



# Global Monitoring



*Report on the*

**status of action against commercial  
sexual exploitation of children**

**GHANA**



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# Glossary of terms and acronyms

**AIDS:** Acquired Immune Deficiency Syndrome

**CCDI:** Centre for Community Development Initiatives

**Code of Conduct:** A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

**CRC:** Convention on the Rights of the Child

**CSE:** Commercial sexual exploitation

**CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

**CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

**ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

**GNCC:** Ghana National Commission on Children

**GNCRC:** Ghana NGO Coalition on the Rights of the Child

**Grooming:** Preparing a child for sexual abuse and exploitation

**HIV:** Human immunodeficiency virus

**ILO:** International Labour Organization

**ISPs:** Internet service providers

**IT:** Information technology

**MoU:** Memorandum of Understanding

**MOWAC:** Ministry of Women and Children's Affairs

**NGO:** Non-governmental organization

**NPA:** National Plan of Action

**UNICEF:** United Nations Children's Fund

**UNIFEM:** United Nations Development Fund for Women

# Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

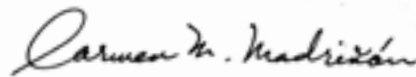
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán  
Executive Director, ECPAT International

## Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); and (vi) priority actions required.



# GHANA

While the Government acknowledges the existence of commercial sexual exploitation of children (CSEC),<sup>1</sup> very little detailed information is available regarding its scope.<sup>2</sup> However, at least one study has found the prostitution of children to be a “growing problem”.<sup>3</sup> The Committee on the Rights of the Child also highlighted that many young children are involved in child sex tourism and other forms of commercial sexual exploitation,<sup>4</sup> and stressed the need to avoid stigmatisation of victimised children.<sup>5</sup>

The above-mentioned study, conducted by the International Labour Organization (ILO), focuses on girl child labour and revealed that the incidence of prostitution among girl child labourers is notably “high”. In particular, it highlighted the involvement of some Kayayes (a local term for female porters) in prostitution, though the extent of this practice could not be determined, especially as the children interviewed were reluctant to discuss the subject.<sup>6</sup> A disproportionate number of Kayayes are adolescent girls from northern Ghana, whose population traditionally migrates to urban areas for work.<sup>7</sup> Girls arriving in urban areas such as Accra<sup>8</sup> tend to come from poor families engaged in farming, petty trading or other semi- or unskilled work.<sup>9</sup> These girls are highly vulnerable to commercial sexual exploitation given their lack of marketable skills. Migrant girls also include impoverished brides, who search for work in large cities to raise money to buy essential household goods that they are expected to provide upon marriage.<sup>10</sup> When interviewed, a few girls described rape as a danger to them, and nearly 20 per cent reported being forced to have sex against their will.<sup>11</sup>

In addition to Kayayes, the ILO study found girls, some as young as 11, exploited through prostitution in Accra brothels as well as on streets, beaches, bars, market areas, restaurants

and nightclubs. They sometimes organise themselves into groups and select a “queen mother” – who could be as young as 16 – to facilitate their prostitution for a commission. If the group operates from a bar, restaurant or nightclub, employees at these establishments also act as agents and receive a commission.<sup>12</sup> Not only Ghanaian children are found in prostitution, as the study identified approximately 200 girls, some aged as young as nine, from all over West Africa in Accra brothels.<sup>13</sup>

The ILO study also looked into child sex tourism, which takes place predominantly in coastal areas in Accra. Boys and girls are affected, and it was discovered that staff in certain hotels receive a commission for recommending “rent boys”, some as young as 12, to hotel residents.<sup>14</sup>

Another study, undertaken in 2006 by the Ghana NGO Coalition on the Rights of the Child (GNCRC), the ECPAT group in the country, further indicated that Ghana is earning a reputation on paedophile websites as a ‘safe’ destination for child sex. It pointed to high rates of sexual exploitation of boys in tourism, particularly in the central region of Ghana. The situation seems to have worsened dramatically, as formerly the children (mainly boys) were enticed into sexual acts, while local boys deliberately hang around hotels and guesthouses soliciting foreign tourists. Members of the Coalition witnessed boys in Cape Coast handing out ‘business cards’ to tourists looking for sex. Apparently, 70 per cent of their clients were males, while 30 per cent were females. These include locals and Africans (from the sub-region); mention was made of Ghanaians, Nigerians and Liberians. Those outside the sub-region were cited as coming from China, the Americas and Europe.<sup>15</sup> The sexual exploitation of boys by tourists and locals is often overlooked due to Ghanaian society’s deep aversion to homosexuality, and child victims usually refuse to make reports to the authorities due to fear of stigmatisation.

