care arrangements these children spent their time working with the adults in any capacity that they could afford. Children below 10 years were not sent out on their own to work. They usually accompanied parents who had no alternative childcare arrangements and helped by carrying out little tasks such as carrying smaller loads of sand to the stream. This may not necessarily be child labour but it demonstrates how from an early age children are socialized. Osei was 12 years old boy working in the quarry. He was involved in cracking stones for an employer.

Osei I come here with my mother because she works in the mines. My brother also works here and they don't want me to be at home alone because they say that if I am left home alone, I will join a bad company of friends who will influence me badly. They think I will be a bad boy and start skipping school, so I come here after school and go home together with them when we all finish in the evening. When I come here, I help by working and earning some money that my mother can use to buy me the things I need and help at home too.

Osei's mother and older brother, who both worked in the quarry, confirmed that indeed they didn't like him staying on his own at home when they were out working because no responsible adult was there to keep an eye on him. This is an issue that the focus group also identified. They insisted that 'obaatan', which means a mother, could not leave her children at home and go to work because that would be irresponsible. They were of the opinion that child care was part of a woman's duty. The women argued that fathers were not reliable enough to be entrusted with child care.

Asked why they worked, these children reiterated what children in the market had already said. The emphasis was on the fact that they were poor. This was, for example, captured by Akwasi when he said, "there is no one to take care of me because my dad is too old to do hard work." Akwasi, a 15 year old boy revealed that he had lost his mother and therefore lived with his dad. He described his dad as an older person, but he could not be specific about the age. His dad was a cocoa farmer, but cocoa is a seasonal crop that

provides income also seasonally. This means that households that depend on cocoa revenue have to save up for the off-season period or would have no money to support themselves and their households. He explained that his father was too old to do very hard work, and as such didn't earn that much. When he was asked whether he attended school Akwasi revealed that he did not attend school. His emphasis was not on supporting a household but himself, even though he stayed with his dad at home. The decision to engage in small scale/illegal gold mining was also a personal decision for some children, with no direct influence from anyone.

Dwomoh I don't have any reason for working. My father is deceased, so I live with my mum, but she is has no money to look after me, so I was not attending school. The reason being, I couldn't afford to buy my school uniform, books and food and pay my fees. My older brother noticed I was idle and truanting so he told me to stop idling and come and work here, so that I could earn some money to look after myself and help my mother too. Now I don't get into trouble because I am doing something useful with my time.

Even though he was involved in illegal mining because his brother invited him to join in working in the mine instead of idling, he still claimed that it was a personal decision and that he did not work because he was coerced or influenced in anyway by anyone.

My presence was initially greeted with general skepticism and suspicion, as my research interest seemed to have prompted amongst the participants a general notion of wrong doing or illegality. There seemed to be an effort particularly by adults in the community at impression management aimed at dissuading me from getting any impression that portrayed them as insensitive to the plight of the delicate child. I reinforced the idea that I was not there as an official but as an independent researcher looking to study the child labour phenomenon for academic purposes. Kofi's mother and brother both insisted that that Kofi did not work.

Mother Kofi doesn't work. We don't allow him to work, and he knows he is not supposed to be working here. It's against the law and the authorities in the quarry come around from time to time to carry out inspections of all parts of the quarry to make sure there are no children working here during school hours. If they find children working, the employer will get into trouble as well as the owner of the mine.

Kofi had already admitted to working in the quarry. In fact I approached him while he was working, and sought permission from his employer to interview him. His family however argued that he was not a child labourer. By indulging in work, they insisted that Kofi had been disobedient to them and they were not happy about it. Two distinct perceptions emerge here. In the rural community of Mpatuam, a lack of knowledge of the law on child labour was very obvious. The workers involved in small scale and/or illegal mining generally alleged that the police, as well as security officers of the large mining companies in the area swooped in periodically to arrest any employer who was found mining illegally. On the other hand, the Omanjor quarry in the city was frequently visited by government inspectors to ascertain compliance with the law. As a result of government inspections, the authorities of the quarry also did frequent checks everyday to ensure that no children was seen working, particularly during school hours. There was near universal admission by parents, quarry authorities and the general community, that children were prohibited from working in the mines particularly during school hours. There was also admission, albeit rather quietly, that in spite of legislation and the need to keep their businesses open, children still worked in the quarry, as some employers like Kofi's are still able to get away with it. It wasn't clear whether the fear was based on experience of seeing other people lose their jobs or being arrested for their involvement in child labour. One thing that was clear is the fact that perhaps because of the proximity of the quarry to the state capital of Accra, with the whole government machinery available, it was easier to disseminate information, thereby raising awareness on child labour. It was also evident that due to the reality of the local people, child labour was still persistent, notwithstanding the law.

When some of the children in the mines were approached they rebuffed any suggestion that they worked. This brings an interesting dimension to the idea of child labour particularly in the mines. Mary was an 11 year old who looked after her younger sister.

Mary Difficult? No, I don't really find looking after my sister a difficult thing to do. I don't actually work here. I am here only to help my mother because she works in the mine, so I spend the time with my little sister around here, looking after her, so that my mum can keep an eye on while she is working.

GC. You mean, looking after your sister is not work?

Mary. Yes, it's not work. I go to school everyday, you see, I only come here to help and not to work. My mum is the one who works.

She further argued that she didn't see her role as a primary caregiver interfering with her education. As she indicated, she never had any homework to do, anyway. Did her role as a primary care giver affect her performance at school? She said she had no idea whether or not it did.

Akosua, a 14 year old girl retorted when she was asked why she worked,

Akosua I don't work; I'm looking after my little brother while my mother is working. During vacations, I come and spend time with my mother and help her look after my younger brother, so actually I don't work. Anytime my brother is crying, she comes over to make sure we are fine.

Girls are known to perform such tasks as caring for their younger siblings, making food and fetching water (Boas and Huser, 2006 p.13). In the opinion of some respondents performing such tasks was not tantamount to work. The idea of work and the children's rights was articulated best by child prostitutes as illustrated below.

Due to the fact that officially children were not allowed to work especially during school hours in the quarry all parents and employers were careful not to suggest that children worked, in case I was from the police. Kofi's family insisted that they did not approve of him working. Both his elder brother and mother emphasized that Kofi had come over to work without their knowledge because they would not approve of him working in the mine.

5.2.3 Working in Prostitution

The search for prostitutes proved to be the most difficult and elusive part of this research. Although the target sample was 22 child workers, I could only successfully interview 12 child workers. It took very long to locate child sex workers and interviews also took a fairly long time because of the initial task of establishing the rapport necessary for discussing a difficult and sensitive subject like child prostitution.

Out of the 12 child prostitutes interviewed 9 of them were aged 15 and the other 3 were above 16, 17 and 18 years of age. They were all female prostitutes.

None of the girls, including those who were 15 years were still in school. Although the age for completion of basic education in Ghana is 15/16 years, many of the girls indicated that they quit school rather prematurely. Three main reasons emerge to explain why child prostitutes work in this their fields, including, lack of parental control and truancy, no financial support from parents/guardians and loss of parents (death) and lastly family breakdown. Others said they never had any formal education.

Sandra (15-year-old girl) “I quit primary school because my guardian was not taking good care of me. She did not care much about whether I ate, clothed and neither did she provide the love and affection I needed to feel secure.

Narrating her story Sandra said “I was staying with a family, but often the father and mother beat me up anytime I did something wrong. They made me work all day while their children were in school. One day I run away from home to go and stay with my friends in town. I told my sister where I was and she came over to give me some money and food.”

GC. What about your parents, where are they?

Sandra. I don't really know much about my dad because I only met him a few times. He was not around a lot but I know he now lives in Nkawkaw. When I was younger, I was given to a family next door, but they never looked after me, and treated me badly one day so I run away and moved in with some friends. People say that my mother lives in Abidjan. They say she is pregnant for another man. My auntie (mother's sister) lives in Accra so when she heard about our plight, she asked us to move to Accra where we had free accommodation initially. She was doing her best but she didn't have enough money to look after us and her 4 children. I had to go out and look for money so my friends told me about this job and I joined them.

Martha seemed to have had the highest level of education among the other girls who were interviewed. She claimed she started her senior secondary education at the Winneba Secondary School but quit after her first year. Her reason for indulging in work especially of this nature was that she was influenced by a senior student in her dormitory. She explained

Martha A senior student promised to look after me and protect me from the bullies. As my protector and mentor I learnt many things from her, including prostitution. Because she was a senior student, and she looked after me, she was like a “school mother” to me. She managed to convince the school authorities that her mother was ill so they allowed me to

accompany her home to spend weekends helping her to look after her mother. Once we left the boarding school and went to her house, she introduced me to men and encouraged me to have sexual intercourse with them. This became a regular practice and eventually I got lured unto the streets of Accra soliciting for sex as I began to enjoy it. It was hard for me to concentrate in school so much that I decided to give up school completely. My “school mother” who later died advised me to give up prostitution and go back to school, but I have found it difficult to go back.

Sabina, a 16 year old prostitutes said “my parents marriage broke down and there was no help from anyone so the law should allow children to work because it would enable us to find work so that we can look after ourselves otherwise people will take advantage of us.”

GC. Why did you leave home?

Sabina. I left home because my parents were never there, and when they were around they were always quarrelling and fighting. Each time there was a fight my mother moved out. My dad was never home either and I had a younger brother and sister to look after so I had to go out and work. The state must help children who are in need so that they will be able to attend school.

Her case was uncommon. It portrayed the fact that possibly a considerable number of children whose parents have not refused to take care of children nor are they incapable of looking after them. However some children due to truancy or sheer adventurism find themselves in harmful child labour. This however does not exonerate the parents as they still have a responsibility towards their children. In this case there was no indication that the girl’s parents had made any attempt to stop her. Meanwhile she seemed to be enjoying her freedom from parental control.

5.3 The Livelihoods of Child Labourers

5.3.1 Household/Family Living arrangements

A unique feature of the living arrangements of the children interviewed was that although similar they did not neatly fit into a universal model. With the exception of 11 children all the other children interviewed lived in households in which residence, consumption and production groups were not always the same (Hanson 2004 p.29). Compound houses dominated the area with several members of the household not from the same family. Hanson (2004) argues that a house could have aside from core members, fostered children of relatives, in-laws (both paternal and maternal), fictive kin and friends. He therefore questions the use of the term household within the African setting because he argues that the western conceptualization of the household dwells on location, residence, fixity in a modern capitalist world which privileges individual property ownership. “The Akans do not reside in households as defined in extant literature, but exhibit living arrangements that are unique to the ethno-cultural community” (ibid).

Most of the children interviewed were from single parent families. Among the children in mining and quarrying, 5 lived with their parents. 10 lived in a single family home mainly headed by their mothers and 7 lived with both parents. There were only 2 children living with their fathers only and 8 children were living with mothers only. The girls involved in prostitution were particularly similar to the migrant children in Kumasi mainly because they were also predominantly migrant child labourers. However incomes of child prostitutes were significantly higher than children in the market. Child prostitutes claimed they earned on average 30,000 cedis per night and children in the markets earned on average 10,000 cedis a day but children in the mines and quarry's earned 7,000 cedis a day. However, this amount varied according to age as older children could do a lot more work within the same amount of time to earn much more than 7,000. Although most children said they worked because they had to help their families, most of the migrant child labourers could not send money home very often because of the high cost of living in the cities of Accra and Kumasi. The support that these migrant children received from each other made their livelihoods sustainable.

The prominence of mothers is very important in the lives of children working in both mines and quarries. The majority of the children interviewed were of Akan ethnicity and therefore matrilineal backgrounds, and since blood is key in a lineage, it is believed that an Akan has stronger links to his or her mother than her father (Boas and Huser, 2006 p.32). Although matrilineal systems emphasize inheritance through the mother's line it seems there have been major changes in the socio-familial structure which make the absence of fathers very visible. Respondents indicated that some of the changes were a result of marriage break-up, migrations and simply absentee fathers.

Defining a child was a difficult task initially for the community as the focus group demonstrated. A child was therefore best described by pointing out to one of their offsprings that were also digging for gold with them. When pressed to give a particular age, 18 was suggested as the limit over which one was no more a child. Importantly, they argued "as for a child, he/she must help at home. But that is not work, it is training. As for a child, if you don't train them on how to do things at home, particularly girls, they become spoilt and unable to keep a home when they grow up. They will say you have not brought up your children well." Here child work was of a functional nature, a necessary part of socialization and education. The problem with permissible child work is, working in the domestic environment is not clearly defined because for some households, family income comes from domestic industries, which children have to be part of. There was laughter as most of the participants in the focus group discussion admitted that was often the case.

The focus group was also asked what kind of work they thought was suitable for children, as they had defined. To this, the mining community answered, "... There is no other opportunity than to work in the mine." They added that if children did not or could not go to school, the only option remaining was to work in the mines. Participants also indicated that once children started working and earning, it was difficult to get them back to learn a trade because they do not want to give up earning money for some education which did

not guarantee them future employment and an income. They were therefore more interested in keeping them in school than working in the mines or market.

Work in the mine and quarry was organized along the lines of gender, age and ownership. The role of female child workers was mainly to carry sand deposits dug out of the earth to the stream for washing. This meant walking a considerable distance from the excavation point to the stream that was used for washing. This role was played by both the girls, adult women and the younger boys. The bigger and stronger boys, and in some cases adventurous boys did the digging and excavation of sand. It often entailed digging a tunnel deep into the ground, a delicate procedure which all acknowledged was very dangerous because of the fatalities that have occurred when ceilings collapsed and trapped boys underground. A general motivation notwithstanding the difficult nature of small scale and often illegal gold mining was the prospect of striking it rich as some had done before.

5.3.2 Poverty and Deprivation

Poverty is a theme that runs through the lives of the children interviewed. The reasons given by the children about why they worked is closely related to the poor economic situation at home. Some of the reasons given to explain the situation in this chapter include insufficient money to cover the cost of living due to low parental income, loss of parents, divorce, and abandonment. The Situation Analysis of Children and Women in Ghana 2000 deals with poverty trends in Ghana, and argues that about 8 million out of the 18.4 million citizens could not afford nutritional and non-food essential needs (GSS 2000 p. 30 - 31). It further pointed out that nearly a third of the population were living in extreme poverty which meant they could not afford basic nutrition needs even where they devoted their entire consumption budget to food. Marked changes in livelihood strategies have therefore included changes in the family and labour market which are discussed later.

All participants in the focus group clearly indicated that child labour was a result of poverty in the little village of Mpatuam as well as the surrounding mining villages. According to most of the respondents, there was no work in the village so parents were often too poor to maintain their children in school. The only way most of the children could get back into the school system was by helping their parents at work or looking for work to support their parents. They called prospecting for gold, “asika”. Children were therefore compelled to go ‘asika’, which means children were compelled to go prospecting for gold. Generally, the income of the parents of child labourers across the board were very low because nearly all of them worked in the informal sector as drivers, farmers, illegal miners, petty traders and charcoal makers, without a guaranteed minimum wage. Kwadwo Mahama was an 11 year old boy who sold polythene bags in the market and his mother sold charcoal.

Kwadwo Mahama. My parents used to make charcoal but they have not been able to do much lately because it is now illegal to burn wood to make charcoal. When they last went to make some charcoal they were arrested and their equipments seized. Now they only sell some charcoal but it is hard to produce it, so they don’t have much money now.

One notable characteristic of poverty among the children interviewed is the prevalence of single parent homes and mainly female headed families. It became clear that another reason poverty was rife is that most family incomes came from one source, limiting the options available to the family. This situation illustrates the state of the family and the feminization of poverty and the labour force as women are now forced to be not only contributors to the family income but are now the main income earners for their families and in many cases they are left even poorer (Moghadam 2005, Catagay and Ozlers, 1995). “The number of rural women living in poverty has increased by almost 50% in the past 20 years ...” (cited in Moghadam, 2005 p.2). As the number of female headed households is rising the effects of structural adjustment and liberalization of the economy has been particularly harsh on them (Moghadam, 2005 p.2). In Ghana the liberalization of

the economy, allowing foreign direct investment in the mining sector has exposed villages like Mpatuam and Bonte to the exploits of mining companies which have taken vital land previously used for agriculture. Small scale and often illegal mining had become an attractive alternative as the prospect of becoming rich pulled many to these sites, and women have particularly been well represented. Their significant levels of involvement reflects the state of the rural family's economy, the changing face of the family and its concomitant effect on gender roles and the level of influence that mothers have on raising their children. These are the social and gender effects of the structural adjustment programs and policies of the 1980's. It is therefore important that poverty reduction efforts address this imbalance. Hilson and Potter (2005 p107) note that following structural adjustment and reform particularly in the mining sector a rapid growth in artisanal and small scale mining in Ghana can be attributed to an acute lack of jobs and accompanying poverty nationwide. They note further in their research that "in a country where annual per capita income in rural areas is as low as US\$ 151 it is not surprising that artisanal gold mining provides an important source of income to tens of thousands of people" (ibid. p. 111).

Housing was very poor for most child labourers. Most of them lived in the poorest neighbourhoods with poorly built homes and the absence of some basic utilities such as water supply and electricity. Child prostitutes and children selling in the market lived mainly in kiosks and other dilapidated structures as well as in such places as store fronts and sheds. Some lived in rented accommodation in slums such as Nima and Fadama, Sandra, a 15 year old girl who worked in prostitution thought of herself as better off.

Sandra. We sleep in a rented room at Agbobloshie and we are about 8 girls but some people can't afford to rent so they live in the streets. It's very bad when many of us are in the room at the same time because it is very small and the landlord comes in anytime even when we are not descent but this is temporary and because life is hard at home we are forced to endure it so that we can get a better life.

GC. How do you mean life is hard at home?

Sandra. Life is hard because my parents are poor so they have all gone their separate ways to make a living. If my parents were well-off and had looked after me I wouldn't be in this situation. I look after myself because there is no help from home as my parents are not around so I can't contact them for help and they don't really seem to care about me or my sister.

Child poverty accounts for the plight of a significant number of child labourers. The accounts of some of the girls in prostitution details neglect, lack of parental care and abandonment, which forces some of the girls into prostitution. The lives they lead are largely poverty stricken, manifesting in poor housing/accommodation, low level education, poor nutrition/health and general insecurity. Although children interviewed were living in poverty they all had aspirations to overcome their poverty. This was to be achieved by working and earning an income which would afford them access to some basic goods that would enable them to survive. A general theme for children under 12 years was school. They believed that earning an income would help them cover the cost of education. Children in the 15 year bracket particularly emphasized earning money in order to cover their food, clothing and other needs while they were training in a vocation.

5.3.3 Child Work or Child Labour

To recap earlier discussions, three areas of child labour were looked into were children selling in the market, children in mining and children in prostitution. The type of work and the level of involvement in the various types of work studied were determined largely by age, gender and environment. Child labour in the marketplace was a particularly common feature in the urban areas in Ghana and a significant number of children interviewed there were migrants from northern Ghana to the big market centres in the south, including cities such as the Adum market in Kumasi and Agboghloshie in Accra. Girls dominated in prostitution and selling in the market, roles traditionally dominated by women and boys dominated in mining and quarrying which is traditionally a male

dominated area. Although the involvement of children in the market is not new it has become a growing area as the informal small scale business sector continues to grow. Where there is poverty there seems to be pressure on children to bring in extra income by working in the informal sector where they evade regulation.

The Ghana Situation Analyses, 2000 (GoG/UNICEF 2002 p.125) suggests 39% of children in 1992 and 12.6% in 1997 as the participation rate of children in the labour market. It also confirms that girls (12.3%) contribute more to the child labour pool than boys (9.8%). Traditionally The boys are involved in the most manual and physically demanding tasks such as digging for gold and carting heavy goods. Greenstreet (1972 p.351) asserts that women consider their main vocation to be marriage and raising children and girls were raised to follow their mother's footsteps. When asked about their views on work, some girls would not admit they worked. They emphasized they were only helping and did not want to be seen as children who worked or child labourers.⁷⁶ The girls in the mines were particularly emphatic about this view.

An important element of the study was to find out children's own ideas about their work, an area Myers (1999 p. 13) identifies as necessary in order to find alternative approaches to dealing with child labour. A few children spoke in favour of child work, for example, Fatima, a girl who arrived in Accra when she was 10 years old. Now she is 15 and is fending for herself.

Fatima. As for this work, it is so hard, but if we don't do it how are we going to look after ourselves. Some of the men we meet are quite a challenge and our lives are sometimes at risk. Erm, it is important that we are allowed to work, or are you proposing to look after us and provide us the things we need?

Fatima's view questions the essence of laws that prohibit child labour when there are no alternative care arrangements for children who have no parental care and children who

⁷⁶ Greenstreet (1972) See page 160

perpetually live impoverished lives because their parents simply don't have the means to help them. The great challenge in Ghana is ensure that children in such circumstances are looked after. Will the state take responsibility?

All children interviewed said they preferred school to work, however they were also of the opinion that as children they must learn to help their parents at home, a view shared by adults in the community. Work could be too much sometimes, explained some of the children. Kwame was 12 years old and worked in the quarry (cracking stone) with his mother. He started work at 6am and finished at 6pm. He thought work was too much sometimes and said that he liked to play ball with some of his friends who were also working in the quarry.

In one case, for example Adamu, a 12 year old boy in the market indicated that he earned about 30,000 cedis on a good day, but this was not enough to cover his daily expenses, family obligations and savings. His daily expenses included 2000 cedis for bathing and using the toilet. In such situations, work was a survival strategy. Adamu and Kwame and others in similar situations demonstrated that work was necessary to enable them get by, and afford the basic necessities of clothing, shelter and food.

There was a growing sense in which the reaction of child workers to the child labour label suggested wrong doing, hence the common resistance to any suggestion among some children and families that they or their children were involved in child labour. The majority of the children interviewed were quick to establish the fact that they attended school regularly even if it was obvious that they worked. Children, parents, employers and adults in the community showed a preference for the identity 'school children/pupil' over 'child /labourer/worker' through their eagerness to re-establish the fact that the child or children attended school even if not regularly.

Notably, the owners of concessions, diggers/excavators and truck drivers and loaders were male while the chippers were mainly female and children. It was therefore common to see mothers with their children working in the quarry.

I asked the opinion of adults in the community about whether they thought work was inappropriate for children. In response they said “some children are too young to work but sometimes these children were not getting any financial support from their parents to enable them go to school because the parents are very poor and thus the children are forced to work.” The point they emphasized was that children graduate from one simple work to more challenging work as they grow older and stronger. They were therefore not in favour of tasks that were too difficult for minors to handle. When asked whether working in the mines wasn't too much to ask of children, it was suggested, “life has become very harsh, there is no money and so even though it's no good for children to work, necessity compels them to do this kind of work. In addition, some parents who are capable of taking care of their children shirk their responsibility and therefore still require that their children work.”

Some young men also suggested that they would not have been working if their parents had taken good care of them. In their opinion, parents should still be taking care of them to enable them to continue their education, however they acknowledged that because parents did not have the means to support them they've had to find work in order to support their families. An overwhelming sense of the importance of education emerged from respondents. Children, adults and the general community seemed to appreciate education, which West Africans are reputed for (Goody and Muir 1977 p.154). This is attributed to Christianity and colonialism, which brought significant changes to the economic structure of Ghana by increasing its interaction with Europe and the developed world. The setting up of bureaucratic structures and formal institutions (government machinery and formal private enterprises) changed the occupational system in Ghana, as formal education became increasingly important for training local people in the skills necessary for clerical and other jobs that became available as a result (ibid). Education brought about lifestyle changes as local people who benefited from education, earned salaries that were well above the income of ordinary farmers (Goody and Muir 1977 p.155). The prestige that education brought as well as the opportunity to earn better salaries, a chance to live in a western style house with servants, an expensive car to drive,

and the opportunity to send your child to a private school were situations that drove the desire for education and social as well as occupational mobility (ibid.).

A pro-education group was therefore emerging in the focus group discussion. They indicated that children were not supposed to be allowed to work because obviously it was not good for children to be peddling all kinds of goods along the road. They argued that it was inappropriate because there have been incidents where child labourers have been hit by moving vehicles on the roads while they are out selling goods. Some of their comments include “the government must ban such activities of children” and, “some parents simply overwork their children without any reason necessarily.” However, there was general agreement that domestic labour was not a problem because according to them, it was to equip children later in life as adults. The women particularly argued that “girls must particularly engage in activities such as cleaning the house, washing pots, fetching water for use at home. Children must engage in such activities so that they are equipped for marriage and adulthood.” It was also generally agreed that in order to equip children for adulthood, they must even help parents in their businesses if that’s what needs to be done in order to put food on the table for the family. They might learn a trade as a result and be gainfully employed as an adult. It is obvious therefore that local people do not realise that domestic child labour is the most common form of child labour, which suggests that it is affecting the health and development of the child in a way which is often overlooked.

There was also the view among some participants that education seemed to have failed to deliver the perceived benefits, particularly after the redundancies of the public sector that occurred as part of the structural adjustment program of the 1980s and 90s (Hilson and Porter 2005). It was clearly argued that there were no jobs for school graduates, and that was great concern for them as they felt that investing in education when it did not hold promise was not encouraging

Another view expressed was that many children do not have capable carers and as a result some children are forced to depend on adults who can only support them if they in

return can also make a contribution. To support this argument, an example was given of a child who was found in town late at night unwilling to go home yet crying because she claimed she fell down and lost some of the cold water in little polythene bags that she was selling. She was scared she would be beaten if she went home and as such she said she could not possibly go home. The conclusion drawn by the contributor was that the little girl would not suffer this predicament if she had capable parents who were responsible for her.

The absence of a strong children's movement with the involvement of children is striking, but this is an area that Swift (1997) tries to tackle by looking into how the Republic of Emmaus and the National Movement of Street Boys and Girls work. He notes that the National Movement is made up of several children and educators who belong who belong to several local movements and organisations around the country. In the 'Children for Social Change: Education for Citizenship of Street and Working Children in Brazil' Swift states in the introduction that, "In addition to its street and community-level work, it recycles donated goods, offers employment and occupation training, and provides a range of sports, games and other activities. Working children could be mobilized to rally together in order to tackle the common challenges that affect them because, as Woodhead (2004 p.14) argues, child labourers are not passive victims damaged psychologically by work, but "social actors trying to cope with their situation, negotiating with parents and peers, employers and customers, and making the best of oppressive, exploitative and difficult circumstances"

5.3.4 Speaking the language of Rights

The question was asked 'have you heard about children's rights?' and the answer was mainly 'no', although one view in the focused group discussion was "yes, I have heard about children - rape, rape thing ..., yes I have heard about it." This happened to be an area where the police indicated there had been progress in reporting cases as well as prosecutions. An interesting pattern that emerged was the lack of understanding of what children's rights meant. When the question, what do you think of children's rights was asked, there was a blank expression on the faces of many respondents. There was

however, a desire to know more. The challenge faced here was, how best to translate the concept meaningfully. Many claimed they had never heard about it, with the exception of a few. In their opinion children's rights meant that children were free to do whatever they wanted to do. It was also very difficult explaining the concept to children in their local languages. The expression 'children's rights' was first mentioned to the children in English but because they did not understand it I proceeded to ask the same question in Twi. The difficulty faced was how to translate to Twi and to their understanding without losing the meaning, so expressions which were suggested by some officials were used, such as 'Nkolaa fawuhundie' which literally means children's emancipation; 'nkolaa yie die', which also means children's well being; and 'mmofra ndinuaa', which also means children's well being. None of the children interviewed had heard or used these expressions before, and they tried to interpret it in different ways.

Kwaakyewaa (Silence initially), I don't know what children's rights mean. Nkolaa fawuhundie means (pause), nkolaa (children) can do whatever they want to do (laughter). I haven't heard about it but I think it would like the government to look after us and help us to learn some skills so that we can get good jobs when we grow up.