### ***Ghana seen by perpetrators as a safe haven for child sexual exploitation***

The child sex tourists interviewed in the study conducted by the Ghana NGO Coalition on the Rights of the Child were very much aware of the weak child protection mechanisms available in Ghana, which was mentioned as a key reason for their preference for Ghana when it comes to travelling for the purpose of sexually exploiting children. Children are often perceived as a neglected segment of society, enjoying no effective supervision from parents or law enforcement agencies. Interviews conducted with perpetrators indicated a number of perceptions that need to be undermined in campaigns targeting the demand aspect of commercial sexual exploitation of children - namely, perpetrators see themselves as ‘good people’; do not grasp the implications of their crimes; and feel that they are ‘helping the children’ by giving them money.<sup>16</sup>

Children exploited in sex tourism are especially vulnerable to HIV/AIDS, given their limited awareness of safe sexual practices. The children in commercial sex who participated in GNCRC's research knew a great deal about HIV/AIDS but were not aware of their HIV status, nor were they concerned about it, despite the fact that very often they agree to have sex without protection in order to earn more money.<sup>17</sup> This was also confirmed by the ILO study, which concluded that, even where HIV/AIDS awareness exists, "there is still a significant gap between knowledge and practice", especially as the children can charge more for unprotected sex.<sup>18</sup> While anal sex among sexually exploited boys seems to be common, the child victims lack any bargaining power against their clients and are often subjected to unprotected anal sex, running a high risk of contracting HIV and STDs, not to mention their role in further spreading the virus. The problem is exacerbated due to Ghana's apparent reputation as a 'safe' destination by sex tourists due to its rather low HIV/AIDS infection rate in comparison with other countries in the African continent.<sup>19</sup>

With respect to child trafficking, the Government has acknowledged the existence of internal as well as cross-border trafficking of children, and that its responses to the phenomenon have been inadequate.<sup>20</sup> A study on trafficking in West and Central Africa found that most trafficked girls are between 7-16 years of age, while boys between 10-17 years of age are trafficked to work in diamond mines. Most of these children are from the impoverished northern region.<sup>21</sup> Children from fishing communities along the Volta, eastern parts of Greater Accra, and urban slums, are trafficked to Accra, Kumasi and fishing areas on Lake Volta. In the west, Sekondi-Takoradi is a main recruiting area, along with a variety of western fishing communities, while female recruiters are based in markets of suburban Accra.<sup>22</sup>

Ghanaian children are also trafficked outside Ghana's borders. Girls between 16 and 25 years of age are lured and trafficked to brothels abroad,<sup>23</sup> and there are reports of girls being trafficked to The Gambia for purposes of prostitution.<sup>24</sup> Children are also trafficked from Ghana to Togo, Cote d'Ivoire and Nigeria, and vice versa. These routes are overland, often using public transportation such as buses.<sup>25</sup> The ILO study on girl child labour revealed that recruitment occurs in a variety of ways, and often involves a child's parents. Parents may negotiate a fee for a child to work as a housemaid or apprentice in another village or urban area. Traffickers or their agents may also directly approach parents with promises of a better life for their children.<sup>26</sup> In reality, these are false promises, which will lead the child into exploitative situations, including commercial sexual exploitation.

Furthermore, the Committee on the Rights of the Child highlighted the threats that

information technology (IT) may pose to children. A study conducted in 2004<sup>27</sup> among Internet cafés in Accra reported that young people between the ages of 12 and 17 are increasingly being exposed to pornography: “All the Internet cafés were full of this age group...Those would be young people with minds and morals still forming, kids so inexperienced at life that they begin to believe deviate pornographic behaviour is normal and acceptable.....”. Exposing children to pornography is often a tactic used by exploiters to desensitise children to sexual contact.