The common explanation given was children's freedom to do whatever they wanted to do. Yet even then nearly 90% of them indicated that it was not right to let children do whatever they wanted to. Child labourers in this case clearly could not relate to the concept meaningfully, either in English or in their local language, with the exception of a few, who showed some understanding of the concept. There was little knowledge of the law and no understanding of it among most of the children, that having a right meant that there was a corresponding duty on the part of another person or the state to ensure that the child's interests were catered for. This was however no surprise as even adults in the community were largely unaware of the meaning of children's rights.

This view was generally held among the prostitutes that children needed more help because when they were faced with survival challenges they were forced to go into all kinds of work including work that was considered immoral.

Nana Foriwaa I came here by myself and joined this business. We know this job is bad. It is not right that we do it so I know I am being a bad girl. But we don't know about these laws. I think if the government can help us to acquire some skills then we can look for proper jobs to do, and stop this business. My parents never said they couldn't look after me but I was a naughty girl and I didn't respect them. One day I decided to leave home, but now this is how I have ended up. Most of us would like to stop it, but it's hard to stop when you are getting money out of it and there are no easy alternatives out there for us to earn a living.

Notably children interviewed did not speak of entitlements. They were very understanding of parent's hardships and seem to have transferred that degree of understanding to the state as well. It was obvious from the reactions that the children did not quite understand what children's rights meant so I proceeded to explain to them what it meant in order to find out if at all they had some knowledge and understanding of these things. Once again there was a blank expression and silence which meant the concept of children's rights didn't sound familiar.

There was no suggestion that children had a right to work, given a minimum age. Rather, it was suggested among the older girls particularly that children should be educated and trained in employable skills so that when they completed their education they could find proper work. The girls were generally of the view that once children are skilled they can get decent jobs.

It seems that because the Children's Act requires parents to provide the care needs of their children, no duty is placed on the state to provide these needs when parents are

unable to do so. The children didn't seem to be interested in the law because there were no obvious benefits to them, especially because child labour was tied somehow to the domestic environment. Where the family was unable to support the children, the state did not intervene enough to support them.

A notable observation made was that although when discussing work, children felt that it was beneficial to them, they did not speak the language of rights. Children therefore did not say they had the right or entitlement to work. They also counted education as a privilege not a right and work as a means to avert the tragedies of poverty and deprivation, not a right to survival. The absence of the language of rights was not a situation peculiar to the children but a reflection of the situation in the larger communities in which they lived and worked. In the typical rural or urban poor community where poverty is rife, education is low among adults and education attainment low among school going children, employment is mainly in the small and micro enterprise sector, and respondents were more interested in opportunities to learn employable skills than the issue of rights.

Selasi. If the government has all these laws to protect children, what is it also doing to help us so that we can afford to attend school and learn some skills for future employment because some of us are keen on learning skills for employment?

It is worth noting also that even though children could not articulate the idea of rights, they still had views which they could express in fulfillment of one of the fundamental rights as expressed in Article 12 of the Children's Act and Article 11 of the Convention of the Rights of Children. The girls involved in prostitution such as 15 year old Selasi particularly asked some pertinent questions pertaining to their welfare.

Even though work provided an income to many child labourers, most of them shied from any suggestion that they must have a right to work. When I asked whether they think they must be allowed to work, the answer was overwhelmingly no. Rather, most children and

adults in the community suggested that children must be allowed to attend school and gain skills for proper employment. It seemed the proper thing to do, a sort of chorus that everyone sang. Fatima however was a dissenting voice as she advocated for children to be allowed to work with only few restrictions.

Notwithstanding the hesitance among some working children to admit openly that they were child labourers, there was a general insistence among the majority of children interviewed about the benefits of work in order to support themselves, their families, even without being prompted to do so by parents or guardians. Such insistence on the benefits of work were a demonstration of the will to rely on themselves to survive, which some have referred to as self-determination (Liebel 2004 p.225; Jacquemin 2006 p.3). “The child rights perspective promoted by the CRC thus establishes that a child is both a self-determining and a subject of social protection” (Jacquemin 2006 p.3). The right to self-determination is a concept present in international conventions such as the International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Social and Cultural Rights (ICSCR). It is a concept that comes up in national liberation struggles, and denotes the entitlement people have to a nationality. A difficulty arises when discussing children’s self-determination because notwithstanding their self-determination children still depend largely on adults, for example, for the goods they sell either as suppliers or buyers (ibid). The realization of this right has emboldened children in countries such as Senegal and Cote d’Ivoire to organize themselves to fight for the right same working rights as adults (Liebel 2004, Jacquemin 2006).

The issue of the best interest of the child was also raised. In discussing this, it became obvious that the issue of power relations within the family/household affected the consideration of the child’s best interest. As explained by some, “if a family is having a meal, although the health of the children is paramount, it is still impossible to consider serving the children on that basis first, rather, the father who is head of the family is considered first, and the best part, for example, of the meal is served him before children are considered. The best parts cannot be given to children when adults are not served.” Yet, they suggested that the best interest of the child is paramount in all consideration.

The women particularly argued that the girl child often suffered the disadvantage of not being given due consideration when decisions about who to spend the meager resources of the family on educating is considered. They argued that often it is said that girls will end up in the kitchen, so boys are often considered above girls in making some decisions even when it is obvious the girl is the brightest and most promising.

5.3.5 Religious heritage

One of the things that became obvious in this research is the dominance of religion in the lives of Ghanaians. As portrayed by Bass (2004), Africa has a triple heritage that is traced to the Islamic, Christian and Traditional religious influences that affected the continent. Most child labourers interviewed had religious affiliations, yet it was observed that while some of them admitted a resurgence of their religious interests and commitments, the majority of them were passively involved in religion. In Ghana, as demonstrated in this research, religion played a significant role in the lives of many child labourers to the extent that some children actually noted its direct effect on their involvement in child labour.

Sabina I started getting involved with men because, like I said, my parents were always away or fighting whenever they were home. These men gave me money with which I supported myself and my siblings. I became pregnant and the church found out about it, so they decided to sanction me. One day I was instructed to appear before the church during a service, and the church was officially informed about my sins. It was then decided that my name would be struck off the register until I had been re-baptized before I could become a member again. It was so humiliating, I decided to leave to save myself from the shame and anguish. When my parents found out about it, they said I had humiliated them too, but this wouldn't have happened if my parents had not had not completely failed to look after us.

Sabina's case illustrates the level of influence religion has on the lives of the Ghanaian community. It is fair to say that religion was indistinguishable from whatever they did.

Often the older child labourers in particular used the expression ‘nyame bekyere’, meaning God will provide, ‘nyame adom’, meaning the Grace of God. This was usually said when respondents discussed their work, earnings and how far their incomes stretched. A significant proportion of respondents particularly from the southern and central parts of Ghana demonstrated that they traditionally relied on their faith to keep them going. This idea was confirmed by adults in the community, and in particular the mothers in the mines, who often said, ‘nyankopon nkuaa o’, meaning it’s only because of God, we are surviving. Being a religious society, it also seemed that religion emphasized a moral community, the rules of which if broken could only lead to ostracism. The traditional notion that children must be seen but not heard (Rwezaura 1998 p.57) was also evident as most children interviewed were generally hesitant and somewhat reluctant. Most children in the mines and about 50% of the children in the market were unwilling to challenge authority or question why they had to work, and showed a degree of willingness to submit to authority. All three religious influences in Ghana have practices that demand submission and authority, and in that form of relationship, children are expected to be the subservient ones, conforming to what authority demands. The Trokosi system for example is a type of ritual servitude in which a family gives away a girl child to the traditional priest to atone for their sins (Fallon 2003 p.537). Although the existence of this practice shocked the world, it is still around today. International Needs, Ghana, is an organization that has been involved in efforts to liberate these women, but it reports that there are still 5000 children/women still in Trokosi.⁷⁷ Child labourers from northern Ghana were notably of Islamic heritage, which as established by Bass (2004), is a heritage that utilizes child labour for service (begging) in exchange for Quranic education and general contribution to the family economy. Fatima, particularly emphasized that most families were so poor in her village that they had to help a great deal on the farm during the rainy season and migrate during the dry season. Work was therefore an integral part of her life. Narrating her story, she said,

Fatima “I used to wake up early in the morning and go and fetch water with my mother. We used to start at around 4am and finish at around 6 am. After

⁷⁷ <http://www.intneedsgh.org/contents/projects/projectstories.php?projid=4&id=1> [Accessed 8.2.08]

that we would cook breakfast and then walk a long distance to school. However, during the rainy season my parents don't allow us to go to school very often. We used to go to the farm together from morning till the sun goes down. It was hard work but I had to do it. In the evening I had to go to 'makaranta'⁷⁸ to learn the Quaran. It was fun, but they could be very harsh. As I was growing older it was necessary to migrate to get work in the dry season, so that I could help my family because things were very hard."

Most of the children from northern Ghana were affiliated to Islam, although because they had moved to the city they had little to do with it. Even those among them without any Islamic backgrounds acknowledged that work was a part of their lives. They admitted that poverty prevailed in their villages and had to work hard since they were capable of doing so.⁷⁹ Awudu, a 13 year old boy who loaded trucks with yam, for example, said, "When I was about 8 years, I used to go with my dad to the farm to cultivate yams. It was fun but sometimes I felt a bit too tired. It was common for my friends also to go to farm with their families."

5.4 Conclusion

So far, this chapter has sought to establish the endemic nature of child labour in Ghana, which is widespread in the 3 areas of the economy mentioned, namely, mining, selling in the open markets and child prostitution. It was apparent that in mining communities where the mining sector was the main employer, the informal sector dominated by the illegal small-scale mining activities or galamsey. Children were well represented in this sector and even though adults were of the opinion that children were not supposed to be doing any work that was harmful to the health education and development of the child, child work/ labour thrived among them without any great concern. Farmlands in mining

⁷⁸ Makaranta is the quranic school for children in Ghana

⁷⁹ High levels of poverty seem to persist in northern Ghana (CEPA/ODI 2005 p.5)

communities have also become scarce as the lands previously used for farming have been taken over by the mines. Clearly, children under such circumstances are involved in work not because they are expected to learn their parent's vocation but rather the basis for work here is purely to utilise the labour of children in order to earn a living for the individual children or the collective survival of the family as a whole.

Petty trading is prevalent in all major towns and cities in Ghana. Being a widespread phenomenon, it is very common to see many children also involved in selling by the roadsides and open markets. This is the most obvious form of child labour in Ghana. So common is this practice that it seems widely accepted and/or simply ignored by all. Child prostitution is however, a very subtle form of child labour, which is not widely recognised or spoken of. This situation exists because many people of Ghana see prostitution as immoral. Notwithstanding, it became apparent that it was a growing problem in the cities. It usually did not involve families as other forms of child labour did but was caused by the same situations affecting many families such as poverty, and culture, which compelled children to look for work. Therefore many children made it clear when they were interviewed that they were not there with the consent of their parents or that parents did not even know that they were prostitutes.

This chapter has also attempted an analysis of the causes of child labour in the specific areas that were looked into. The reasons given to explain these were the prevalence of poverty, cultural practices, language and a high level of illiteracy. This confirms other research in some parts of Africa for example, Lesotho which shows that work is always regarded as training and passage to adulthood. In many African communities, culture instils in the child a sense of duty to the rest of the community. This cultural practice requires that a child does his or her duty to family and community when he/she works (Letuka, 1998 p209). The African Charter on the Rights and Welfare of the Child, 1990 actually deals with the duties of the child to the family and community. In Article 31 of the African Child Charter, 1990 it is stated that the child shall have responsibilities towards the family among other institutions mentioned. It also states further that a child shall have the duty to preserve African cultural values and because work is regarded as

training and passage into adulthood work is a cultural necessity in bringing up the child. Another notable cultural practice in Ghana revealed in my fieldwork, which has been observed in other parts of Africa through research, is the view that the female role will not fulfill traditional roles if educated. According to Siddiq and Patrinos (HCOWP 56), “many families raise daughters solely to take over household duties in order to release the mother for paid labour. Such cultural practices restrict the education of females and encourage child employment.” This practice found also in Ghana encourages many girls to start work at an early age. Even where it is not paid labour, the unpaid family labour in the form of household chores takes a toll on the child in that time and effort put into cooking, cleaning and serving the entire household makes it almost impossible for a girl of average intelligence to keep up with academic requirements. In the end they merely go through the education system without being educated but perhaps avoiding the label child labourer because they fit into the government’s plan for education. However as has been demonstrated, such unpaid family labour could affect the child’s education and development. It is also not identified as labour because it simply is culturally acceptable for a child to play that role in the household, particularly the girl child. Therefore nobody complains about it as a problem and it is not picked on as an issue to be reported to inspectors or to the police.

Embedded in this perspective on culture is the poverty factor, which has been clearly identified as the main cause of child labour. Around the world, child labour is mainly caused by poverty. This view is shared by many scholars (Basu 1998 p.43). Most of the children interviewed indicated in no uncertain terms that they were working because of poverty in the family. In their own words parents could not support them and so they were compelled to work. While the ILO claims that 4 out of every 10 people in Ghana live in poverty (ILO 2004 p.2); the World Bank also declares that less than 40 percent of people in Ghana live in poverty. The citing of poverty as the reason for increasing child labour has been dismissed by Barros and Velazco (cited in Muniz, 2001 p.3). They argue that if poverty was the cause of child labour then the rate of participation of children in child labour would be higher in areas of bigger poverty. However Muniz argues that the evidence provided by Barros et al. does not confirm their idea.

It seems that the mere mention of responsibility of children to the family and larger community points to the fact that rights are not a point of emphasis in the language of many African communities, Ghana being a prime example. It was obvious in my interviews that the language of rights was not spoken in any of the local languages spoken in Ghana. When asked, the respondents from all the institutions involved in the interviews could not readily give any evidence of how children's rights are or can be translated. In the absence of the rights language, it should be no surprise then that the language of children's rights specifically seem non-existent. The law enforcers including the police particularly acknowledged this issue. Interventions by law enforcers to tackle this menace are simply impossible under the circumstances as is discussed in the next chapter. Without a clear understanding of the rights issue at stake in child labour discourse, no reports had been made to the police about the exploitation of child labourers in the work place, neither had any adult reported a case of exploitation of a child labourer nor has there ever been any report from any of the social welfare subcommittees in the districts. If child labour is of great concern locally there would be more efforts at the grassroots level to report cases of exploitation to law enforcement agencies, as the case has been for rape and sexual exploitation of minors.

Some of the themes which had emerged suggested that child labour is persistent because of poverty. This drove many children to seek various kinds of employment particularly in the industry or sector that is usually the largest employer in the region, town or village they live in. A common variable that emerged as a reason to work was to raise money for their education. It appears that using education as a barrier to child labour isn't quite working out the way it was expected to because whiles many children attend school, child labour is still rife because many of the same children actually are able to attend school albeit intermittently because they earn some money from working in order to pay for their upkeep. Notwithstanding the poverty argument there does not seem any serious concern about child labour among local people. In a sense it seemed an easy way out for many children. There seems to be a culture of poverty which has emerged because traditionally there is no intervention from above when the family fails to protect it's own

from poverty. Children believed that work per se was not wrong and so did adults. Even though some concern was shown about child labour at the local level it was not an issue that was looked at from the point of view of rights. There is an absence of that understanding of children's rights at the local level which fuels international concern for children's rights. One thing that remained clear was that it is impossible to discuss child labour meaningfully at the local level in the context of the Children's Act because the language of rights does not seem to exist to support an understanding at the local level. What people were concerned about most was to get them out of their poverty whereby children wouldn't need to work and enjoy that privilege which so far seems to be available only to the rich and affluent. To suggest that language and a general culture of poverty exacerbates the problem of child labour calls for a review of social policy and official thinking to address the problem. This is what chapter 6 looks into in a bid to find out how best to tackle the child labour problem in Ghana.

Chapter 6 Poverty, Policy and Child Labour in Ghana

The thesis so far has given a somewhat contradictory picture of the child labour situation in Ghana. On the one hand in conforming to international obligations a lot seems to have been put in place to improve the situation of child labour. On the other hand, there is yet no indication that the number of child workers is falling, neither is there a clear understanding amongst the children and adults about what the policies/laws protecting children from child labour are. Things remain to a large extent as they were before, with many children below the age of 15 still labouring under the scorching sun and bureaucrats still holding unto laws and policies which have not quite been successful in dealing with the problem. It is time to start making efforts towards bridging the gap that exists between local practice and national/international law and policy. In this chapter, an attempt is made to discuss the policies, and the role of governmental and non-governmental organizations in the making, implementing and monitoring of these policies. The findings from the interviews with officials made on both field trips are incorporated into this discussion.

It traces the history of social policy to tackle the problem of child labour, covering three main areas including education policy, policy and law with regard to child labour and children's rights and anti-poverty and social development policy. It proceeds to review other practices around the world and recommends some improvements in social policy to deal with child labour in Ghana.

6.1 History and Practice of Social Policy Relating to Child Labour in Ghana

6.1.1 Addressing Child labour through Education policy

Efforts to control child labour can be traced back to the years soon after independence. Two notable areas where efforts to deal with child labour have been focused are education and labour law and policy. It can be argued that the Education Act 1961 greatly influenced education policy, which was also followed by the Dzobo report of 1973

(MOESS 2007). It is believed that the Education Act of 1961 is the principal legislation on the right to education, as it states in section 2(1) that “Every Child who has attained the school going age as determined by the Minister shall attend a course of instruction as laid down by the Minister in a school recognised for the purpose by the Minister” (Ghana Education Report, 2004)⁸⁰. This recognition given to education was important because of Ghana’s position as a newly independent state and the vision it had towards development. Education was in pursuant of its social, industrial and technological objectives. Let me point out here that section 2(1) of the Education Act of 1961 was not aimed at clamping down on child labour because child labour had not yet been identified as a problem, although some of its provisions are relevant to the issue of child labour. According to the Ministry of Education (MOESS 2007), the Dzobo report is a response somewhat to the public desire for change in Ghana. This report also introduces some fundamental changes which are important in addressing child labour today. Some of the fundamental changes were the introduction of practical subjects by which some skills could be acquired in school so that with a little apprenticeship after basic education is completed pupils can become qualified for gainful employment. New subjects such as Technical Drawing, Tailoring, Dressmaking, Automobile Practice, Woodwork, Masonry and Carpentry were therefore introduced. Similarly, some indication of controlling child labour is seen in the laws dating back to the early days of Ghana’s independence.

A close look at the Education Act 1961 section 2(1) reveals the idea of education for all or more precisely for all children. Where did this idea of education for all children come from? A careful study of the subject shows that education for all children started a long time ago. It’s been noted that education for all started at different times in different countries. In Japan for example, the semblance of this is seen in the Education Act, 1872. This has been linked to the beginning of modernization in Japan and the aim was to bring both prosperity and happiness to everyone. Also, in the United States of America the first compulsory Education Act was passed in 1852, although 200 years earlier the Massachusetts Act, 1642 placed on parents and the masters of apprentices the responsibility for their education and literacy. In countries like England and France,

⁸⁰ www.ibe.unesco.org/international/ice47/English/Natreps/reports/ghana.pdf

legislation on compulsory education for all also date back to the late 19th century. Invariably, most developed countries seem to have taken to this idea of education for all children very early as a priority for modernization and development. History shows that the enlightenment and French Revolution were two phenomenal events, which put human rights on the world's agenda. This has ultimately led to the belief that education is a right, an agenda that has also been pushed forward by UNESCO by setting as a goal in its constitution, education for all.

Whatever influenced the idea of education for all in Ghana as early as 1960, one thing is clear, there was no shortage of examples around the world especially at a time when modernisation theory was making the rounds. It was a time when countries such as Ghana pursued an agenda, in a bid to reach the state of development of the colonial authority that we as seen as the ideal. This reflected the hegemony of the structural functionalist perspective in the 1960s, during which Ghana's initial efforts in the education for all agenda as a new free self-governing state, sought to move from the traditional to the modern. Clearly, the idea of development was a justification for compulsory education as Ghana sought economic and social development.

Ghana has made some strides in education since it had independence in 1957.⁸¹ Some of the laws and policies that have helped make these strides are as follows;

- The Education Act 1961
- The Dzobo report of 1973 (recommended the JSS concept)⁸²
- The New Structure and Content of Education, 1974
- The Education Commission Report on Basic and Secondary Education 1987/88
- The Education Reform Programme 1987/88
- The FCUBE Policy Document and programme of operations 1996⁸³

⁸¹ See government of Ghana website www.ghana.gov.gh

⁸² Junior Secondary School or JSS is the new educational concept and structure which emphasises a more holistic approach towards educating children so that both the academically inclined and the vocationally inclined are all catered for to prepare them for life after basic education. This was introduced in the early part of the 1990s

In the 1992 constitution it is stated clearly in chapter 6 section 38 sub section 2 that “The government shall within two years after parliament first meets after the coming into force of the constitution, draw up a programme for implementation within the following ten years, for the provision of free compulsory and universal basic education.” The 1992 constitution thereafter came into effect in 1993 and by 1995 a program of action had to be provided of which implementation ended in 2005. The 1995 Ghana report to UN committee on children’s rights has it that the Education Act, 1961 (Act 87) made basic education free and compulsory for all children of school age, but critics have said that it does not define what age the child should be in school (Eldring et al., 2000 p.17). This was quite a big loophole that could easily be exploited. However, the 1995 report to the UN Committee on CRC says that in the context of the 1987 educational reforms basic education is defined as the first 9 years of school, which is free and compulsory for all children between the ages of 6 and 15 years.

According to the reforms this should consist of 6 years of primary and 3 years of junior secondary education. The educational structure and policy as it is in Ghana today is therefore based on the 1987/88 education reform programme and the 1996 FCUBE Programme. To strengthen these structures the 1992 constitution gives all persons the right to equal educational opportunities. It states in Chapter 5 Article 25(1)

“All persons have the right to equal educational opportunities and facilities and with the view to achieving the full realisation of that right

- a. Basic education shall be free, compulsory and available to all.”⁸⁴

Free compulsory basic education does not stand complemented with the minimum age for employment legislation because even though the intention is clearly good the reality for many children is that they end up crossing the line which is very difficult to protect. The difficulty arises from the fact that most children though not employed engage in so much

⁸³ FCUBE is the Free Compulsory Universal Basic Education policy and program of the Ghana Government that aims at ensuring that all children in the country receive basic education without financial demands from the school system.

⁸⁴ See Parliament of Ghana website for details - http://www.parliament.gh/const_constitution.php

work within the domestic environment where the family is supposed to protect them. The idea that law and policy on education is always linked with labour law and policy for effective implementation therefore requires some innovation to ensure that the challenging situation that child labour and poverty presents would be overcome. As it stands, law and policy on education and employment/labour are not adequate to address the problems that child labour poses, particularly where there is a culture that places on the child a duty to work as part of the socialization process that is backed by a traditional informal economy that is not always distinguished from the domestic environment. The reality of many children and families is that they have to perform such tasks as fetching water from long distances, gathering firewood, helping with cooking which may be taken for granted in developed rich countries. This is particularly so for children in rural areas more than urban areas, with 91.6% and 86.0% respectively undertaking household tasks (GSS 2003 p.82). For effectively dealing with child labour, it is essential that poverty alleviation or eradication is therefore taken seriously as well as law and policy reforms. Without a comprehensive poverty alleviation strategy law and policy on labour and education will not present any advantages to children as they wouldn't be in a position to enjoy the rights that the law confers on them. This challenges the universal idea of children's rights, as in practice, this global idea is only an ideal. Practically, the idea of children's rights suggests that engaging children in exploitative labour is prohibited, as proscribed in section 87 of Ghana's Children's Act, however, it's been noted that the economic activities of the girl child for example are crucial to household management (Laird 2002 p.897). In fact as Laird argues, it is simply not possible for an adult to complete household tasks alone, and she rightly adds that it is the labour of girls which replaces the refrigerator, cooker and washing machines in developed countries (ibid).

In the Poverty Reduction Strategy progress report 2003, it is reported that quality of education improved marginally and also indicates that enrolment numbers were up in deprived districts (GoG 2003 p.7). It's not clear what the report means by improved quality because it goes further to report also that slower progress in gross primary enrolment is coupled with lower scores in the criterion referenced tests during the last two years. This state of affairs is a cause for concern as the quality of education cannot be

said to be improving when educational achievement as discussed by Bhalotra and Heady (2000) indicates that it is somewhat affected by child work. This state of affairs indicated in the 2003 progress report shows that child labour is not factored in holistically in education policy. Clearly, the majority of working children in Ghana are enrolled in school. In total, about 76.5% of children in the Child Labour Survey were currently attending school and around 17.6% had never attended school (GSS 2003 p.35). The Child Labour Survey, 2003 reports that of the 18% or so of the child workers combining work/training and study, 68.1% in the Upper East region and 95% in the Upper West region reported that work affected their schooling. The use of the word schooling is unclear. Does it mean attendance or learning achievement or both? The report goes on to say that in regions such as the Eastern, Brong Ahafo, Northern and Greater Accra, the majority of children could study and work without difficulty. A better understanding of the notion of schooling is required to ascertain whether Heady and Bhalotra's research findings on learning achievements and the child labour report 2003 are dealing with the same issue.

Education policy must also focus not only on increased enrolment, but equally on educational achievement. In doing so, it would not be enough to have school enrolment up. More importantly, it would be necessary to ensure that children are achieving in school and that the benefits of education are also made visible through complementary development/economic policies that improves job creation and makes school graduates employable. What is the essence of education to local people when the benefits are negligible, especially when only a minority of children gain a mastery of basic mathematics and English language by the end of primary and secondary school (Laird 2002 p.896).

6.1.2 The laws Protecting Children from Child Labour

Laws prohibiting child labour in Ghana date back to the 1960s when laws such as the Criminal Procedure Code 1960, Labour Decree 1967 (NLCD 157) were adopted. Under the criminal procedure code 1960, the police and the courts were empowered with the

right to protect children in very vulnerable situations. These included orphans, the destitute and the maltreated by sending them where they could learn a trade. In the Labour Decree 1967, provision is made to protect children below the age of 15 from exploitation; however permission is given for the employment of children within the family. Notwithstanding the efforts to protect children at the time, no provision was made to cater for children who were self employed as child labour today is visible in the form of portering, shoe-shining and newspaper selling among other things in the urban areas of the country, and a lot of these children are self-employed. Was Ghana at this stage simply following the norm in law or was it a reflection of local concern for working children?

In summary the N.L.C.D. 157 1967 dealt with the general prohibition of employment of children and also dealt with specific prohibitions for work such as night and underground work by young persons in Articles 44, 45 and 46 respectively. It also dealt with the registration of young persons employed in industrial undertakings. Though a laudable approach, it was not comprehensive enough. N.L.C.D. 157 was not an Act specifically targeted at children and although it contained elements on employment of children, it overlooked the fact that exploitation or abuse could take place within the family therefore no provisions were made to cater for children who had to work on family farms or work of domestic character (i.e. at home) to the point of exploitation. Labour Decree of Ghana 1967, N.L.C.D. 157 states in Sub-part 2 Article 44

- (1) “No person shall employ a child except where the employment is with the child’s own family and involves light work of an agricultural or domestic character only.
- (2) “Any person who contravenes the provisions of sub paragraph (1) of this paragraph shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred New cedis.

It was even more important to address the likelihood of exploitation of children on the family farm by protecting children with the law because industrial undertakings in Ghana

were rather few if at all existent, leaving the agricultural sector as the main source of employment in the economy. An important inclusion in N.L.C.D 57 is.