The Committee on the Rights of the Child noted that “difficult socio-economic conditions, high-level external debt and poverty” have limited Ghana’s ability to allocate resources to improve child welfare,<sup>28</sup> and highlighted the country’s increasing number of street children<sup>29</sup> (over 30,000 children live on the streets, while approximately 2 million children aged between 5 and 14 work).<sup>30</sup> Furthermore, the Committee noted that certain traditional practices that may lead children into CSE, such as early/forced marriages and trokosi, persist.<sup>31</sup>

As previously mentioned, in the northern region, where the average age of marriage for girls is between 15 and 17, brides must provide household items for the marriage and as such migrate to seek work in order to purchase these items, facing high vulnerability to CSE.<sup>32</sup> In some cases, girls between 12 and 16 years of age in rural communities are forced to marry older men, and those who are able to escape risk being forced into prostitution.<sup>33</sup>

### ***Trokosi: a traditional practice leading to commercial sexual exploitation of children***

Trokosi means ‘wife of the gods’ in the local Ewe language, and refers to a customary practice in Ghana’s Volta region which has been followed for over 300 years. If a person commits a serious crime or social infraction, traditional leaders order that a young girl from that person’s family be sent to the shrine as a form of atonement.<sup>34</sup> Once there, the girls are denied access to education and health care, and suffer all kinds of abuse and exploitation. They are considered ‘wives of the gods’ through their medium, the fetish priest, who justifies their rape and other violations with the claim that trokosi slaves are like priestesses, who copulate with the gods through their earthly servants. If a girl dies or the priest tires of her, she has to be replaced. Despite the laws prohibiting this practice, there are an estimated 10,000 women currently living in trokosi bondage with little or no hope of getting out of it. The fact that a former head of state could not see to the enforcement of an amendment he had signed into law shows the extent to which belief systems in the country, fear of the power of the gods, and religious superstition have a hold on the people<sup>35</sup>

Ghana has adopted the Stockholm Declaration and Agenda for Action.

## NATIONAL PLAN OF ACTION (NPA)

At the time of writing this report, Ghana had not drafted or adopted a National Plan of Action against CSEC. In conjunction with ILO/IPEC, however, Ghana is developing a *National Child Trafficking Plan of Action* to prevent and combat child trafficking,<sup>36</sup> which is still in draft form.

## COORDINATION AND COOPERATION

### Local and National Level

Although there have been a number of commendable efforts, coordination against the commercial sexual exploitation of children has been rather unstructured, especially as no institution has been tasked with this specific mandate.

The Ministry of Women and Children's Affairs (MOWAC), created in 2001,<sup>37</sup> is responsible for implementing and coordinating activities related to the implementation of the *Convention on the Rights of the Child*.<sup>38</sup> Through its department, the Ghana National Commission on Children (GNCC), MOWAC works with national and international agencies on child rights issues.<sup>39</sup> The GNCC has 10 regional offices<sup>40</sup> that promote child rights and monitor how the Convention's principles are being executed.<sup>41</sup> However, coordination of child rights activities remains ineffective and is limited by MOWAC's lack of resources and the District Assemblies' lack of capacity.<sup>42</sup> There is also a lack of coordination with the civil society, especially with NGOs, which are not adequately involved in efforts to promote children's rights.<sup>43</sup> Neither MOWAC nor GNCC have conducted specific interventions on CSEC.

Additionally, the Ghana National Child Protection Committee has conducted some child rights awareness raising programmes,<sup>44</sup> although these have not focused on CSEC.

At the district level, District Assemblies are tasked with protecting and promoting child welfare, and all 110 districts have a Department of Social Welfare and Community

Development which investigates and responds to complaints involving child rights' violations. These bodies are also hampered in their efforts by a lack of resources.<sup>45</sup>

Ghana also has a national committee that oversees strategies against child trafficking,<sup>46</sup> and a Child Trafficking Task Force that coordinates and monitors activities to it. Several government units also address child trafficking cases, including the Child Labour Unit within the Ministry of Manpower Development and Employment, the Women and Juvenile Unit within the Ghana Police, and the Social Services and Security Committees under the District Assemblies.<sup>47</sup> These and other institutions, including NGOs, are starting to work together under a special steering committee formed by the MOWAC. A series of trainings have been conducted to build their capacity on the issue.

At non-governmental level, 150 NGOs are members of GNCRC, which reports that collaboration with relevant state institutions, including the police, has been satisfactory.

## Regional and International Level

Law enforcement coordination with other countries has been greatly facilitated due to the strong support from Interpol and ILO/IPEC, as well as from a number of Memoranda of Understanding (MOUs) for transnational cooperation. Such efforts have resulted in a steady repatriation of trafficking victims. In particular, the Department of Social Welfare has collaborated well with counterparts in The Gambia with respect to the repatriation of trafficked children. However, collaboration at regional/international level has taken place mainly between counterparts in each country, i.e. police to police, or ministry to ministry. A more comprehensive approach to foster networking and joint interventions between all key players is lacking. This could be facilitated through the development of regional workshops to build their capacity and promote dialogue and exchange of information between all key actors.