- 45. (1) No employer shall employ a young person –
 - (a) In any industrial undertaking on night work; or
 - (b) In any mine or underground work:Provided that the preceding provisions of this paragraph shall not apply to young persons between the apparent ages of sixteen and eighteen years in any of the following circumstances if the written permission of the Chief Labour Officer or a Labour officer is first obtained for such employment.
- 46. (1) Every employer in an industrial undertaking shall keep a register of all young persons employed by him and of the dates of their births, if known, or, if not known, of their parent's ages.

It is commendable that the government realising the possibility of exploitation by employers in industrial undertakings suggests documentation of ages or possible ages of any young persons employed for easy assessment by inspectors but more importantly reinforcing the idea that no children must be employed in any industrial undertaking. It however, does not deal with children who are self employed in industrial undertakings such as mining and prostitution (night work). These left a gaping hole in the law that needed filling up with laws to protect other children who had become vulnerable because of their peculiar circumstances.

In the Criminal Code Act 29, an effort was made to deal with child abduction, kidnapping and similar offences. It states;

- 91. Whoever is guilty of an abduction of any child under 18 years of age shall be guilty of a misdemeanour.
- 92. (1) A person is guilty of an abduction of a child who with intent to deprive any person entitled to the possession or control of the child or with intent to cause the child to be carnally known or unnaturally carnally known by

- (a) unlawfully takes the child from the lawful possession, care or charge of any person; or
- (b) detains the child from returning to the lawful possession, care or charge of any person.

Whatever their importance, Article 91 and 92 leave unattended the problem of parents selling their children or giving their children away with the hope of earning some money and at the same time giving their children a chance for a better life elsewhere. Act 29 simply does not seem to recognise the immense problem of child trafficking which often involved parents conniving with other people who took on the role of guardian/carer for the child while in transit to the final destination. These children notably end up as child labourers for their employers/caretakers, a social problem that has received much attention in Ghana today and chalked some reasonable success. Without any doubt the problems of child labour such as child trafficking required that whatever loopholes existed in the law had to be dealt with in order to tackle child trafficking and child labour in Ghana effectively.

Without going into much detail, the Labour Act 2003 covers broad areas but mainly deals with the prohibition of young people from hazardous employment which would be determined by the Minister through the use of legislative instruments. It makes an interesting addition, which reads

- 58. (1) A young person shall not be engaged in any type of work likely to expose the person to physical or moral hazard.
- 59. (1) 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.

However, it reiterates the need for employers in industrial undertakings to keep a register of young persons they employ and their dates of birth if known, and if unknown, their

apparent ages. It would be noticed that this Act refrains from defining the age limits for a young person and all the intricate details that it entails.

As time went by child labour became an issue on the political agenda worldwide due to the hard work of organisations such as the ILO, UNICEF, WHO and trade unions. By 1979 the government of the day saw fit to set up a children's commission to advocate for children as well as promote and coordinate children's activities and this is the Ghana National Commission on Children in Ghana. Incidentally, the establishment of this government Commission coincided with the declaration of that year as the International Year of the Child by the United Nations. In the report to the UN Committee on the Rights of the Child 1995 it is stated that the formation of the GNCC was on the recommendation by the ad-hoc committee on the international year of the child set up by the Ministry of Foreign Affairs to prepare Ghana for the international year of the child. It goes on to say that among the statutes of the GNCC the most important is "to see to the general welfare of the child and co-ordinate all essential services for children in the country that will promote the UN rights of the child." After about 10 years of the existence of the Ghana National Commission for Children as the mouth piece for children in Ghana, the United Nations Convention of the Rights of the Child 1989 (CRC) came into existence and Ghana took a lead to ratify. The CRC 1989 stands today as a landmark Convention having received near universal ratification to date with only the United States and Somalia as the only countries which have not ratified it. The coming into force of the CRC in 1990 marked a turning point in rights discourse. It's a universal admission that children occupy a unique position everywhere in the world, which ought to be recognized, and the special privileges that accompany this position must be given them. This universal admission also means an admission of responsibility by governments especially those who have ratified the treaty. Suffice it to say then that Ghana took the lead in taking up that responsibility.

Since the ratification of the CRC 1989, by Ghana there have been some developments in law and policy to address and implement the various demands and to generally be in line with the convention. Among the programs set up is the programme of action by the

government of Ghana dubbed “The Child Cannot Wait” in 1993 (Tengey W and Oguah E, 2002 p.86). This was a National Plan of Action (NPA) following the World Summit for Children held in 1990. In its Country report to the UN Committee on the Rights of the Child presented in 1995 it was pointed out that the objectives and policies in the National Plan of Action had been incorporated in the National Development Policy Framework which fit into the country’s long term social development strategies. In the new constitution of Ghana 1992 there are provisions dealing with the rights and protection of the child. In Ghana Constitution 1992 Chapter 5, Article 29(2) it states “Every child has the right to be protected from engaging in work that constitutes a threat to his health, education and development.”

1998 marked another milestone in the child labour law and policy in Ghana. In time the Children’s Act of Ghana 1998 was adopted and soon came into force. It was a comprehensive legal document that brought together all the laws that concerned the protection of children in Ghana. This included articles and clauses in the labour decrees and amendments to the labour decrees, the constitution of Ghana and the international conventions on children’s rights. This culminated in the harmonization of national law and policy with the provisions of the CRC 1989 and the African Child Charter 1990, Criminal Code, 1960, Act 29, Labour Decree, 1967 and N.L.C.D 57, to mention a few. It could be argued that the child labour/children’s rights agenda has largely been internationally driven.

The Attorney General’s Department was involved in the drafting of the Children’s Act 1998. It was therefore important to find out what the department’s view was on the child labour situation in Ghana and as well whether in making their contributions to the Act they realised in hindsight that they were a bit removed from the real situation? I interviewed the officer responsible for Children’s legislations. The interview focused on four central issues: (a) what motivated the adoption of the Children’s Act 1998 in Ghana? (b) Are there any obvious indications of local concern for child labour? (c) How is the notion of children’s rights expressed in local languages in Ghana? (d) Has the Children’s Act 1998 helped reduce child labour in Ghana?

The Attorney General's Department quite readily intimated that the motivation for the adoption of the Children's Act 1998 was the international convention and the Constitution of Ghana 1992. It was admitted that the genesis of the Act is particularly the International Convention(s) on Children's Rights, the provisions of which were copied into the Constitution 1992. So far there seems to be no argument about the noble aims of the state in signing up for implementing children's rights in the country. Even when it has been noted that the CRC is an example of the universal application of western ideals there is still a general acceptance of it leading to near universal ratification. Yet, two things are noteworthy here; in developed countries where the rights culture is fairly well entrenched to the extent that children's rights are implementable, the rights agenda started often with a rights movement from below. However, poor African countries like Ghana are starting from above but even further away from the state level at the global stage. Without a grassroots movement, can the child protection agenda emanate from the children's rights agenda meaningfully? Secondly, has Ghana as much as other states in Africa the political will and the financial clout to support a rights based approach or is it going to be supported at the global level to bear the cost of a rights based approach to protecting children? Until the state is in a position to implement the law and support children and families in need as well as cause successful social change, the efforts towards improving or reducing child labour in Ghana are likely to be ineffective. As a signatory to the CRC, it was incumbent on the republic to enact domestic legislation to reflect the convention.

The Attorney General's Department made the important acknowledgement that in the Ghanaian cultural system, child work was an acceptable practice, but it was important to safeguard against the exploitation of children, that is why the yardstick is the health, education and development of children. This reflects a phenomenon, which is widespread in many households where domestic labour in the form of economic activity is prevalent (ILO/IPEC, 2004)⁸⁵. The boundaries between culture and economics are blurring, making

⁸⁵ Domestic labour according to ILO 's definition is "household tasks performed as an economic activity in the household of a third person by adults and children over the minimum working age (ie work that could

it difficult to satisfy one need exclusive of the other. It was therefore regarded as training for a child to understand that he or she was to contribute to the household by selling for example bread after work or performing household chores or doing something to bring in some income to the home. This is the big challenge that drafters of the Children's Act, 1998 had to face. Drafters were mindful of the child's rights to survive and this was weighed against exploitation.

The Department was also of the view that notwithstanding the genesis of children's rights in Ghana being from above, a lot of awareness has been created about child trafficking through advocacy work by some organizations. The 'Trokosi' or ritual enslavement involving the girl child is another area of rights concern, which has had a high level of exposure and certainly awareness and the initiative for that was not necessarily internationally driven. It was also added that awareness creation within the country led to the amendment of the criminal code to proscribe all forms of ritual enslavement, which includes child labour. However, no mention is made of local concern for other forms of child labour. Although there has been some obvious concern shown in the media for other forms of child labour, it is not a subject that has actually had a movement dealing with it. Rather, what has happened is unlike Trokosi, which had a big campaign involving the international Non Governmental Organisations partly because of the idea of enslavement, which hitherto, had been thought of as extinct in the country. Curiosity and disgust led the campaign, whereas other forms of child labour are seen as quite normal practices, not evoking the same level of disgust that Trokosi has.

It was also intimated that child labour was nothing new in Ghana, because the people live with it everyday making it obvious to all. The respondent added rather importantly that during the child review exercise a catholic priest who worked with street children educated members of the committee about the child's need to survive. He wanted

be regarded as 'employment' whether or not covered by national labour law). Usually excludes domestic chores carried out by members of the family. On the other hand, child domestic labour is domestic labour undertaken by children under the minimum legal working age. However, this definition also covers children above the minimum age but under the age of 18 under slavery-like conditions of work, hazardous or other exploitative conditions of work
http://www.ilo.org/public/english/standards/ipecc/publ/download/cdl_2004_helpinghands_en.pdf

committee members to be mindful of that when drafting the Act. According to the respondent “to proscribe child labour in the Ghanaian environment will not be realistic” It became clear that drafting the Children’s Act was a big challenge as efforts were being made to comply with international obligations while at the same time being mindful of the local situation.

The fact that people are aware of child labour does not make it a problem. The government has legislated against child labour therefore making child labour a problem. However, it is still not clear whether the people of Ghana see it as a problem or problematic enough to use the services available to remedy the problem. Obviously the awareness creation effort has not yielded the desired results of eliminating or reducing child labour. It appears the implementers of the law are still not aware of the problem well enough to carry out their duties.

The Attorney General’s Department admitted that there was no equivalent translation for the expression, children’s rights. It can be argued that generally African’s and Ghanaian’s for that matter do not speak the language of rights? In Odinkalu’s (2002 p.3) postulation, in spite of the success in the struggle of the anti-apartheid and anti colonial movements in Africa, which sparked off human rights movements the struggle for rights especially children’s rights still suffers from a lack zeal and power. Odinkalu (p.4) adds, “People will struggle for their rights whether or not the language of human rights is accessible to them. But they will not build their struggle around human rights unless that language and those who wish to popularise it speak directly to their aspirations and survival.” If the language of human rights still is not clearly defined for adults who can enforce it, how will children’s rights which is enforced on behalf of children then be implemented when the adults do not even have the language of rights clear in their minds? Are children’s rights worth pursuing in Africa then? Is there any chance of success? No matter what the level of knowledge of the law is, it is imperative that there is a movement that channels the frustrations of children and families into articulate demands through the use of language understood by the local people without losing the essence of the core issues in

children's rights, supposedly universal, which will evoke a response from the political process.

Quite obviously, Ghana's international obligations suffered limitations due to poverty, cultural practices and the mismatch in local practice vis-à-vis international norms. However, to combat child labour, the Ghana government had started streamlining law and policy to accomplish this task. Education and labour are two areas with clear-cut objectives.

With the CRC, 1989 ratified, the Ghana National Commission on Children became the coordinating organisation driving the agenda to publicise the CRC as well as facilitating the process needed to give effect to the provisions of the CRC. As a signatory to the convention, there was an obligation to fulfil its tenets. This was even more important because the furore that had erupted as a result of international concern about the exploitation of working children in many poor countries especially in Asia, which included among others the sweatshops protests and the Nike shoes protests. Through these protests the world was awakened to some harsh realities of the working children used to produce some of the goods that were made available to the consumer. What is more important is the fact that this sudden realisation by civil society groups around the world as well as the ordinary consumer didn't only lead to protests but also led to boycott of the various goods that these alleged child labourers were said to have produced. The implications of these developments to the economy of many poor countries were quite severe as governments such as the United States also began to send signals to countries such as Indonesia etc that they stood to loose from the state of affairs as the US was considering instituting sanctions for allowing child labour to be perpetuated (Bessel, S. 1999 p.1). At the same time the onus was on countries such as Ghana, which were signatories to the CRC, 1989 to act as required by the convention. Article 44 of the Convention requires that State parties report on measures they have instituted to give effect to child rights within a time frame of two years after of their adherence to the convention.

In April 2000 Tengey and Oguah (2002) report that the government of Ghana signed a Memorandum of Understanding on Child Labour and ratified ILO Convention 182, 1999 on the Worst Forms of Child Labour. This new convention seemed to have filled in a void created by the resistance to the implementation of international standards but through C182 the worst forms of child labour were targeted, thereby enabling a phased approach to the elimination of child labour (Bjerne and Gironde, 2004). At best it can be said that signing a new agreement only seemed to have strengthened Ghana's resolve to tackle the menace of child labour. Prior to the C182 there was the ILO Convention 138, 1973 which also stipulates in Article 2(1) "Each member who ratifies this Convention, in a declaration appended to its ratification, shall specify a minimum age for work within its territory and on means of transport registered its territory; subject to Article 4 and 8 of this convention, no one under that age shall be admitted to employment or work in any occupation." Article 2(3) "The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of compulsory schooling, and, in any case, shall not be less than 15 years." Free compulsory education up to a minimum age before entering into employment is a key to prevention of child labour.

The concepts of free compulsory basic education complemented by a minimum age for employment together seemed to have gained grounds both locally and internationally. It is clear that for the law to be effective the two must complement each other. However, with the few places available in formal employment it remains questionable how these ideas were going to be implemented since the absence of formal employment is a demotivating factor.

The Child Labour Unit of the Labour Department of Ghana is probably the only government institution in Ghana with sole responsibility for child labour. The focus of this interview as with other officials was on views on child labour in Ghana. The main questions in this interview were the reasons for adopting the Children's Act, 1998, and how concepts like child labour and children's rights are expressed in the local languages. Another question asked was "what is the level of government's commitment to this?"

This was to ascertain how much resources and attention government had put into dealing with child labour.

The response indicated that The Children's Act was adopted because of motivation from above (UN Convention, ILO Convention and African Charter). However, the Child Labour Unit also indicated that the prohibition of child labour had been on the statutes of Ghana since the 1960s the respondent indicated that child labour was conceived of then but because of the socialization process it was largely ignored by the majority. The point was made also that even though the motivation had come from above it should be recognised that the ILO is a tripartite organisation and therefore had the input of all countries like Ghana after much consultation. Since its inception much progress has been made as there are signs of change in people's understanding of what constitutes work. The respondent emphasised that they had discovered that domestic work was one area of work which many didn't consider to be work. This has affected the general idea of child work as working in the home could not in their opinion be child labour. The ILO/IPEC office also invited me to fully participate in the workshop on commercial sexual exploitation in Ghana where I met a lot of stakeholders in the efforts to eliminate child labour of some sort.

All respondents agreed that child labour is obvious to the extent that it is overwhelming. Child labour according to the police is obvious in the streets. Common instances cited were parents using their children as assistants in their businesses (e.g. beggars), children helping parents in the quarries or children who are employed by other people to work for them in the mines or quarries. The police also added that they are aware of child labour in the markets. The respondent at the Women and Juvenile Unit mentioned the 'Kayayee' phenomenon, which notably involves children who carry loads, which are not appropriate to their ages. These children are also out of school and do not have opportunities. In addition, the police claimed that there is child labour in the agricultural sector and in the fishing industry. To the second question there was a general consensus that there was hardly any implementation by the police. Further to this it was admitted that the police generally are not proactive. It was added "We do not get up and set up ourselves against

certain criminality, we sit down and wait for reports.” In response to the third question, are there any problems making it difficult to implement the law, the response indicated:

“It’s been part and parcel of our culture so no one walks into any legal office to complain.” “It’s been around for a long time.” “No one arrests people for using children, as beggar’s assistants.” “Children’s Act is not effective.” The police also indicated that they had logistical problems and also did not have the numbers to adequately police all the borders and barriers to even stop an act like child trafficking. Incidentally, child trafficking was one area where the police had some success. Even then they identified that there had been relative success in rescuing children with very few arrests being made. They also admitted that many parents whose children they have rescued from such situations do not agree their children were being exploited. Such parents believed their children had been taken away for a better life and were unhappy that their children had been rescued because that meant a return to poverty.

They all admitted that in their work as law enforcement officers, they have not come across any proper translation for the concept of children’s rights in the local languages. At best specific cases or scenarios could be described to illustrate the idea of children’s rights. When challenged that such a situation did not convey the idea of children’s rights quite well and that children especially did not understand what it all meant, the police admitted that seemed to be the case, anyway. The whole concept quite well understood at the global level, strangely doesn’t seem to translate quite easily in the local languages in Ghana. It emerged from interviewing the police that child labour continued to persist because no one seemed to report cases of exploitation of children in the labour market apart from cases of sexual abuse. It was also remarked that there is some hesitation about reporting cases involving children because in many cases these children are forced to go back and live with the reported parent or guardian, a situation that makes could worsen the plight of the child.

6.1.3 *Anti-poverty policy and social development.*

To understand fully the approach to combat child labour it is important to look into Ghana's development goals and policies to achieve that goal. Ghana's recent general development strategies have been captured in projects such as the Vision 2020, which is a long term development program with medium term strategies. The first step (1996-2000) was a development vision to lead Ghana into middle income status (Gyimah-Boadi E. and Asante R, 2003) and the Interim Poverty Reduction Strategy Program (I-PRSP), 2000 – 2002 which followed this. Due to institutional weaknesses, these programs did not achieve the aims for which they were set and therefore led to the institution of a new program, Ghana Poverty Reduction Strategy, which is currently ongoing.

After independence Ghana suffered great political instability, widespread corruption in the economy and a critical liquidity crisis (English 1999). This situation was particularly rife in the early 1980s due to a cocktail of problem and this led to poverty (ibid). The poor economic state and especially the financial crisis that arose notably in 1983, which was compounded by the deportation of Ghanaians in Nigeria required some interventions and organisations such as the IMF and World Bank came in to assist the government of Ghana to deal with the situation. 1983 was therefore the beginning of the Economic Recovery Program (ERP), which was followed by a Structural Adjustment Program (SAP). The implementations of these programs though commended because of some successes have also been identified as the cause of stagnating poverty, if not increasing poverty (English, 1999 p.9.). Child labour is a phenomenon, which is very evident wherever there is poverty.

The acknowledgement of the obvious difficulties that these programs had brought also spun of programs such as the Program of Action to Mitigate the Social Cost of Adjustment, PAMSCAD⁸⁶, by the government of Ghana in 1988. The SAP and ERP are said to have widened the gap between the rich and the poor and PAMSCAD, a rather

⁸⁶ PAMSCAD was the Program of Action to Mitigate the Cost of Adjustment which the Government of Ghana started to tackle poverty which had resulted from the adjustment programs introduced as part of economic reforms started in 1983

belated government interventionist measure which was to ameliorate an already bad situation caused by the ERP/SAP was also short-lived. The question at stake is, did PAMSCAD do anything to tackle child labour? The ERP/SAP recorded positive rates of growth averaging 5% annually; however there was only a slight decline in poverty levels and it is even estimated that poverty levels in some areas particularly increased (Britwum et al., 2001 p.16.). The SAP/ERP led to austere measures, which resulted in some wage-cuts, price hikes and lay-offs. This caused considerable difficulty for a lot of people but particularly the poor on whom it is said the cost of adjustment fell rather disproportionately (Barwa, 1995). Various policies were put in place in a bid to mitigate the social cost of adjustment. The main objectives of PAMSCAD were a) to generate and accelerate employment in both rural and urban areas and b) to provide a credit line to small scale enterprises through a revolving fund (Barwa, S.D. 1995 p.4)

Clearly, the government of Ghana in dealing with the difficulties caused by the ERP/SAP did not recognise child labour or child poverty as an important problem needing any significant government intervention. The disadvantage here is that in tackling poverty, children are often not targeted. It is their parents/guardians and household leaders who are targeted and dealt with. As a result no specific mention is made of the plight of children as a direct consequence of the SAP/ERP. It is the adults who are usually identified as being affected by government policy and as a result most policies are directed towards adults.

Child labour is an indicator of poverty or extreme poverty, but so far it has only been of residual importance in poverty studies in Ghana, and not a mainstream issue.⁸⁷ The focus of structural adjustment is obviously not for poverty alleviation but for macroeconomic stabilisation, hence its inability to adequately address the social sector. While it may have benefits in the long-run, the long run benefits expected from SAP policies were actually the Keynesian long-run by which time everyone might be dead (Sowah, 2002). In dealing with child labour there is therefore no luxury of time as the cycle of poverty would

⁸⁷ See statistical table of the State of the World's Children 2004. The majority of poor countries had a high incidence of child labour

perpetuate itself unless there is some intervention by the state or other actors to influence change. The idea that things would work out in the long-run if growth is targeted in development programs is insufficient to cater for the urgent needs of child labourers today.

This called for a second look at the short-run cost of adjustment and the expected long-run benefits. The idea of adjustment with a human face therefore surfaced through the instrumentality of some NGOs and UN Organisations (Smith 1989 p.899). This new state of affairs has brought about a change in thinking in the World Bank and IMF resulting in a new commitment to fight poverty. It therefore has brought about a focus on Poverty Reduction Programs in its new development initiatives.

In 2000, world leaders from about 189 countries met in New York to discuss the new millennium. At the end of the summit a declaration was adopted setting an agenda for the new millennium. This was the Millennium Development Goals (MDG)⁸⁸, which is a development agenda with a focus on poverty alleviation. This development agenda has a global perspective to issues such as education, health, human rights, peace and security and poverty reduction and therefore calls on developed donor countries to support this global development agenda. The 8 development goals to be fulfilled by 2015 are as follows:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDs, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development.

⁸⁸ <http://www.un.org/millenniumgoals/>

After consultation with donor organisations, the Inter Ministerial Consultative Committee on poverty and the UNDP, the government introduced the Ghana Vision 2020 document, which laid out the government's developmental goals. In it poverty reduction had been made a mainstream issue (IMF a).⁸⁹ Vision 2020 is a phased developmental program, which begins with the Medium Term Development Policy Framework (1996 – 2000) and a Medium Term Development Plan (1997 – 2000). The First Step (1996-2000), which is the Medium-Term Development Framework was indeed a comprehensive development policy document containing a co-ordinated program of economic and social development policies pursued in the first five years. Did the issue of child labour/child poverty feature in the medium term development framework? Notably, Poverty Reduction Strategies were included in these first steps (1996-2000), which featured the following (Ghana Vision 2020-1): i) promoting accelerated economic growth with equity through the pursuit of sound macro-economic policies which emphasise employment generation; ii) strengthening the agricultural sector by introducing more modern farming methods and marketing practices to increase yields and income; iii) increasing human capital in order to create a more educated trained and healthy labour force; iv) gradually developing firm targets for poverty reduction and improving the data base on poverty with the view to ensuring more effective poverty programming and targeting. In the past, child labour had been addressed mainly through labour law reform and education policy, but it is now within a national development agenda. It is worth mentioning at this point that the addition of poverty alleviation as a strategy in itself, within the short term is crucial in addressing the child labour problem because other target areas such as education policy or law reform have only long term effects while in the short term the reality of poverty has to be dealt with.

The government's Interim Poverty Reduction Strategy Paper (2000-2002) is aimed at protecting the poor from the harsh effects of its macroeconomic program and an extension of the PAMSCAD program of the previous government (Killick and Abugri, 2001 p 8). Education policy was among the social sector policies that directly dealt with child labour with emphasis on increasing enrolment in primary education and closing the

⁸⁹ <http://www.imf.org/external/np/pfp/1999/ghana/index.htm> [accessed 24.2.08]

gender gap in primary education. There was however very little reference to child labour in the document, which is perhaps evidence that, yet still, the place of child labour as a matter of concern to the government of Ghana is not very high. In the Comprehensive Development Framework Program (CDF)⁹⁰, Ghana identifies key challenges to education which are low admission rates and teacher absenteeism among other things. To deal with these problems the CDF proposes a policy to motivate teachers to take up teaching posts in deprived rural areas and policies to increase enrolment particularly of girls. It has no policy to deal with elimination of child labour although it has a policy on poverty and culture all of which can be considered either immediate or remote causes of low enrolment in schools. It is no good solving the problem with teachers without tackling some of the problems that children have.

6.1.4 Multilateral and Non-Governmental Agencies and the Child Labour Agenda

UNICEF and the ILO/IPEC are two multilateral (tripartite organizations) that have been directly involved in dealing with child labour in Ghana. While UNICEF deals with issues pertaining to the welfare and rights of children, the ILO/IPEC specifically deals with labour issues regarding children. In interviews with both UNICEF and the ILO/IPEC, it was acknowledged that the idea of child labour in the context of children's rights is an issue from above, however they also argued that change is necessary in order address child labour, and suggest that even though such change may be from above it only served as a trigger for change from below. While on the one hand it's been argued that there is pressure from above, involving multilateral organizations such as UNICEF and ILO, as well as pressure from western industrialized nations, the ILO/IPEC also argued in the interview that such pressure does not leave poor developing countries entirely without any choice. This has, for example, been demonstrated so far, in Ghana not choosing to ratify ILO Convention 138 on minimum age of employment.

⁹⁰ Comprehensive Development Framework (CDF) is a long term holistic development objective that involves a partnership between developing and developed countries with the developing countries taking ownership and directing the agenda with the World Bank and other partners providing their support. The emphasis in the CDF is the interdependence of all elements of development such as the social, economic, governance etc. and it is aimed at reducing poverty, inequity and improving opportunity in the in low and middle income countries.
<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/STRATEGIES/CDF/0,,pagePK:60447~theSitePK:140576,00.html> [accessed 16.3.05]

Multilateral organizations in Ghana have played leading roles in the child labour agenda. The ILO for example has been involved through the International Programme for the Elimination of Child Labour (IPEC) program which was started in 1992. The Ghana office of ILO/IPEC provides technical support for the government's implementation of the 'time bound' program, which is based on ILO C182. This is being done through the provision of technical support against the worst forms of child labour and child trafficking. IPEC assists in the process of mobilizing resources through direct contact with donor agencies at country level, provides information on donor, technical input and know-how for producing technical input and know-how for producing documentation.

Officials at a local non-governmental organization, Today's Choices, argued that one of the dilemmas faced by officials is the extent to which some of the targets set at the global level are indeed unrealistic. Considering that most of the regions within the country are at different levels of development and have different levels of resources, they argued that it seemed unrealistic to expect, for example, to eradicate extreme poverty and cut world poverty in half by 2015 under MDG targets. Some officials were generally skeptical about the commitment of government officials to the goals set in the child labour agenda because although they worked hard to implement programs, there was an atmosphere of suspicion that the political will needed to accomplish such goals had all too often been disappointing. From my observation local NGOs required support to build structures that would help them offer a better service. Today's Choices as an organization, for example needs to put in place checks and balances to help protect children in their care, who have been rescued from prostitution. The absence of such checks and balances left too much room for abuse. Clearly lacking was child protection policies and guidelines for staff outlining responsibilities and duties towards the children in their care. The ILO/IPEC Ghana program for example argued that the government needed to show its commitment to enforcing what it described as a comprehensive legal framework for children in Ghana. Such commitment would be demonstrated if there is, for example, effective monitoring of the work of organizations that are directly involved in child protection, and make the global concern more of a local reality.