Ghana has signed bi- and multi-lateral agreements with neighbouring West African countries to cooperate on anti-trafficking measures.<sup>48</sup> Furthermore, Interpol Ghana has actively collaborated with countries within Africa and in other areas of the world on issues related to child trafficking.<sup>49</sup>

Through the ILO/IPEC Child Trafficking Project, training on combating human trafficking is being provided to security and law enforcement officials from the sub-region.

Ghana is one of nine West and Central African countries participating in an ILO/IPEC project to prevent trafficking in children and provide rescue and rehabilitation services to child trafficking victims.<sup>50</sup>

## PREVENTION

No hotel or tourism operators in Ghana have adopted the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*.<sup>51</sup> This is a significant gap in CSEC prevention, considering the escalation of child sex tourism verified in the country in the last few years. There is a further need to educate the public about how traditional and cultural practices such as *trokosi* and early or forced marriage contribute to the commercial sexual exploitation of children.<sup>52</sup> Similarly, parental education and youth participation seem to be crucial in the Ghanaian context to prevent sexual exploitation of children, as many children suffer from parental neglect and are not encouraged to be assertive about their rights. Ensuring universal access to education is also essential to prevent CSEC, and the Government has initiated a programme for this purpose. However, many children, especially in rural areas, cannot continue their education because they do not qualify for acceptance in secondary schools, given the poor quality of the education they receive at primary level. In addition, there are limited places in secondary schools, which causes many children to loiter around in the streets while waiting for places to become available, ending up in badly-structured apprenticeships or working in the informal sector, where they usually fall prey to prostitution.

Governmental as well as non-governmental organisations have used the media to provide information about child sexual abuse and what can be done to assist victims. However, no awareness raising has been conducted to prevent CSEC specifically.

The Ghana NGO Coalition on the Rights of the Child organised a workshop in 2006 to assess the implementation of the *Children's Act* of Ghana, in collaboration with the Centre for Community Development Initiatives (CCDI) and with support from UNICEF. Recommendations arising from the event included amending the law to include adequate provisions to combat child trafficking and child sexual abuse. Lobbying is taking place to this end. Furthermore, the Coalition conducted a comprehensive research on child sex tourism and widely publicised the findings to relevant stakeholders and through the media. The Coalition has also been involved in the 'make-IT-safe' campaign, coordinated by ECPAT International, with a view to engaging the IT sector in creating a safer online environment for children and in combating child pornography. The non-regulation of Internet cafés,

where children are reportedly accessing all kinds of pornographic materials, needs to be addressed, as children could be approached by exploiters, groomed and desensitised in relation to risky sexual practices by being constantly exposed to pornography.

### **CSEC prevention must consider deeply-rooted social behaviours**

Parental neglect and the lack of supervision of children play a huge part in the commercial sexual exploitation of children. During the research by GNCRC, it became clear that if adults were communicating effectively with their children and taking an interest in their lives, the children would be more willing to talk to them about issues affecting their lives and thus receive the guidance they need. Exploiters find it much easier to access and sexually exploit children in countries where they are not well monitored by parents, teachers and other members of society. The findings also showed that most children were faced with the burden of caring for themselves at young ages. As well, it appears that the cultural heritage of child upbringing of obedient and submissive children significantly increases their vulnerability to abuse and exploitation, as they are taught from infancy to obey elders without questioning and therefore do not develop a sense of self-protection and assertiveness. All these elements are present in Ghanaian society, together with a lack of awareness of sexual exploitation of children. These should be firmly addressed in CSEC preventative interventions.

The Government reports that “various stakeholders” conduct anti-trafficking campaigns using a range of mediums to reach a wider audience, including government officials, employers, workers’ groups, media personnel and community leaders.<sup>53</sup> For instance, in 2003, the Women and Juvenile Unit of the Police Force implemented trafficking awareness campaigns in the Volta region.<sup>54</sup>

In addition, IPEC has implemented a programme to prevent trafficking by informing communities about the risks of migration, monitoring how traffickers recruit victims, and providing skills and employment training to those vulnerable to being trafficked.<sup>55</sup>

## **PROTECTION**

Ghana ratified the *Convention on the Rights of the Child*<sup>56</sup> in 1990 and signed its *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*<sup>57</sup> in 2003, but has not yet ratified it. Ghana has neither signed nor ratified the *Protocol*

*to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.<sup>58</sup> ILO Convention No. 182 was ratified in 2000.<sup>59</sup> At regional level, Ghana ratified the *African Charter on the Rights and Welfare of the African Child* in 2005, and acceded to the Economic Community of West African States (ECOWAS) *Declaration on the Fight against Trafficking in Persons (2002–2003)*.<sup>60</sup>

## Legislation

Although Ghana has not ratified the *Optional Protocol* or the *Trafficking Protocol*, it has enacted three laws that address, in some part, child prostitution and child trafficking: the *Children’s Act* of 1998; the *Criminal Code (Amendment) Act* of 1998; and the *Human Trafficking Act* of 2005. The *Children’s Act* provides protection for children in accordance with the Convention on the Rights of the Child, and defines a child as a person under 18 years of age.<sup>61</sup> However, the *Committee on the Rights of the Child* remarked that implementation of these laws is lacking. This is due, in part, to insufficient funding of institutions charged with promoting and enforcing children’s rights.<sup>62</sup>

### Prostitution of Children

Ghanaian law proscribes some activities related to child prostitution, but fails to prohibit most acts and offers little protection for children. As a preliminary matter, Ghana must ratify the *Optional Protocol* and use it as the standard for strengthening its existing legislation. While the *Criminal Code (Amendment Act)* prohibits some forms of causing, encouraging or procuring prostitution of children, it does not prohibit having sex with a child for remuneration. Moreover, some of these provisions apply only to children under 16 years of age, thereby offering no protection to those who are over 16 and under 18. In many cases, violations of these laws are only misdemeanors, or there are significant barriers to prosecution, such as not permitting a conviction on the evidence of one witness, or allowing an offender to defend himself with a reasonable belief that the child was 16 years of age or older.

Under the *Criminal Code (Amendment) Act*, the age of sexual consent is 16.<sup>63</sup> The *Children’s Act* sets the minimum age for marriage at 18, and provides penalties for violations.<sup>64</sup>

The *Criminal Code (Amendment Act)* contains Ghana’s main provisions related to child prostitution. The law makes it illegal for a person with control, custody or care of a child under 16 years of age to cause or encourage the seduction, sexual activity, unnatural sexual

activity, prostitution or commission of indecent assault of that child. A person will be considered to have caused or encouraged these acts if s/he knowingly allows the child to consort with, or be employed by, a sex worker or person of known immoral character.<sup>65</sup> A violation of this law is a misdemeanor.<sup>66</sup> It is also a misdemeanor for a person with control, custody or care of a child under 16 years of age to permit the child to live in or frequent a brothel.<sup>67</sup>

It is also illegal for an owner, occupier or person involved in managing a premise to induce or knowingly allow a child under 16 years of age to be engaged in sexual activity with any person in or on the premise. Offenders may be punished with between seven and 25 years' imprisonment, but a defense to this law is that the offender had reasonable cause to believe that a child was 16 or older.<sup>68</sup>

If there is reasonable cause to believe that a child is detained for immoral purposes, a judge may issue a search warrant.<sup>69</sup> A child is considered detained for immoral purposes if s/he is under 16 years of age and is carnally or unnaturally known by any person; or, where s/he is above 16 and below 21 years of age, is carnally or unnaturally known by any person, and is detained against her/his will, or the will of his/her parents or lawful guardian.<sup>70</sup>

There are several provisions related to procuring persons for purposes of prostitution. Ghanaian law prohibits procuring any person under 21 years of age, who is not a sex worker or a person of immoral character, to engage in sexual activity with another person, in Ghana or elsewhere.<sup>71</sup> The law bans procuring any person to: become a sex worker in Ghana or elsewhere; leave Ghana with the intention that the person becomes an inmate of a brothel elsewhere; or leave his/her usual abode in Ghana with the intention that the person becomes an inmate of a brothel in Ghana or elsewhere for the purpose of prostitution.<sup>72</sup> The law also makes it illegal to: use threats or intimidation to procure or attempt to procure any person to engage in sexual activity in Ghana or elsewhere; use false pretenses or representations to procure a person, who is not a sex worker or a person of immoral character, to engage in sexual activity in Ghana or elsewhere; or, apply or administer a drug to a person with the intention of allowing any person to have sexual relations with the drugged person.<sup>73</sup> All of these offences are misdemeanors, and an offender cannot be convicted based on the evidence of only one witness. A single witness's testimony must be corroborated by evidence involving the offender.<sup>74</sup>

Finally, some practices that make children vulnerable to prostitution are banned - *trokosi* is prohibited,<sup>75</sup> as are early and forced marriages.<sup>76</sup>