In outlining its program in Ghana, the ILO/IPEC program indicated that it had a Time-Bound Project (TBP) of support for the Worst Forms of Child Labour (WFCL) and the LUTREANA project on child trafficking. The Time-Bound project specifically has two objectives which include, promoting a conducive environment at the national level for the elimination of the WFCL, and the scaling-up of models of intervention at the local level. These strategies were designed to be mutually exclusive, with the following objectives:

- Supporting a comprehensive framework on child labour and providing technical capacity for central and local government and non-governmental agencies to deal effectively with child labour.
- Enhancing the national legal framework on child labour and enforcement of the law.
- Social mobilization through awareness raising, community participation and networking.
- Providing alternatives in education and vocational skills training
- Promoting research on child labour
- Providing direct support for affected children and families.

6.2 Some shortcomings in the policies on education, labour and poverty.

In making policy to eliminate child labour it is important to look at the problem *holistically*. It should be noted that school enrolment or attendance may be low because there is no access due to distance or no school in the area. Parents might find it of no use sending their children to school due to the low quality of education offered which they would see as a waste of their children's time or schools may be suffering overcrowding, inadequate teachers or apathetic teachers which some parents may find unreasonable in comparison with the skills that they might learn for example in agriculture if the children stay at home (Siddiq and Patrinos HCWOP 56). Siddiq and Patrinos also add that parental education goes a long way to influence school enrolment and attendance and

seem to overlook the importance of the poverty factor. Whether real or a mere excuse to enable their children to drop out of school in order to become free labour hands the poverty factor is used as the foremost reason for failure to attend school and this was clear in all my interviews. Where poverty is a real issue then attendance would at best be irregular and achievement as illustrated by Heady (2000) would also be very poor.

It has come to a point where there must be a realization by officials and policy makers that so far policy on education is not yielding the desired results in curbing child labour in Ghana. As many children combine work and study, it has been concluded that the effect of work on the reading ability of children attending school is substantial (Heady 2000 p.27). In addition, not many school graduates are finding employment when they leave school because there is a very small formal sector to absorb them, and the returns to education in terms of future income, employment and social advancement are low (Bass 2004 p.106). There is a need to reconsider the possibility of making education more exciting and relevant to suit children in different contexts. For example, to forestall any diversion of interest from academic concerns towards work, it is imperative that school curricula are redesigned to stimulate children's interests without necessarily discouraging work. This current state of affairs is also not an incentive especially to parents to send their children to school because the opportunity cost to them is too high (Canagarajah and Coloumbe 1997 p.10). There is concern about the quality of education, teacher absenteeism and lack of teachers particularly in rural communities, and the practice whereby teachers want pupils to work on their farms in return for teaching them (ibid.). If parents are acting as consumers in the market for education, then they are likely to make rational choices that will bring the greatest benefit to them and their households. The high opportunity cost, for example, has been stated as reason why parents in rural areas refuse to send their children to school (ibid). They will only make the choice of educating their children in a way that would in the end be useful to them immediately and less expensively.

The challenge here is for government in making policy to look into making education attractive not just for the sake of it, because it is here dealing with a consumer who has to

make a choice. Instead it should be aimed at demonstrating that education is beneficial to the child, family and community so that parents would strive together with their children to enroll and remain in school and work towards achievements. Interpreting parent's behaviour in this manner is more useful than looking at them as a problem impeding government policy on education and not supporting the teachers and staff in educating their children. Unless the quality of education and the returns thereof improve significantly to attract parents to send their children to school, it would be hard to break the current situation where investments in education are not yielding the desired results.

6.2.1 Redefining Ghana's objectives on child labour

The objectives set out by Ghana in its campaign against child labour are generally laid out in the constitution of the country as well as the Children's Act, 1998. It is generally in conformity with the CRC, 1989 and the Africa Charter of the Rights of the child. This sets the tone for any work on child labour. However, because of the challenges that local reality poses to international norms it requires redefinition in order to afford a more realistic approach to it. A realistic approach would be to recognise the limitations that culture poses to the wholesale acceptance and implementation of international norms. This would require the co-operation of all stakeholders to avoid a situation where officials are hesitant to implement the law as indicated by the police. The police established their dilemma, as they were torn between the global ideal of children's rights and the local reality of Ghana's ill resourced social services. A child who is reported to social services for suffering exploitation from an adult could easily be the subject of social protection in a developed country like the UK, however, the same cannot be said of Ghana (Laird 2002 p.895). In the interviews conducted, the police intimated that it was a problem for instance, to arrest a parent who was reported for exploiting a child, because that child had to return to the parents afterwards. They argued that such a child had to deal with the wrath of the parents and sometimes the rest of the family. In such situations, the rights of the child suffer even more because the state does not provide the resources to ensure the rights of the child are realized. The re-definition of the issues concerning child labour therefore needs to be balanced with comprehensively financing social services, in

order to cater for vulnerable children. Addressing child labour from a rights perspective is not cheap, as it requires funding to make it a reality.

6.2.2 Redefining concepts

To tackle child labour in Ghana, it is important to redefine some of the issues that would enable a better understanding of the issues that influence policy making. As part of this research, the GNCC in an interview indicated that the loose definition of child labour makes it rather ambiguous, especially when the realities that ordinary people have to face are taken into consideration. This was reiterated by officials of IPEC who indicated “it’s a case of clarity of the concepts and definitions and how to align them to socio-cultural norms.” The way out of the ambiguity was to focus on exploitative or the worst forms of child labour, which leaves little doubt about what child labour really is. They argued that,

“where the worst forms of child labour are emphasized, the harmful effects become more evident and as a result Ghanaian society becomes clearly against child labour. These people then begin to believe that children ideally should not work, although the reality of the day to day lives of these children forces them to work even without coercion from their families.”

The GNCC’s argument is plausible because they illustrate that locally the idea of children working particularly in the home is a necessary part of the socialization process in many homes.

“If I have six members of my household being 16 years of age, are you saying the sixteen year old boys cannot work on the farm? Some chores in the home like emptying the bin, are duties for the youngest child in the home. These duties increase as the child grows older to the extent that if the parents of the child are ‘kenkey’ producers, the child gets to a stage where he/she would not only empty bins but be able to help even more by moulding the ‘kenkey’.”

“For many people, the loose definition of child labour is unacceptable. This is so because work is part and parcel of the process of bringing up children. If you go to a fishing town, you find fishermen want their children to become fishermen and they believe if their children don’t start going fishing at an early age they would not know how to fish. A parent who tried to send his child to school instead of work realised that after graduating from JSS his son could not go on the canoe”

Respondents also added that a parent in a similar situation concluded that this meant his child was useless and lazy. When the contrast is drawn between work and harmful work, it is possible there would be a greater level of understanding and appreciation of the problem at the local level. The problem with emphasis on the worst forms of child labour however is, the tendency to miss out on all the domestic child labour because particularly where they are non-economic activities outside the public sphere, such as elderly and child care responsibilities that some children are saddled with at an early age. This is particularly important because in a bid to define child labour, the GNCC in an interview set out a hypothetical case by claiming that child labour is not about children assisting their parents to work. They argued that it is important to note that about 45% of the population lives on less than 1 dollar a day while more than half the population of Ghana is made up of children. To be realistic, a situation like this means that where there are, for example, 14, 15, 16 year olds in the family and they can make a contribution to the family income, who will suggest that they should not be allowed to work. It’s a matter between destitution and survival. The respondent also argued that s(87) of the Children’s Act, 1998 reveals that a child is not prohibited from working unless the nature of work is detrimental to his/her health, education or development. With the emphasis on harmful work, is it possible that domestic work which is easily overlooked but which is the largest sector engaging children in work (GSS 2003 p.81), could be causing the most harm, especially to the government’s education program?

To put the definition of child labour in proper perspective, child labour can be conveniently defined as work that is detrimental to the health and development of a child. According to s(87) of the Children’s Act, any child of 13 years can engage in light work.

The GNCC argued that in Accra there are many segments of child labour. The large majority of children work because they have to survive, but among them are those who want to support themselves through school. Azumah, a 26 year old worker at the quarry recounted his experience. "I loved school, and the only way I could continue was to work hard so that I could pay my fees and look after myself. I had to be very tough and my teacher encouraged me. I managed to complete secondary school and went to the polytechnic and studied marketing. Now I want to go to the university to obtain a degree." The GNCC argued that "some of the children take on adult responsibilities such as looking after younger siblings." There are child workers who have migrated from other parts of the country, with parents giving their blessing in the belief that these children will send some money back home to support their younger siblings. There are other children, for example those in the Kaukudi area of Nima who sell goods along the road usually do not need the money for survival. The priority for such children is to be able to pay for some luxuries such as going to the movies at night. These facts have not been verified, however they go to illustrate that there are different motivations for work among children, which is in contrast also to the 'Kayayee' (market porters), who migrate to the capital to work, in order to earn and save some money towards their dowries, which is a cultural necessity (Beauchemin 1999 p.47).

6.2.3 Child Protection and Poverty Reduction

Under the socio-economic circumstances that most children in Ghana grow up, what sort of intervention is needed to deal appropriately with child labour? Considering that many children are involved in domestic work, which is not considered one of the worst forms of child labour, it is important to direct efforts towards the protection of children, not from their families, but from the socio-economic circumstances that conspire against effective familial support (Laird 2002 p.899). Poverty reduction in Ghana therefore needs to be addressed by mainstreaming social protection to alleviate the plight of the very vulnerable. Social protection may come in the form of Social Insurance, Social Assistance and Child Protection. However, investing specifically in child protection under social protection may prove to be one of the most efficient and most sustainable

steps to poverty alleviation. (Crawford, 2001 p.543). There is a need for interventions covering a wide range of areas both preventive and curative. This should be done to correspond with the provisions often made for the elderly such as pensions, hospices, geriatric hospitals and some form of supported living arrangements often found in developed countries (ibid). Crawford has argued that the poor are often excluded from such provisions for the elderly, and because children have not contributed to schemes such as the pension funds they are seen as an added cost to the system. In Africa, typified by the Ghanaian case, social protection arrangements such as pensions are beneficial to a small minority who work in the formal sector. The case for children is worse because there is no such system in place at all. The plight of poor children is therefore worse because they are solely dependent on parents who cannot support them. Policies should be put in place to ensure healthy nutrition of all from infancy through adolescence, to cut down mortality for children under 5 years, but also to continue through adolescence especially in schools to ensure a healthy population. Not intervening beyond the early years risks compounding early social disadvantage because many children from deprived backgrounds may be denied the opportunity to start on an even plane. It is therefore not only an obligation to protect children through interventions but also the only way in which cost benefit can be achieved and economic security for future generations advanced (Crawford, p.522).

An important point raised by the Commission for Africa, which was set up by Tony Blair acknowledges the enormous importance of culture. The report is premised on the submission by a member of the commission that ideas and actions not premised on the cultures of Africa will not work. It therefore devotes a whole chapter to the wisdom of this warning by illustrating how culture impacts on all areas of policy making and this is well illustrated with an example from Somaliland on the use of the *Tol*, a traditional system of justice which has been working alongside the modern system of justice.

“Few in Somaliland doubt that the continued existence of the old system, and its elevation to an instrument of government as a check on the democratically-elected house, is a key component in the relative stability of

Somaliland. Such a hybrid system is not one that a political theorist might have invented given a blank sheet of paper. But it is one with its mix of African and other systems of governance, which clearly works.”
(Commission for Africa Report, 2005 p.123)

Traditional forms of social protection and particularly child protection are arranged through informal support systems. In contrast to the provisions of the CRC which positions children as recipients of social support, children in many poor developing countries are the embodiment of social protection. With no state support system, there is heavy reliance on community, religious organisations and kin groups but without legal obligation on anyone to take responsibility. Children for example run errands for adults; become the subject of fostering arrangements within the family for the care of elderly members or other younger children. In countries like Ghana, there is an urgent need to step up child protection, so that children who are not being supported either by the household because of poverty, parental irresponsibility, family breakdown or truancy are protected by the state. The weakening traditional support systems require a robust social welfare system that would help prop up the eroding traditional arrangements and a dual formal state system to act as a safety net to protect the lot of African children. It is imperative that traditional systems of welfare are therefore supported and complimented with a state welfare system that is based on rights. This requires a great push that would include, doubling aid levels (p.64), financing increases in aid, 100% debt cancellation (p.16) and improving radically the quality of aid. These require the political will both at the global and national levels to make the great push a reality.

6.3 Alternative Approaches to Child labour

The UK under Prime Minister Tony Blair recently took bold steps ushering in of new initiatives in an effort to bring new life into the stuttering progress being made to resolve Africa’s poverty debacle through setting up the Commission on Africa. This Commission was tasked to define the challenges facing Africa and to come out with recommendations and guidelines on how to support changes needed to reduce poverty. Child poverty

features quite prominently in the report that was produced by the Commission. In its comprehensive report it was quite clear that Africa's woes were deep and efforts to resolve these woes needed "a forceful response" (2005 p.82). For example it highlights the plight of orphans and vulnerable children some of whom are malnourished, hungry and many of whom die before the age of 5. It expresses concern about the likelihood that children living under such extreme poverty were going to continue the cycle of poverty if nothing was done to help them out of it.

It is therefore important for the Africa Commission's report to admit the child labour problem because it is an obstacle to poverty alleviation, as it perpetuates the cycle of poverty. If indeed the membership of the commission is made up of a good number of individual Africans who are there because of their experience and resourcefulness, then perhaps it's also an indication of the perspective from Africa, where children's rights and welfare though important is viewed as a foreign concept that conflicts with culture and tradition.