## Trafficking in Children for Sexual Purposes

Recent reforms have brought Ghanaian law closer in line with international standards to protect children against trafficking for sexual purposes, even though Ghana has not ratified the *Trafficking Protocol*, and should do so as a matter of priority. While Ghana's Human Trafficking Act of 2005 defines trafficking similar to the *Trafficking Protocol*, it contains some provisions that undermine protection for children. For example, the law allows courts to impose lesser sentences for the offences of providing a person for purposes of trafficking or using a trafficked person, drawing a distinction between these acts and other acts related to trafficking. There is no reason for this distinction. Separating these activities from other acts related to trafficking creates a loophole where traffickers may be charged with these offences in order to obtain less severe penalties. Ghana should revise its legislation to resolve this issue and monitor the enforcement of the *Human Trafficking Act* to address any additional loopholes that arise in practice and that weaken protection for trafficked children.

Recognising the weaknesses of its legislation related to trafficking,<sup>77</sup> in December 2005, the Government of Ghana enacted a new trafficking law that includes provisions related to the rehabilitation and reintegration of trafficking victims.<sup>78</sup> The law defines trafficking as recruiting, transporting, transferring, harbouring, trading or receiving a person within or across national borders through: the use of threats, force, coercion, abduction, fraud, deception, abuse of power, or exploitation of vulnerability; or, giving or receiving payments or benefits to achieve consent.<sup>79</sup> However, in prosecuting cases involving child trafficking (a child is defined as any person under 18 years of age), the child, or his/her parents' or guardian's consent, cannot be used as a defence. Prosecutions for child trafficking also do not require evidence of the abuse of power or the use of fraud or deception.<sup>80</sup> Trafficking further includes acts involving placement for sale, bonded placement, temporary placement and placement for service where exploitation by a third party is the motivating factor.<sup>81</sup>

Under the law, it is illegal to traffic a person or to facilitate the trafficking of a person. Convicted offenders may be punished with at least five years' imprisonment.<sup>82</sup> A person facilitates trafficking if s/he: participates in trafficking; sends, takes or consents to take or receive at any place any person for purposes of trafficking; or, has an oral or written agreement to subject any person to trafficking.<sup>83</sup> Similarly, the law prohibits providing a person for purposes of trafficking<sup>84</sup> or using a trafficked person,<sup>85</sup> and violators convicted of this offence may also be punished with at least five years' imprisonment.<sup>86</sup> However, a court may determine that a conviction for these offences involves special circumstances, in which case the convicted offender may receive a reduced term of imprisonment and a fine

of at least 500 penalty units.<sup>87</sup> The *Human Trafficking Act* creates a duty for a person with information about trafficking to provide this information to the police or other designated entities. Failure to inform the police is an offence that may be punished with a fine of at least 250 penalty units, at least 12 months' imprisonment, or both.<sup>88</sup> Publishing the name or information that reveals the identity of a trafficked person, without court permission, is an offence that may be punished with a fine up to 250 penalty units, up to 12 months' imprisonment, or both.<sup>89</sup>

If a person violates the provisions of the *Human Trafficking Act* in Ghana, s/he may be tried and punished in Ghana.<sup>90</sup> A non-citizen convicted of a trafficking offence may be extradited, subject to the Extradition Act, 1960 (Act 22).<sup>91</sup>

Ghanaian law outlines where trafficking complaints may be filed and by whom. With respect to children, a child may be assisted by a friend to file a complaint.<sup>92</sup> In addition, teachers, health care providers and social welfare officers, among others, may file a complaint where it is in the best interest of the trafficked person, and, where a trafficked person is for any reason unable to file a complaint, a family member or person with knowledge of the offence may do so.<sup>93</sup> The law also contains provisions related to the rescue, temporary care, counselling, rehabilitation and compensation, among other things, of trafficked persons.<sup>94</sup> Child trafficking cases involving issues of temporary custody of a child requiring care and protection or involving the rights of the child may be referred to a Family Tribunal.<sup>95</sup>

Finally, the *Human Trafficking Act* creates a fund to support a variety of services for trafficked persons and establishes a Management Board to promote and support anti-trafficking strategies, policies and activities.<sup>96</sup>

## Child Pornography

Ghana's current legal framework provides no protection for children from being forced to create pornographic material. There are no laws that define child pornography, nor does any law prohibit creating, possessing or distributing child pornographic materials.

Ghana's legislation related to pornography merely seeks to limit children's access to pornographic or inappropriate material, but does not criminalise any activities related

to child pornographic materials. The *Cinematography Act* prohibits exposing children to unsuitable material, particularly via state-owned media, while a Pornography Exhibition Bill will limit children's access to pornographic material.<sup>97</sup>

## Extraterritorial Legislation

ECPAT International has not been able to access information on the existence of extraterritorial legislation in Ghana. Extraterritorial legislation is particularly important in the Ghanaian context in view of the high levels of child sex tourism in the country and the impunity that many child sex tourists currently enjoy.

## Child Protection Units

Since 1998, 12 Women and Juvenile Units have been created within the Ghana Police Department to assist woman and child victims of violent crimes.<sup>98</sup> These units operate with assistance from psychologists, legal advisers, counsellors and social workers,<sup>99</sup> and have been very effective since their creation, especially as they introduced several interventions related to domestic violence and domestic sexual abuse of children. However, their work has not focused much on CSEC, and has been hampered by a lack of resources (they have been supported mainly by UNICEF). The *Children's Act* has also established Family Tribunals and Child Panels, which are non-judicial and designed to mediate in civil and criminal matters involving children.<sup>100</sup> These are not yet operational.

Family Tribunals hear matters related to custody, maintenance and parentage, and are procedurally less formal and adversarial than regular court proceedings.<sup>101</sup> However, most judges in the Family Tribunals are not yet sensitive to CSEC issues, and collaboration between the Ghana NGO Coalition on the Rights of the Child and the Judiciary has been initiated with a view to developing manuals and conducting trainings on this regard. Several issues, including large amounts of backlog slow down the judicial process and create frequent adjournments of hearings. These, coupled with long waiting periods and daunting formal structures, tend to deter people from lodging complaints.<sup>102</sup>

The Commission on Human Rights and Administration of Justice offers educational workshops, seminars and publications on child rights issues, as well as provides a forum for complaints and dispute resolution.<sup>103</sup> The Commission also provides counselling to victims and perpetrators and makes referrals to law enforcement agencies for appropriate action to be taken.<sup>104</sup>

## Support Services for Children

There are very few capacity building programmes for personnel in charge of child victims of CSEC. A lack of accountability of organisations assisting children in need of care and protection was flagged in the Alternative Report to the Commission on the Rights of the Child, more specifically that there may be little follow-up once children have been referred to these organisations and there are no complaint [grievance?] mechanisms in place for children who may be subject to abuse once in the care of these organisations.

The Ghana NGO Coalition on the Rights of the Child has lobbied the government to establish shelters for CSEC victims in each of the 10 administrative regions, and the Central Region has already secured land on which to locate its shelter. In addition, it has sought to involve parents, chiefs, opinion-formers and District Assemblies in the reintegration of child victims into their communities.

Minimum standards of care for institutionalised children are currently being developed by a number of relevant actors.

The Government reports that there is an operation in place to bring trafficked children back to Ghana,<sup>105</sup> and services such as shelters, counselling, rehabilitation and reintegration of exploited children are being provided through collaborations between governmental and non-governmental organisations.<sup>106</sup>

Between 2004 and 2006, in a project funded by the US Department of Labor, ILO rehabilitated and reintegrated 6,000

child workers,<sup>107</sup> while the African Centre for Human Development supported the return of over 800 child labourers from within Ghana.<sup>108</sup> IOM also has a project that assists in the voluntary return and reintegration of Ghanaian child victims of trafficking for labour exploitation in Yeiji fishing communities.<sup>109</sup> These initiatives would also have reached children who have been exploited in commercial sex.

Under the *Children's Act*, a child is considered to be in need of care and protection if s/he is in the company of a sex worker, lives in a home that is used for purposes of prostitution, lives under circumstances that encourage the child's prostitution, or where there is a reasonable suspicion that the child is or has been soliciting for immoral purposes. If a child is deemed to be in need of care and protection, the Social Welfare and Community Development Department of the local District Assembly will search the premises and, if necessary, remove the child and bring him/her before a Family Tribunal, or refer the child to a Child Panel.<sup>110</sup>

## Training Law Enforcement Personnel

The Government notes that police officials, lawyers and judges have received training on some aspects of the *Convention on the Rights of the Child*,<sup>111</sup> but this does not include issues related to commercial sexual exploitation of children.