Some of the other important issues raised in the report are essential for general poverty alleviation especially if dealt with by factoring in issues regarding child poverty. Among the issues it raises is the fact that Africa cannot wait (2005 p.83), similar to the slogan in Ghana "the child cannot wait". This point is even more poignant when children's welfare and development is taken into consideration. Another point is good governance and security (2005 p.15). Recently, aid donors have emphasized the importance of good governance as a condition for aid and continue to lay emphasis on it (Singh 2002 p.300). This is because of the lost decade in Africa when the continent was dogged by warfare and various upheavals in the 1980s. The report also acknowledges the colonial past and the effects it's had on Africa today as a major contributor to the often chaotic environment of political, social and economic life in Africa (2005 p.24). Although a digression from the substantive issue of child labour, this point is important because it questions the ability of the state to manage the country's resources and to redistribute it in order to cater for the vulnerable and often exploited ones such as children.

The report also points out the importance of Africa playing a lead role in the massive efforts to push or rather pull Africa out of poverty (2005 p.64). Once again this seems to be in line with current thinking, particularly on the PRSPs. It does not mince words about the need for a massive infusion of aid and indeed it recommends a doubling of aid from 2004 figures. Yet no amount is clearly laid out for comprehensive social security. African welfare systems clearly remain undefined and largely insecure and distinct from other welfare regimes in other regions of the world (Gough et al 2004). It recommends a bottom – up approach to policy making and implementation as opposed to a top- bottom approach. While this is commendable, Ghanaian society does not pretend child labour is absent, but does not seem alarmed because of the cultural expectation that children must be useful and hard work is a sign of their worth. If the results of studies such as the Heady (2000) study on effects of work on schooling are well publicized and the effect of work on school achievement are made known, there is likely to be a better government policy..

One area of policy that Ghana and other countries in Africa have not utilised adequately is cash transfers. Social assistance in the form of cash transfers are often financed by the state, or financed through non-governmental organisations. In Ghana, as in most developing countries, the absence of a statutory run social protection scheme to protect children especially at a time when government invests in education in order to increase enrolment through the FCUBE program makes the need for social assistance even more paramount in order to obtain maximum benefits from these investments. The need for free school meals for instance cannot be over-emphasised. Such social assistance will support education, health and nutrition policy objectives. Poor families will be encouraged to keep their children in school. While these forms of social assistance may be incorporated into the education and health policy and programs, it is imperative that there is co-ordination and co-operation between organisations involved in its implementation to bring maximum benefits to the beneficiaries.

The report emphasizes the importance of *Social Protection* as another way of helping the poor, an area most governments in Africa, not least Ghana have not been able to embrace.

The report suggests social protection in the form of cash allowances paid by the state to widows, children and the elderly as well as non cash benefits like free basic healthcare and education, free school meals, employment guarantee schemes or skills training for poor people (2005 p.44). It also points out that evidence shows that cash allowances and non-cash benefits are a cheaper and cost-effective option than in fact responding to crisis. For example it states;

“Attendance at school has increased to 90 per cent in Zambia since childcare grants of \$6 a month were given to elderly carers of vulnerable children, and nutrition is improving. Including administration, this costs US \$100 a year compared to US \$250 a year for food aid. International donors need to back this type of shift in strategy and provide predictable funding for simple benefits on a larger scale. Donors should provide US \$2 billion a year, in the first instance rising to US \$5-\$6 a year, for orphans and vulnerable children, including rescued child soldiers. The money should be paid through families and communities who look after 90 per cent of orphans. With the increasing burden of Aids this system will break down without support.” (Africa Commission Report, 2005 p.45, 46)

The case of cash transfers is made stronger by the argument that social protection is a right (p.44). As a right it can be claimed and there must be an obligating party that will respond positively to the claim. If Ghana is going to be speaking the language of rights then it must also live up to its responsibility of ensuring those rights enshrined in the constitution and other international conventions are upheld otherwise it begins to look like the state does not even believe in what it preaches.

As demonstrated in programs like PROGRESA in Mexico and PETI in Brazil (Janvry et al. 2004; Bourguignon et al 2003), cash transfers can be very effective when well and carefully planned and implemented. Emphasis must be on targeting; research and consensus building to make highly formed policy decisions. Progresa is a new poverty alleviation program in Mexico which has been so successful that it has become a model for other anti-poverty intervention initiatives which are being replicated both in Latin

America and Africa (Sridha and Duffield, 2006 p.17). Progresa is an acronym which stands for Programa Nacional De Educacion, Salud y Alimentacion. There is also the Kalomo Pilot Social Cash Transfer project, which is a system of social protection in Zambia. Cash transfers have brought real improvements in health education and child nutrition to the rural poor (Schubert 2004 p.10). The critical issue at stake here is the impact of cash transfers and whether they are important and innovative ways to intervene in child labour. Since they were launched, there have been significant changes, with children attending school longer, drop out rates falling, eating more diversified diets and receiving frequent health care (Barrientos and DeJong 2006 p.5642; Schubert 2004). Cash transfers enable households to manage risks, enhance assets and secure family cohesion. Cash transfers were also conditional on children attending school and indeed enrolment did increase. The effect of an unconditional cash transfer is estimated to be marginal, suggesting only a limited effect towards increasing child school enrolment and reducing child labour simultaneously (Skoufias and Parker, 2001 p3). As Skoufias and Parker have indicated, transfers conditional on school enrolment may have marginal benefits because not all kinds of work can be substituted with schooling (ibid.).

Taking a cue from these programs, Ghana has also adopted a cash transfer system. It is estimated that in a pilot study on providing children in 40 of the most deprived districts in the country, there was a 14.5% increase in enrolment figures in pre-school in 2004 (Adamu-Issah, Elden, Forson and Schrofer 2007 p.13). The success of this program led to the adoption of the capitation grant scheme in 2005 with a multi-sectoral focus. It intervenes simultaneously in education, health and nutrition because it replaces school fees with the capitation grant which is also complemented by a school feeding program (ibid).⁹¹ Improved nutrition has the potential to indirectly impact on education through improved attendance and performance, and poor nutrition has the potential to result in the reverse. A unique feature of cash transfer programs is the empowerment it provides women because it recognises mothers as efficient and effective resource managers capable of identifying and responding to the family's needs (Schubert 2004 p.7). Skoufias

⁹¹ The World Food Program's (WFP) Ghana country program for 2006 – 2010, has for example, a school feeding program particularly in the north.
http://www.wfp.org/country_brief/indexcountry.asp?country=288

and Parker (2001 p.54) admit many questions remain unanswered. For example, they ask, “Is it not possible that cash transfers (conditional or unconditional) have a negative effect on the work incentives of adults?” They claim that from a welfare perspective, it is questionable whether poor families really benefit in the long-run from working less and having their children attending school. I contend that this is a challenge that all governments face and should not be the basis for ending such schemes. The effectiveness of an education system is a different issue altogether but should be aimed at making children functionally literate.

Despite unanswered questions the idea seems laudable as it suggests cash transfers targeting children in poor households are an effective way of tackling poverty but they are currently underused in developing countries as a means to reduce poverty (Farrington and Slater, 2006 p.504). The fear of abusing the system does not merit the denial of a lifeline through cash transfers, hence Barrientos and DeJong (2006 p.542) view that cash transfers do not only reduce poverty but also supports household consumption and investment, increased enrolment in school, reduced child labour and benefited the household.

6.3.1 Making Poverty History

Cardoso and Souza (2004 p.4) reiterate the argument that from the data collected by organizations such as the World Bank and national governments it is strongly believed child labour is caused by poverty, although it may be argued that poverty does not explain the share of working children in Latin American countries. Notwithstanding this counter argument, it is a fact that there is a causal relationship between poverty and child labour. The massive effort towards the alleviation of poverty should therefore give some hope to the child labour agenda. Galvanized by prophets such as Jeffrey Sachs in his study for the United Nations and complemented by projects such as Tony Blair’s Commission for Africa, the idea of poverty reduction has become a dominant theme in global policy making. Sachs reiterates that poverty is man made because poverty is the result of policy options that have been taken that impoverish some and enrich some

(Commission for Africa 2005, p.311). The Make Poverty History campaign focuses on 3 areas. These are fair trade, debt relief and more aid. While these broad targets are important in saving children from starvation, labouring in the scorching sun it is not covered in-depth. It is fair to say that Make Poverty History is an effort to encourage political leaders and policy makers to act now through better global social policy and implementation. If the MDG's will be met, then the poorest of the poor will have to be targeted and this includes children, particularly child workers. In Sachs' (2005 p.311-312) view, inasmuch as poverty is man-made poverty can be eradicated. However, where child labour is developed within a culture of poverty, then law and policy should be directed towards social change through wealth creation and social values about child protection including the rights of the child. Following Weber's ideas of protestant ethics and the spirit of capitalism, it may be argued that wealth and poverty are a reflection of societal values. This suggests that Africa owes its poverty to a dislike for work, suppression of individualism and irrationality (ibid.). But Sachs argues, virtually every society that was once poor has been castigated for being lazy and unworthy until its citizens became rich, at which point their new wealth was explained by their industriousness (ibid). Sachs concludes that cultural based explanations of the poverty situation are fragile and incorrect and pose problems because so far the evidence shows that cultures change with economic times and circumstances. It appears that cultural interpretations are made on the basis of prejudice than measurable evidence and indeed if Africans were lazy, why are so many children at work in the mines or out in the market selling all day or slaving in fishing villages doing dangerous work salvaging fishing nets from beneath the rivers for their masters almost to their own peril? Child labour is no evidence of laziness on the part of adults, but a serious mechanism for hardworking children and their families to surviving poverty. The question though is, is it possible to eradicate poverty, making it history? There is no doubt poverty can be significantly reduced, perhaps even eradicated as Sachs' (2005 p.226) contends. The problem is that a rights based approach to child labour eradication which is directed from above is unaccompanied by the global support needed to bring the structural changes that will help transform poor African states like Ghana through wealth creation and the accompanying social changes that will help save lives, educate children and generally improve the well

being of the family and society as a whole. Global actors cannot set standards, enforce these standards on poor countries without the needed support to make them implementable.

6.4 Conclusion

Child labour is an issue of global concern and has especially since the 1980's been on the agenda for global agenda. There have been protests against multinational companies such as NIKE because of the alleged involvement of children in exploitative labour, which many commentators have described as an abuse of human rights. Although the toil of children and indeed adults may have enriched multinational companies, the plight of such workers have worsened leaving them more impoverished than before.

The adoption of the UN Convention of the Rights of the Child, 1989 particularly contributed to the growing awareness of the exploitation of children. It has since been followed by ILO Convention 182, 1999 on the Worst forms of Child Labour, the African Charter on the Rights and Welfare of the Child, 1990 as well as other national laws such as Ghana's Children's Act, 1998. Addressing the Child labour problem from a human rights perspective brings many interesting issues to the fore. Among these are concepts and definitions which having been defined at the international level are having to find meaning at the local level. It is quite obvious that these concepts such as the child, best interest, rights and children's rights are Western concepts that don't quite translate well in local languages in for example Ghana. This leads to problems of interpretation and therefore implementation. I embarked on a qualitative study, which involved in-depth interviews of child workers in 3 areas of work to establish why they persistently work in illegal mining, selling in the market and prostitution. There was also a focus group discussion with adults and interview of officials about the motivation behind national laws which and the direction of policy.

From the data collected, I have argued that perhaps it needs to be admitted that in Ghana the language of rights is not spoken locally, leaving no clear translation of the concept within the cultural context of the local people. Therefore applying the CRC especially with regards to elimination of child labour is proving to be more difficult than estimated. I also argued that because of poverty, culture, local norms and practice, social policy has often been of limited scope and has not addressed issues of Social Protection of children because of the place of the child in Ghanaian society. I argued that if policies do not cover the most vulnerable including the socially excluded among whom there are children in poverty then the vicious cycle of poverty will only be perpetuated and child labour will not be reduced, no matter how much aid is given to Ghana and other African countries.

In the end I demonstrate that there are difficulties in adapting international law to local custom and practice. I also suggest that it would be better to develop local notions of children's rights from below by initiating a national discourse and policy debate. This is a long-term solution. I conclude that it is possible to deal with child poverty, which will improve the welfare of the child through social protection of the socially excluded such as working children. If the language of obligations and responsibilities is better understood then it will be possible to work with that to the advantage of the child in order to guarantee that at least the welfare of the child is ensured even though local notions of rights and the language of rights are not developed. Policy lessons from other countries might then be able to be applied in Ghana.

It is also important that policy makers begin to look beyond school attendance figures and place some importance on learning achievement as illustrated by Bhalotra and Heady (2000). Bhalotra (cited in OECD 2003 p.33) also indicates that children involved in herding, child minding and domestic work have the lowest enrolment rates, suggesting that these time-intensive activities conflict with school attendance. Parents as consumers have to make a choice about whether the gain of having their children in school is more than the loss to both children and family as a whole. It should be noted that traditionally children have had to learn from parents a trade or be sent to a tradesman

to be trained for a career. It is therefore important that in education policy a holistic package is introduced to deal with child labour. This should include efforts to increase enrolment by providing the infrastructure and reducing the distance children in Ghana and Africa generally have to travel. Education policy should also include relevant training for teachers and the provision of adequate resources such as books and other materials for writing etc. to ensure that children have what they need in order to achieve. These policies should be complemented with public education to entice children into the classroom and in addition to help them realise the benefit of an education and there must be obvious gains for the educated or there would be no incentive for parents to make any more sacrifice, and there is no incentive for children to take their education seriously even if the resources are made available. The altruism argument is unhelpful here because it seeks to ignore the real issues that affect many families and children, which include, poverty and cultural practices. Cash grants given on condition of attendance at school would also help.

It is also time for the global agenda setters to begin to look at ways in which the resources from the rich north are redistributed to cater for the vulnerable poor in the developing world. This should be in the form of cash donations and other forms of assistance some of which are already in place. In reaching the MDG's it is essential that governments such as the government of Ghana ensures there is equitable distribution of resources. However, it is also essential that there is redistribution of resources between countries and within regions and countries to enable poorer countries to meet the human needs countries and organizations that set the agenda must be more resourceful than they have been in the face of obvious problems in countries such as Ghana. They must equally demand that poor countries use their resources efficiently without punishing the poor, which usually includes children.

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