In light of the generally limited training provided on child rights issues, the Committee on the Rights of the Child recommends “adequate and systematic training” on the *Convention on the Rights of the Child* for law enforcement officials.<sup>112</sup> Such lack of training was also confirmed by an ILO study, which found that the police are unable to enforce child rights, and must work more closely with civil society organisations and the Judiciary to better protect and assist children.<sup>113</sup>

In addition, MOWAC has trained law enforcement and judicial institutions.<sup>114</sup> Capacity building on child trafficking targeting immigration officials and the Judiciary has been provided by ILO, in partnership with the Government. IOM reports that it plans to provide anti-human trafficking training for law enforcement and border guards.<sup>115</sup>



## PRIORITY ACTIONS REQUIRED

- ✦ Ghana must urgently develop and adopt a National Plan of Action to eliminate child prostitution, child pornography and trafficking in children for sexual purposes - a basic requirement of the *Stockholm Agenda for Action*, which Ghana adopted.
- ✦ The draft *National Child Trafficking Plan of Action* should include provisions to specifically tackle trafficking in children for sexual purposes.
- ✦ Conducting research to determine the scope and nature of commercial sexual exploitation of children in Ghana is crucial to devise appropriate strategies and interventions in the NPA.
- ✦ An independent commission should be established to act as a national focal point on CSEC, with representatives from relevant governmental agencies such as the Department of Social Affairs, the National Commission on Aids, the Ministry of Women and Children's Affairs, the Ministry of Health, the Ministry of Education, as well as NGOs. Resources must be allocated for its effective functioning.
- ✦ Both the Ministry of Women and Children's Affairs, the District Assemblies and the Departments of Social Welfare and Community Development present in all Ghanaian districts have great potential to successfully intervene against the commercial sexual exploitation of children: they should be provided with adequate financial resources for this purpose as well as with training and information on how to tackle CSEC.
- ✦ It is essential that stakeholders in the tourism industry adopt and implement the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* and actively engage in implementing it to curb the alarming rates of child sex tourism in the country. Strong networking should also be fostered between security agencies (police and immigration services) and the hospitality industry to enable the tracking of offenders and visitors with unlawful intentions.
- ✦ The Government's plans to foster the tourism industry throughout the country is bound to severely impact on child sex tourism, and should involve an assessment and improvement of child protection mechanisms in the selected areas, including campaigns on the implications of child sex tourism. The role to be played by the Ministry of Tourism and Modernisation of the Capital City will be key in this regard.
- ✦ Besides fostering access to quality education, the Ministry of Education must ensure that children leaving primary school can immediately enter secondary school, so that they do not become involved in situations or take up employment that may make them vulnerable to commercial sexual exploitation. Efforts to better structure the insertion of children in the informal sector, where they could develop useful skills and be led to safe employment, are also recommended.

- ✎ To address the widespread exploitation of Kayayees in prostitution, both the Ministry of Labour and lawmakers should facilitate the passing of laws prohibiting underage females to work as porters.
- ✎ Ghana's failure to ratify the *Optional Protocol* and the *Trafficking Protocol* is a serious gap that offers little protection for children against commercial sexual exploitation: these must be ratified as a matter of urgency.
- ✎ Ghanaian laws on child prostitution must be revised to specifically define and prohibit all acts involving the use of a child in a sexual act for remuneration. Existing provisions must apply to all children under 18 years of age, not only to those under 16. Violations of existing laws must also carry heavier penalties instead of being considered misdemeanors. Finally, prosecutions must be facilitated by eliminating the requirement to have more than one witness to permit a conviction, and doing away with allowing an offender to defend himself with a reasonable belief that a child was 16 years of age or older.
- ✎ Ghanaian trafficking laws should be reviewed so that there is no distinction, in terms of the severity of penalties, between the offences of providing a person for the purposes of trafficking or using a trafficked person, and other acts related to trafficking. Separating these activities from other acts related to trafficking may allow traffickers to obtain less severe penalties.
- ✎ Ghana should enact legislation that specifically bans all activities related to creating, possessing and disseminating child pornographic material, according to the standards set forth in the *Optional Protocol*.
- ✎ A significant and continuous education campaign on sexual exploitation of children (both commercial and non-commercial) is a high priority, as research has indicated a very low level of awareness of related issues in the country. Information and support must be made available in communities, especially targeting parents and teachers.
- ✎ The Women and Juvenile Units require capacity building on how to tackle CSEC, as well as adequate financial resources. They should also be established more widely around the country.
- ✎ Fast tracking of cases of commercial sexual exploitation of children in the Family Tribunals is a high priority.
- ✎ Financial resources must be allocated so that Child Panels are operationalised as soon as possible in each district, as they have the potential to supplement the work of the police and the Family Tribunals. The Child Panels also require training on child rights and child-friendly procedures.
- ✎ The establishment of a comprehensive programme for rehabilitation and reintegration of CSEC victims is required, through coordination between the government and NGOs. This should include shelters for CSEC victims in the 10 administrative regions.

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